

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 13 , 2019

CALL TO ORDER

The Mayor called the meeting to order at 5:30 p.m. in the Community Center at 201 North Railroad Street, Ridgway, Colorado. The Council was present in its entirety with Councilors Austin, Cheek, Hunter, Lakin, Meyer, Mayor Pro Tem Johnson and Mayor Clark in attendance.

EXECUTIVE SESSION

The Town Attorney suggested the Town Council enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(4)(b) for conference with the Town Attorney for the purpose of receiving legal advice regarding water rights; and Colorado Revised Statutes 24-6-402 (4)(e) to determine a position relative to matters that may be subject to negotiations, develop a strategy for negotiations and instructing negotiators regarding broadband infrastructure; and Colorado Revised Statutes 24-6-402(4)(f) pertaining to personnel matters relative to the Town Manager transition.

ACTION:

It was moved by Councilor Meyer, seconded by Mayor Pro Tem Johnson 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.

The regular meeting began at 6:10 p.m.

INTRODUCTIONS AND PRESENTATIONS

Town Manager Coates recommended changing employment status of Steven Schroeder from part time contract to full time permanent. She noted Mr. Schroeder has been employed as a seasonal employee in parks, water, sewer and snow removal for five years; permanent status would be effective November 1st.

ACTION:

Councilor Hunter moved to change Steven Schroeder from contract employment to full time permanent employment. Councilmember Lakin seconded the motion and it carried unanimously.

CONSENT AGENDA

1. Minutes of the Workshop Meeting of September 23, 2019.
2. Minutes of the Regular Meeting of October 9, 2019.
3. Minutes of the Budget Workshop Meeting of October 23, 2019.
4. Minutes of the Special Meeting of October 23, 2019.

5. Minutes of the Special Meeting of October 24, 2019.
6. Register of Demands for November 2019.
7. Extension of the Solar Energy Incentive Program per Municipal Code Section 6-1-12.
8. Renewal of tavern liquor license for Ouray County Fairgrounds.
9. Renewal of restaurant liquor license for Land and Ocean Restaurant.
10. Renewal of restaurant liquor license for Taco Del Gnar.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilor Lakin and unanimously carried to approve the consent calendar.

PUBLIC COMMENTS

Sue Williams questioned the Marshals Department reporting of crime data to the Colorado Bureau of Investigation and stated she has discovered “all three agencies” in the county did not report uniform crime data “for 2016, 2017 and 2018”. She asked the Council to “check into why” the reporting is not being submitted.

PUBLIC REQUESTS AND PRESENTATIONS

11. Annual presentation of winning plein aire painting to the Town for display in the ongoing collection

Suzy Ulrich on behalf of Public Art Ridgway Colorado (PARC) presented the Town with the 2019 winning painting from the annual plein aire event. She explained the winner of the \$500 prize was local artist Henrik Haaland. She noted the painting, which will be installed at Town Hall with the other six pieces from previous years, “reflects plein aire the way we PARC members experience it”.

12. Update from the Ridgway Community Garden

Kurt Jacobsen representing the steering committee for the Ridgway Community Garden thanked the Town for “the support to build the new garden” in Green Street Park. He reported project cost was \$43,000 and included a \$10,000 in-kind donation from the Town for water tap connection, “tractor work” and installation of the parking lot. Over fifty students participated “over the course of the season”, he noted. A slide presentation created by Agnieszka Przeslowska depicted the building of the garden. Mr. Jacobsen explained goals for 2020 include creating a childrens play area, building elevated growing beds and obtaining a standard material to protect beds.

13. Request for relief on water bill for Ridgway Lodge

Adam Dubroff explained the purchase of Ridgway Lodge occurred in July 2018, in August of this year “after higher occupancy” it was noted “the water usage was up by forty percent”. All systems within the hotel were examined until a leak was detected “at the valve at the connector”. He stated the water bill was “dramatically higher than before”, and requested a water leak adjustment for the charges and a reduction in the sewer charge.

Mayor Clark explained there is a provision in the municipal code which offers a water leak adjustment but it can not be granted at less than the cost to produce the water, and the amount billed was already set at the rate. The Mayor noted the Council could issue a reduction in the sewer charge, since the water went into the ground and not in the wastewater system.

Based on a question from the Council Mr. Dubroff explained water usage in August was 600,000 gallons, the previous year in the same month the usage was \$174,000 gallons. He further noted the “connector was attached to the meter”, “it was never determined if there was a crack”, and it “was on our side” of the meter.

There was discussion by the Council. It was agreed a water leak adjustment can not be issued. There was consensus to allow a payment plan, and make an adjustment for a reduction in the sewer charge.

ACTION:

Councilor Meyer moved to agree to an interest free pay back schedule with modification to the sewer charges due to the leak. Councilor Hunter seconded the motion which carried unanimously.

Mr. Dubroff asked if the Town would allow him to “explore other options” to provide water to the lodge, including installing a “cistern” or receiving service from Tri-County Water Association.

There was discussion by the Council. It was agreed the request would not be considered as it is based on not receiving services to avoid the new commercial water rates.

POLICY MATTERS

14. Request for extension of preliminary plat submittal for Vista Park Commons

Staff Report from Planner Shay Coburn dated 11-6-19 presenting a request to extend the submittal process for Vista Park Commons preliminary plat. Letter dated 11-6-19 from Joe Nelson requesting a sixty day extension to complete conditions of the preliminary plat approval.

Planner Coburn explained staff is recommending approval to extend the time frame for completion of outstanding items on preliminary plat submittal for Vista Park Commons, noting “we are getting really close”. She explained the 23 residential units are a “complex development” on a “complicated site” relative to storm drainage. She noted staff and developers have been working together for several months, and staff is recommending extending deadline for submittal by sixty days, to January 11, 2020.

Joe Nelson addressed the Council and explained the process is “ninety percent” completed, in part due to an “unanticipated illness” of the projects designer.

ACTION:

Mayor Pro Tem Johnson moved, with Councilmember Hunter seconding to approve a sixty day extension for Vista Park Commons Subdivision preliminary plat. On a call for the vote the motion carried unanimously.

15. Introduction of an ordinance updating building regulations and adopting the 2018 International Code

Building Inspector, Mike Gill reported staff has performed a study to update the building code with assistance from Colorado Code Consultants and formation of a task force comprised of local builders, design professionals and engineers. He explained every three years the International Building Codes are update. It is recommended not to “lapse past six years” and the Town is using the 2006 edition. A draft ordinance updating to the 2018 uniform building codes was presented to the Planning Commission on October 29th. Recommendation of the Commission was to present the document to the Council for adoption, he reported.

Dan Reardon with Colorado Code Consulting, addressed the Council. He explained the company has been “helping all jurisdictions in the Western Slope region” and “they are all adopting the 2018 International Code”.

There were questions from the audience which were answered by the Council. There were questions from the Council to Mr. Reardon.

ACTION:

Councilor Lakin moved to introduce an Ordinance of the Town of Ridgway, Colorado Repealing and Replacing Section 6-1 of the Ridgway Municipal Code to Update Building Regulations and to Adopt by Reference Certain 2018 International Code Council Code Books and Amendments Thereto. Councilmember Meyer seconded the motion which carried unanimously.

16. Resolution adopting a sexual assault investigation policy for the Marshals Department

Town Marshal Shane Schumltz presented a proposed sexual assault investigation policy to be incorporated into the Police Procedures Manual. He noted sexual assault investigations are “unique in many aspects” and the Town does not have a written policy. He reported a number of community groups have meet with staff and expressed concerns for victim assistance. Staff has researched policies and community practices from other agencies, and prepared a policy for the Marshals Department. He recommended formal adoption of the policy and guidelines for officers.

There was discussion between the Council and Marshal.

SPEAKING FROM THE AUDIENCE:

Sue Williams questioned “why there was no sexual assault policy all these years”.

Jim Corsen stated he is a member of the local organization ‘Men Ending Rape Culture’ and thanked the Marshal for his work on preparing the policy.

ACTION:

Moved by Councilmember Lakin to approve Resolution 19-13 Adopting the Ridgway Sex Assault Investigations Policy, including correction of a few typos and small changes. Councilor Austin seconded the motion which carried unanimously.

17. Presentation regarding the Green Main Street pilot program

Community Initiatives Facilitator, Diedra Silbert, presented a proposed program which would be administered through the Colorado Main Street Program. The initiative would support community outreach within Main Street Districts to offer participation in energy analysis of main street properties. The project would encompass use of Main Street Energy Retrofit funding to assist in “creating environmentally sustainable main streets”. The goal, she noted, is to “get one community to be completely using sustainable energy” with “green energy retrofits” by 2040. She explained the pilot program may begin in 2020, and offer tax credits to encourage energy retrofits for private property owners.

There was discussion by the Council and it was agreed the concept is “worth exploring” and the program should be monitored to see what develops.

18. Intergovernmental Agreement between the City of Ouray, Town and Ouray County establishing a Multi-jurisdictional Housing Advisory Committee

The Town Manager reported in 2009 the Town, City and County entered into an Intergovernmental Agreement (IGA) to develop a multi-jurisdiction housing authority. The IGA expires the end of 2019, and the Multi-jurisdictional Housing Advisory Committee is requesting extending the agreement for two years and include a section to designate the county webmaster to update the OCHAC webpage. She explained the committee is comprised of a representative from each jurisdiction and two members at large appointed by the Councils and Board of County Commissioners. She questioned the purpose and role of the committee and if the IGA should be extended based on the Towns direction. She recommended if extended, there should be a “clear direction to the Committee”, and suggested the Town Planner be involved to ensure items are “complimentary” to “the direction the Town is taking”.

There was discussion between the Council and staff.

Planner Coburn noted the Strategic Plan and Master Plan address affordable housing within Town boundaries.

There was discussion by the Council. Consensus of the Council was to direct the Town Manager to speak with the administrators of both agencies and suggest the planners meet regularly to discuss housing issues, and prepare solutions collectively, which can be presented to the legislative bodies.

19. Discussion regarding Memorandum of Understanding with Ouray County for 2020 funding requests, road and bridge apportionment and future goals

The Town Manager presented a draft Memorandum of Understanding (MOU) with Ouray County addressing 2020 funding requests and future goals. She explained she has requested the document include within the joint action items, the Town strategy elements of the newly adopted master plan. The County Administrator is presenting the requested change to the Board and will follow up with the Town at the next regular Council meeting.

There was discussion by the Council and there was agreement to include the suggested items in the MOU.

20. Intergovernmental agreement between the Town, City and County for shared victim advocate services

Manager Coates presented an Intergovernmental Agreement (IGA) with the City and County for the third year of the joint victim advocate program. The Town “takes the lead” on the program providing grant oversight, payroll services and office space, equipment and supplies she noted. The project is partially funded by the VALE Board, this years funding gap of \$18,874 which will be shared by the three agencies.

ACTION:

Moved by Councilor Lakin, seconded by Councilor Cheek and unanimously carried to approve the IGA for shared victim advocate services.

21. Amendment to agreement with Artspace for predevelopment phase of the Space to Create project

The Town Manager reported the professional services agreement with ArtSpace for the Space to Create Project expires the end of this year. She recommended extending the contract for another year, noting the extension is necessary to allow for the next phase of tax credit funding, which is in February. She presented an amendment to the Professional Services Agreement for Predevelopment of the Space to Create Project.

ACTION:

Councilor Meyer moved to approve Amendment One to Professional Services Agreement with Artspace for the Ridgway Space to Create Predevelopment. Councilor Lakin seconded and on a call for the vote the motion carried unanimously.

22. Grant application submittal to the Department of Local Affairs for Energy Impact Funding for water and sewer main replacements in North Lena Street

The Town Manager explained staff is requesting approval to apply for grant funds from the Department of Local Affairs (DOLA) for the water and sewer line replacements for North Lena Street. Estimates from the contractor are \$95,000 for water line replacement, \$160,000 for sewer line replacement, \$10,000 for design. The grant request would be for \$132,500 of the \$265,000 project.

ACTION:

Mayor Pro Tem Johnson moved to approve the grant application to DOLA for water and sewer main replacements for North Lena Street, Councilmember Cheek seconded, and the motion carried unanimously.

23. Amendment to the contract with Colorado Retirement Association providing retirement benefits for part-time employees

The Town Clerk reported during recent budget discussions the Council agreed to offer retirement benefits to part time employees that are regularly scheduled for twenty hours or more per week, for a continuous period of time normally expected to be longer than one year. She explained this would require an amendment to the agreement with CCOERA the Colorado Retirement Association.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilor Cheek to allow staff to negotiate an amendment to the contract with the Colorado Retirement Association. The motion carried on a unanimous vote.

24. Resolution amending personnel regulations pertaining to benefits for part-time employees and adding an employee wellness program

The Town Clerk presented a resolution amending the Personnel Regulations adding benefits for regularly scheduled part time employees working twenty hours or more per week, for a period expected to be longer than one year, and also adding an employee wellness program for permanent employees.

ACTION:

Mayor Pro Tem Johnson moved to adopt Resolution 19-14 Amending the Town of Ridgway Personnel Regulations to Clarify Benefits for Scheduled Hours, Incorporate Retirement Benefits for Part-Time Employees, and the Addition of an Employee Wellness Program. Councilor Meyer seconded the motion which carried unanimously.

25. Approval of contract with new Town Manager

The Mayor announced the Council is in negotiations for an employment contract with Preston Neill to serve as Town Manager. He asked Council to ratify approval of the Mayor and hiring consultant to act as Town representatives to discuss and develop the terms of the contract, based on discussion held by the Council in closed session prior to the meeting.

ACTION:

Moved by Councilor Austin to approve the Mayor and consultant to negotiate the contract with Preston Neill as Town Manager. Mayor Pro Tem Johnson seconded and the motion carried unanimously.

TOWN MANAGERS REPORT

Manager Coates reported on the Lake Ottonawanda water study; recent water plant repairs and maintenance problems; the regional transportation meeting and priorities for the local area; stormwater plan will be presented for adoption in December; pavilion project design concepts and location will be presented at a public meeting; staff will be walking the Ridgway Ditch to ensure there are no encroachments and access is clear.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(4)(b) for conference with the Town Attorney for the purpose of receiving legal advice regarding water rights; and Colorado Revised Statutes 24-6-402 (4)(e) to determine a position relative to matters that may be subject to negotiations, develop a strategy for negotiations and instructing negotiators regarding broadband infrastructure and the Space to Create project.

ACTION:

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

The Council entered into executive session at 9:05 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 9:50 p.m.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk