

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
MARCH 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 Councilors Grambley, Kroger, Lakin, Schuyler, Mayor Pro Tem Meyer and Mayor Clark. Councilor Thomas was not present for the roll call.

CONSENT AGENDA

1. Minutes of the Regular Meeting of February 8, 2023.
2. Minutes of the Workshop Meeting on February 13, 2023.
3. Register of Demands for March 2023.
4. Renewal of Restaurant Liquor License for True Grit Cafe.

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

Clark Gilbert, President of the Ridgway Pickle Ball Club, reported the organization has received a 5013C non-profit status; and has raised \$14,000 and looking into grant opportunities for construction of pickle ball courts. He inquired into the time frame for preparation of the Parks Master Plan, and asked if the group could meet with staff to discuss the plans.

Town Manager Neill reported the request for proposals will be published in early summer and no other funds have been budgeted for the project, and offered to set a time to meet with the organization.

Kyle Ronemus thanked the Council for "making Town dog friendly" and reported there are daily gatherings of approximately 20 dogs and 30 owners in the Athletic Park, noting "everyone is diligent about cleaning up after their dogs". He made a cash donation to the parks department to cover the cost of purchasing dog waste bags, and offered to assist in clean up of the park.

Luke Stock, member of Ameri-Corp Volunteers in service to Ameri-Corp Vista explained he is serving a one year term with the Tri-County Health Network assisting in "community health needs". He asked for Council recognition of the organization during the annual recognition of volunteers in Southwest Colorado, which will be held next week.

PUBLIC REQUESTS AND PRESENTATIONS

5. Request to use public rights-of-ways for the annual Fete de la Musique and Ridgway 1-K events

The Town Clerk presented a request from Weehawken Creative Arts and The Sherbino to use public rights-of-ways for the annual Fete de la Musique on June 25th and Ridgway 1-K on October 7th.

ACTION:

Councilor Lakin moved to approve the special event permit for the Ridgway 1-K event on October 7th, and Councilor Kroger seconded the motion. On a call for the vote the motion carried unanimously on a roll call vote.

ACTION:

Moved by Councilmember Lakin, seconded by Councilor Grambley and unanimously carried on a roll call vote to approve the special event permit for Fete de la Musique on June 25th.

PUBLIC HEARINGS

6. Emergency Ordinance extending a temporary moratorium on the acceptance of applications for Minor Subdivisions, Lot Splits, Replats, Plat Amendments, Multisite Developments, Planned Unit Developments and Rezoning Applications

Staff Report from the Town Manager dated 3-2-23 presenting an emergency ordinance to extend the temporary moratorium on new development applications.

Manager Neill reported on August 10, 2022 Council approved an ordinance to place a temporary moratorium on development applications, after receiving concerns from staff about the overwhelming and unprecedented number of applications in the review queue, which was placing a strain on staff resources. As part of the moratorium process the consulting planner and staff have been presenting changes to the Zoning and Subdivision regulations located in Chapter 7 of the Municipal Code, to the Planning Commission. He reported the moratorium was set for four months, to expire on March 31st. Code revisions have not been completed and staff is recommending extending the moratorium to July 14th to allow time to finalize revisions.

Speaking from the audience Bob Kelly inquired about exceptions for affordable housing projects.

ACTION:

Councilmember Schuyler moved to adopt Emergency Ordinance No. 01-2023 Extending a Temporary Moratorium on the Acceptance of Applications for Minor Subdivisions, Lot Splits, Replats, Plat Amendments, Multisite Developments, Planned Unit Developments and Rezoning Applications; and Declaring an Emergency, Councilor Grambley seconded, and on a roll call vote the motion carried unanimously.

7. Emergency Ordinance extending the expiration date of the San Miguel Power Association, Inc. franchise

Town Attorney Nerlin reported staff has been in discussions with San Miguel Power Association regarding the franchise agreement set to expire in April. He requested Council grant a three month extension of the existing agreement, to allow time for development of a new agreement.

ACTION:

Mayor Pro Tem Meyer moved, and Councilor Lakin seconded to adopt Emergency Ordinance No. 02-2023 Extending the Expiration Date of the San Miguel Power Association, Inc. Franchise, and Declaring and Emergency. The motion carried unanimously on a roll call vote.

POLICY MATTERS

8. Request to deviate from infrastructure requirements relative to the Riverfront Village project

Staff Report from the Town Manager dated 3-7-23 presenting a request from the developer of Riverfront Village to deviate from Municipal Code requirements.

The Town Manager explained Alpine Homes-Ridgway LLC, developers of Riverfront Village have requested to deviate from code requirements for items required to be completed before final plat application, and contained in the subdivision improvements agreement. The developer is requesting to file for final plat prior to required electricity improvements being completed. He noted if Council approves the request, the Subdivision Improvements Agreement would need to be amended, and a deviation would need to be made to Municipal Code 7-4-6(B)(1).

Developers representative Joel Kanter explained infrastructure installation is expected to be completed in June, except for installation of electrical transformers which San Miguel Power (SMPA) has said can not be installed until November due to "supply chain issues". He noted this is a "time issue out of our control", which "may increase our construction costs" if the project is placed on hold until SMPA can install the transformers. Project Manager with FCI Constructors, John Morgan, noted the company will be boring under the highway for the connection, even though the transformers will not be installed until late fall.

Councilor Thomas joined the meeting at 6:05 p.m.

There were comments from the Council.

ACTION:

Councilor Schuyler moved to allow the requested deviation from the Municipal Code for Riverfront Village. Councilor Lakin seconded, and the motion carried on a roll call vote.

9. Award of bid for Granular Activated Carbon Water Treatment equipment

Town Engineer Joanne Fagan explained last month the Town published a call for proposals to install granular activated carbon treatment equipment at the water plant. One bid was received for \$335,749 from Filter Tech Systems Inc. She reported the project is budgeted at \$400,000 which includes staff installing piping to and from the equipment, with estimated material cost of \$35,000.

There were questions from the Council.

ACTION:

It was moved by Mayor Pro Tem Meyer, with a second from Councilor Kroger to direct staff to negotiate a contract for the bid received from Filter Tech Systems, for a total project cost not to exceed \$400,000. The motion carried unanimously on a roll call vote.

10. Intergovernmental Agreement with Ouray County for Noxious Weed Management and Control Services

Staff Report dated 3-2-23 from the Town Manager presenting an Intergovernmental Agreement (IGA) with Ouray County for Noxious Weed Management and Control Services.

The Town Manager explained the IGA is for this calendar year, for services by the County Vegetation Manager to continue conducting surveys of noxious weeds on all Town property, and make recommendations for appropriate treatment, then conduct herbicide treatments.

Speaking from the audience, Vicki Hawse expressed opposition to “chemical use unless absolutely necessary” and asked the Council to “not make it a long term process”.

There were comments by the Council.

ACTION:

Councilmember Grambley moved to approve the Intergovernmental Agreement between Ouray County and the Town concerning Noxious Weed Management and Control Services as presented, Councilor Schuyler seconded the motion which carried unanimously on a roll call vote.

11. Discussion regarding dedicated revenue source to address housing challenges

Staff Report dated 3-2-23 from the Town Manager presenting potential dedicated revenue sources for affordable housing.

Manager Neill reported at a Workshop Meeting on February 15th the Council discussed possible funding mechanisms for a dedicated revenue source for affordable housing and directed staff to research taxes in other communities that impact residential property that are not being used as a primary residence or rental such as a second home or vacant home tax; revenue impacts of a short term rental tax at rates between 9% and 15%; revenue impact of increased lodging tax at rates between 4% and 7%; further explore an Inclusionary Zoning Fee-in-Lieu that would allow developers looking to construct market rate housing developments to either provide on-site affordable units or pay fees in lieu thereof. Staff was unable to locate any communities in the State that have a second home/vacant home tax, though one was found in Canada, and two in California. A short term rental tax would require owners of properties that short term rent to remit the proposed tax as well as the existing lodging tax amount which is currently set as 3.5% per room per night; inclusionary zoning fees are being discussed by the Planning Commission during the proposed updates to Chapter 7 of the Municipal Code.

There was discussion by the Council.

SPEAKING FROM THE AUDIENCE:

Jake Niece, Board Member of the Ouray County Home Trust, noted the non-profit organization will need matching funds for grant applications to provide funding to construct a housing project in Town.

Andrea Sokolowski with the Ouray County Home Trust suggested the Council consider the number of times they present a ballot question to the voters, noting "most voters want to know what the money will be used for".

Tanya Ishikawa, Ridgway Area Chamber of Commerce Board Member reported the board has engaged in conversations with lodging owners and they feel a lodging tax of 5-7% "will not impact" rentals. The Board feels a 60/40 split of the taxes, at 6%, would be sufficient to support the Chamber.

There were comments and discussion by the Council.

SPEAKING FROM THE AUDIENCE:

Doug Canright noted a developers fee in lieu "should be enough to pay for a unit".

Ken Miller opposed taxing second homeowners, and noted he feels voters would not approve such a tax; and stated "the market should dictate affordable housing" and he is opposed to "use of tax money for that".

Lodging owner, Bob Kelly, supported a "goal oriented approach" to affordable housing and suggested a study be conducted to determine "a target", noting "voters would need to have a good idea of what they are voting on". He stated "the Chamber is not helping with affordable housing" and suggested asking them to "tone down" advertising, noting "we don't feel we need it to grow our business". He stated if "the tax rate is raised it would affect our business"; "targeting" one type of business "is not fair".

There was discussion between the Council and Mr. Kelly.

There was discussion by the Council. Consensus was to direct staff to conduct more research on a second homeowners tax; invite the Chamber of Commerce to participate in discussions regarding their needs and a proposed increase in lodging taxes; pursue the short term rental tax concept.

12. Letters of support for the Home Trust of Ouray County's Congressional Directed Spending Request

Andrea Sokolowski with the Ouray County Home Trust requested letters of support to send to State Senators Hickenlooper and Bennett supporting the non-profit organizations application for \$1,197,525 from Congressionally Directed Spending Requests, for conceptual design, tap fees and repayment of a Department of Local Affairs acquisition loan.

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Kroger and unanimously carried by a roll call vote to approve sending the letters of support for the Home Trust of Ouray County for a Congressional Directed Spending Request.

12. Request for letter of support for San Miguel Power Association planning grant application to the Microgrids for Community Resilience Grant Program

Councilor Schuyler requested a letter of support for San Miguel Power Association application for a State Microgrids for Community Resilience Planning Grant Program.

ACTION:

Moved by Councilor Lakin, seconded by Councilor Grambley to approve the letter of support for San Miguel Power Association planning grant application to the Microgrids for Community Resilience Grant Program the motion carried on a roll call vote with Councilor Schuyler abstaining.

13. Letter of support for Ouray County request for Congressionally Directed Spending Dollars

The Town Manager presented a request from Ouray County for a letter of support for Congressionally Directed Spending Dollars to construct a crossing over Corbett Creek.

ACTION:

Moved by Councilor Kroger to approve the letter of support for the Ouray County application for Congressionally Directed Spending Dollars, second by Mayor Pro Tem Meyer, the motion carried unanimously on a roll call vote.

14. Resolution Canceling the April Regular Election

The Town Clerk presented a resolution canceling the April 4th Regular Election. She explained there were three vacant Councilmember seats, and only three candidates filed nomination petitions by the deadline. She has cancelled the election and declared the candidates elected, the candidates were incumbents Polly Kroger, Beth Lakin and Russ Meyer.

ACTION:

It was moved by Mayor Pro Tem Meyer to approve Resolution No. 23-04 Canceling the April Regular Election. Councilmember Schuyler seconded and the motion carried unanimously on a roll call vote.

MISCELLANEOUS REPORTS

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

Councilor Schuyler presented an update from the Sustainability Committee; Mayor Clark on the Communities that Care Coalition; and Councilor Kroger on the Parks, Trails and Open Space Committee.

15. Administer oath of office to newly elected Councilmembers

The Town Clerk administered the oath of office to newly elected Councilmembers Polly Kroger, Beth Lakin and Russ Meyer.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk