

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
SEPTEMBER 12, 2018

CALL TO ORDER

The Mayor called the meeting to order at 5:30 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. Councilors Austin, Heffernan, E. Hunter, Malone and Mayor Clark were in attendance. Councilor N. Hunter was absent, and Mayor Pro Tem Johnson was not present for the roll call.

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 E. Hunter, seconded by Councilor Austin 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.

Mayor Pro Tem Johnson entered the meeting at 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of August 8, 2018.
2. Minutes of the Workshop Meeting held July 25, 2018.
3. Minutes of the Special Meeting on July 25, 2018.
4. Minutes of the Workshop Meeting of August 13, 2018.
5. Minutes of the Workshop Meeting held on August 22, 2018.
6. Register of Demands for September 2018.
7. Renew beer and wine liquor license for Panny's Place.
8. Appoint Sue Lake and Paula Marlatt to the Ridgway Creative District Creative Advocacy Team.

ACTION:

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

## PUBLIC REQUESTS AND PRESENTATIONS

### 9. Ridgway Ouray County 2019 Memorandum of Understanding

Town Manager Jen Coates presented a draft Operational Memorandum of Understanding (MOU) between the Town and County addressing appointments, contributions and collaborative efforts between the agencies in 2019. She reported the Town is requesting an \$8,000.00 contribution from the County for the Town's mosquito control services which is an increase over last year's request. Coates explained the mosquito control budget expends approximately \$25,000 annually for supplies and salaries. The Town provides mosquito control for Ouray County, the Town and the State Park and will be requesting more reimbursement as costs increase.

Ouray County Commissioner Ben Tisdale reported on the broad band efforts and said specific attention should be focused towards the carrier neutral locations piece. He also commented that water resources have been highlighted in the document.

The Council discussed clarification regarding how the Town would "support" the County and found the County is seeking support for their conceptual expansion plan. The Council noted the second line on the second page of the draft is redundant and should be removed. They also commented that the 37-acre property stated as *located adjacent to the Town of Ridgway* in the MOU is located inside the Town of Ridgway.

#### ACTION:

Councilor E. Hunter moved to approve the 2019 Memorandum of Understanding between Ouray County and the Town of Ridgway with the deletion of the second line on the second page. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

### 10. Update and Request for the 'Carry On Ridgway Reuses' Campaign

Ridgway students Indigo Krois, Mary Gordon, and Eleni Wallin gave a presentation on the campaign which encourages residents to stop using or reuse plastic bags and straws. They spoke of the environmental hazards of plastic use, and set up information tables at events such as the Farmers' Market and River Festival to educate the community. The students submitted a petition with 148 signatures to the Town Council requiring the town to be a single-use community.

Many residents in the audience spoke in favor of the proposed ordinance, and there was no opposition.

The Town Council requested staff to review the draft ordinance submitted by the students, and present a draft for review at the next regular meeting. They also suggested reaching out to the Town's recycle service provider for information about reduced plastic use.

### 11. Region 10 Ouray County Broadband Project Update

Chris Kennedy, Region 10 Project Director gave a status report regarding the collaborative broadband efforts. He reported that the engineering estimates for the anchor builds in Ridgway are in, and the projected costs for that and the carrier neutral locations (CNL) will be about \$39,000 each for Ridgway, the City of Ouray and Ouray County in addition to matching funds through a Department of Local Affairs grant. He clarified the estimated costs are higher than expected because the installation is new construction.

Town Manger Coates explained the monies budgeted for the CNL and anchor build are only enough to do the CNL build. She explained two CNL's will be required to link with the regional network. Coates explained that since the CNL's should be considered a regional assets she asked for Town Council support to approve all but \$20,000 of the remaining budgeted funds to participate in the CNL installation. The Council agreed to move forward with the CNL installation.

12. Special Event Permit Application to close and use Clinton Street right of way from 555 Clinton Street to 620 Clinton Street, from 3:00-8:00 p.m. on Saturday, October 20, 2018 for a "Firkin Fest West" fundraising event for the for the Ridgway Chautauqua Society

Mayor Clark and Councilor Austin recused themselves from the hearing due to their affiliation with the Chautauqua Society.

Sue Husch, President of the Ridgway Chautauqua Society explained more time may be needed to set up for the event and asked to change the start time from 3:00 p.m. to 2:00 p.m. The Council discussed the application with her to ensure there were no other amendments on the permit.

**ACTION:**

Councilor Hunter moved to approve the Special Event Permit Application for the Ridgway Chautauqua Society for Saturday, October 20, 2018 as proposed in the packet submitted for the September 12, 2018 Regular Meeting, with one change to the permit for the event time to be from 2 p.m. to 7 p.m. Councilor Malone seconded the motion and it carried unanimously.

Mayor Clark and Councilor Austin reentered the hearing.

13. Update on 2018 activities and request for funding in 2019

Kim Wheels of Eco Action Partners updated the Council on the progress of the Eco Action Partners' programs and efforts to reduce greenhouse gasses and eliminate waste for San Miguel and Ouray County. She highlighted community composting programs, and other programs such as Green Lights, Green Business, and income qualified weatherization. Kim said Eco Action Partners was pleased with the participation in our region and noted the program saved 6,600 kilowatt hours last year. She invited the Town to continue with the partnership, and requested a \$6,000.00 donation for the Eco Action Partners' 2019 budget.

**LAND USE**

14. Request for 30 days to extend preliminary plat approval for the Lena Street Commons Planned Unit Development

The Town Manager explained the 90 day time frame on the conditions of approval for the preliminary plat has expired. She said staff has worked closely with the developer to ensure the conditions have been met. Coates recommended approval of the request because though the conditions have been met within the required time frame, the applicant is requesting a 30 day extension to ensure the preliminary plat submittal is complete she continued. Ms. Coates further explained the engineered design for Lena Street has been more difficult than anticipated causing delays and costs overruns. Since the cost share for the Lena Street development will be split 75% for the developer and 25% for the Town, and the Town's cost share will be approximately \$24,000.

ACTION:

Councilor Heffernan moved to approve the 30 day extension by the Developer in order to provide enough time to finalize the preliminary plat in collaboration with the town staff for the property located at 316 North Lena Street. Councilor Hunter seconded the motion and it carried unanimously.

PUBLIC HEARINGS

15. Adoption of an Emergency Ordinance of the Town of Ridgway, Colorado amending the Ridgway Municipal Code to provide a new section to Chapter 9-1 adding a definition for water wasting, creating water wasting regulations associated with mandatory water restrictions and augmenting enforcement provisions for water wasting.

Town Manger Coates presented a draft Emergency Ordinance No. 18-05 with changes pursuant to the request of the Council. She explained the time frame for residents to respond and remedy after being informed of a water leak once the emergency ordinance is enacted, is reduced to 48 hours before the water will be shut off. Ms. Coates noted that while the ordinance is in effect, residents must repair water leaks within 48 hours of notification or it will be a water wasting affirmative offense.

Mayor Clark opened the hearing for public comment and there was none.

ACTION:

Councilor Hunter moved to approve Ordinance 18-05. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

POLICY MATTERS

16. Request for water leak adjustment requests for Account #'s 8207.1 and 1710.5

The Town Manager explained that Ridgway Municipal Code 9-1-23 C says the adjustment shall not reduce the customer's bill below the cost to the Town to producing the water supplied through the meter. She said a recent analysis revealed the cost for the Town to produce water is \$10.50 per thousand gallons, and residents are charged only \$3.00 per thousand gallons. "There is a loss in revenue when the water rate is decreased. If the Town were to continue charging the leak adjustments at \$3/1000 there would be a significant loss in revenue as the Town would be subsidizing the cost of the water leak," Ms. Coates continued. Manager Coates asked the Council to consider if the current calculated cost to produce the water should be used in the water leak adjustments for both accounts based on the current code provisions.

The Town Council discussed he impacts of water leak adjustments and determining the cost on an annual basis. They agreed to not use the current calculated cost for the water bill adjustment until the rate change is implemented.

ACTION:

Mayor Pro Tem Johnson moved to approve both water leak adjustments at the rate of \$3/1000 based on past precedence. There will be no more water leak adjustments calculated at this rate in the future. Councilor Hunter seconded the motion and it carried with Councilor Austin opposing.

17. Resolution of the Town Council of Ridgway, Colorado Amending the Town of Ridgway Water Conservation and Management Plan

Manager Coates presented the changes to the draft Resolution 18-08 which included the Water Conservation and Management Plan. She noted that water use has not decreased even though restrictions have been put in place. Council discussed monitoring and enforcing restrictions in Stage II and III of the Plan with staff. The Council agreed that the Plan should state only the hours that watering is not allowed and that no irrigation or watering will be allowed between the hours of 10:00 a.m. – 7:00 p.m. They also agreed the restrictions applying to all outdoor irrigation including drip systems, hoses and hand-watering should be moved from Stage II to Stage III of the Plan.

SPEAKING FROM THE AUDIENCE:

Kuno Vollenweider commented that caution should be used with landscaping requirements of new homes and restrictions that would circumvent the requirements and found that exceptions were given over the summer for new plantings.

Tom McKinney suggested that excessive water use should be determined by the number of gallons actually used, and penalizing excessive use.

ACTION:

Councilor Heffernan moved to approve the changes in the Water Conservation and Management Plan based on the discussion and to approve Resolution 18-08 as amended. Councilor E. Hunter seconded the motion and it carried unanimously.

18. Introduction of an ordinance of the Town of Ridgway, Colorado amending the Ridgway Municipal Code Section 9-1-17 to update water service rates and water based allocations

The Town Manager submitted a report that provided an overview and impacts to produce and deliver water for residents, non-residents and the school district. The base cost is not increased and the base water allocated is reduce in the first year per the request of the Town Council. The report was made available to the public prior to the meeting via Town website, bulletin boards, Face Book and emails she noted.

SPEAKING FROM THE AUDIENCE:

Kuno Vollenweider did not think the base water allocation should be reduced, rather residents should be charged per 1000 gallons of water used. He asked how the water cost is determined, and what measures are being taken to maintain the water supply. The Town Engineer addressed his questions.

ACTION:

Councilor Heffernan moved to introduce an ordinance of the Town of Ridgway, Colorado amending the Ridgway Municipal Code Section 9-1-17 to update water service rates and water based allocations. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

19. Discussion of a resolution for the proposed November 2018 ballot measures

Town Attorney Bo Nerlin reviewed the proposed citizens' initiatives Takings, or Amendment 74, and the Transportation Sales Tax or Amendment 153 and reviewed the financial impacts with the Council. Mr. Nerlin proposed resolution (2018-09) for consideration in opposition of

Amendment 74 and recommend support of Amendment 153. There was discussion of both amendments and the Council agreed additional information is needed to assist in their decision of Amendment 153. They directed the Mr. Nerlin to submit background information for discussion at the next regular meeting.

ACTION:

Councilor E. Hunter moved to introduce Resolution 2018-09; a resolution opposing Amendment 74 in an attempt to amend the Colorado Constitution to drastically limit State and Local government services at a high cost to tax payers; with the direction that the Town Attorney put the resolution on Town letterhead, and to remove the letter s in the word costs in the resolution title. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

20. Ratify removal of fire restrictions on August, 2018 for restrictions previously implemented on July 18, 2018

ACTION:

Mayor Pro Tem Johnson moved to ratify the removal of the fire restrictions implemented on July 18, 2018. Councilor E Hunter seconded the motion and it carried unanimously.

21. License Agreement for access to Railroad Street from Lot A Park Subdivision – Town Attorney.

Mr. Nerlin explained the license agreement is to allow temporary access on Railroad Street for 30 days for the Railroad Museum.

ACTION:

Mayor Pro Tem Johnson moved to allow an additional 30 days of temporary access on Railroad Street for the Railroad Museum. Councilor Austin seconded the motion and it carried unanimously.

22. Letter of Collaboration with the University of Colorado to apply for a National Science Foundation grant

Mayor Clark said Ridgway is recommended to apply for the grant that provides creative solutions for food, energy and water. The Council discussed the application.

ACTION:

Councilor E. Hunter moved that a letter of support for the National Science Foundation be drafted for approval. Councilor Heffernan seconded the motion and it carried unanimously

23. Fabrication of a New Trough for Beaver Creek

Ms. Coates said bids will arrive September 13, the estimates will likely range between \$25,000-\$30,000, and requested authorization to approve the bid at the staff level.

ACTION:

Councilor Hunter moved to allow Staff the authority to approve a contract for reconstructing the troughs at Beaver Creek. Mayor Pro Tem Johnson Eric seconded the motion and it carried unanimously.

#### 24. September Workshop and Meetings

Manager Coates informed the Town Council of the Master Plan community event on September 27, a budget workshop on September 20, an affordable housing workshop with the Department of Local Affairs and the Colorado Housing Authority on September 24, a Colorado Municipal League meeting on September 27 in Telluride, and the ArtSpace open house community event on October 4.

#### COUNCIL COMMITTEE REPORTS

Councilor Hunter reported on the Ouray County Water Users Association and said they working on water sources and grant monies to provide and maintain water in the county

Councilor Heffernan reported on Ouray County Affordable Housing Advisory Committee and said the Intergovernmental Agreement is ready for approval and they will be circulating the draft to the entities.

Councilor Austin reported on the Parks Trails and Open Spaces Committee (PARKS) and said musical instruments have been received for distribution in the Ridgway Parks. Seven instruments will be placed in Hartwell Park and one in Dennis Weaver Memorial Park. He also said Parks will be striping the tennis courts for pickle ball.

The Town Council discussed placement and the pros and cons of a hitching post for horses in Hartwell Park. They agreed to invite people to the next Town Park Committee meeting to come to an agreement on the hitching post placement.

#### ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Karen Christian  
Deputy Clerk