

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JUNE 10, 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 5:30 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.

EXECUTIVE SESSION

The Town Attorney suggested the Town Council enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(4)(e) for a conference with the Town Attorney for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, regarding Lake Otonawanda.

ACTION:

It was moved by Councilor Meyer, seconded by Mayor Pro Tem Johnson and unanimously carried on a roll call vote to enter into closed session.

The Council entered into executive session at 5:35 p.m. with the Town Attorney, Town Manager, Town Clerk, Town Engineer and Public Works Services Administrator.

The Council reconvened to open session at 5:55 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of May 13, 2020
2. Minutes of the Joint Workshop Meeting of May 14, 2020.
3. Minutes of the Special Meeting held May 27, 2020.
4. Minutes of the Joint Workshop Meeting of May 28, 2020.
5. Register of Demands for June 2020.
6. Renewal of Tavern Liquor License for The Patio at Steps Tavern.
7. Renewal of Restaurant Liquor License for Chipeta Sun Lodge.
8. Renewal of Fermented Malt Liquor License for Ridgway Shell.
9. Renewal of Fermented Malt Liquor License for Ridgway Conoco.
10. Water leak adjustment for Meter #5320.1.

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

Sue Williamson asked the Council to respond to an email she sent in June, and consider discussion at a meeting.

PUBLIC REQUESTS AND PRESENTATIONS

11. Presentation from Region 10

Michelle Haynes, Executive Director with Region 10, offered a PowerPoint Presentation addressing an overview of provided services and economic development assistance, to the six counties which comprise the region.

PUBLIC HEARINGS

12. Application for restaurant liquor license to Lucia Gutierrez-Bolon dba El Agave Azul

Staff Report from the Town Clerk dated 5-12-20 presenting an application for restaurant liquor license for El Agave Azul.

Town Clerk's Notice of Public Hearing dated 5-8-20.

The Town Clerk reported the Town has received an application for a restaurant liquor license for the premises at 565 Sherman Street, conducting business as El Agave Azul. The license will be held by an individual, Lucia Gutierrez-Bolon. She stated all required noticing has been conducted. The application is being made with a concurrent review by the state Liquor Enforcement Division, and the Town is waiting to receive the background check from the Colorado Bureau of Investigation.

ACTION:

Councilor Lakin moved to approve the liquor license to Lucia Gutierrez-Bolon contingent upon receipt of a clear background check from the Colorado Bureau of Investigation. Mayor Pro Tem Johnson seconded the motion which carried unanimously on a roll call vote.

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

Staff Report from the Town Planner dated 6-10-20 presenting an ordinance introduced at the prior meeting which will assist in creating housing affordability.

Town Clerk's Notice of Public Hearing dated 5-14-20.

Planner Coburn explained the draft ordinance will amend sections of the municipal code to assist in affordable housing. She noted based on Council direction at the previous meeting, the reference to an employee housing component in the industrial district has been removed.

The Town Clerk read into the record an email received 6-10-20 from Ben Jackson requesting the “employee housing provision” be placed back into the proposed ordinance.

Speaking from the audience Tom McKenney spoke in support of the ordinance, and supported “the next steps” to “include deed restriction in perpetuity”.

There were comments and discussion by the Council.

ACTION:

Councilor Schuyler moved to adopt Ordinance No. 03-2020 Revising Sections 6-3,6-6, 7-3 and 8-1 of the Ridgway Municipal Code regarding Housing Affordability. Councilor Lakin seconded the motion, which carried unanimously on a roll call vote.

POLICY MATTERS

14. Transfer of wine and beer liquor license for Panny’s Pizzeria

Staff Report dated 5-28-20 from the Town Clerk presenting a request to transfer the wine and beer liquor license for Panny’s Pizza.

The Town Clerk presented an application to transfer the liquor license from Panny’s Pizza to John Lynch, doing business as Panny’s Pizzeria. The applicant is requesting issuance of a temporary permit to conduct business and sell alcohol until transfer is approved by the state licensing authority.

Sue Williamson had a question regarding licensing at the state level.

ACTION:

Moved by Councilor Meyer to approve the application for transfer of beer and wine liquor license to John F. Lynch for Panny’s Pizzeria, pending a cleared background check, Councilor Lakin seconded, and on a roll call vote the motion carried unanimously.

15. Renewal of liquor license for Steps Tavern

Staff Report from the Town Clerk dated 6-2-20 presenting a request for renewal of liquor license for Steps Tavern, and two letters expressing concerns with late night noise from patrons.

The Clerk reported renewal was being presented for Council discussion due to noise complaints received from neighboring residences.

Mayor Clark noted the Council has received “numerous complaints on this business” and the applicant stated he would address the issue and “has not”. He suggested the Council consider placing conditions on the renewal.

There were questions from the Council to the Town Attorney regarding placement of conditions on a licensed premise.

Marshal Schmalz reported the department has received a number of complaints and he has tried to meet with the owner to mitigate the issues. The owner “refused to meet” and “was not agreeable to discuss mitigation of noise outside of the business”.

There were questions to staff and discussion by the Council.

Applicant Dan Easton stated “I am willing to work with the noise outdoors” noting “it’s difficult” to control the actions of patrons outdoors.

There was discussion between the Council and Mr. Easton.

The Council discussed various options of monitoring noise outside the premises; there were questions to the Town Attorney.

The Town Manager suggested staff meet with the applicant and prepare a mitigation plan for presentation at the next meeting.

Consensus of the Council was to table the item, direct staff to meet with the applicant and present the renewal request at the next regular meeting.

16. Resolution adopting Water and Sewer Specifications and Development Standards

Staff Report from the Town Engineer and Public Works Services Administrator dated 6-4-20 presenting amendments to the standard and typical drawings for infrastructure.

Public Works Services Administrator Chase Jones explained the current standards were prepared in 1992, and the proposed changes remove “outdated items” and incorporate “new technology and materials”. Town Engineer Joanne Fagan stated the major reason for the updates are to ensure the specifications are in compliance with new regulations, and incorporate numerous amendments and addendums made over the years.

There were questions from the Council.

SPEAKING FROM THE AUDIENCE:

Planner Chris Hawkins requested adoption not be considered until the next regular meeting to allow a review period to compare the original document to the proposed standards. He noted his clients need to “understand cost impacts” that may be associated with the proposed changes, and the extra time will allow his clients an “opportunity to comment”.

The Town Planner read into the record an email from architect Doug MacFarlane requesting time to review the changes before adoption by the Council.

Ned Bosworth requested time to review the document, and stated he supported “another thirty days to review”.

There were comments by the Council. It was agreed to wait until the next regular meeting to allow public review, and requested staff provide a summary of the substantial changes.

17. Request from Vista Park Commons development team to waive sewer tap surcharges

Staff Report dated 6-3-20 from the Town Manager presenting a request dated 5-26-20 from the development team for Vista Park Commons to waive sewer tap surcharges.

Manager Neill explained the request is to apply the sewer tap surcharge to the five lots the development will be constructed upon, not the 23 individual units. He noted the surcharge was placed into effect in 2006 to ensure future development paid for the sewer lift station

which was installed to provide for development and new construction on the east side of the river.

Planner Coburn noted the municipal code includes a provision of a fifty percent surcharge for each sewer tap installed in the area. She reported the development team has been aware of the provision since first speaking to staff regarding the development concept in 2018.

Councilor Lakin suggested waiving the surcharge on the two deed restricted units in the development.

Developer Joe Nelson noted the "intention" of the development is "to appeal to lower income buyers" and asked the Council to not place an "unfair" charge on a "500 square foot home", noting "it seems unfair to put the burden on entry level buyers". He noted he understands the Town "has not recovered on the surcharge because there has not been alot of development over there". He noted he understood "from the beginning" there was a fee, but due to recent costs associated with mitigating storm drainage, he is requesting the waiver.

Developer Jack Young questioned the "ethics and morals" in charging the surcharge, noting they are "twenty three little houses".

Ned Bosworth stated he "believes this project is the missing link in our housing needs", noting "Council should support developments like this with small homes" and "recognize how important this development is" and "try to find a way to support" the project.

There was discussion between the Council and staff.

Matt Mclsaac stated "as a contractor" "we pay our way", and "we know what it costs". He encouraged the Council not approve the request because the "next person will say you did it for them".

Tom McKenney stated he agreed with Mr. Mclsaac noting "this is part of growth".

There was discussion by the Council.

Crista Meyer suggested establishing a real estate transfer fee.

Consensus of the Council was to direct staff to waive the surcharge for the two deed restricted units, and prepare a resolution for the next meeting waiving the \$6000 fee; continue discussions with the developers regarding creating more deed restricted units in the development; allow the developers to pay the sewer surcharge fees at the time of issuing the certificate of occupancy on each unit.

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

Staff Report from the Town Manager dated 6-2-20 presenting an order to extend the declaration of a local disaster.

The Town Manager recommended due to the on-going COVID 19 pandemic, the Council consider extending the local disaster declaration to July 9th.

ACTION:

Councilor Lakin moved, with Councilmember Meyers seconding to approve the Order extending the declaration of a local disaster in and for the Town of Ridgway. On a roll call vote, the motion carried unanimously.

19. Discussion regarding protocols for returning to in-person public meetings

Town Manager Staff Report dated 6-4-20 presenting a plan to discontinue virtual meetings and begin holding meetings in person.

Manager Neill reported at the May 27th meeting, staff was directed to research ways other governmental agencies are approaching a return to public meetings, while following state regulations to meet COVID 19 protocols.

Town Attorney Nerlin stated meeting virtually during the pandemic is in the bounds of open meeting requirements. He noted if the Council were to begin meeting in the community center, or an alternate site, an approach would need to be instituted for members of the public to attend the meetings.

The Ouray County Health Director said Town meetings are considered a “critical government function” and “meeting in person” is “not an issue as far as the governors orders go”.

Matt McIsaac requested at the next Planning Commission meeting that an “acceptable public hearing process” be provided, to “keep projects moving forward”.

There was a discussion between staff and Council regarding quasi-judicial hearings through a virtual meeting platform.

Consensus of the Council was to continue to meet virtually until members are no longer required to wear a mask; staff and the Town Attorney were directed to find a solution to accommodate matters subject to quasi-judicial hearings.

20. Resolution adopting a reopening plan

Staff Report from the Town Manager dated 6-4-20 presenting a resolution adopting a reopening plan for Town Hall and other Town facilities.

The Town Manager reported on May 27th the Council discussed reopening Town Hall, and a resolution has been prepared to formally adopt a plan to reopen the facility on June 22nd with limited access by the public. He noted the resolution is necessary, as public facilities were closed based on a resolution adopted by the Council in March.

There was discussion pertaining to reopening Town Hall with proper protocols, including providing masks and hand sanitizer for public use.

ACTION:

Moved by Councilmember Cheek to approve Resolution No. 20-07 Adopting the Town of Ridgway Reopening Plan. Seconded by Councilor Schuyler the motion carried unanimously on a roll call vote.

21. Extension of Temporary Access Agreement with Echo Properties and tenants

Memorandum from the Town Attorney dated 6-5-20 presenting an extension to the temporary access agreement granting Echo Properties and its tenants access to North Railroad Street.

Attorney Nerlin noted in January the Town entered into a temporary access agreement with Echo Properties granting its tenants the Ridgway Railroad Depot, Ridgway Railroad Museum and Ouray County Ranch History Museum, access to North Railroad Street through June 1st. With the expiration of the agreement, a request has been made to extend the agreement to January of 2021.

ACTION:

Councilmember Lakin moved to approve entering into the Temporary Access Agreement dated June 10, 2020 by and between the Town, Echo Properties, Railroad Depot Funding, the Ridgway Railroad Museum, and the County County Ranch History Museum. Councilor Meyer seconded, and the motion was approved on a roll call vote.

22. Establishment of a Youth Advisory Council

Staff Report dated 6-5-20 from the Town Manager presenting suggestions pertaining to formation of a Youth Advisory Council.

The Mayor explained the Council had previously discussed creation of a youth council.

There was discussion by the Council. It was agreed a requirement to request participation include receipt of a letter from a teacher or counsellor; the program will be open to students that live in Town or attend Ridgway Secondary School; the Mayor will contact a staff member at the secondary school to ascertain student interest, and request review of the requirements by a high school student.

23. Waiver of fees for encroachment permits on Town rights of way to expand restaurant premises

Manager Neill reported state regulations are allowing restaurants to expand on to public property to meet requirements related to COVID 19. To assist local businesses staff is proposing to allow expansion on to rights of way through the issuance of a temporary encroachment permit, and recommended waiver of the associated fees. Additionally state liquor enforcement is offering modification of licensed premises to serve in the expanded area, and he suggested the Town reimburse the state fee.

Sue Husch suggested the Council consider placement of "porta-potties" near businesses, to assist outdoor seating areas.

There was discussion by the Council and it was agreed to waive encroachment permit fees; reimburse the fee for modification of liquor licensed premises; place portable restrooms in select areas of Town.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilor Cheek and unanimously carried by a roll call vote to waive encroachment permit fees for restaurants during the COVID 19 pandemic, and if needed, pay the Colorado Liquor Enforcement for modification of licenses.

24. Review of police procedures and policies

The Mayor explained two national organizations are calling for law enforcement entities to review procedures and policies to ensure they do not contain excessive force policies.

Marshal Schmaltz reported the Marshal's Department has comprehensive policies, which are in compliance with items being requested for review by the organizations.

STAFF REPORTS

The Town Manager presented a written report and reviewed some of the items with the Council.

ADJOURNMENT

The meeting adjourned at 10:05 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk