

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 13, 2021

CALL TO ORDER

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.

The Mayor called the meeting to order at 5:30 p.m. via Zoom Meeting. The Council was present in its entirety with Councilors Ferrelli, 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 Colorado Revised Statutes 24-6-402(4)(f) for discussion of a personnel matter concerning the Town Manager's annual performance evaluation.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilor Schuyler 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 and Town Manager.

The Council reconvened to open session at 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of December 9, 2020.
2. Minutes of the Joint Workshop Meeting of December 10, 2020.
3. Minutes of the Joint Workshop Meeting of December 23, 2020.
4. Minutes of the Joint Workshop Meeting of January 7, 202.
5. Pursuant to State statute designate the Town Hall bulletin board as the official posting place.
6. Register of Demands for January 2021.
7. Request for water leak adjustment for Account #2470.0/Martinez.
8. Renewal of liquor store license for San Juan Liquors.

ACTION:

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

OATH OF OFFICE

The Town Clerk administered the oath of office to newly appointed Councilmember Angela Ferrelli.

PUBLIC HEARINGS

9. Adoption of Ordinance Amending the Official Zoning Map by Rezoning a Portion of Replat of Blocks 2, 8 and Alley "A" of the River Park Ridgway Business Park Filing 1, Lot 4R, Block 2 from I-1 to I-2 and a Portion of Lot 2, Block 8 from I-2 to I-1

Staff Report dated 1-13-21 from the Town Planner presenting an ordinance to amend the official zoning map.

Planner Coburn presented an ordinance for second reading and adoption which would amend the zoning map to accommodate a replat of property in River Park Ridgway Park between N. Cora and Railroad Streets. The change in property line alignments created two remaining portions which require rezoning within the I-1 and I-2 Light Industrial zoning districts.

ACTION:

Councilor Meyer moved to adopt Ordinance No. 01-2021 Amending the Official Zoning Map by Rezoning a Portion of Replat of Blocks 2, 8 and Alley "A" of the River Park Ridgway Business Park Filing 1, Lot 4R, Block 2 from I-1 Light Industrial to I-2 Light Industrial 2 and a Portion of Lot 2, Block 8 from I-2 Light Industrial 2 to I-1 Light Industrial 1. Councilor Schuyler seconded the motion which carried unanimously on a roll call vote.

POLICY MATTERS

10. Release of Subdivision Improvements Agreement for Replat of Blocks 2, 8 and Alley "A" of the River Park Ridgway Business Park Filing 1

Staff Report dated 1-13-21 from the Planner presenting a request to release the subdivision improvement agreement for replat of Block 2, 8 and Alley A of the River Park Ridgway Business Park Filing 1.

Planner Coburn reported terms of the subdivision improvements agreement for River Park Ridgway Business Park Filing 1 have been met. The only outstanding items are Town Engineer approval of the as-built documents, and receipt of reimbursable services.

ACTION:

Moved by Councilor Meyer to release the Subdivision Improvements Agreement for replat of Block 2, 8 and Alley "A" of the River Park Ridgway Business Park Filing 1 recorded in Ouray County records at reception No. 226970 on November 12, 2020 as terms of the agreement have been met with the conditions that the final as-built documents are approved by the Town Engineer then submitted to Town Hall as required and final invoices are paid before the release is finalized. Mayor Pro Tem Johnson seconded the motion which carried unanimously on a roll call vote.

11. Application from Kevin and Cheryl O'Brien for revocable permit for use of Town property

Staff Report from the Town Manager dated 1-8-21 presenting an application for a revocable permit for use of a Town right of way.

Manager Neill reported an application for an encroachment permit has been submitted by Kevin and Cheryl O'Brien. The request is to use a portion of undeveloped N. Elizabeth Street for designated parking spaces associated with a home occupation at 1015 Clinton Street. He noted the municipal code states it is unlawful to use public property or rights of ways for private purposes except as permitted. He further noted the code states no business activity or storage of property involved in a business may take place outside of enclosed structures except for horticulture activities. Staff has taken the opinion that if designated parking on Town right of way is requested in order to operate a home occupation, it would no longer qualify as a home occupation, as activity would take place out of the enclosed structure. Based on this staff is recommending denial of the application recognizing it would be an exclusive use, and the business activity would be conducted outside of an enclosed structure.

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

Applicant Kevin O'Brien addressed the Council and explained he has "historically used" the access for 39 years, as have "other adjacent neighbors". He noted "the Town for 131 years has never" enforced the code section, and this action is "due to one neighbors complaint". He questioned "selective enforcement of ordinances and codes", noting there are many other citizens in Town who are in violation of the same code section "because no one has complained", and asked the Council "why we are the only ones being held accountable".

The Town Manager noted that issuance of an encroachment permit creates an exclusive access to a public right of way. He explained the use of the right way for "coming and going" is permissible, but the permanent staging of equipment is not.

It was noted by Council that due to staff size, enforcement of code provisions must be done on a complaint basis.

There was discussion between Council and questions to staff. Based on a question from Council, applicant Cheryl O'Brien clarified the street is blocked from Clinton Street to the alley due to an abandoned irrigation ditch in the easement, and a "drop off".

There was discussion by the Council. There was consensus to direct staff to review the municipal code for potential amendments to allow property owners use of right of ways.

Mayor Clark left the meeting due to loss of access to the Zoom meeting, and Mayor Pro Tem Johnson facilitated the meeting.

ACTION:

Councilmember Lakin moved to deny the revocable encroachment permit for use of Town right of way to Cheryl and Kevin O'Brien, Councilor Grambley seconded, and the motion carried unanimously on a roll call vote.

12. Update on Granular Activated Carbon Water Treatment Upgrade Project

Staff Report from the Town Manager 1-5-21 presenting an update on the granular activated carbon project and grant award.

The Town Manager reported staff has been exploring benefits of transition from chlorine dioxide treatment at the water plant, to use of a granular activated carbon system. Staff applied and received, a grant of \$100,000 from the Department of Local Affairs (DOLA) towards purchase of a system. Recent conversations with suppliers have shown the original quoted cost of \$215,000 might now be \$280,000. He stated to ensure the project is fiscally viable, staff is proposing to continue sampling the water which is being produced using the chlorine treatment, and request an extension from DOLA on the time frame to expend the grant funds.

Public Works Coordinator, Chase Jones, presented the advantages and disadvantages to use of carbon water treatment.

Mayor Clark joined the Zoom meeting platform and resumed chairing the meeting.

There were questions to staff, and discussion by the Council.

The Council agreed and directed staff to request a six month extension on the grant with DOLA, continue monitoring and evaluating the water plant chlorine dioxide system for four to six months, review options and possibly solicit bids for a granular activated carbon water treatment system and use the grant funding.

13. Approval of contract for purchase of water truck as budgeted in the 2021 Fiscal Year Budget

Staff Report from the Town Clerk/Treasurer dated 1-7-21 presenting a request to purchase a used water truck.

The Town Clerk/Treasurer reported the fiscal year budget contains \$50,000 for purchase of a used water truck to replace a 1976 truck with a rusted water tank. The Town's procurement policy contains a provision to waive the formal request process if only one vendor exists that can successfully furnish the equipment. A used 2005 International truck with a rebuilt engine, and new tank and spray heads was found through Richie Trucking LLC for a cost of \$37,000. The company has agreed to deliver the equipment for \$2,000.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilor Grambley and approved by a unanimous roll call vote to approve the deviation from procurement procedures and waive the formal request process for acquisition of equipment, and approve the purchase of a 2005 International Water Truck from Richie Trucking LLC in the amount of \$37,000 and authorize staff to enter into a purchase agreement for said equipment, and expend \$2,000 for delivery.

14. Presentation of idea to merge the Main Street and Creative District programs

Staff Report from Community Initiatives Facilitator Diedra Silbert dated 1-7-21 presenting a proposal from the Creative District, Creative Advocacy Team, to merge with the Main Street committee.

Facilitator Silbert explained the Creative District, Creative Advocacy Team, is recommending merging with the Main Street committee, for efficiency and “manageability” and to include business representation on the committee.

There was discussion by the Council and it was agreed the committees should be merged.

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

Staff Report dated 1-7-21 from the Town Manager presenting an order to extend the declaration of a local disaster due to the COVID 19 pandemic.

Manager Neill noted the Town and County are continuing to navigate responses to the pandemic, and plan for economic recovery.

ACTION:

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

16. Emergency ordinance extending temporary amendments to allow temporary signage

Town Manager Staff Report dated 1-7-21 presenting an emergency ordinance to extend the use of temporary signage by businesses.

The Town Manager reported in May the Council adopted temporary amendments to the sign regulations to allow businesses to use portable signage within the Town right of way for a four month period. In September an emergency ordinance was adopted extending for another four months, and due to the ongoing nature of the COVID pandemic, he recommended extending the regulations until June 10, 2021.

There was discussion between Council and staff.

ACTION:

Councilor Lakin moved to adopt Emergency Ordinance No. 02-2021 an Emergency Ordinance of the Town of Ridgway, Colorado, Extending Temporary Amendments to the Sign Regulations, seconded by Councilor Meyer the motion carried unanimously on a roll call vote.

17. Resolution Supporting the 30x30 Campaign

Mayor Clark reported recently attending a webinar meeting regarding an environmental initiative called the thirty by thirty resolution to save nature, led by Senators and House Representatives. He suggested the Council adopt a resolution supporting the campaign to protect thirty percent of the land and ocean by 2030.

There was discussion by the Council.

ACTION:

Moved by Councilor Grambley to adopt Resolution No. 21-01 Supporting the 30x30 Campaign to Protect 30 Percent of Lands and Ocean by 2030, seconded by Councilor Ferrelli the motion carried unanimously on a roll call vote.

18. Support Mountain Pact's letter to the Biden Administration and 117th Congress

Mayor Clark reported the Town is a participant in Mountain Pact, a consortium of small mountain towns, and with the change in administration at the federal level, the organization is preparing a letter requesting a change in environmental actions regarding climate change. He suggested the Council sign the letter of support.

ACTION:

It was moved by Councilor Meyer, seconded by Councilor Grambley and unanimously carried on a roll call vote to sign on to the Mountain Pact letter to the Biden Administration and 117th Congress.

19 Letter of support for expanding the Impact Development Fund's Down Payment Assistance Program to Ouray County

Staff Report from the Town Manager dated 1-8-21 presenting a request for letter of support for expanding the Impact Development Fund Program.

Manager Neill explained the Town has been asked to sign a letter of support to expand the Colorado Division of Housing Down Payment Assistance Program to Ouray County.

ACTION:

Councilor Lakin moved to authorize Mayor Clark to sign the letter of support of Impact Development Funds application that requests an amendment to the Division of Housing for expanded geographic eligibility under their single family down payment assistance program. The motion was seconded by Mayor Pro Tem Johnson. On a call for the roll call vote, the motion carried unanimously.

STAFF REPORTS

The Town Manager presented a written monthly report and reviewed some of the items. He presented an update on the Space to Create project, and the newly formed Heritage Park subcommittee.

Councilor Meyer presented an update on the working group for the county wide economic resiliency plan.

The Town Clerk reported on a recently detected statewide unemployment fraud that has impacted the Town.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk