

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 13, 2020

The Town Council convened via Zoom Meeting, a virtual meeting platform, pursuant to the Town's Electronic Participation Policy, due to the COVID-19 pandemic.

CALL TO ORDER

The Mayor called the meeting to order at 5:35 p.m. via Zoom Meeting. The Council was present in its entirety with Councilors Cheek, Grambley, Lakin, Meyer, Schuyler, Mayor Pro Tem Johnson and Mayor Clark in attendance.

CONSENT AGENDA

1. Minutes of the Regular Meeting of April 8, 2020
2. Minutes of the Special Meeting held April 24, 2020.
3. Minutes of the Joint Workshop Meeting of April 29, 2020.
4. Register of Demands for May 2020.
5. Renewal of liquor store license for Ridgway Liquors.
6. Renewal of brewery liquor license for Colorado Boy Pub and Brewery.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilor Cheek and unanimously carried by a roll call vote to approve the consent calendar.

PUBLIC COMMENTS

Ridgway Schools Administrator Susan Lacey explained due to the COVID 19 pandemic the high school graduation will be held as a "drive-in ceremony" at the fairgrounds. The event, which will be held on May 29<sup>th</sup> at 6:00 p.m. will be followed by a celebratory parade down Main Street.

Chris Hawkins inquired into the refuse providers plans for resuming recycling pick up.

PUBLIC REQUESTS AND PRESENTATIONS

7. Update on local response efforts to the COVID-19 pandemic

Town Manager Preston Neill explained he represents the Town on the Ouray County Unified Command along with the Ouray City Manager, Ouray County Public Health Director Tanner Kingery, and Incident Commander Glenn Boyd. Manager Neill reported the safer at home order will remain in effect through May 26<sup>th</sup> and limited reopening of businesses will begin, requiring best practices methods. He noted restaurants are discussing options for expanding business locations to meet the six foot distancing rule. The County Board of Health will be making a variance request to the Governor pertaining to restaurants, travel restrictions and short term rentals. Lodging facilities are now allowed to reach fifty percent capacity, with an increase to one hundred percent on May 29<sup>th</sup>.

Tanner Kingery addressed health department coverage, including issuing health orders and tracking symptoms and illnesses. He reported the State Park will open for camping on May 15<sup>th</sup> and the Forest Service June 1<sup>st</sup>. There were questions from the Council.

Trisha Oakland, speaking on behalf of restaurant owners on Clinton Street, explained due to small building sizes, owners are researching alternative ways to operate and meet the six foot distancing rule. These include closing the street between the alley and Cora Street for a communal dining area; or extending individual business spaces into the street. She noted there will be more clarity after the State Health Orders are issued at the end of the month.

Business owner Tammy Tuttle reported her insurance provider “is not enthusiast about a common area”. She asked the Council to “let us have control over our own spaces” for “liquor licensing and health department reasons”.

Mr. Kingery stated he would inquire with the State Health Department regarding the request.

Glenn Boyd addressed social distancing and the use of face masks; a potential fire ban this summer; and the COVID hotline.

Speaking from the audience Sue Husch spoke in support of using public rights of ways for restaurants.

The Council discussed the wearing of masks in businesses. Consensus was to adopt a resolution encouraging wearing facial masks in indoor public spaces.

8. Proclamation Declaring May 2020 as Mental Health Awareness Month

Paul Reich with Tri County Health Network asked the Council to acknowledge Mental Health Awareness Month by adopting a proclamation, which the Mayor read.

ACTION:

Councilor Lakin moved to adopt the Proclamation Declaring May 2020 as Mental Health Awareness Month. Councilor Cheek seconded the motion which carried unanimously on a roll call vote.

POLICY MATTERS

9. Order Extending the Declaration of Local Disaster related to the COVID-19 Pandemic

Staff Report from the Town Manager dated 5-7-20 presenting an order extending the declaration of a local disaster due to the COVID 19 pandemic.

Manager Neill explained on 3-17-20 an order was issued declaring a local disaster, which the Council extended on 3-20-20 to expire May 14<sup>th</sup>. He stated “based on the outlook of the pandemic” he is recommending extending the order to June 11<sup>th</sup>, in keeping with other local jurisdictions.

ACTION:

Councilor Meyer moved to approve the Order Extending the Declaration of a Local Disaster in and for the Town of Ridgway. Councilor Cheek seconded the motion which carried unanimously on a roll call vote.

10. Emergency Ordinance Adopting Temporary Amendments to the Zoning Regulations related to Temporary Signage

Staff Report dated 5-5-20 from the Town Manager presenting an emergency ordinance to assist businesses by allowing the use of temporary signage.

The Town Manager explained during meetings between business owners and the Unified Command businesses requested the use of portable signage to attract customers. He noted the proposed ordinance will allow the use until September 13<sup>th</sup>, waive issuance of a permit and fees.

ACTION:

Moved by Councilor Meyer to approve Emergency Ordinance No. 2020-02 Adopting Temporary Amendments to the Sign Regulations, Councilor Lakin seconded, and on a roll call vote the motion carried unanimously.

11. Introduction of an Ordinance Revising Sections 6-3, 6-6, 7-3 and 8-1 of the Municipal Code regarding Housing Affordability

Staff Report from Town Planner Shay Coburn dated 5-13-20 presenting a draft ordinance amending portions of the municipal code as it relates to affordable housing; correspondence from the Colorado Department of Public Health (CDPHE) Lead Wastewater Engineer and Environmental Protection Specialist; letter dated 5-12-20 from Joseph Solomon attorney representing Ben Jackson; letter dated 5-12-20 from Chris Hawkins, Project Planner retained by Ben Jackson.

Planner Coburn explained five meetings have been held to discuss proposed code changes “intended to help reduce the cost of housing” by allowing more housing types and higher density residential uses. She reported the Planning Commission has reviewed the draft ordinance, and is recommending adoption. During the master planning process the community identified housing as a major priority, and a consulting firm was retained to prepare code updates related to the housing element of the plan.

Planner Coburn reviewed with the Council a summary of the code updates which address definitions of zoning regulations; zoning districts and uses; mixed residential district; dimensional standards; off street parking requirements; supplemental regulations; and single family housing design standards.

There were questions from the Council, and discussion between Council and staff.

Planner Coburn reported at the April Planning Commission meeting there was discussion regarding set backs as they relate to the areas zoned around the water water lagoons, and a proposal to construct employee housing in the Light Industrial District, which would require a conditional use permit under the proposed code amendments.

Speaking from the audience Ben Jackson stated he is interested in developing Phase 3 of the Ridgway Light Industrial Park as employee housing, and the proposed ordinance would require a conditional use permit for the development. The proposed ordinance also includes the current distance requirements for residences from the wastewater plant. He stated he disagrees with staff’s interpretation of the Colorado Department of Public Health and Environment (CDPHE) guidelines as they relate to residence distances from an open cell wastewater plants being 500 feet. He suggested the Town impose a fee on new construction

to offset future costs for expansion of the plant, noting it “would be worth allowing employee housing in this area” as it would “balance with future unknown costs”.

Public Works Services Administrator Chase Jones explained there are many “unknowns” related to the addition of a fourth cell at the wastewater plant, all which would be dependent on CDPHE requirements in the future. Since costs are unknown at this time, staff feels it would be “financially responsible” for the Town to retain the current 500 foot limit from residences, to meet any future requirements. He noted the current lagoons are within 500 feet of some residences that were built prior to the “odor set backs which were established in the ‘80’s”. He stated staff can include these as an exception in an application for expansion of the plant, but if a “few hundred more people are living in the area” the Town “could not make that case”.

Ben Jackson explained he wishes to develop 42 employee housing units, in an area which currently has commercial uses “and you will have to mitigate for those anyway”. He stated the Town is “going to see a lot of building permits coming in”, “just create a sewer impact fee to deal with this”. He stated he feels he is being “singled out”, and noted there are commercial uses within 500 feet, noting “the state is going to see the use not the zoning”. “I don’t think it’s going to affect the Town’s application” for wastewater plant expansion if the units are constructed within the setbacks. He suggested the development could “piggy back” on the “sewer modification”.

Chris Hawkins, planner for the proposed development, stated “you’re singling out one use and not looking at all the uses” within the Industrial Park. He remarked “the 500 set back is not certain” noting the CDPHE “typically measure from lagoons not property lines” and the “set backs are already in question”. He requested the Council not adopt the set back requirement from the wastewater plant “or if you do apply them to all properties” surrounding the waste water treatment plant. He noted if a fourth cell is constructed “the buffer area could go up to 1000 feet anyway”, noting this would affect residences in the River Park Subdivision. He requested the ability to “work with the Town on a solution so we can provide equitable housing”.

Joe Solomon attorney for Ben Jackson requested the Council not adopt the setback regulations as proposed, and review requests on a case by case basis.

Town Engineer Joanne Fagan noted a subsurface aeration system requires a 500 foot set back from residences and commercial activities. If the Town were to install a fourth pond at the plant with subsurface aeration, the odor set back requirement would remain at 500 feet. The 1000 foot requirement would be triggered only if there were over two acres of treatment surface area, with surface aeration.

The Public Works Services Administrator Chase explained if a fourth cell is installed and the surface acreage goes over two acres, the “measurement would go to 1000 feet” for surface aeration. He noted, since there are existing residences located within 1000 feet of the wastewater treatment facility, the CDPHE would not allow surface aeration. If the expansion is constructed with the use of subsurface treatment, the set back would remain 500 feet.

There were questions from the Council and discussion with staff.

There were comments from the Council, and discussion between Council and staff. Consensus of the Council was the Light Industrial Area is not meant for residential housing and major zoning decisions should not be based on a single development request. Council agreed to remove from the draft ordinance the reference of employee housing in the Light Industrial District as a conditional use.

ACTION:

It was moved by Councilor Schuyler, seconded by Councilmember Lakin and unanimously carried on a roll call vote to introduce the Ordinance Revising Sections 6-3, 6-6, 7-3 and 8-1 of the Ridgway Municipal Code regarding housing affordability, amended to remove Section 7-3-12(C)(4)(d).

The Planner asked the Council for clarification on their discussion pertaining to employee housing in the Light Industrial District. The Council agreed they are not in favor of residential housing in the Light Industrial District.

12. Approval of contract for construction of the Athletic Park Pavilion

Staff Report from Town Planner dated 5-13-20 presenting a contract for construction of the pavilion in the Athletic Park.

Planner Coburn noted the Council approved the notice of award of bid at the April 24<sup>th</sup> meeting and the contract will allow construction to begin next week.

ACTION:

Moved by Councilmember Lakin to approve the construction contract for the Ridgway Athletic Park Pavilion Construction Project, to Kuboske Contractors, LLC as presented. Seconded by Councilor Meyer the motion carried unanimously on a roll call vote.

Mayor Clark announced the Colorado Housing and Finance Authority has informed the Town the request for federal funding for the thirty unit Space to Create housing project has been approved.

13. Award of bid for the Lena Street Utility Replacement Project

Town Engineer Joanne Fagan reported five bids were received for the Lena Street Utility Replacement Project. The lowest bid received was from Ridgway Valley Enterprises for \$274,577. She explained the proposed Lena Street Commons project requires improvements to North Lena Street. The replacement project will install infrastructure including new water and sewer lines, and taps for the project. Staff will need to acquire easements for placement of water and meter cans, she noted.

There were questions from the Council to staff.

ACTION:

Councilor Lakin moved, with Councilmember Meyers seconding to issue the notice of award for the Lena Street Utility Replacement Project to Ridgway Valley Enterprises, as presented, and authorize staff to enter into a construction contract with Ridgway Valley Enterprises for the project, and allow staff to negotiate for meter cans and easements. On a roll call vote, the motion carried unanimously.

14. Resolution Amending the Police Procedures Manual to add Section 26 'Officer Involved Shooting Policy'

Staff Reported dated 5-1-20 from the Town Manager presenting a resolution to amend the Police Procedures Manual.

Manager Neil explained Senate Bill 19-091 requires state law enforcement agencies adopt regulations pertaining to officers involved in a shooting.

Marshal Schmulz reported the Critical Incident Command Team will investigate incidents, and a Peer Support Team has been formed by local agencies to be used in the event an incident occurs.

There were questions from the Council to staff.

ACTION:

Councilmember Cheek moved to approve Resolution No. 2020-03 Amending the Police Procedures Manual to Add Section 26: Officer Involved Shooting Policy. Mayor Pro Tem Johnson seconded, and the motion was approved on a roll call vote.

15. Review of measures pertaining to deferral of sales tax collection

Staff Report from the Town Manager dated 5-4-20 presenting proposed measures deferring collection of sales tax for the month of April, due to COVID 19.

The Town Manager reported in follow up to a Council request at the prior regular meeting, staff has researched other municipalities actions pertaining to deferment of sales tax due to COVID 19. Staff has prepared a model based on other scenarios which would allow deferment of payment of April sales tax until June 20th and waive all penalties and interest, if the businesses remittance will be less than \$2,000 for the month.

There was discussion by the Council.

ACTION:

Moved by Councilor Meyer, seconded by Councilor Schuyler and unanimously carried by a roll call vote to defer sales tax for the month of April, per the guidelines submitted by staff.

16. 2020 scholarship to a local high school senior

Mayor Clark announced the Council Scholarship Committee has reviewed six essays from high school seniors applying for the scholarship, based on how they have given back to the community.

He announced the winner of the \$1000 scholarship is Anza Connaughton.

17. Request to consider formation of committee to address emergency response

Councilor Schuyler suggested the Council consider creating a committee to address, and then manage, ways the community may need support during emergency responses, and "other short and long term events". The committee could address pre-emptive measures pertaining to emergency shelter, fuel, food supplies, he noted.

There was discussion by the Council and it was agreed to discuss at the next meeting.

### STAFF REPORTS

The Town Manager presented a written report dated 5-8-20 and reviewed some of the items contained in the report. He suggested the Council schedule a workshop meeting; Council agreed to May 27<sup>th</sup> at 6:00 p.m.

### ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk