

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JUNE 12, 2019

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, Cheek, Hunter, Meyer and Mayor Pro Tem Johnson. Councilor Lakin and Mayor Clark were absent.

EXECUTIVE SESSION

The Town Attorney requested entering into a closed session pursuant to Colorado Revised Statute (C.R.S) 24-6-402(b) for the purpose of receiving legal advice regarding the following matters: (i) Tony Girard and Sherman Herran LLC v. Town of Ridgway; (ii) Ridgway Municipal Code Violation - Jacob and Stacie Veatch dba Stacie's Apothecary; (iii) waste water utility maintenance; (iv) process regarding municipal code amendment(s) for water utility rates and C.R.S. 24-6-402(4)(e) for the purpose of determining position relative to matters that may be subject to negotiations regarding Lena Street Commons Development Agreement.

ACTION:

It was moved by Councilor Meyer, 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.

The regular meeting began at 6:05 p.m.

ACKNOWLEDGMENTS AND INTRODUCTIONS

Interim Marshal Shane Schmalz presented an update on the Marshal's Department and addressed staffing, victim assistance program, calls for service, and officers "out in the community" performing "community oriented policing".

CONSENT AGENDA

1. Minutes of the Regular Meeting of May 8, 2019.
2. Minutes of the Joint Workshop Meeting of May 22, 2019.
3. Minutes of the Special Meeting held May 23, 2019.
4. Minutes of the Workshop Meeting of May 23, 2019.
5. Minutes of the Joint Workshop Meeting on May 30, 2019.
6. Minutes of the Special Meeting of June 5, 2019.
7. Register of Demands for June 2019.

8. Renewal of liquor store license for Ridgway Liquors.
9. Renewal of fermented malt beverage liquor license for Ridgway Shell.
10. Renewal of fermented malt beverage liquor license for Ridgway Texaco.

ACTION:

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

11. Renewal of tavern liquor license for Sherbino Theater.

ACTION:

Moved by Councilor Hunter to approve renewal of the Sherbino Theater liquor license, seconded by Councilmember Meyer, the motion carried with Councilors Austin and Cheek abstaining.

PUBLIC COMMENTS

Larry Falk explained a children's baseball team has formed with 50 students throughout the County participating, 44 from Town. It is hoped to practice at the Athletic Park baseball field, but the infield has "over grown". He requested the Town look into maintaining the area.

The Mayor Pro Tem read a letter from resident Candida Gold expressing concerns regarding dogs off leash on the Uncompahgre River Trail, and requesting more signage and enforcement.

PUBLIC REQUESTS AND PRESENTATIONS

12. Request for second amendment and five year extension to the Memorandum of Understanding pertaining to annexation of Ouray County property on Mall Road

Email dated 5-22-19 from Ouray County Administrator Connie Hunt requesting the Council consider a second amendment to the Memorandum of Understanding (MOU) concerning annexation of the property on Mall Road.

Ouray County Commissioner Ben Tisdal explained the County owns a 37 acre parcel on Mall Road, which is adjacent to Town limits. The property houses County offices, and a number of years ago the Council and Commissioners discussed the County desire to expand uses on the property and acquire more Town water taps. The request for water taps will trigger annexation of the property into the town boundaries. He reported the County is currently undertaking a number of large projects and will not be addressing the proposed expansion for a number of years. He requested the Town issue a five year extension to the MOU which expires next month.

ACTION:

Councilor Hunter moved to approve an extension to the MOU for five years, to be completed by June of 2024. Councilor Meyer seconded the motion which carried unanimously.

13. Request from Weehawken Creative Arts to use Town property for parking during the annual Ridgway Rendezvous

Councilmember Cheek stepped down due to a conflict of interest.

The Town Clerk presented a Special Events Permit Application from Weehawken Creative Arts to use the Town parking lot north of Hartwell Park in August for overnight parking by vendors at the annual Ridgway Rendezvous. She explained the non-profit organization is proposing to use the fairgrounds for attendee parking, and shuttle people to the event which is held in the park. The vendors would have parking adjacent to the park, facilitating easy access.

ACTION:

Councilor Meyer moved, and Councilmember Hunter seconded to approve the Special Event Permit Application for Weehawken Creative Arts for the Ridgway Rendezvous.

Councilmember Cheek returned to sit with the Council.

PUBLIC HEARINGS

14. Preliminary Plat for RiverSage Phase 2; Location: Outlot RiverSage PUD Plat; Address: TBD River Sage Drive and Chester Court; Zone: Residential; Applicant: Rick Weaver; Owner: RiverSage Ridgway LLC

Staff Report dated 6-7-19 from the Town Manager presenting a recommendation from the Planning Commission to approve with conditions, the preliminary plat for the second phase of RiverSage PUD.

Town Clerk's Notice of Public Hearing dated 6-3-19.

Town Manager Coates explained the Town has received an application for Phase Two of the current RiverSage Subdivision. The first filing was completed in 2008-09 and included eight residential lots. The development was originally planned with three filings for a total of 20 lots; with the third filing to be located on the north end of the property. The developer is now proposing to reduce the total number of lots to sixteen, eliminate filing three and dedicate the property to the Town for park space. The area will connect to the current trail system. In exchange the developer is seeking release of requirements in the Subdivision Improvements Agreement to construct a pedestrian bridge and place lighting on the vehicle bridge.

Applicant and developer Rick Weaver addressed the three conditions of approval. There is currently an access agreement with the adjacent Dallas Meadows Subdivision over the north end of the property, and there are discussions to terminate the agreement. Both broadband and dedicated phone lines are being brought into the subdivision. The homeowners association is unanimously opposed to installation of lights on the vehicular bridge. He explained there are existing reflectors on the bridge which the homeowners feel are as bright as lights; additionally they are concerned that lighting the bridge may encourage visitors to the park after hours.

SPEAKING FROM THE AUDIENCE

Martin Kemp, representing the RiverSage Homeowners Association spoke in support of the Phase Two plat and “adding 20 acres to park and open space”. He explained the association is “not in favor of lights on the bridge” and noted “the reflectors show a 100 foot approach”. He noted we are “opposed to adding an easement” for “Dallas Creek” noting “they have an access” to the water tank from the “north side” and “cutting a road half mile through park space”, “would be a shame”.

Homeowner Kelvin Kent stated “we agreed with the comments Marty made” and noted regarding the bridge lights, no other bridge in the county is lite, and “as a user I don’t feel it’s a necessity”.

Lacy Young stated she “wholeheartedly agrees” with Marty and Kelvin.

Sara Marreno stated “we support fully what Marty and Kelvin said” and “appreciate the Weavers donating the land for a park”, and “we ask for you to agree with the plan the Weavers are proposing”.

There were questions and comments from the Council. Consensus was to remove the requirements for lighting the vehicular bridge and constructing a pedestrian bridge.

ACTION:

Councilor Austin moved to approve the preliminary plat for RiverSage Phase Two with the exception to remove the requirement of placing lighting on the bridge, and eliminate the pedestrian bridge, Councilor Meyer seconded, and the motion carried unanimously.

15. Minor Subdivision; Location: Solar Ranches Filing 1, Lot 39; Address: 520 Chipeta Drive; Zone: Residential; Applicants and Owners: Paula James and Don Rogers

Staff Report dated 6-6-19 from the Town Planner presenting a Planning Commission recommendation to approve the request for minor subdivision of the duplex at 520 Chipeta Drive.

Town Clerk’s Notice of Public Hearing dated 5-9-19.

Planner Coburn explained the Planning Commission reviewed the request at the May 28th meeting and recommended Council approval with conditions. She presented an overview of the project and the recommended conditions. The subdivision will allow for two separate owners, and she noted, adjacent properties on both sides of the subject property, are duplex subdivisions.

Applicant Don Roger explained fire walls where installed between the units during construction in preparation of future subdivision.

ACTION:

Councilor Meyer moved, with Councilmember Hunter seconding to approve the minor subdivision of the condominiums on Lot 39, Solar Ranch Filing 1, with conditions as recommended by the Commission. On a call for the vote the motion carried unanimously.

16. Adoption of Ridgway Master Plan in accordance with C.R.S. § 31-23-206

Staff Report from the Town Manager and Planner dated 5-24-19 presenting edits to the draft master plan dated 4-30-19.

Planner Coburn reported there have been numerous meetings over the last year regarding development of the master plan. At the recent Planning Commission meeting a formal public hearing was held and the Commission unanimously approved the plan with a few additions, which were presented to the Council in the memorandum dated 5-24-19; and are recommending the Town Council approve the document as presented.

The Town Planner noted a full presentation was made at the Council's April meeting, and explained the document is a statement of policy and intent on future growth and development, "a big picture document" and "guiding document for land use decisions and future policy updates". Development of the document included three public surveys; focus group meetings; reaching out at community events; two community meetings to receive input; outreach to the schools; attendance at Planning Commission and Town Council meetings to present updates. The plan includes a community vision; community values with supporting goals, policies and actions; growth framework; and future land use map.

There were questions from the Council.

SPEAKING FROM THE AUDIENCE

Attorney Cody Knifer, representing Strength LLC noted "concerns regarding uncertainty for sensitive natural areas", and "costs for building" and that it could "hurt property values".

Ben Jackson, co-developer of Ridgway River Park Business Park PUD, stated "we've been sitting on filing three for twenty years", and "without live work you're not going to see this" development "happen as planned". He asked for the Council to "just clarify and say housing may be considered in this area", and "add a simple sentence" to the master plan.

Ellen Hunter stated "nothing needs to be changed", this is "a great document" which has been "edited, changed and scrutinized by the community". She said "I encourage Council to adopt it as it is".

There were questions from the Council to staff. Responding to a question the Town Attorney stated the document is "non-binding" and "advisory in nature only".

ACTION:

Moved by Councilmember Hunter to adopt the Master Plan as presented. Councilor Cheek seconded the motion which carried unanimously.

The Council took a recess at 7:55 p.m. and reconvened the meeting at 8:00 p.m.

POLICY MATTERS

17. Discussion regarding process for review of water rates

Mayor Pro Tem Johnson noted at a recent workshop and special meeting the Council discussed and adopted an ordinance to temporarily reduce water rates for commercial

users. He suggested the Council schedule a workshop to present the information used to develop the established rate structure. The Council agreed to meet in August.

SPEAKING FROM THE AUDIENCE

Business owner Jack Young noted there were discussions at the previous meeting in relation to creating a committee to “compile” suggestions to the Council.

Business owner Adam Dubroff noted he had suggested meeting with Tri-County Water, and the district has indicated they would make a presentation to the Council.

18. Introduction of an Ordinance allowing an exemption to the prohibition of use of plastic bags to allow for the use of small, locking, plastic bags up to two gallon in size

Town Manager Coates reported in December of 2018 the Council enacted a ban on the use of plastic bags by businesses. After a number of discussions with business owners it was determined that there is not a suitable replacement for small plastic locking bags needed for consumable products. At the prior meeting a draft ordinance was presented and staff was directed to amend the document and define the word small and include non-consumable use. She presented a draft document which allows for the use of “small locking plastic bags up to two gallons in size”.

SPEAKING FROM THE AUDIENCE

Linda Burns with Second Chance Thrift Store stated the use of locking plastic bags is “integral” and “makes items saleable” for the business. She noted allowing the use would “really be a benefit for us” and stated “if you can do this for us, we would really appreciate it”.

Krista Meyer supported allowing the reuse of plastic bags.

Ellen Hunter stated she disagrees with adding the exemption noting there are “other options”. She spoke in opposition to “reuse of plastic bags” and stated the original ordinance should not be changed.

Torben supported making an “exception for the thrift store”. He noted “they recycle everything”, and a “brown paper bag does not work for what they need”.

There were comments from the Council. Councilor Hunter moved to introduce the ordinance as presented, the motion died for lack of a second. There was further discussion and it was agreed to remove use of small, locking, plastic bags from the draft document.

ACTION:

It was moved by Councilor Meyer to introduce the Ordinance Allowing an Exemption to the Prohibition of Use of Plastic Bags to Allow for the Use of Small, Locking, Plastic Bags up to Two Gallon in Size without Section (B) (2), Councilor Hunter seconded, the motion carried unanimously.

19. Application for Department of Local Affairs Main Street Mini Grant

Manager Coates noted the Town has been applying for Main Street Mini Grants with the Department of Local Affairs since 2012. Staff is proposing to apply for \$5000 to match Town funding, for the \$10,000 budgeted this year for improvements at Heritage Park. This

would include phase one improvements of landscaping and signage at the park and visitors center.

ACTION:

Moved by Councilor Hunter, seconded by Councilor Austin and unanimously carried to approve the application for the Department of Local Affairs Main Street Mini Grant.

20. Review and recommended changes to the Colorado Communities for Climate Action (CC4CA) Policy Statement

The Town Manager reported at a previous meeting the Council agreed to join the Colorado Communities for Climate Action (CC4CA). She presented the CC4CA Policy Statement for 2019-2020 and explained the organization is seeking direction and unanimous support from members, and requesting any changes the Council may have and approval of the statement.

There was discussion by the Council. It was agreed if any members have proposed comments or changes they will send them to the Town Manager to be included in a response.

21. Appointment of steering committee member to CC4CA

Manager Coates noted CC4CA is requesting representation from the Town on the steering committee. There was discussion and the Town Manager was directed to inquire if Councilor Lakin might be interested in the appointment.

22. Letter requesting prioritization to secure sustainable funding for the Colorado Water Plan

Mayor Pro Tem Johnson presented a letter to Representative McLachlan and Senator Coram supporting funding the Colorado Water Plan during the 2020 State Legislative Session.

ACTION:

It was moved by Councilmember Austin, seconded by Councilmember Cheek and unanimously carried to authorize the letter dated June 12th to Representative McLachlan and Senator Coram as written and presented.

23. Request to apply for victim advocate grant funding

The Town Manager reported the Town is in the second year of receiving funding for victim assistance, sharing in the program with the City and County of Ouray. The agencies are requesting approval to apply for funding for the 2020 fiscal year through a grant from VALE. She noted the agreement with the agencies in the county is created through a memorandum of understanding; the Town administers and processes the grant, and houses the victim advocate contract employee.

ACTION:

Moved by Councilmember Cheek, seconded by Councilor Hunter to authorize staff to apply for any and all grants for victim advocacy for Ouray County. On a call for the vote the motion carried unanimously.

24. Request to purchase a tractor as budgeted within the 2019 fiscal year

The Town Manager explained staff has received a quote to purchase a tractor for \$36,000, lower than the amount budgeted for the fiscal year.

ACTION:

Councilmember Hunter moved to approve the purchase of a tractor from Massey Ferguson. Councilor Meyer seconded the motion which carried unanimously.

25. Priorities for the Colorado Department of Transportation (CDOT) Statewide Plan and Grand Valley Transportation Planning Region (GVTPR) Regional Transportation Plan

The Town Manager explained CDOT prepares statewide highway planning every five years and local priorities and approval of projects for the region are established by the GVTPR. She asked if there are any items the Council would like to see placed on the plans, and presented proposed items from staff. These included prioritizing a park and ride area; an over or under pass at Highway 550 and 62 or on Highway 550 past the Weaver Park.

There was discussion by the Council and it was noted perhaps the underpass should be by County Road 10; include a left hand turn land from 550 on to County Road 24; and the misalignment of Railroad Street. The Council agreed to inclusion of all the items into the regional plan.

26. Appointment of member to the Ouray County Housing Advisory Committee

Councilor Austin volunteered to serve on the Ouray County Housing Advisory Committee.

27. Letter of support for the Bustang Bus Service

The Town Manager presented a letter of support for the Bustang Bus Service. The Council agreed it should be sent to the Colorado Department of Transportation.

ACTION:

Moved by Councilor Hunter, seconded by Councilmember Cheek and unanimously carried to send the letter dated July 13th congratulating Bustang program on their fourth anniversary.

TOWN MANAGERS REPORT

Manager Coates reported on the Space to Create project; Storm Water Master Plan public meeting on July 9th; Building Code Task Force; CML Conference; dark skies regulations will be presented at the next meeting; and two aerators from the wastewater treatment plant are currently being repaired.

STAFF REPORTS

The Town Engineer addressed set backs from the wastewater plant.

ADJOURNMENT

The meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk