

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
AUGUST 12, 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. In attendance Councilors Grambley, Lakin, Meyer, Schuyler, Mayor Pro Tem Johnson and Mayor Clark. Councilor Cheek was absent.

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 the purpose of receiving legal advice to discuss the matter of David Gottorff v. Marshal Shane Schmalz and Deputy Ryan Hanson.

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 5:30 p.m. with the Town Attorney, Town Manager, and Town Clerk.

The Council reconvened to open session at 5:40 p.m.

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

CONSENT AGENDA

1. Minutes of the Regular Meeting of July 8, 2020
2. Minutes of the Joint Workshop Meeting of July 16, 2020.
3. Minutes of the Joint Workshop Meeting of July 23, 2020.
4. Register of Demands for August 2020.
5. Renewal of liquor store license for High Spirits.
6. Renewal of tavern liquor license for Star Saloon.
7. Renewal of tavern liquor license for Provisions.
8. Water leak adjustment for Account 5870.0/Mann.
9. Termination of Professional Services Agreement with J. David Reed, P.C.
10. Modification of premises of brewery liquor license for Colorado Boy Depot.

ACTION:

It was moved by Councilor Lakin, seconded by Councilmember Meyer and unanimously carried by a roll call vote to approve the consent calendar.

PUBLIC REQUESTS AND PRESENTATIONS

11. Request to submit a letter of support to legislators regarding the Save Our Stages Act

Staff Report dated 8-5-20 from the Town Manager presenting a request from the Chautauqua Society for endorsement of a letter to legislators to approve small business administration grants for music and theater venues.

Robb Austin, board member of the Ridgway Chautauqua Society, requested the Council authorize the Mayor to sign a letter encouraging legislators to support the Save our Stages Act, to aid independently operated cultural venues affected by COVID 19 shutdowns.

ACTION:

Moved by Councilor Lakin, seconded by Mayor Pro Tem Johnson to authorize Mayor Clark, on behalf of the Town Council, to sign the letter of support for the Save Our Stages Act. With the motion on the floor there was a comment by Sue Williamson from the audience. On a call for the vote, the roll call vote carried unanimously.

12. Presentation from the Dark Sky Committee

On behalf of the Dark Sky Committee Val Szwarc thanked the Town Council for supporting the initiative to designate the Town as a dark sky community. He presented a framed photograph of the milky way over the Cimarron Mountain Range, to display at Town Hall.

13. Request to submit letter of support for designation of Top of the Pines as an International Dark Sky Park

Staff Report dated 8-5-20 from the Town Manager presenting a request from Top of the Pines to approve a letter of support for an application to designate the area as an International Dark Sky Park.

Brad Wallace addressed the Council on behalf of the Board for Top of the Pines, seeking support for the request to be designated through the International Dark Sky Association as a dark sky park. He explained support from the Board of County Commissioners and Ouray City Council are also being solicited.

ACTION:

It was moved by Councilor Meyer, seconded by Councilor Grambley and unanimously carried on a roll call vote to authorize Mayor Clark, on behalf of the Town Council, to sign the letter of support for Top of the Pines to be designated as an International Dark Sky Park.

14. Update from Uncompahgre Watershed Partnership

Tanya Ishikawa spoke to the Council on behalf of the Uncompahgre Watershed Partnership. She presented goals and updates on projects, and made a request for financial support in

next years budget for the non-profit organization. She explained formation of a 2021-23 strategic plan and establishing long term goals, and requested input from the Council.

#### SPEAKING FROM THE AUDIENCE:

Tom McKenney noted the need for water flow into Cottonwood Creek to help protect the trees.

Andy Michelich reported the Solar Ranch Homeowners Association is reviewing ways the subdivision can divert water into the creek.

#### 15. Presentation on 5g wireless technology and small cell facilities

Mayor Clark introduced Dave Zelenok and Ken Price, civil engineers with HR Green, who gave a PowerPoint presentation on ways to regulate 5g and small cell facility construction in Town.

Mr. Zelenok explained through a FCC mandate placement of 5g and small cell facilities most be allowed, yet local jurisdictions can place regulations which can act as deterrents, "but they can not say no" to companies that chose to install the technology. Senate Bill 152 allows cities some exemptions to the regulations, and 114 cities have implemented requirements which could deter companies.

He explained 5g technology is wireline, and uses fiber, either aerial or underground. Mr. Zelenok stated "you have every reason to be concerned about this". The technology "creates a shot clock" of "low, medium and high frequency waves" which "may be a health hazard". "Be proactive, position yourselves"; "take proactive steps to clamp down" "on small cell" transmitters, he stated. He explained companies distance transmitters and cell towers every 300 feet. "Your Town is two square miles", and "you could have 600 transmitters in Town" he stated. He noted "you can't say no" but with regulations addressing "cell density" and "tower height", "you will show" "you do not welcome 5g" and "you will go to the bottom of the list". He further stressed the "Council should think about" "how this gets deployed".

Mr. Price addressed the health concerns of 5g technology. He stated the FCC allows the "maximum permissible exposure" of "electromagnetic frequency (EMF) radiation" and "it does not appear" there will be an "adjustment to the limits". He presented health concerns related to the radiation. He reviewed a number of municipalities that have filed "court challenges" to the FCC order.

He explained in 2018 the FCC approved an order to place small cell towers in public rights-of-ways, the order also allows for local aesthetic guidelines. He noted examples of regulations that can be implemented including small cell aesthetics and no placement near residences. He encouraged the Town to "developed policies for proactive steps", "develop a community strategy" and offered the companies services to assist in the implementation.

There was discussion by the Council. It was agreed to immediately take action to adopt a plan implementing limitations, and be "known as a community not friendly to 5g technology".

The Town Manager noted staff would prepare an ordinance pertaining to small cell regulations.

#### SPEAKING FROM THE AUDIENCE:

Greg Overton explained he has studied EMF radiation and the health effects created by 5g. He reported there is a group called the 5g Summit of “attorneys and cities resisting the FCC” and some of the “lawyers have been successful shutting it down” “around the country”. He suggested the Town consider “advanced legal counsel”.

Andy Michelich spoke in support of establishing regulations.

Kristine Skovli Martinez supported the creation of regulations and suggested listing preservation of endangered species of birds.

Jake Niece suggested the regulations include power for transmitters must be 100% renewable energy.

Christa Meyer spoke in support of the proposed regulations.

Raymond Ferguson spoke in support of the regulations.

There was discussion by the Council and it was agreed to introduce an ordinance at the next regular meeting.

#### 16. Presentation on Baldy Mountain Landscape Resiliency and Habitat Improvements Project

Dana Gardunio, District Ranger for the Ouray Ranger District, gave a PowerPoint presentation of a proposed project on Baldy Mountain southeast of Town. The National Forest, Bureau of Land Management and a private landowner will be partnering on the project to clear dead vegetation from dense vegetated areas by use of mechanical treatments, hand thinning and prescribed fires on 2800 to 3000 acres. The burning will “be visible from the Town” she noted. The project will “reduce fuel loading, promote aspen regeneration and resiliency, and increase habit quality for bighorn sheep and elk”. Ranger Gardunio reported implementation will be “over several years” and noted conditions must be optimal for the prescribed burn.

#### POLICY MATTERS

#### 17. Release of Subdivision Improvements and Lien Agreement for RiverSage PUD, Filing No. 2

Staff Report dated 8-12-20 from Town Planner presenting a release of the subdivision improvements agreement for Filing 2 of RiverSage PUD.

Planner Shay Coburn reported the subdivision improvements agreement for RiverSage PUD, Filing 2 was recorded in January of this year, after approval of the final plat by the Council. The terms of the agreement have been met, and staff is recommending release of the lien agreement.

#### ACTION:

Councilor Schuyler moved to release the Subdivision Improvements and Lien Agreement for RiverSage PUD Filing 2, recorded in Ouray County at Reception Number 224554 on January 9, 2020, as the terms of the agreement have been met. Mayor Pro Tem Johnson seconded the motion, which carried unanimously on a roll call vote.

18. Voluntary water restrictions

Staff Report from the Town Manager dated 8-5-20 presenting a request to ratify voluntary water restrictions.

Manager Preston Neill explained at the end of July staff began promoting voluntary water restrictions. He requested the Council formally ratify the restrictions.

There was discussion by the Council and it was suggested staff research regulations regarding the use of grey water.

ACTION:

Councilmember Schuyler moved, with Council Grambley seconding to ratify the voluntary water restrictions for the Town of Ridgway, the motion carried unanimously on a roll call vote.

19. Restrictions on burning and fires within Town

Staff Report dated 8-5-20 from the Town Manager suggesting rescinding the stage one fire restrictions which were implemented on July 2<sup>nd</sup>, as other local agencies transitioned out on July 30<sup>th</sup>.

The Mayor noted next week agencies in the region will be implementing the stage one restrictions again, and suggested the Council not rescind the current restrictions. There was discussion by the Council and it was agreed to enter back into stage one fire restrictions.

ACTION:

Moved by Mayor Pro Tem Johnson to cancel the rescission of the emergency restrictions on burning and fires within the Town and implement Stage One Fire Restrictions, Councilor Meyer seconded, and on a roll call vote the motion carried unanimously.

20. Authorization to expend budgeted funds and enter into a contract to purchase a patrol vehicle

Town Manager Staff Report dated 8-7-20 requesting expenditure of budgeted funds.

Manager Neill requested authorization for staff to expend budgeted funds to purchase a patrol vehicle for the Marshals Department. He noted the department lacks a reliable back up vehicle and has priced a 2020 Dodge Durango, all wheel drive, fully outfitted with law enforcement equipment for \$42,960, which is under the budgeted amount.

There was discussion between Council and staff.

ACTION:

Mayor Pro Tem Johnson moved, with Councilmember Lakin seconding to authorize staff to expend budgeted funds and enter into a contract to purchase a patrol vehicle for the Marshal's Department at a total sales price of \$42,960. On a call for the vote the motion carried unanimously on a roll call vote.

21. Order extending the Declaration of Local Disaster related to the COVID-19 pandemic

Staff Report dated 8-5-20 from the Town Manager requesting due to the ongoing nature of the COVID 19 pandemic, to extend the Declaration of a Local Disaster to September 10<sup>th</sup>.

There was discussion between Council and staff.

**ACTION:**

Councilor Meyer moved, with Councilmember Grambley seconding to extend the order of the Declaration of a Local Disaster in and for the Town of Ridgway. The motion carried unanimously on a roll call vote.

22. Application for Revitalizing Main Street grant funds

The Town Manager explained the Colorado Department of Transportation (CDOT) is receiving applications for grant monies, up to \$50,000 requiring a 10% match, to revitalize main streets. Staff is proposing to prepare a grant request to fund improvements on Highway 62 to install parking stop bars and delineate the bike lanes. The Town's match would be from funds already budgeted in the current fiscal year, for the items.

The Council agreed to the application for CDOT grant funds.

23. Appointment to the CML Policy Committee

Manager Neill reported the Colorado Municipal League (CML) is soliciting appointments from member municipalities to appoint a member to the policy committee. He reviewed the duties of the representatives. There was discussion by the Council.

The Mayor reported he was recently appointed to the CML broadband deployment board.

STAFF REPORTS

The Town Manager presented a written monthly report and reviewed the proposed meeting schedule for preparation of the 2021 Budget.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk