

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING

JULY 8, 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)(b) for a conference with the Town Attorney for the purpose of receiving legal advice regarding the matter of David Gottorff vrs the Town of Ridgway.

ACTION:

It was moved by Councilor Meyer, seconded by Councilor Lakin 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, and Town Clerk.

The Council reconvened to open session at 5:45 p.m.

The regular meeting began at 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of June 10, 2020
2. Minutes of the Joint Workshop Meeting of June 18, 2020.
3. Minutes of the Special Meeting held June 23, 2020.
4. Register of Demands for July 2020.
5. Renewal of restaurant liquor license for Eatery 66.
6. Renewal of tavern liquor license for The Sherbino Theater.
7. Modification of liquor licensed premises for Star Saloon, located in Ridgway Lodge, to encompass an area of the fenced outdoor seating area to the south side of the facility.

ACTION:

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

PUBLIC REQUESTS AND PRESENTATIONS

8. Update from Ridgway Area Chamber of Commerce

Hilary Lewkowitz, Marketing Director for the Ridgway Area Chamber of Commerce, presented a bi-annual written lodging tax report dated 7-2-20 and also addressed the Council. She explained after the onset of the COVID pandemic, the board cut the annual budget and placed projects on hold. These included major website upgrades, visitor center temporary signage project, youth programming and visitor center operations. Staff hours were cut and marketing priorities shifted to support the Town and local businesses. As of June 11th the Chamber resumed marketing the Town as a travel destination. Current projects include promoting off peak season tourism, preparing next years travel guide and partnering with the Colorado Creative Corridor project and creating a marketing video for distribution this winter. She reported the visitor center will be closed for the remainder of the year, and four marketing signs have been installed directing visitors to local businesses.

9. Request to reconsider requirements placed on approval of liquor license for The Patio at Steps Tavern

Dan Easton requested the Council remove the restrictions placed at the time of approval of the Patio at Steps tavern liquor license on April 10, 2019, requiring music to end at 9:00 p.m. and the bar to close at 9:30 p.m.

The Council discussed a suggestion from one of the members to temporarily extend service hours for the remainder of the summer.

Letters of opposition received from neighbors Martha McKenney and Paulette Crabb and support from neighbor Michi Countryman.

Speaking from the audience in support: Josey Scoville; Tamme Tuttle; Jake Niece; Paul Choate; Jesse Orvis; Polly Enochs; Autumn Bailey and Sawyer Perkins.

Tom McKenney noted as a neighbor he supported the request "as long as the noise level is kept down" and the "volume is kept reasonable".

There was discussion by the Council and it was agreed to approve extending hours, and follow up at the October meeting.

ACTION:

Councilmember Meyer moved to adjust the existing condition on the liquor license at Steps Patio, music to stop at 9:00 p.m. and the bar can remain open until 10:00 p.m. until October 14th. Councilor Grambley seconded the motion which carried unanimously on a roll call vote.

10. Update on application for designation as a Dark Sky Community

Val Szwarc announced the Town has been designated as an International Dark Sky Community. He thanked everyone involved in preparing the application to the Dark Sky Association to receive the international designation. He noted Gary Ratcliff has donated a photo of the Milky Way over Chimney Peak, which is displayed on the Town's page located on the International Dark Sky Association website.

PUBLIC HEARINGS

11. Request for extension of Preliminary Plat for River Park Ridgway Business Park Filing 3

Staff Report dated 6-29-20 from the Town Planner presenting a request from Ridgway Light Industrial LLC to extend the Preliminary Plat approval for River Park Ridgway Business Park Filing 3, Outlot O/3/C of the plat.

Planner Coburn reported the application involves the outlaying area west of the existing industrial park, which would include the extension of N. Laura Street. Filing 1 was approved in 2001; Filing 2 in 2005; this is the sixth request to extend the requirement to construct Filing 3, she noted. The applicant is requesting another two year extension to the preliminary plat.

There were questions and comments from the Council.

Applicant Glenn Pauls addressed the Council and requested the extension.

Tom McKenney spoke in support of a one year extension.

ACTION:

Moved by Mayor Pro Tem Johnson to approve a two year extension for the preliminary plat for River Park Business Park Filing 3 with all previous conditions placed on the development, Councilor Cheek seconded, and on a roll call vote the motion carried unanimously.

12. Application for Replat of Lots 1-3, Block 12

Staff Report dated 7-8-20 from the Town Planner presenting a request to Replat Block 12, Lots 1-3; Address: 953 Moffat Street; Zoned: Historic Residential; Applicant and Owner: Ellen Hunter.

The Planner reported the Planning Commission has recommended approval of the replat of three historic residential lots into two lots. The property is currently occupied by a single family residence. The Commission's recommended conditions include allowing 180 days to meet the conditions of approval.

There were comments from the Council and applicant.

ACTION:

Moved by Councilmember Meyer to approve the Hunter Replat for Block 12, Lots 1-3, for owner Ellen Hunter given the criteria have been met, with the following conditions to be met before the final plat can be recorded: the existing propane tank shall be removed; electrical service line for Lot A shall be relocated to the easement on the proposed plat map or the easement can be revised to encompass the existing service line; phone and internet service to Lot B shall be sorted out; survey monument shall be placed. The applicant shall have 180 days to meet the conditions. Seconded by Councilor Lakin the motion carried unanimously on a roll call vote.

13. Application for Plat Amendment for all lots within Parkside Subdivision

Staff Report dated 7-8-20 from the Town Planner presented an application for a plat amendment for all lots within Parkside Subdivision; Addresses: 795, 791, 790, 765, 760, 755, 740, 730, 720 and multiple TBD N Laura and multiple TBD Marion Overlook; Zone:

Residential; Applicants: Parkside Ridgway Community Association; Owners: Habitat for Humanity of the San Juan's; Cameron L. Miller and Bertina A. Minjares; Kim Moriyama, Alpine Creek Homes LLC, Roger & Susan Stewart Trust, Will and Caitlin Lawshe, Meaghan McGuire; Mark Paigen; Riverside Investment Partners LLC; Brittany Christina Martin; Anton R. and Debbie Potochnk; Scott Rob and Norma Nyra Unfug; Parkside Ridgway Holdings LLC; Andre N. Jr Bollaert; Matthew P. Sandoval; Stephen J. Hertzfeld; 425 N Laura Homestead LLC; John A. Jr Malone; A. Henry Case; Bryce Lanier Jones and Ryan Andrews Jones; and Justin R. Fagan.

The Planner reported the requested amendment to the Parkside Plat Map would change Plat Note 2 which currently restricts driveway construction and access from Parkside Place. The Planning Commission reviewed the request at the June 30th meeting and recommended approval with a condition that the curb cut be setback greater or ten feet from the property line at the corner, or twenty feet from the cross street.

ACTION:

Councilmember Meyer moved to approve the Plat Amendment to the Parkside Subdivision to edit plat note 2 to say "Lot 9 may use Parkside Place for driveway access. Notwithstanding the foregoing no lot bordering Green Street or Parkside Place shall use these streets for driveway or construction access. Any permit issued for a curb cut for Lot 9 shall have a setback that is the greater of ten feet from the property line at the corner, or twenty feet from the cross street". Councilor Lakin seconded, and the motion was approved on a roll call vote.

14. Application for Plat Amendment, Marie Scott Village Subdivision

Staff Report dated 7-8-20 from the Town Planner presenting an application for Plat Amendment; Location: all lots within Marie Scott Village Subdivision Addresses: 275, TBD, 245, 255 S Amelia Street; 236, 242, 267, 247, 239, 227, 215, and multiple TBD Marie Street; Zone: Residential; Applicants: Brad Blackwell; Owners: Gordon P. and Rebecca J. Reichard; Melissa B. Mann; Bradley K. Blackwell; David P. Drew; Angela Ferrelli and Matthew Pratt; BSSK Family Trust; Jacob Randolph Niece; Josephine Fallenius; Michael Karl Pennings; Mark A. and Carrie L. Cowan; Randall C. and Abigail S. Lang; Douglas and Mary Reinhardt.

Mayor Pro Tem Johnson recused himself from the discussion and vote.

Planner Coburn explained the request is to amend the plat map to allow the construction of accessory dwelling units. State Statute requires common interest communities to receive approval of 67% of the property owners to amend a plat, and there is consensus among the owners.

There were questions from Council to staff.

There were comments from property owner Brad Blackwell; and owners Angela Perrilli, Jacob Niece, Melissa Mann and Gordon Reichard spoke in support.

ACTION:

Moved by Councilor Cheek, seconded by Councilor Schuyler and unanimously carried by a roll call vote with Mayor Pro Tem Johnson abstaining to approve the plat amendment to the Marie Scott Village Subdivision plat to edit the plat note to say "ease lot is limited to one principal dwelling unit. In addition, each lot may have an accessory dwelling unit if compliant with Town code provisions as in effect fro time to time. Any addition subdivision will be subject to excise tax

per Ridgway Municipal Code Chapter 3 Section 4", with the condition that a minimum of 67% of property owners sign the amendment.

Mayor Pro Tem Johnson returned to participate with the Council.

15. Application for Minor Subdivision of Lot 4, Yates Subdivision

Staff Report from the Town Planner dated 7-8-20 presenting an application for Minor Subdivision; Location: Yates Subdivision Lot 4; Address: 423 N Amelia Street; Zone: Historic Residential; Applicant and Owner: Dan Bartashius.

The Town Planner presented the application explaining the request is to reallocate one lot into two parcels. The Planning Commission is recommending approval with conditions.

There were comments by the Council.

ACTION:

Councilmember Lakin moved to approve the minor subdivision of Lot 4 of the Yates Subdivision for owner Dan Bartashius with the recommendations and conditions in the staff report. Councilor Meyer seconded, and the motion was approved on a roll call vote.

POLICY MATTERS

16. Renewal of liquor license for Steps Tavern

Staff Report dated 7-1-20 from the Town Manager presenting a summary of the meeting with the applicant for renewal of Steps Tavern liquor license.

Manager Neill explained at the previous meeting Council directed staff to meet with Dan Easton, applicant for renewal of the tavern liquor license for Steps, to discuss ways to mitigate noise directly outside the establishment. Items discussed at the meeting were signage inside and outside encouraging patrons to reduce noise levels respecting adjoining residential properties. Another was to research the use of the adjacent restaurants patio area for use by persons smoking cigarettes.

Applicant Dan Easton reported the idea to allow patrons to smoke in the adjacent patio will not work due to insurance coverage. He reported signage has been installed which states that persons creating noise outside may not be readmitted into the Tavern.

There were comments from the Council. There was discussion between the Council and Mr. Easton. Mr. Easton suggested positioning a "bouncer" at the top of the stairs and entrance into the tavern.

Letters requesting requirements be placed on the license premises to abate noise from Paulette Crabb and Martha McKenney. Letter in support from neighbors Mark and Kim Day, Larry Mallord and Michi Countryman.

Speaking in support of the licensed premises: Paul Choate; Natalie Pacheco; Tamme Tuttle; Ellen Hunter; Jeff Tunnicliff; Shantel Messer; Jake Niece; Tate Rogers; Larry Mallard and Damon Bailey.

Tom McKenney noted problems with noise have been due to groups of patrons standing in the street, and suggested a speaker system which would allow employees to hear what is occurring outside the business.

Speaking in support of increased police coverage, noting "it is not the business owners job to police the streets", Richard Juice; Jeff Tunnicklif stated "the problem is a need for police enforcement at night" and suggested "law enforcement presence". Applicant Easton agreed with the need for more law enforcement presence between 11:00 p.m. and 2:00 a.m.

There were questions from Council to staff, and comments by the Council.

Marshal Schmalz reported the departments weekend schedule has been adjusted to have an officer on duty until 2:00 a.m. He noted over the course of the last year ten noise complaints have been received regarding persons in the street, and the department has requested meetings with the business owner to mitigate the complaints.

ACTION:

Councilor Meyer moved to approve the liquor license renewal for Steps Tavern with continued efforts to try and mitigate outside noise by patrons. Mayor Pro Tem Johnson seconded the motion, which carried unanimously on a roll call vote.

17. Resolution adopting Water and Sewer Specifications and Development Standards

Staff Report from the Town Engineer and Public Works Services Administrator dated 6-25-20 presenting amendments to the standard and typical drawings for infrastructure.

Public Works Services Administrator Chase Jones explained at the previous meeting the Council requested the new standard drawings for infrastructure be presented in July with proposed changes shown, and to allow more time for public review of the document. The Town Engineer noted all changes are shown with potential impacts to developers.

Planner Chris Hawkins stated the changes were "easy to review and understand" and questioned "oversizing" for reimbursement agreements.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilor Cheek and unanimously carried by a roll call vote to approve Resolution No. 20-06 Amending the Town of Ridgway Standard Specification and Typical Drawings for Infrastructure Construction.

18. Discussion regarding opportunity to align South and North Railroad Streets

The Mayor noted the Town has been discussing "for decades" the alignment of Railroad Street.

The Town Planner reported construction of the co-housing development off S. Railroad Street is presenting an opportunity to pursue realigning Railroad Street. She presented a background on prior discussions; and stated staff is not recommending purchasing the property which will become available through the development process.

There was discussion and comments by the Council. It was agreed to have both the right-of-way and parcel being offered for sale appraised, and staff was directed to contact the

Department of Transportation regarding the possibility of installing a round about between the two streets.

19. Mid-year update on the 2020 Fiscal Year Budget

Staff Reported from the Town Clerk/Treasurer dated 6-30-20 presenting financial reports from January 1st to June 30th.

The Town Clerk/Treasurer explained at the April meeting staff and Council reviewed a list of major expenditures contained in the 2020 Fiscal Year Budget. Due to the uncertainty of COVID Council asked that a number of expenditures be frozen and staff was directed to use discretion when purchasing items and services, and determine if purchases were essential and necessary. She reported the Town's financial condition is good, and similar to where it was last year at the same time, including an increase in sales tax receipts up 7% from the previous year.

The Clerk presented, and reviewed with the Council, a sales tax comparison between 2019 and 2020; funds held in reserve and operating accounts as of June 30, 2020; Budget versus Actual report of the complete fiscal year budget.

20. Emergency restrictions instituted by the Town Manager pertaining to burning and fires within the Town

The Town Manager reported last week Ouray County instituted a Stage 1 Fire Ban. The Town Manager has the authority to call a ban within the Town, which he did on July 2nd. He presented a copy of the Finding of the Town Manager Enacting a Town Wide Fire Ban which was placed into effect, and asked for Council acknowledgement.

There was discussion by the Council and it was agreed to uphold the emergency restriction.

21. Resolution adopting the Updated Colorado Communities for Climate Action Policy Statement for 2020-2021

Staff Report dated 7-1-20 from the Town Manager presenting a resolution from the Colorado Communities for Climate Action.

Councilor Lakin explained the Colorado Communities for Climate Action has prepared a policy statement for 2020 and 2021 containing a list of items to pursue and lobby at the State level. She encouraged the Council to adopt the policy statement, noting the "power created by a collective of communities" working together.

ACTION:

Moved by Councilmember Cheek to approve Resolution No. 20-08 Adopting the Updated Colorado Communities for Climate Action Policy Statement for 2020-2021. Seconded by Mayor Pro Tem Johnson the motion carried unanimously on a roll call vote.

22. Resolution establishing the Town of Ridgway Youth Advisory Council

Staff Report from the Town Manager dated 7-1-20 presenting a resolution establishing a Youth Advisory Council.

Manager Neill noted at the April meeting Council discussed formation of a Youth Advisory Council, and discussed the role at the previous meeting. Staff has prepared a resolution to

form the board, and if approved, will solicit interested students in late August with an application submittal deadline in late September.

ACTION:

Councilmember Cheek moved to adopt Resolution No. 20-09 Establishing the Town of Ridgway Youth Advisory Council. Councilor Lakin seconded the motion, which carried unanimously on a roll call vote.

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

The Town Manager recommended extending the declaration of a local disaster to August 13th.

ACTION:

Councilor Meyer moved, with Councilmember Cheek 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.

24. Agreement for Legal Services with Bo James Nerlin, P.C.

Town Attorney Nerlin explained at the end of July he will be leaving the office of J. David Reed and joining up with another law firm. He stated if the Council desires to continue his services as Town Attorney, which he has held since 2016, the current agreement can be terminated effective August 1st, and a new agreement similar to the existing one entered into.

ACTION:

Moved by Councilor Lakin to enter into a professional services agreement between the Town of Ridgway and Bo James Nerlin for legal services, Councilor Meyer seconded, and on a roll call vote the motion carried unanimously.

ACTION:

Councilmember Meyer moved, with Councilmember Lakin seconding to authorize the Town Manager to terminate the professional services agreement with J. David Reed P.C. On a call for the vote the motion carried unanimously on a roll call vote.

25. Change employment status of the Town Manager from probationary to permanent

Mayor Clark reported the Town Manager, who is employed as a contract employee, has reached the six month probation period, required under the Town's Personnel Regulations. He recommended the Council remove Preston Neill from probationary status and designate him a permanent employee. The Council agreed.

26. Amendment to Intergovernmental Agreement for CARES Act Funds

The Town Manager noted after adoption at the last meeting of the Intergovernmental Agreement (IGA) with Ouray County and the City of Ouray, an error was found in the distribution of funds. The Town's new allocation would be \$80,291. He asked the Council to approve the amendment to the IGA to include the new distribution amounts.

STAFF REPORTS

The Town Manager presented a written monthly report and an update to progress of items contained in the 2020 Strategic Plan. He presented the Council with a proposed meeting schedule to review the draft 2021 Budget.

ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk