

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 10, 2018

CALL TO ORDER

The Mayor Pro Tem called the meeting to order at 5:35 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance Councilors Austin, Heffernan, E. Hunter, N. Hunter, Malone and Mayor Clark. Mayor Pro Tem Johnson was absent.

EXECUTIVE SESSION

The Town Attorney requested to 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 regarding Council actions, and to discuss matters subject to negotiations regarding public property, water rights and water supply.

ACTION:

It was moved by Councilor E. Hunter, seconded by Councilor N. 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 6:05 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of September 12, 2018.
2. Minutes of the Workshop Meeting held September 24, 2018.
3. Register of Demands for October 2018.
4. Request for water leak adjustment for 600 River Park Drive, Account No. 6920.1.
5. Appointment of Amanda Gabrielson and Diane Thompson to the Ridgway Creative District, Creative Advocacy Team.

ACTION:

It was moved by Councilmember E. Hunter and seconded by Councilor N. Hunter to approve the consent agenda. The motion carried unanimously.

PUBLIC COMMENTS

Renee Marr expressed concerns with the condition of the Amelia Street road surface, and requesting "chip and seal from County Road 5 to the school". She suggested the Town speak to the County regarding participating in the paving project since the county road merges into Amelia Street. There were responses from the Council and staff.

Ms. Marr thanked the Marshal for the “presence” on Amelia street explaining it has “helped with students safety to cross the street at the cross walk”. She stated “their presence does make a difference and it’s very appreciated”.

PUBLIC REQUESTS AND PRESENTATIONS

6. Update on the Juvenile Services Program and funding changes

Wendy Crank, Director of the San Miguel and Ouray Counties Juvenile Services presented a contribution request dated 8-8-18 for participating organizations in the program previously called Juvenile Diversion.

Ms. Crank presented statistics and issues encountered in 2018. She explained the mission of the program is to ‘provide positive choices’ for students under legislated requirements for communities to offer services under the Juvenile Justice Advocacy through Senate Bill (SB) 94 and funding through SB 215. She noted most of the services are ‘direct’ and include early intervention, community referral, education and prevention, case management by licensed professionals, individual and family counseling and mediation, parent support, consultation and coaching, parent and youth advocacy in the judicial system, mentoring and tutoring referrals and activity supervision. She reported in 2017 there were 20 youth in the program, and there was a 93% success rate.

Director Crank explained a new funding request is being made based on San Miguel County wishing to no longer provide the major funding for the program. She noted there has not been an increase in the funding since 2003, and the request for the Town share is \$6500 in 2019 with an increase to \$8450 in 2020. She noted this will bring all participating agencies to contribute half the amount that San Miguel County contributes. An intergovernmental agreement will be drafted for all participating agencies and communities.

There were questions and comments from the Council.

7. Presentation from the Colorado West Land Trust

Ilana Moir, Director of Conservation with the Colorado West Land Trust, reported last year the Black Canyon Regional Land Trust and Mesa Land Trust merged. The organizations, founded in 1990 and 1980 respectively, have formed the Colorado West Land Trust, a regional land trust encompassing six counties from Grand Junction to Ouray County. The mission of the organization is to conserve private lands for public benefit. Voluntary private land conservations offer tax credits, and also support a diverse local economy, sustainable agriculture, heritage and connection to the land and healthy communities. The projects include wildlife habitat and recreational opportunities. She reported currently the land trust has stewardship over 120,000 acres of land conservation projects and just under 400 conservation agreements. With operating expenses of 2.5 million, 92% of the funding is spent on the programs. Last year the organization conserved 200 acres south of Town, and this year working to conserve land to the southwest of Town.

8. Quarterly report from the Ridgway Area Chamber of Commerce

Letter dated 10-5-18 from the Ridgway Area Chamber of Commerce presenting the third quarter lodging tax report.

Town Manager Jen Coates reported the Chamber representative was not able to attend the meeting, and noted the report presents the accomplishments during the third quarter and receipt of grant funds which are going to be used for off season marketing and tourism.

PUBLIC HEARINGS

9. Adoption of Ordinance of the Town of Ridgway, Colorado Amending the Ridgway Municipal Code Section 9-1-17 to Update Water Service Rates and Water Base Allocations

Notice of Public Hearing dated 9-14-18. Revised Staff Report dated 9-12-18 from the Town Manager, Chase Jones from the Public Works Department and the Town Engineer regarding water service rates. Letter in opposition dated 10-10-18 from Ken Miller.

The Town Manager explained the Council has held discussions for a number of months regarding water supply and rates. The ordinance details water rate changes and holds the base rate for 24 months and reduces the amount of allocated base water amounts, and increases the amount for water that exceeds the new base allocations. The decrease of water, and increase of rates, caps in 2023 at a base allocation of 6000 gallons and a base cost of \$62. She noted the effective date of the changes would be December 1st.

The Mayor opened the public hearing.

SPEAKING FROM THE AUDIENCE

Joan Chismire presented questions pertaining to changes in the ordinance and supported lowering rates for water used by the fire department.

Charles Mueller spoke representing the Ridgway Fire Protection District and asked the Council to consider exempting “or give favorable treatment” to the district.

Jack Petrucelli questioned if irrigation water taps will be billed the same as residential, and noted the cost of providing water to irrigate trees in rights of ways are borne by the homeowners in the River Park Subdivision.

Chris Hawkins expressed concerns with the proposed new rates noting it would equal a 250% increase in cost for his family in 2020. He stated he “feels that larger families are being penalized” by the proposed changes. He questioned if a study had been performed to ascertain the exact costs for operation and maintenance of the water department, and stated “I would like to see the numbers before you adopt the new rates”. He suggested increasing tap fees for new development and “costs being paid by future water users”, versus raising rates for consumers.

Pam Forrester stated she feels the proposed changes are “not strict enough” noting “we need two extraordinary winters to make up for what we lost this year”. She suggested installing water meters so that users can see consumption usage, noting “we need to educate people and then they need to pay for it”. She recommended “billing water usage by the gallon” used.

Erin Smith addressed long term effects on landscaping and common spaces and trees. She stated the regulations may cause “lasting effects on the trees” and expressed concerns with “decline in the trees” if water use is limited. She recommended allowing higher consumption in the summer months, and lower consumption rates in the winter, noting this could reduce “binge watering when use is regulated to only a few days a week” and can also create “ways to incentivize conservation”.

The Mayor closed the public hearing.

ACTION:

Councilor Heffernan moved to adopt Ordinance No. 2018-06 Amending the Ridgway Municipal Code Section 9-1-17 to Update Water Service Rates and Water Base Allocations, Councilor N. Hunter seconded, and the motion carried unanimously.

POLICY MATTERS

ACTION:

Councilor E. Hunter moved to amend the agenda and move Item 13 in front of Agenda Item 10, Councilmember N. Hunter seconded and the motion carried unanimously.

10. Introduction of an Ordinance of the Town Council of the Town of Ridgway, Colorado Prohibiting the Use of Certain Plastic Bags and Encouraging Citizens to Curtail Their Use of Single Use Plastics

The Town Attorney presented an ordinance which places a ban on the use of plastic bags for all retail businesses in Town, defines permitted and non-permitted bags, creates a Town wide prohibition on disposable plastic bag sales, and encourages curtailing the use of single use or disposable plastics such as straws, utensils and food packaging.

There were questions and comments from the Council.

SPEAKING FROM THE AUDIENCE

Diedra Krois asked that Council include in the ban businesses dispensing plastic straws.

Business owner, Eric Polumbo, encouraged the Council to not include straws noting in the summer months 70% of his customers are tourists and “they expect a straw” for “take out” drinks. He noted he has researched the cost of paper and compostable straws and they are currently much more expensive than plastic. He asked that Council not “legislate sustainability” including banning plastic bag use by businesses, and suggested “more education” for users.

Indigo Krois stated “we have been educating the community on this for over a year now” and “I understand businesses will have trouble doing this”, but the way to “change peoples habits” is to “curtail the use of plastics”, noting “we need this for the future”.

There was discussion by the Council.

ACTION:

It was moved by Councilor E. Hunter to introduce the Ordinance Prohibiting the Use of Certain Plastic Bags and Encouraging Citizens to Curtain Their Use of Single-Use Plastics with the modification of removing door hanging bags from B (4) and add to Section 3, the Council may consider a further ban on additional single-use plastics one year from the adoption of the ordinance, seconded by Councilor Austin the motion carried unanimously.

LAND USE ITEMS

11. Release of Subdivision Improvements Agreements for Ridgway Land Company , Lot 3 PUD, Ridgway Land Company Subdivision

The Town Manager explained subdivisions which have unfinished improvements at the time of recording the plat, require an improvements agreement to guarantee completion. At the time of ensuring compliance a release on the agreement is filed. She recommended the releasing the Subdivision Improvements Agreements for Ridgway Land Company , Lot 3 PUD, Ridgway Land Company Subdivision recorded at Reception No.'s 147698 and 159522.

ACTION:

Councilmember E. Hunter moved, with a second by Councilmember N. Hunter, to release the Subdivision Improvements Agreements for Ridgway Land Company, Lot 3 PUD, Ridgway Land Company Subdivision recorded at Reception No.'s 147698 and 159522. The motion carried unanimously.

12. Release of Subdivision Improvements Agreement for Lot 2 Joint Venture, Filing 1 Ridgway Village

The Town Manager recommended releasing the Subdivision Improvements Agreement for Lot 2 Joint Venture, Filing 1 Ridgway Village, Reception No. 191628.

ACTION:

Councilmember E. Hunter moved to release the Subdivision Improvements Agreement for Lot 2 Joint Venture, Filing 1 Ridgway Village, Reception No. 191628, Councilor N. Hunter seconded, and the motion carried unanimously.

13. Release of Subdivision Improvements Agreement for Ridgway Village Condos, First Amendment to Ridgway Village West Condominiums, Filing 1

Manager Coates recommended releasing the Subdivision Improvements Agreement for Ridgway Village Condos, First Amendment to Ridgway Village West Condominiums, Filing 1 recorded at Reception No. 198125.

ACTION:

Moved by Councilor Heffernan, seconded by Councilor E. Hunter to release the Subdivision Improvements Agreement for Ridgway Village Condos, First Amendment to Ridgway Village West Condominiums, Filing 1 recorded at Reception No. 198125. The motion carried unanimously.

POLICY MATTERS (continued)

14. Agreement for grant funds in 2019 with the State of Colorado Department of Public Safety Victim Assistance in Law Enforcement (VALE)

The Town Manager reported the VALE board has awarded funding for 2019 in the amount of \$28,032 to continue the sharing of victim assistance services for law enforcement with the City and County of Ouray.

ACTION:

Moved by Councilmember N. Hunter the motion to enter into an agreement with the State of Colorado Department of Public Safety Victim Assistance in Law Enforcement (VALE) for grant funds in 2019 was seconded by Councilor E. Hunter and on a call for the vote carried unanimously.

15. Intergovernmental Agreement with the City of Ouray and Ouray County for shared Ouray County Victim's Assistance Services

Manager Coates presented an intergovernmental agreement for the shared victims assistance program.

ACTION:

Councilor E. Hunter moved to enter into an Intergovernmental Agreement with the City of Ouray and Ouray County for shared Ouray County Victim's Assistance Services in 2019. Councilmember Austin seconded the motion, which carried unanimously.

16. License Agreement for access to Railroad Street from Lot A, Park Subdivision

The Town Attorney recommended a 30 day extension on access to Railroad Street from Lot A, Park Subdivision to finalize details of the license agreement.

ACTION:

Moved by Councilor N. Hunter, seconded by Councilor Heffernan the motion to approve a 30 day extension for access to Railroad Street from Lot A, Park Subdivision carried with Councilor E. Hunter voting in opposition.

17. Resolution Opposing "Amendment 74", an Attempt to Amend the Colorado Constitution to Drastically Limit State and Local Government Services at High Costs to Taxpayers

The Town Attorney reported at the previous meeting the Council discussed adopting two resolutions pertaining to voter amendments on the November Statewide ballot, and staff was directed to prepare resolutions.

ACTION:

It was moved by Councilor Heffernan to adopt the Resolution Opposing "Amendment 74", an Attempt to Amend the Colorado Constitution to Drastically Limit State and Local Government Services at High Costs to Taxpayers. The motion was seconded by Councilmember N. Hunter and carried unanimously.

18. Resolution Supporting "Proposition 110" Transportation Sales Tax, to Increase Transportation Funding Across Colorado

The Town Attorney explained Proposition 110 on the November ballot will institute an increase in sales tax to fund the State Transportation Department for six billion dollars in highway projects. He noted there are two proposals on the ballot pertaining to transportation, and the Colorado Municipal League supports 110 and opposes 109.

ACTION:

Councilor E. Hunter moved to approve the Resolution Supporting "Proposition 110" Transportation Sales Tax, to Increase Transportation Funding Across Colorado, seconded by Councilor Malone the motion carried unanimously.

19. Appointments to the Ridgway Board of Appeals

Mayor Clark announced pursuant to Municipal Code Section 6-1-5 he has appointed three members to serve on the Ridgway Board of Appeals to allow for the appeal of decisions made by the Building Inspector. He reported Doug Carright, Thomas Emilson and Bill Liske have been appointed to the Board.

TOWN MANAGERS REPORT

The Manager presented an update on the downgrade from Stage 2 Water Restrictions (Mandatory Water Restrictions) to Stage 1 Water Restrictions (Voluntary Restrictions) effective October 11, 2018; the ongoing master planning process; and an update on preparation of a new fee schedules.

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 conference with the Town Attorney for the purpose of receiving legal advice regarding Council actions, and to discuss matters subject to negotiations regarding public property, water rights and water supply.

ACTION:

It was moved by Councilmember E. Hunter, seconded by Councilor N. Hunter and unanimously carried to enter into a closed session.

The Council entered into executive session at 9:40 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 10:15 p.m.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk