

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
MARCH 14, 2018

CALL TO ORDER

The Mayor called the meeting to order at 5:35 p.m. in the Community Center at 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.

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 Mayor Pro Tem Johnson, seconded by Councilor Hunter and unanimously carried to enter into closed session.

The Council entered into executive session at 5:35 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 6:00 p.m.

CONSENT AGENDA

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 Workshop Meeting of March 7, 2018.
4. Register of Demands for March 2018.
5. Water leak adjustment for Account# 3600.1/Stanley.
6. Renewal of Restaurant Liquor License for The True Grit.

ACTION:

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

INTRODUCTIONS

The Mayor introduced new Deputy Marshal, Monty English, and Victim Advocates for Ouray County, Elaine Wood and Chantelle Bainbridge.

PUBLIC COMMENTS

Dave Jones explained 'a group of citizens interested in exploring dark skies accreditation' will begin meeting to determine how the Town could achieve the designation, and will be make a report to the Council at a later date.

There were comments in support from the audience, and the Council agreed to pursuing the accreditation.

Laura Haggert suggested the school art teachers create a program for students to paint 'the new recycle containers'.

Rob Datsko asked if the Town could request the State Highway Department to install a sign at the north entrance into Town stating 'no engine breaking'. The Town Manager explained staff approached the Colorado Department of Transportation requesting the signage and was told the signs are obsolete. At that time new signage which states 'noise ordinance enforced' was installed by the State at both entrances into Town.

PUBLIC HEARINGS

7. Application for Brew Pub Liquor License from Colorado Boy Depot LLC; sole member: Daniel Richards; to operate at 687 N. Cora Street

Town Clerks Notice of Public hearing dated 2-8-18 and Staff Report dated 2-22-18 presenting a request from Daniel Richards for a brew pub liquor license.

The Town Clerk reported the Town has received a request for a brew pub liquor license from Daniel Richards, sole member of Colorado Boy Depot, LLC to license the premises at 687 N. Cora Street and operate an establishment called Colorado Boy Depot. The applicant currently holds a brew pub license in Town; the requested license would approve a brewing operation and include a 400 square foot seating area for the public to consume on premises. She reported all requirements of the application have been met, including receipt of a cleared background check.

There were questions and discussion between Council and staff.

Speaking from the audience, Ninah Hunter spoke in support of issuing the license.

ACTION:

Councilor Hunter moved to approve the brew pub liquor license for Colorado Boy Depot LLC to operate at 687 N. Cora Street, Councilor Williams seconded and the motion carried unanimously.

8. Recommendation from the Planning Commission to approve 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

Notice of Public Hearing dated 3-1-18; Staff Report from the Town Manager dated 3-9-18 presenting a staff reported dated 2-23-18 to the Planning Commission; Commission recommendation with conditions; and applicant's submittal documents.

Town Manager Coates presented a recommendation from the Planning Commission from the 2-27-18 meeting recommending Town Council approval of the requested Sketch Plan and Preliminary Plat with conditions for The Preserve PUD. She reported the request is for a residential planned unit development on 8.182 acres at the south aspect of Town along County Road 23, adjacent to the Uncompahgre River. The property was previously approved for preliminary plat by the Town Council on 8-16-06, with a one year extension granted on 9-12-07. Some infrastructure work has been completed, including work in the river corridor under an Army Corp of Engineers permit; some subsurface utility, storm water, and base roadway improvements, she noted. In 2010 a representative for the property owner notified the Town that work would be halted due to a decline in the economy. The application approval period has expired and the applicant is seeking new approvals. She explained the project contains 33 residential units and an open space corridor. Building lots are located along the river and county road, and those along the river have a ten foot setback from the high water mark, noting previous approval was an eight foot setback. She reported the Planning Commission has recommended the applicant be given two years to meet the conditions of preliminary plat approval, noting many conditions will be contained as notes to the plat maps. Manager Coates presented the 30 conditions of approval, including affordable housing requirements, allowance of accessory dwelling units, no lot larger than 9500 square feet, paving of both County Road 23 and the remainder of Chipeta Drive, and a ten foot pedestrian access easement to the river corridor. She noted the southern portion of the PUD roadway exits on to the county road through property not located within the development, or Town boundaries, and is located in unincorporated Ouray County.

Steve Johnson, attorney representing the developer Ridgway River Development LLC, presented a history of the project and the approvals received in 2006 and 2007, and requested the 'property be exempted from the river overlay district regulations due to these prior approvals'. He stated 'the applicant agrees to all conditions of approval' and will 'work with agencies' to complete the project, and is requesting two years to complete the remainder of the improvements.

SPEAKING FROM THE AUDIENCE:

Ridgway Post Master Renee Rexford asked that the postal service be notified of the number of units to be included in the subdivision in advance of the need for postal services.

Linda Ingo questioned water rights on the parcel, and clarification on any connection to the Dallas Ditch Water Users Association.

Kelly Ryan questioned costs for the Town to maintain the proposed sewer lift stations, and proximity of sewer lines in relation to the river and 'historic high water line'.

Rob Datsko asked if placing homes ten feet from the high water mark 'is a good idea'.

Linda Ingo noted the 'Abbott Gravel Pit lowered the river there 15 feet, so it would be unlikely of any flooding'.

There were comments and discussion by the Council. Staff was directed to speak to Ouray County regarding completion of Preserve Drive in the unincorporated area of the County, to allow for the ability to pave the roadway.

The Town Clerk read a letter dated 3-14-18 from Robyn Cascade requesting consideration of protection of riparian and wildlife habitat.

ACTION:

Councilmember Hunter moved to approve the sketch plan and preliminary plat for Preserve Planned Unit Development, address to to be determined on County Road 23, owner Ridgway River Development LLC, as proposed in the Staff Report with the conditions recommended by the Planning Commission and set forth in the report dated 3-9-18. Councilor Hawse seconded the motion which carried unanimously.

9. 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 Clerk's Notice of Public Hearing dated 2-22-18; Town Clerk's Notice of Legislative Rezoning of Property along the Uncompahgre River dated 2-26-18; Letter dated 2-9-18 from Stephen Johnson Law Firm presenting concerns from Ridgway River Development regarding impacts to proposed development plans. Letter dated 3-9-18 from attorney Jeffrey Conklin presenting a proposed amendment to the ordinance.

Mayor Clark explained the ordinance is being presented for second reading and adoption, after introduction at the last regular meeting. The Town Manager noted the ordinance is the same version presented at the previous two meetings and establishes the Uncompahgre River Overlay District and includes inclusions within the district, definitions, purpose and applicability, prohibits any development within 75 feet of the high water mark and allows for development within 25 feet with an approved special use permit, and allows other exceptions through the conditional use permit process.

SPEAKING FROM THE AUDIENCE:

Pat Willits questioned the definition of the high water mark.

Janet Smith stated 'this should be a subject of the master plan' update; and noted she submitted prior to the meeting a letter to the Council regarding laws protecting 'rights of citizens' and stated 'I believe this UROD violates property rights' as they relate to 'public access on private property'.

Linda Ingo noted 'there are some places it wouldn't be smart to put pathways' along the river. She noted the proposed regulations may place 'undue burden on property that can be used for commercial' uses, noting they pay a 'higher tax basis' and expressed concerns with placing 'pathways' on those properties.

Larry Falk stated 'common elements, like rivers' are for all citizens. He asked that property owners adjacent to the river 'realize there is a common good'. 'I think a lot on the river is not the same' as those within residential zones in Town and 'it has to have unique zoning' 'because its unique property'. He stated 'you should not let a few property owners' 'stop what is good for all residents'.

Ninah Hunter agreed with Mr. Falk's comments noting 'the best asset we have is the river'.

Howard Greene agreed with comments from Mr. Falk and Ms. Hunter, and stated 'I support this ordinance'.

Tom Heffernan spoke in support of the ordinance.

Attorney Jeff Conklin referenced the letter presented to the Council before the meeting on behalf of his client Jack Petruccelli. He asked the Council to consider the request to add an exemption 'for any structure that was legally conforming prior to the date of adoption of the ordinance, as long as the development does not expand the building footprint'. He stated there are a number of existing buildings in the UROD and those structures will become non-conforming uses, and if any problems are incurred they 'would have to conform to all of the UROD' requirements. He asked the Council to consider the request, noting 'we think this is a fair and responsible amendment that protects property owners'.

Jack Petruccelli noted the request is 'not asking to amend the UROD' as it would 'keep the existing footprint'.

Janet Smith questioned the 'process', noting 'I agree with the vision', 'but the implementation of this has some dire consequences'.

Pat Willits stated 'I support the vision of the Master Plan and overall intent of the UROD' and 'support addition of language' to exempt existing conforming structures.

Laura Hagert noted that man made changes to the river have caused the Kokanee Salmon to not travel as far up the river, and noted 'we have to watch what we do along the river'.

The Mayor read an email from Dee Dee Decker dated 3-13-18 requesting that her 'small property' 'be grandfathered' from the regulations.

The Town Clerk read a letter dated 3-14-18 from Robyn Cascade in support of the ordinance.

Linda Ingo spoke in support of 'exempting Dee Dee Decker' noting 'it doesn't make sense when you go down there and look at the land' as it sits within the existing river corridor.

Ninah Hunter stated 'I echo Pat' (Willits) statements and 'I support Jack's request' and questioned considering 'grandfathering', 'existing properties'.

Pat Willits spoke in support of 'exempting Dee Dee Decker's' parcels from requirements to construct a 'public trail'.

Town Attorney Nerlin noted a dedicated trail easement only applies if the application goes through a development process, and the regulation only states 'the consideration of appropriate' access. Manager Coates noted the ordinance has taken into account accommodating for various types of variances regarding trail easements.

Rob Datsco stated 'you are', 'saving this tremendous resource' 'for now and future generations', 'I support this ordinance'; noting 'you have made many compromises' through the various drafts of the document.

The Mayor closed the hearing to public comments and the Council and Town Attorney discussed the request regarding structures which are legally conforming prior to the date of ordinance adoption. The Council agreed to add the requested language into the ordinance, and the Attorney Nerlin noted 7.3.9.6 (H) (5) would be added to state "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 to the date of adoption of this Section, so long as such Development does not expand the building footprint of the structure and is in compliance with all other Town regulations."

ACTION:

Mayor Pro Tem Johnson moved, with a second by Councilor Hunter, to adopt 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.

The Council took a recess at 8:25 p.m. and reconvened the meeting at 8:35 p.m.

POLICY MATTERS

10. Access on to Railroad Street from Park Subdivision, Lot A and Mitchell Subdivision No. 2, Lot 1

Manager Coates reported staff has been working with the applicant to provide an access from the Park and Mitchell Subdivisions on to Railroad Street. To accommodate the Ridgway Railroad Associations current project to set railroad tracks, staff is recommending approving a temporary access easement for thirty days. Staff will present a Memorandum of Understanding at the April meeting, that will outline all requirements for three permanent access points into the subdivision, she explained. The recommendation at this time is to allow temporary use over compacted road base, which shall not be tracked on to the existing roadway.

ACTION:

Councilmember Hunter moved with Mayor Pro Tem Johnson seconding to approve the request as recommended by the Town Manager. The motion carried unanimously.

11. Discussion regarding requiring animal resistant refuse containers

The Town Manager presented a draft ordinance that will be presented to the Council at the April meeting, after receipt of requests for proposals for refuse and recycling collection services. The regulations will include required use of animal resistant refuse containers by residential and commercial users.

There was discussion between the Council and staff and it was noted the refuse collection contract will be awarded in April, to begin June 1st, and the ordinance should follow the established timeframes of the contract.

12. 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

Manager Coates presented a resolution requesting recertification as a Colorado Certified Creative District, and requested Council approval.

ACTION:

Councilor Austin moved to approve the 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, Mayor Pro Tem Johnson seconded, and the motion carried unanimously.

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 3-21-18 meeting

The Town Manager presented a map to append to the agreement approved at the prior meeting, pertaining to right of use with Clearnetworx for sharing fiber-optic conduit.

ACTION:

Mayor Pro Tem Johnson moved to approve the map to be used as an appendix to the Fiber-Optic Indefeasible Right of Use Agreement with Clearnetworx LLC. Councilor Hunter seconded and the motion carried unanimously.

14. Letter of Intent to explore opportunity for dispatch services in 2019 with Western Colorado Regional Dispatch Center

Manager Coates presented a draft letter dated 3-7-18 to the Western Colorado Regional Dispatch Center from the Town, Ouray County, City of Ouray and Ouray and Log Hill Fire Departments requesting consideration of emergency dispatch services beginning in January of 2019. She explained the Town's current service provider will not longer be providing dispatch services next year.

There was discussion and the Council agreed with moving forward to explore the feasibility of receiving services through the regional dispatch center.

15. Letters of Interest to fill the vacancy on the Council created by the resignation of Councilor Young

Town Clerk's Notice of Vacancy on the Town Council.

The Town Clerk presented four letters of interest to fill the vacancy on the Council created by the resignation of Councilor Erica Young. These were from Jonathan Barfield, Ninah Hunter, Tim Malone and Tom Hefferman. She noted if the Council appoints a replacement, the term of office would be one year, until the annual election in April of 2019, and the oath of office would be administered at the next regular meeting of the Council.

There was discussion by the Council.

ACTION:

Moved by Councilor Austin to appoint Ninah Hunter to fill the remaining term of Erica Young effective immediately. Councilmember Hawse seconded and on a call for the vote, the motion carried unanimously.

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

The Town Clerk explained there were three vacant Councilor seats set for the April 3rd election, and only one nomination petition was received. Pursuant to State Statute she has declared the regular election cancelled, and she presented the Council with a resolution ratifying the cancellation. She noted a nomination petition was received for the Mayor seat from John Clark, and a petition for Councilor from Robb Austin, and she deemed both candidates elected. They will serve two year terms after accepting the oath of office at the next regular meeting, she explained. Two vacancies will exist on the Council, she noted,

and if the Council chooses to fill the vacant seats by appointment, the appointees will serve a one year term of office.

There was discussion by the Council and the Clerk was directed to notice the vacancies on the Town Council and present letters of interest at the next regular meeting.

ACTION:

It was moved by Councilor Hunter to approve the Resolution Canceling the April 3, 2018 Regular Election, Mayor Pro Tem Johnson seconded the motion which carried unanimously.

17. Consideration of appointment to the Ridgway Ouray County Joint Planning Board

Councilmember Hunter noted there is an opening for a Town representative on the Joint Planning Board. There was discussion and the Clerk was directed to notice an opening for a Town representative on the Ouray County Joint Planning Board.

Councilor Hunter left the meeting at 9:40 p.m.

TOWN MANAGERS REPORT

Manager Coates presented a Memorandum dated 3-14-18 with an update on the current status of drought conditions and proposed water conservation measures and a management plan. There was discussion between the Council and staff. The Council agreed to discuss adoption of the plan at the next regular meeting.

The Town Manager reported river restoration and bank stabilization is being undertaken; requests for proposal to conduct the master plan update project are being received; the Space to Create pre-development core group is meeting; the Region 10 broadband project recently met to discuss proposed connection of fiber optics between Montrose and Ouray; bids are being solicited for a parking assessment; the Parks Committee has received a request to stripe the pickle ball courts in the Athletic Park; a workshop and training schedule has been prepared for the Council and a on-boarding and training plan for new Councilors, including participation at the Colorado Municipal League Conference.

COUNCIL REPORTS

Mayor Clark reported the Town has received a 2018 Downtown Excellence Award for the Best Use of Public Space, for the downtown RAMP project.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk