

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 10, 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. In attendance Councilors Ferrelli, Grambley, Lakin, Meyer, Schuyler and Mayor Clark. Mayor Pro Tem Johnson was not present for the roll call.

EXECUTIVE SESSION

The Town Attorney suggested the Town Council enter into an executive session pursuant to Colorado Revised Statutes 24-6-402(4)(b) for the purpose of receiving legal advice regarding the Ridgway Space to Create Project.

ACTION:

It was moved by Councilor Schuyler, seconded by Councilmember Meyer 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 5:55 p.m., and the regular meeting began at 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of January 13, 2021.
2. Minutes of the Joint Workshop Meeting of January 21, 2021.
3. Minutes of Joint Workshop Meeting of February 4, 2021.
4. Register of Demands for February 2021.
5. Renew Brew Pub Liquor License for Colorado Boy Depot LLC.
6. Renew Restaurant Liquor License for The True Grit Cafe.

ACTION:

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

PUBLIC COMMENTS

Diane Thompson representing the Ridgway Ouray Community Council Public Lands Committee, explained the group is requesting to meet with representatives from the Forest Service to discuss "overuse of the Ironton and Blue Lakes areas". She asked if a member

of the Council would like to become a Town liaison to meet with the committee to “brainstorm” “etiquette to preserve wilderness”. Councilors Ferrelli and Grambley volunteered to meet with the committee.

PUBLIC PRESENTATIONS

7. Telluride Foundation Workforce Housing Presentation

Paul Major with the Telluride Foundation, explained the organization recently spoke to the Ridgway School District about participation “in a model approach” to “constructing affordable housing in rural communities”.

David Bruce explained the project to “build homes at prices affordable to essential work force” would construct 15 to 20 homes at a time, using “frame in panel” factory built homes designed in Sweden and manufactured in Denver; and using “low cost financing with one percent loans in revolving construction funds”. To participate in the model development a community would need to participate by “contribution of land in the center of the community” “with infrastructure available” utilizing a “99 year lease”. He explained the Foundation is approaching three pilot communities in San Miguel and Ouray Counties, the Town being one.

The approach he explained, would be to construct “pre-fab all electric homes” with components that could be assembled “in 2-3 days” and construct “a 20 home neighborhood in 6-8 months”. He noted “all materials, fees, landscaping and infrastructure” would be included at “\$109 a square foot” with a “selling price of \$177,000” for a two car garage 1150 square foot home. He reported the foundation has entered into MOU’s with the communities of Nucla and Norwood for a project cost of 9 million, “fund raising to 5 million” with a grant from the Department of Local Affairs “to close the \$240,000 construction cost to a \$177,000 selling price”.

Paul Major stated “this is an approach” developed to assist local communities who may want to “use the tool kits”. At the school board meeting it was suggested the district consider using the under utilized ball field on Clinton Street as land for the development. He noted the foundation can “bring capital product” and “help support the community in this process” through development of “the tool kit”. He stated if the Town is interested in participating they would “need to have a parcel of land to move forward”.

Mayor Pro Tem Johnson entered the meeting at 6:30 p.m.

The following citizens spoke pertaining to the discussion at the School Board meeting regarding possible use of the ball field on Clinton Street as a potential construction site: John Countryman; Angela Hawse; Vicki Hawse; Christine Callicott; Kathy Heffernan; Tom Heffernan; Robyn Cascade; Josey Scoville; Al Lowande; Krista Javoronok.

There was discussion by the Council and it was noted the Town does not own any property to participate in the project.

8. Presentation of the newly formed Home Trust of Ouray County

Andrea Sokolowski presented the newly formed non-profit community land trust organization ‘Home Trust of Ouray County’. She explained the mission of the “grass roots community based land trust” is “to keep the community authentic and economically diverse”. Goals include acquiring land and buildings; construction and renovation of buildings; owning the ground lease on land to “maintain affordability in perpetuity through resale”. To be eligible to use the program a resident must be below 80% of the area median income determined by the Colorado Division of Housing; have worked in Ouray County for one year; and can not

be an absentee homeowner and rent to another individual. She noted there are two hundred community land trusts in the country and they are “the best way” to provide affordable housing as the organization “oversees the process” and provides “oversight and management” to “income qualified” residents. Additionally “stewardship of land ensures affordability for 99 years”.

There was discussion and it was noted the land trust would organize a meeting of interested parties.

POLICY MATTERS

8. Subdivision Improvements and Lien Agreement for Lena Street Commons PUD

Staff Report from the Town Planner dated 2-10-21 presenting a subdivision and lien agreement with Lena Street Commons PUD.

Planner Coburn reported the Council approved the preliminary plat, with conditions, for the Lena Street Commons development in June of 2018, and construction of infrastructure began in the fall of 2020. The developer has submitted an application for final plat which triggered the need for a subdivision improvements and lien agreement before the final plat can be approved. She noted the document contains all items which are typically not completed before a final plat, and summarizes items that will be phased into the project, and security to complete the items.

Tom Kennedy, attorney for the developer, stated “we feel comfortable with this draft”.

There were questions to staff by Council.

ACTION:

Moved by Councilor Lakin to approve the Subdivision Improvements and Lien Agreement with Lena Street Commons PUD pursuant to any non-substantive modifications by staff. Mayor Pro Tem Johnson seconded the motion which carried unanimously on a roll call vote.

PUBLIC HEARINGS

9. Final Plat for Lena Street Commons PUD

Staff Report from the Town Planner dated 2-10-21 presenting an application for final plat of the Lena Street Commons PUD.

The Planner reported the Planning Commission reviewed the request at the January meeting and recommended approval with conditions. She presented the proposed edits and conditions with the Council.

Attorney Tom Kennedy representing the applicant stated “we support the staff recommendation and encourage Council approval”.

ACTION:

Councilmember Schuyler moved to approve the final plat for Lena Street Commons Planned Unit Development for applicant Hines Designs, owner Lena Commons LLC as the requirements of the code have been met, and based on the conditions being met before the final plat is recorded, Councilor Grambley seconded, and the motion carried unanimously on a roll call vote.

POLICY MATTERS (Continued)

10. Introduction of Ordinance Amending the Official Zoning Map by Rezoning a portion of Track 1 and Lot 2E, Lots 4D, 5D, 3E, and 4E of the Lena Street Commons Planned Unit Development from Historic Business to General Commercial

Staff reported dated 2-10-21 from the Town Planner presenting a request to rezone a small portion of the Lena Street Commons development property.

Planner Coburn explained the proposed change to the zoning map would occur due to re-aligning property lines, and will rezone a portion of Track 1 from historic business to general commercial to be in conformity with master plan uses.

ACTION:

Councilor Meyer moved to introduce the Ordinance Amending the Official Zoning Map by Rezoning a Portion of Tract 1 and Lot 2E, Lots 4D, 5D, 3E and 4E of the Lena Street Commons Planned Unit Development from Historic Business to General Commercial based on meeting the criteria of the code for rezoning. Mayor Pro Tem Johnson seconded the motion which carried unanimously on a roll call vote.

11. Revocable Encroachment Permit for 616-620 Clinton Street

Town Planner Staff Report dated 2-20-21 presenting a request for an encroachment permit for Lots 16, 17, 18 of Block 27 .

The Planner explained the three buildings at 616, 618 and 620 Clinton Street currently have a revocable encroachment permit for use of public rights-of-way. Change of ownership requires a new permit and there has been a request to amend the permit to create a handicap accessible ramp into the building at 616 Clinton.

There were questions from the Council, and the current owner and representative of the new owner concurred with the proposed permit language.

ACTION:

It was moved by Councilmember Schuyler, seconded by Councilor Grambley and approved by a unanimous roll call vote to approve the revocable encroachment permit for the use of Town right-of-way for J&J Clinton, LLC, for 616, 618 and 620 Clinton Street.

12. Professional Services Agreement for Marketing Services with the Ridgway Area Chamber of Commerce

Staff Report from the Town Manager dated 2-3-21 presenting a proposed professional services agreement for marketing services by the Ridgway Area Chamber of Commerce (RACC): the proposed 2021 RACC Lodging Tax Budget; 2020 Year End Financial Report and Annual Report.

Manager Neill presented a draft agreement for marketing services with the Chamber of Commerce noting the annual contract is being changed to reflect a three year term, and reporting requirements are due annually, for receipt of seventy percent of lodging tax revenues.

Chamber representative Hilary Lewkowitz presented the 2021 budget and addressed the proposed use of lodging tax funds; the 2020 year end financial report and noted carrying forward funds into the new fiscal year. She reported the subcommittee of Council and Chamber representatives are developing a plan to address improvements on the building leased from the Town.

There were questions and discussion by the Council.

Speaking from the audience Val Szwarc suggested the Chamber address the Town's dark sky designation.

ACTION:

Councilmember Meyer moved to approve the 2021 Professional Services Agreement for Ridgway Marketing and Promotions with the Ridgway Area Chamber of Commerce. Councilor Ferrelli seconded the motion, and it carried unanimously on a roll call vote.

13. Ground Lease with Artspace Ridgway Limited Partnership concerning the Ridgway Space to Create Project

Staff Report dated 2-4-21 from the Town Manager presenting documents associated with the Space to Create Project including a lease, agreement and sublease agreement.

Town Attorney Nerlin explained the Town is entering into a 99 year ground lease with Artspace Ridgway Limited Partnership for the property at 675 Clinton Street. The organization will construct 30 apartment units and commercial space on the property, for the Ridgway Space to Create Project.

Andrew Michaelson representing Artspace explained it is "not uncommon" for the organization to enter into a ground lease, noting it is "specific to this project" and will allow the construction process to begin.

ACTION:

Councilor Lakin moved to approve the Ground Lease between Artspace Ridgway Limited Partnership and Town of Ridgway, seconded by Councilor Meyer the motion carried unanimously on a roll call vote.

14. Development Agreement with Artspace Projects, Inc. concerning the Ridgway Space to Create Project

The Town Attorney explained the proposed development agreement with Artspace Projects Inc. will construct thirty residential units known as Artspace Ridgway Lofts, and a 2,000 square feet of commercial space in the Space to Create Project. The Town is providing assistance with grant funds of \$650,000 which have been given to Artspace. He stated the document is a "standard development agreement" and provides the Town with "protection".

Andrew Michaelson noted the document formalizes the working relationship with the Town and Artspace and allows the project "to move forward".

ACTION:

Moved by Councilor Schuyler to approve the Development Agreement Artspace Ridgway Lofts between Artspace Projects, Inc. and the Town of Ridgway, seconded by Mayor Pro Tem Johnson the motion carried unanimously on a roll call vote.

15. Commercial Master Sublease Agreement with Artspace Projects, Inc. concerning the Ridgway Space to Create Project

Attorney Nerlin presented a sublease in which the Town will receive the 2000 square foot commercial facility in the Space to Create Project, in a “pass through lease” for nineteen years, for rent of \$1. He noted there would be a “pass through cost to the tenants” for the costs associated with the maintenance. He noted the lease time frame brings the document into conformance with TABOR regulations, by not establishing a long term commitment.

Andrew Michaelson explained the reason a sublease is needed on the commercial space is to address concerns from financing underwriters of the thirty residential units, and to address limitations imposed by TABOR. Through the sublease the Town would hold the lease on the commercial space, which would remove the space from any financing acquired for the construction.

ACTION:

It was moved by Councilor Ferrelli, seconded by Councilor Schuyler and unanimously carried on a roll call vote to approve the Commercial Master Sublease Agreement between Artspace Projects Inc. and the Town of Ridgway.

Speaking from the audience Robb Austin reminded the Council “two years ago there had been mention” of honoring the former Town Manager by naming a bike rack in her honor.

16. Addendum to Lease Agreement with the Ridgway Community Garden

Staff Report from the Town Manager dated 2-3-21 presenting an addendum to the lease agreement with the Ridgway Community Garden.

The Town Manager noted at the November meeting, after receiving a request from the Ridgway Apiary to use a portion of the community garden in Green Street Park, the Council approved amending the lease with the garden to allow them to sublease to the apiary.

ACTION:

Councilor Meyer moved to approve the addendum to the lease agreement with the Ridgway Community Garden. The motion was seconded by Councilmember Schuyler. On a call for the roll call vote, the motion carried unanimously.

There were comments from the audience by John Countryman and Val Szwarc regarding allergic reactions from bee stings.

Mayor Pro Tem Johnson left the meeting at 9:15 p.m.

17. Letter of Support for Ridgway Community Apiary

Staff Report from the Town Manager presenting a request for a letter of support for the creation of the Ridgway Community Apiary at the Ridgway Community Garden.

Manager Neill presented a draft letter to the Southwest Institute for Resilience stating the Town supports the creation of Ridgway Community Apiary at the community garden.

There was discussion by the Council and it was agreed to edit the letter to include addressing any potential issues from persons who may experience an allergic reaction from a bee sting.

ACTION:

Councilor Meyer moved to authorize the Mayor to sign the letter of support for the Ridgway Community Apiary with the additional comment to look into bee allergies, and address those issues. Councilor Grambley seconded the motion, which carried unanimously on a roll call vote.

18. Intergovernmental Agreement between the Town, City of Ouray and Ouray County for Shared Victim Advocate Services

Town Manager Staff Report dated 2-3-21 presenting a proposed intergovernmental agreement (IGA) with the City of Ouray and Ouray County for shared victim advocate services.

The Town Manager explained the proposed IGA establishes the hiring and services of an employee shared by the three jurisdictions for calendar year 2021, and shared funding over and above grant funds received for victim advocate services. He noted both the City and County have approved the document.

ACTION:

Moved by Councilmember Meyer, seconded by Councilor Ferrelli and unanimously carried on a roll call vote to approve the IGA between the Town, City of Ouray and Ouray County for Shared Victim Advocate Services.

19. Discussion regarding water rates

Staff Report from the Town Manager dated 2-4-21 presenting a summary, background and financial analysis of the 2019 rate changes for water services, and outlining the current water rate structure.

The Town Manager reported in 2018 and 2019 the Council discussed ensuring fiscal solvency for the water fund, and it was agreed to balance the cost across all water users, and rates were increased for both residential and commercial users. Based on a financial analysis for calendar year 2020, which was the first full year of the new rates, revenues exceeded the estimates by \$2,788 or .4% relative to the new rate structure meeting the service goal. Overall water used in 2019 was 42 million gallons, in 2020 the use was 48 million gallons, with commercial showing a small increase and residential use increased on average from 2019 at 4,580 gallons to 5,435 in 2020.

There was discussion by the Council and it was agreed to address the issue again during the summer months and review water use.

Speaking from the audience John Countryman encouraged disseminating information to water users regarding water conservation and not increasing rates. Tammi Tuttle suggested the Town look at water usage for Town vegetation and “urban streetscape”.

20. Discussion regarding Ouray County Economic Resiliency Plan

Staff Report from the Town Manager dated 2-4-21 presenting a draft version of the Ouray County Economic Resiliency plan developed by Economic and Planning Systems Inc (EPS).

Manager Neill presented the draft economic resiliency plan being created for all three jurisdictions in the County, to address COVID recovery.

There was discussion by the Council and it was agreed any individual comments by members of the Council should be sent to Councilmember Meyer to rely to the committee and EPS.

21. Letter of support for Colorado West Land Trust’s grant application to GOCO

Town Manager Staff Report dated 2-4-21 presenting a draft letter for the Mayors signature supporting a funding application from Colorado West Land Trust to Great Outdoors Colorado (GOCO) Resilient Communities Program. Email dated 2-9-21 from Jennifer Cram expressing concerns with supporting the applications reference to construction of new trails.

Manager Neill reported the Colorado West Land Trust is requesting the letter to support a grant application to expand their work across the region to achieve conservation, stewardship and outdoor recreation projects.

Speaking from the audience Jennifer Cram suggested the letter address there are “parts of the County we don’t want more trails”.

There was discussion by the Council and it was agreed to include the suggested edit.

ACTION:

Moved by Councilor Schuyler, seconded by Councilor Meyer to authorize Mayor Clark to sign the letter of support for Colorado West Land Trust’s application to GOCO’s Resilient Communities Program with the edits as discussed, on a roll call vote the motion carried unanimously.

STAFF REPORTS

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

ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk