

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 8, 2023

CALL TO ORDER

The meeting was held both in person and via virtual meeting portal Zoom Meeting, pursuant to the Town's Electronic Participation Policy.

The Mayor called the meeting to order at 5:30 p.m. In attendance were Councilors Grambley, Lakin, Schuyler, Mayor Pro Tem Meyer and Mayor Clark. Councilors Kroger and Thomas were absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of January 11, 2023.
2. Register of Demands for February 2023.
3. Renewal of Brew Pub Liquor License for Colorado Boy Depot.
4. Renewal of Restaurant Liquor License for Lazy Dog Saloon, Bar and Grill.

ACTION:

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

PUBLIC COMMENTS

Val Swarz gave an update from the Ridgway Ouray Community Council Dark Sky Committee, noting a participation request will be made to the Council at the next meeting.

POLICY MATTERS

5. Resolution Authorizing the Exercise of the Town's Eminent Domain Authority to Acquire Real Property for a Recreational Pathway

Joseph Riveria, special counsel with Murray Dahl Associates presented a resolution authorizing the use of eminent domain to start the process to acquire a pathway on Marion Overlook which accesses the secondary school. He explained all pre-requisites to begin the process have been met which include, the property will be for public use; taking of the land is a necessity; good faith efforts have been made to negotiate to purchase the property before eminent domain proceedings.

Speaking from the audience Kuno Vollenweider encouraged the Council to move forward and "plan for the future".

There were questions from the Council and it was noted there were misspellings in the document.

Councilor Schuyler recused himself from the vote explaining he is an adjacent property owner.

**ACTION:**

Mayor Pro Tem Meyer moved to adopt Resolution No. 23-03 Authorizing the Exercise of the Town's Eminent Domain Authority to Acquire Real Property for a Recreational Pathway, and Councilor Lakin seconded the motion.

With the motion on the floor there were questions to the attorney regarding using the term recreational pathway versus pedestrian. It was explained recreation pathway would encompass use by both bicycles and pedestrians. Attorney Riveria offered to include another clause into the resolution outlining uses as walk, bike and other outdoor pursuits. It was agreed to add the clause and correct typing errors.

After a call for the vote the motion carried with Councilor Schuyler abstaining.

**INTRODUCTIONS**

6. Introduction of engineering consultant

The Town Manager introduced Engineer Joyce Huang, Principal with Swiftwater Solutions, hired by the Town as Project Manager and Lead Reviewer for development review.

Ms. Huang explained she is working with the outgoing engineer, Joanne Fagan, to gain historical knowledge, and make the transition "as smooth as possible".

**PUBLIC REQUESTS AND PRESENTATIONS**

7. Presentation regarding tobacco use prevention and control

Carolyn Dressler, MD presented a proposed Tobacco Control Policy and encouraged the Council to take action to require licenses for distributors of tobacco products; allow no more than the current eight distributors and "sunset" licenses and not allow moving locations or selling a business with a license; conducting compliance checks on sales; tax sales; ban the sales of flavored and menthol nicotine; create a "tobacco free generation" by setting an end date to sales.

Dr. Dressler cited of the eight distributors in Town all have failed State and Federal compliance checks and have sold to underage persons; annual deaths from tobacco use in the State are 5100 people, 480,000 in the country and 8 million worldwide; 70-89% of youth who smoke use electronic cigarettes with fruit and candy flavors; tobacco use is the "hardest drug to quit" and after long term use can "cause death".

Dr. Richard Gingery spoke in support of the proposal stating "86% of Americans want to see tobacco go away" but tobacco companies have strong legislative leverage.

The Town Manager was asked to share his experience while working with the Town of Avon when a dedicated tobacco tax was taken to the voters. He explained it was a "challenging process", "took a long time" with numerous public hearings and "substantial public engagement" and "major time commitment" from staff.

**SPEAKING FROM THE AUDIENCE:**

Teens that Care, a part of the Communities that Care coalition, presented a theatrical reading of how teens are influenced to smoke tobacco.

Kuno Vollenweider stated the concept is “applaudable” but he does not feel it is appropriate for the Town to regulate personal choices.

There was a comment from a member of the audience that his wife died from lung cancer after trying to quit tobacco use “over and over” and yet could not stop.

Tanner Kingsley explained the County Public Health Department can be a resource for any materials that may be needed.

Chris Fostic with Project Sunset noted many items that have been found to be harmful and dangerous to public health have been “taken off the market”, yet tobacco has been “left unchallenged”.

There were questions from Council to staff.

Consensus of the Council was to direct staff to research the issue and start a public discussion and participation process.

## PUBLIC HEARINGS

### 8. Application for Amended Plat of Lot 15, Parkside Subdivision; Addresses: 702 ,704 and 706 N. Laura St

Staff Report dated 2-3-23 from Contractual Planner TJ Dlubac presenting an application for amended plat from Habitat for Humanity.

Planner Dlubac presented the application from Habitat for Humanity for plat amendment of Lot 15 in Parkside Subdivision. He explained the property was approved to construct a triplex unit and the owner is now requesting subdivision to allow the sell of the individual units. The Planning Commission approved set back variances on 1-10-23 and recommended approval of the plat amendment to the Town Council.

Amanda Gerhardt with Habitat for Humanity of the San Juans explained the deed restrictions which will be imposed under the organizations regulations, and the mechanisms which are used to keep the affordable housing in place.

There were questions from the Town Council.

## ACTION:

Councilor Schuyler moved to approve the amended plat of Lot 15 Parkside Subdivision finding that the criteria set forth in Section 7-4-5 and 7-4-10 of the Ridgway Municipal Code have been met with the following condition: address all comments in the Planning Review Comment Letter dated January 6, 2023. Mayor Pro Tem Meyer seconded. On a call for the vote the motion carried unanimously.

### 9. Application for Final Plat for Vista Park Commons PUD Lots 30-34 of Ridgway Land Company Subdivision

Staff Report dated 2-3-23 from Contractual Planner TJ Dlubac presenting an application for final plat for Vista Park Commons PUD.

Planner Dlubac presented a request for approval of the Final Plat for the Vista Park Commons PUD Subdivision, filed by applicant Vista Park Development, LLC. He reported the Preliminary Plat was approved by Council on 8-14-19. The request is to subdivide five lots located within Ridgway Land Company Subdivision into 23 lots with 23 dwelling units in 21 buildings; two duplexes and some common space. Most public infrastructure has been installed except sidewalk, walkways and parking, he explained. The remaining items will be placed into a Subdivision Improvement Agreement and will be bonded until completed. The preliminary plat and PUD approved a variety of conditions and variances including lot size, setbacks, landscaping, deed restrictions, parking. On 10-25-22 the Planning Commission recommended the Council approve the final plat with conditions. Since that time staff has worked with the applicants and resolved all the conditions. Staff is now recommending approval with two new conditions.

Attorney for the applicant David Reed, explained the applicant is in agreement with the conditions being proposed, noting they are “working on resolving all outstanding conditions”.

**ACTION:**

Councilor Schuyler moved to approve the Vista Park Commons PUD Subdivision Final Plat and PUD finding that the criteria set forth in Ridgway Municipal Code Sections 7-4-5(C)(8)(b) have been met with the following conditions: the Subdivision Improvement Agreement for Vista Park Commons PUD shall be approved by the Ridgway Town Council prior to the Final Plat and PUD being recorded with the Ouray County Clerk and Records Office; the applicant shall address all outstanding review comments in the Comment Letter dated January 20, 2023 and submit the necessary documentation for review prior to the final plat and PUD being recorded with the Ouray County Clerk and Records Office. Councilor Mayor Pro Tem Meyer seconded, and the motion was unanimously carried.

POLICY MATTERS (continued)

10. Subdivision Improvements Agreement with Vista Park Commons PUD

The Town Attorney presented a draft Subdivision Improvements Agreement with Vista Park Development which addresses installation of infrastructure. The developer will present a \$214,500 letter of credit which shall be held until completion of the eight outstanding items, which are to be completed within an established time frame.

Attorney for the applicant, David Reed, explained the applicant is in agreement with the terms of the agreement and it's exhibit, and will be issuing a revocable letter of credit.

**ACTION:**

Moved by Mayor Pro Tem Meyers, seconded by Councilor Grambley and unanimously carried to approve the Subdivision Improvements Agreement for Vista Park Commons with Exhibit A and all grammar errors corrected.

11. Ridgway Area Chamber of Commerce presentation on marketing and promotion activities

Staff Report from the Town Manager dated 2-2-23 presenting the Ridgway Area of Commerce proposed 2023 lodging tax budget and 2022 annual report.

Ashley Perkins, representative for the Chamber of Commerce, reported the organization had new board members in 2022; hired a marketing and promotions contractor; was the number

one google source when looking for information on Ridgway; sought out grant opportunities and participated in local events.

12. Expenditure of budgeted funds and enter into a contract to purchase a fleet vehicle for the Public Works Department

Town Manager Staff Report dated 2-2-23 requesting authorization to purchase a used 2019 Ford F-250 XL truck.

Manager Neill explained the budget contains \$50,000 to purchase a new vehicle for the public works department, and staff has located a vehicle for \$32,500. The Town Procurement Policy states any purchases in excess of \$25,000 must be approved by Council. The vehicle purchase will be funded from the water and sewer funds.

ACTION:

Mayor Pro Tem Meyer moved to authorize staff to expend budgeted funds and enter into a contract to purchase a fleet vehicle for the Public Works Department at a total sales price of \$32,500. Councilor Schuyler seconded the motion, which carried unanimously.

13. Participation in the Mountain Towns 2030 Solutions Project

Staff Report dated 2-2-23 from the Town Manager presenting a background on the Mountain Towns 2030 Solutions Project.

Councilor Schuyler noted the collaborative program with participating communities is working towards many of the goals of the Town and Sustainability Committee. EcoAction Partners is spearheading regional participation, and he noted, if the Town is not able to participate at that level he recommended participating individually to allow joining in on monthly collaborative work sessions and accessing research materials.

There was discussion by the Council and staff was directed to contact EcoAction Partners regarding regional participation.

ACTION:

Moved by Councilor Schuyler and seconded by Mayor Pro Tem Meyer to explore participation in the Mountain Towns Solution Project with a financial contribution not to exceed \$1500. The motion carried unanimously.

MISCELLANEOUS REPORTS

The Mayor reported six letters of interest where received for the opening on the Planning Commission, and announced the appointment of Pam Foyster.

Manager Neill highlighted some items contained in the monthly Managers Report.

Councilor Schuyler presented an update on grant opportunities for micro-grid projects.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk