

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 14, 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 an executive session pursuant to C.R.S. 24-6-402(4)(b) for the purpose of receiving legal advice regarding enforcement of the Municipal Code and uses within the Residential Zone District.

ACTION:

It was moved by Mayor Pro Tem Johnson, 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 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Joint Workshop Meeting of October 1, 2020.
2. Register of Demands for October 2020.
3. Renewal of restaurant liquor license for Taco Del Gnar.
4. Renewal of restaurant liquor license for Land and Ocean Restaurant.

ACTION:

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

PUBLIC COMMENTS

Robyn Shank addressed the Council on the need to address "a growing concern" regarding conflicts between "dog owners" "of on and off leash dogs". She noted even though the Town's dog brochure is "well thought and easy to follow" people are confused regarding voice control, and the need to always have a leash in hand. She cited numerous recent incidents, and altercations, pertaining to dogs charging other dogs, and owners fighting due to altercations regarding dogs on and off leashes. She noted there is not a way to make a report on these type of incidents, and subsequently there would not be data to track them.

She suggested forming a committee to educate citizens and visitors. She noted the City of Boulder “has a great voice command program” and suggested this could also be reviewed.

Town Manager Neill stated staff will follow up with Ms. Shank regarding her suggestions, and the Council spoke in support of continuing to educate dog owners on regulations.

Christa Meyer spoke in support of the education process and offered to serve on a committee.

PUBLIC REQUESTS AND PRESENTATIONS

5. Appeal of decision to charge excise development tax for minor subdivision

Staff Report dated 10-14-20 from the Town Planner presenting a background on the code section which establishes a development excise tax of \$1500 times the maximum number of dwelling units allowable on each lot or parcel created by a subdivision, and exempting existing dwelling units prior to July 1, 1999.

Dan Bartashius explained he recently received approval to create a minor subdivision at 423 Amelia Street, on the property where his home has been located since 1976. He reported the mobile home was replaced in 2002 and during those five weeks he “continued to pay water and sewer and property taxes”. Staff has made the interpretation that he is required to pay excise development tax because he received a certificate of occupancy after 1999 for the replacement structure, and he questioned the intent of the ordinance, stating it triggers when a lot is created and there is not an existing structure as of 1999. He stated he feels since his home was replaced, but not removed, the tax should apply to the newly created lot, but not the existing lot since he has had his residence prior to the ordinance adoption.

There were comments by the Council, questions to staff, and discussion with Mr. Bartashius.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilor Lakin to deny the request to waive the excise tax. On a call for the vote, the roll call vote carried unanimously.

PUBLIC HEARINGS

6. Replat of 602 Tabernash Lane, Units A and B, Lot 87, Solar Ranches PUD 2B

Staff Report dated 10-14-20 from the Town Planner presenting a recommendation from the Planning Commission to approve a replat of the SKS Condominium Plat.

The Planner reported the Planning Commission approved the replat of SKS Condominium at 602 Tabernash at the September 30th meeting and is recommending Council approval. She explained the property was once platted as a condominium, then changed to two separately owned units. The owners are requesting to change the plat back to a condominium to meet requirements for refinancing the property.

ACTION:

Moved by Councilor Meyer, seconded by Councilmember Lakin and unanimously carried by a roll call vote to approve the replat for SKS Condominiums, a condominium subdivision of Lot 87 Solar Ranches #2B, for owners Kristin Adams and Steven Schroeder at 602 Tabernash Lane, Units A and B, with the condition that all edits to the plat map as detailed in the Planning Commission

staff report be completed before the final plat can be recorded, and all conditions must be met within ninety days.

POLICY MATTERS

7. Annual Memorandum of Understanding with Ouray County regarding 2021 operational funding requests

Staff Report from the Town Manager dated 10-1-20 presenting the annual Memorandum of Understanding (MOU) with Ouray County addressing the 2021 operational funding requests, the road apportionment and future goals.

There was discussion between County Commissioners Batchelder and Tisdell and the Council regarding the joint goals contained in the draft document. It was agreed to include collaboration on an economic recovery plan; participating on the Sneffels Energy Board; sustainability including state funding for affordable housing; fire mitigation in the source water protection area; county wide recreational master planning process; public health emergencies.

ACTION:

Councilor Meyer moved to approve the MOU between Ouray County and the Town of Ridgway regarding 2021 Operational Funding Requests, Road and Bridge Apportionment from County to Town, and Future Goals with the modifications as discussed, subject to the Town's 2021 Fiscal Year Budget. Councilmember Lakin seconded, and the motion was approved unanimously on a roll call vote.

8. Interview of candidates and appointment of members to the Youth Advisory Council

Staff Report from the Town Manager presenting candidates for appointment to the new Youth Advisory Council.

Manager Neill explained in July the Council approved a resolution forming a Youth Advisory Council composed of five high school students, and applications were solicited by staff. He reported the Town has received five applications.

The Council interviewed Ana Bartschi, Emma Berwanger, Christian Lindler, Narea McKnitt and Emmalee Taylor. There was discussion by the Council and it was agreed to appoint all applicants to the newly formed board.

ACTION:

Moved by Councilmember Meyer to appoint Ana Bartschi; Emma Berwanger; Christian Lindler; Narea McKnitt and Emmalee Taylor to the Youth Advisory Council, with terms expiring on October 1, 2021, seconded by Councilor Lakin, and carried unanimously on a roll call vote.

9. Follow up discussion pertaining to closing hours for The Patio at Steps Tavern

Staff Report from the Town Manager dated 10-5-20 presenting follow up to Council direction at the July 8th meeting pertaining to the liquor license for The Patio at Steps Tavern.

The Town Manager reported at the July 8th meeting the Council authorized a ninety day trial period to extend the closing hours for The Patio at Steps Tavern, music must stop at 9:00

p.m. and bar closure at 10:00 p.m. He noted the time frame will end on October 14th and asked for Council direction.

There was discussion by the Council.

ACTION:

Councilor Meyer moved, with Mayor Pro Tem Johnson seconding to extend the condition of liquor license for The Patio at Steps Tavern to remain open to 10:00 p.m. and music until 10:00 p.m. until the next liquor license renewal. On a call for the vote the motion carried unanimously on a roll call vote.

10. Request to utilize property in the Athletic Park for construction of a bike park

Staff Report dated 10-9-20 from Public Works Administrator Chase Jones presenting a request from Matt McIssac to utilize the southern portion of the Athletic Park for a bike park; and attachments including a map of the location of the proposed park; a petition of support containing 175 signatures; email from Sandy East donating \$1500 in wood products; letters of support from Ellen Hunter, Colin Lacy, Kelly Ryan, Nadia Peele, Amanda Swain, Spencer and Katie Graves.

The Town Manager explained the request has been discussed by Park, Trails and Open Space Committee. Three requests are being made of the Town, to utilize the land for a public bike park, use a Town water source for maintenance and ability to list the Town as a project partner on grant applications.

Matt McIssac and Trisha Oakland addressed the Council and presented a plan to use the existing dirt pump track area south of the Athletic Park and create an asphalt bike track with obstacles. They noted the park would provide an area for children and adults “to practice in a controlled environment” and could be used by riders on “bikes, striders, scooters, skateboards”. It was noted the tracks would be paved to eliminate the need to “daily water and pack the track”. They addressed future maintenance through receipt of grants and fund raising. Mr. McIssac explained the next step in the process is to undertake a “full topo and survey of the property” and engineering of the “water flow in the natural ditches”. It was estimated that all three phases of the plan would cost \$300,000.

There was discussion between the Council and the applicants. It was noted the request is to use the water tap behind the baseball field during construction of the tracks; and the applicants would form a non-profit organization that would be fiscally responsible for insurance and receipt of any grant funds.

ACTION:

Councilmember Schuyler moved to approve the request to use the property for a public bike park, use of a Town water faucet, the Town will be partner on grant applications and direct staff to prepare a lease agreement. Councilor Meyer seconded the motion and on a roll call vote, it carried unanimously.

11. Introduction of Ordinance regarding expiration of Planning Commission terms

Staff Report from the Town Planner dated 10-4-20 presenting a draft ordinance establishing terms for the Planning Commission.

Planner Coburn explained the Planning Commission has recently prepared bylaws, and during the conversations term limits were discussed. The proposed ordinance would establish staggered terms.

ACTION:

Moved by Councilor Lakin, seconded by Mayor Pro Tem Johnson and unanimously carried on a roll call vote to introduce Ordinance 06-2020 Amending Section 7-1 of the Municipal Code Regarding Planning Commission Term Expirations.

12. Application for DOLA grant for Granular Activated Carbon Water Treatment Upgrade Project

Staff Report dated 10-1-20 from the Town Manager presenting a background on replacing the chlorine dioxide treatment at the water plant with granular activated carbon.

Manager Neill reported staff recently undertook a testing process at the water plant to explore the benefits of transitioning from chlorine dioxide treatment to granular activated carbon treatment. He noted the current equipment needs to be replaced, and the use of the activated carbon will not use harsh chemicals and improve the water quality and taste. Staff is recommending during the budget process the Council approve the project to replace the chlorine dioxide treatment with the granular activated carbon filtration, and also approve a grant application to the Department of Local Affairs (DOLA) to match the project cost of \$200,000.

There were comments by the Council.

ACTION:

Councilor Lakin moved to approve submittal of the EIAF Tier I Grant Application to DOLA during Cycle 21-01 to support the Ridgway Granular Activated Carbon Water Treatment Upgrade Project. Councilor Schuyler seconded the motion. With the motion on the floor there were questions from the Council. On a call for the vote, the motion carried unanimously on a roll call vote.

13. Approval of purchase of a backup generator for the water treatment plant

Staff Report from the Town Manager dated 10-2-20 presenting a request to expend budgeted funds on the purchase of a backup generator for the water treatment plant.

The Town Manager explained the current year budget contains funds for purchase of a commercial back up generator for the water treatment plant. Staff is recommending accepting the lowest quote received and waiving the requirement for a formal bid, and approving the purchase of a diesel powered unit for \$68,200 which is under the budgeted amount.

There was discussion by the Council.

ACTION:

Moved by Councilor Meyer to approve the deviation from procurement procedures and authorize staff to purchase a backup generator for the water treatment plant at a cost of \$68,400. Councilmember Schuyler seconded the motion which carried unanimously on a roll call vote.

14. Presentation of the Draft 2021 Fiscal Year Budget

Staff Report dated 9-28-20 from the Town Clerk/Treasurer presenting the annual budget pursuant to Colorado Revised Statutes and the Town Charter.

The Town Treasurer presented the scheduled meetings and public hearings to review the draft document, and requested Council acknowledge receipt of the 2021 Fiscal Year Budget.

There was consensus to accept the draft document.

15. Reintroduction of Ordinance adopting a New Chapter of the Municipal Code Establishing Small Cell Regulations

Staff Report dated 10-7-20 from the Town Manager presenting a draft ordinance pertaining to the establishment of small cell regulations.

The Town Manager explained at the previous meeting Council introduced an ordinance establishing small cell regulations and directed staff to check with the company HR Green and solicit feed back. He reported there were numerous suggested edits to the ordinance which have been incorporated, and due to the substantive changes, staff is recommending re-introducing the ordinance.

Manager Neill summarized the changes to the draft ordinance.

ACTION:

Councilor Meyer moved to reintroduce the Ordinance Adopting a New Chapter 14-7 of Title 14 of the Ridgway Municipal Code Establishing Small Cell Regulations. Councilor Grambley seconded the motion, which carried unanimously on a roll call vote.

16. Agreement for development of an Economic Resiliency Plan

Staff Report from the Town Manager dated 10-8-20 presenting an agreement with Economic and Planning Systems for development of a county wide Economic Resiliency Plan.

Manager Neill explained the County, City of Ouray and Town solicited bids for a economic recovery plan to address long term recovery from the COVID-19 pandemic. A policy group of the three entities is recommending use of the CARES Act funds to pay for the plan at a cost of \$48,680, which would be \$16,227 for each jurisdiction. The expenditure he noted would be reimbursed through the CARES Act funds, which needs to be expended before year end.

ACTION:

Councilor Lakin moved, with Councilmember Meyer seconding to approve the agreement for consulting services with Economic and Planning Systems, Inc for the development of an Economic Resiliency Plan. The motion carried unanimously on a roll call vote.

17. Review of CARES Act expenditures

Staff Report dated 10-4-20 from the Town Manager presenting a background and update on CARES Act Funds expended by the Town.

The Town Manager presented items purchased by the Town due to the public health emergency with respect to COVID-19. He presented expenditures which were incurred during the period of the Act, beginning on March 1st, and which will be reimbursed. He reported Town Hall had a Audit and Gap Assessment relative to the Colorado Department of Health Guidelines, and received an above average score.

There was discussion by the Council and suggestions for use of the remaining funds.

18. Rescission of emergency restrictions on burning and fires within the Town

Town Manager Staff Report dated 10-1-20 reporting on September 30th the County transitioned out of Stage One Fire Restrictions.

The Town Manager reported Ouray County has transitioned out of Stage One fire restrictions, and suggested the Town may chose to follow.

There was discussion by the Council and it was agreed to not rescind the Stage One Restrictions, and discuss any changes on the restrictions at the next meeting.

19. Consideration of signing D3's Pledge of Decency

Mayor Clark noted he was approached by local members of D3 to consider signing the document to defend democracy in Western Colorado, which he read to the Council.

There was discussion by the Council and it was agreed if members desire to endorse the document, they can do so individually.

STAFF REPORTS

The Town Manager presented a written monthly report and reported the Town has been awarded the \$50,000 Department of Transportation grant to install stop bars in parking spaces and bike symbols in bike lanes on Highway 62.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk