

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING

AUGUST 14, 2024

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. The Council was present in its entirety with Councilors Grambley, Kroger, Lakin, Schuyler, Scoville, Mayor Pro Tem Meyer and Mayor Clark in attendance.

CONSENT AGENDA

1. Minutes of the Regular Meeting of July 10, 2024.
2. Minutes of the Workforce and Affordable Housing Committee on July 10, 2024.
3. Register of Demands for August 2024.

ACTION:

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

PUBLIC COMMENTS

Renee Mar explained the homeowners association of LeRanch requires approval of construction plans before they are approved by the Town. She stated there is currently a home being constructed without the association approval, and requested construction be "halted until the HOA can approve the plans".

Dan McAllister explained he has two accessory dwelling units and a home which is his residence. He stated "landlords are being blamed for high rents" and noted obstacles with high taxes and mortgage payments. He also noted he has witnessed "good old boy nepotism" and he "would like the favoritism to stop".

Kristen Arnold noted the bike lanes on Highway 62 "are full of gravel and dirt" which "forces me to ride on sidewalks". The Mayor explained the gravel and dirt streets drain on to the paved streets, and the Town tries to use the streetsweeper to clean them as much as possible.

Jim Nowak suggested regulation changes requiring outdoor lighting fixtures which do not meet the dark sky regulations, must be brought into compliance prior to the sale of the property.

Pam Foyster noted the "east side of Town is growing and there is no designated park" and suggested if the Town "can acquire property" planning for a future park should be considered.

POLICY MATTERS

4. Order Declaring a Local Disaster in and for the Town of Ridgway

Town Manager, Preston Neill, read the following statement to the Council, and displayed slides pertaining to the failure of the Beaver Creek Diversion:

Before you is an Order Declaring a Local Disaster in and for the Town of Ridgway. It would extend the Order that I issued earlier today, to September 12th. I issued the original order based on my role and responsibility as the principal executive officer for the Town.

On the morning of August 12th staff made a routine check of the Beaver Creek Diversion and found that a rain event over the weekend, likely on Sunday afternoon, had severely impacted Beaver Creek above the Town's diversion point. In a normal rain event the increased flows in Beaver Creek washes out the push up diversion of the creek, and the high flows remain in Beaver Creek. For the first time in the 45 plus years current Town staff has observed, the Creek was significantly altered by the weather event washing out the land between the two braids of the Creek, eroding the side banks and undercutting the river, so the river at the diversion location appears to be below the elevation of the grizzly that screens the water from the diversion before it goes into Ridgway Ditch. In addition, the event filled the Ridgway Ditch with a mud slurry from bank to bank to the top of the Ditch for hundreds of feet.

As can be seen in the photos, the Grizzly Diversion Trough, and the Ridgway Ditch, are filled with mud, rocks and gravel. Just the top of the trough is visible. Beaver Creek normally, even during runoff, tends to carry a gravel burden, and the sediment load is now larger than any seen before.

Part of the Towns diversion system includes a pipe which catches the flow from springs on the opposite side of Beaver Creek. It is transported to the Ridgway Ditch via a pipe suspended over Beaver Creek, and then into Ridgway Ditch. This pipe was in pieces Monday morning.

Looking upstream it appears something created a dam in the Creek, and the Creek backed up for a period of time and then broke through causing an extraordinary slug of water and mud to be released into the Creek, eroding the banks and widening the channel, as well as cutting the Creek and modifying the configuration of how it flows. The river channel had previously been held in place in a relatively narrow channel, in part by vegetation along the stream banks, which washed away during the event.

Restoring the diversion for long-term performance will be a very difficult and expensive task. The Creek is no longer aligned with Ridgway Ditch. The Creek is undercut and now at a lower elevation, and also much wider than it previously was. In addition, the new stream banks are unstable. In many cases, trees at the top edge of the bank have root systems exposed. Simply placing material to put the Creek back to the original alignment, would take years to stabilize. It is likely that the long-term fix

for diversion will need to involve taking into account extreme weather events which can handle the normal fluctuations, flow and gravel loads.

The bad news is there is no water being diverted to the Ridgway Ditch to make its way down to Lake Otonowanda, the Towns storage area. The Beaver Creek diversion is what staff characterizes as the Towns primary water source. The good news is we are not currently drawing water out of Lake Otonowanda for domestic or irrigation purposes. We are only using water from the Happy Hollow drainage source, which will continue until there is a call on the water in Happy Hollow, or the flow slows to a point where there is a need to start taking water from the Lake.

Staff is in the process of working with Glenn Boyd, Ouray County Emergency Manager; Bobbie Lucero, Regional Field Manager for the West Area of the State of Colorado Office of Emergency Management, and others, to assess, collect, and report the damages that have incurred, and to navigate the process for restoration and recovery activities.

Bobbie Lucero with the Office of Emergency Management, stated she is assisting in conducting a damage assessment and preparing options to restore the area, or find a long term solution.

There were questions to staff from the Council. One of the questions was the length of time before the water stored in the Lake will be gone. The Manager replied absent the water coming into the reservoir from Happy Hollow, and taking into account seepage and evaporation at the lake, "conservatively speaking one hundred days".

County Emergency Manager Glen Boyd noted a request has been made for citizens to report any private property damage during the recent rain event by completing an on-line survey.

Manager Neill noted he declared a local disaster on August 12th and asked the Council to also declare a local disaster under the Colorado Disaster Emergency Act.

ACTION:

Councilmember Lakin moved to approve the Emergency Declaration for the Town of Ridgway. Councilor Kroger seconded and the motion carried on a roll call vote.

5. Presentation of the 2023 Fiscal Year Audit

Pete Blair, CPA with Blair and Associates, presented the 2023 Fiscal Year Audit, Management Report and Governance Letter. He reported in 2023 the General Fund had an increase in budgeted revenue of 25%; the Water Fund 23% and 42% in the Sewer Fund. In the General Fund the increases were from sales tax, building permits and interest income; the Water and Sewer Fund, due to tap fees and interest income. He noted all funds and departments under spent from the budgeted amounts, which also created increases in the fund balances. Total assets, he stated, "mirror 2022".

He stated the audit "found no discrepancies". At the end of the year 5.3 million was on deposit in "Triple A Rated Government Asset Pools". He stated "overall all funds increased by 1.6

million dollars, which is a great thing”; “you have little debt compared to other Towns”; “overall the Town did a great job and increased fund balances and available assets”.

6. Resolution No. 24-07 Establishing a Partner City Relationship with the City of Fort Smith, Arkansas

The Town Manager noted in May representatives from Fort Smith, Arkansas approached the Council with the idea of creating a relationship and becoming sister cities. Fort Smith is historically recognized as the backdrop for the story ‘True Grit’ by Charles Portis, and Ridgway was used for filming Fort Smith in the 1969 movie adaptation. He reported a few weeks ago the Council of Fort Smith approved a resolution similar to the one being presented to the Town Council for adoption.

City Manager Tommy Shaw addressed the Council requesting the Town approve “developing the relationship”.

ACTION:

Moved by Councilor Schuyler, seconded by Councilor Grambley and approved on a roll call vote to approve Resolution 24-07 Establishing a Partner City Relationship with the City of Fort Smith, Arkansas.

7. Presentation regarding updated concept for Green Street Sustainability Park Master Plan

Staff Report from the Town Manager dated 8-9-24 presenting an updated concept for the Green Street Park Master Plan.

Stacy Passmore with Superbloom, consultant hired for master planning the park, presented the Revised Final Concept for Consideration of the Green Street Sustainability Park. She noted timeline of the previous meetings; and goals for the park being to create accessibility for users; planting native species which are drought tolerant; evaluate the potential to incorporate a microgrid and solar energy garden, originally proposed at a 425 kilowatt (kw) solar array. An overview of the last Council meeting was presented, and she noted direction given was to reduce the total amount of proposed solar; maximize solar roof panels on built structures; use solar fencing where reasonable; prioritize community gathering and educational spaces; provide a visual of proposed heights. Ms. Passmore reported the revised final concept includes reduction of the solar array to 200-250 kw and moving solar panels along the west side as fencing.

There was a question from the audience regarding the actual solar output.

Willy Freeman Manager with San Miguel Power Association (SMPA), explained the electricity provider supplies electricity to users over 3,600 square miles with 2,000 miles of distribution power lines. He noted there are “massive changes happening in the electric industry” to find “electric reliability”. With “technology changing” “we are looking at new ways of storage”, the proposed use of solar panels in the park would provide “battery energy storage into the grid that serves Ridgway”. He reported “we are looking at installing a battery storage device in the SMPA yard” and have been “awarded a grant”, “to incorporate solar at our yard”. “The State wants 80%” of electricity from renewable sources “by 2030”.

There were questions from the audience to Mr. Freeman.

SPEAKING FROM THE AUDIENCE:

In opposition to the proposed plan:

Sheldon Kerr; Sheelagh Williams; Chantal Unfug; Andre Bollaert; Therese Seal; Scott Williams.

In favor of the proposed plan:

Joyce Huang; Kristen Arnold; Pam Foyster; Jake Niece; Dave Jones.

There were comments from the Council.

The Town Manager asked for direction from the Council on changes to the draft concept which will allow the consultants to finalize a preferred layout, provide cost estimates for future budgeting, and provide a final master plan document. Consensus of the Council was to consolidate the solar panels to the south end of the park and keep the number of solar panels

in the 300 kilowatt range; keep the structures with solar on the roofs at the Community Garden area, shade structure and carport, on the restrooms and maybe the pump house building.

PUBLIC REQUESTS AND PRESENTATIONS

8. Request for assistance to support local business owners

Sally Jo Ocasio explained to the Council a group of business owners have formed a revitalization committee and are discussing ways to bring “tourist traffic” into local businesses. She noted businesses are experiencing “between a 30% and 90% decrease” in revenues over last year. She noted there are a number of factors which may be contributing to this including highway construction, traffic delays and the national economy.

The first step the committee identified was the need to place signage along the highway to draw attention to the historic main street. It is hoped that getting drivers to stop in Town will assist businesses in “getting traffic which will be ending soon with the travel season”, and “emergency signage is a simple action to start the process”

SPEAKING FROM THE AUDIENCE:

Business owner Tia Mihelarakas stated “we just need to get people to Clinton Street and our Creative District”. She stated there was a “decrease in tourism” this summer, which equated for her business a “50% decrease in sales from last summer”. She asked the Council to “please expediate the signage change to let people know we are here”.

Joan Chismire explained she is a member of the revitalization group, and there has been a “real drop in activity on the western slope” noting increases in costs and highway construction projects.

County Commissioner Lynn Padgett stated she has attended some of the “ad-hoc group meetings” and they are having “bottom up conversations”. She noted “not since the recession” have tourist numbers been down, and the “situation going on with the businesses is not necessarily happening in Ridgway”, business income is “down across the state”. She stated

“this group saw the need” and “emergency signage for the summer and fall seasons” “may help businesses that are struggling”.

Business owner Erin Graham stated “signage is the most basic thing we need to keep these vital businesses going”.

Tera Wick, business owner, noted “the importance” of immediately addressing the request, and that the “State Creative District Program has resources”, “to support vitality of the downtown”.

Hilary Lewkowitz explained she is looking into “state resources” and “support” to assist business owners.

There was discussion by Council and questions to staff. Consensus of the Council was to direct staff to work with business owners for placement of temporary signage, and bring an emergency ordinance amending the sign code to the next meeting.

9. Request for use of rights-of-way for the annual Noel Night event

On behalf of the Ridgway Area Chamber of Commerce Ashely Perkins requested temporary street closures for the annual Noel Night parade on December 6th. The parade route would follow N. Railroad Street down Highway 62 to N. Laura, progress down Clinton Street to N. Lena, returning to Highway 62 and back to the starting point in front of Town Hall on Railroad Street.

There was discussion by the Council.

ACTION:

Councilmember Kroger moved to approve the street closures for the Noel Night parade. Councilor Scoville seconded the motion which carried unanimously on a roll call vote.

PUBLIC HEARINGS

10. Extension request to meet conditions of approval of Preserve PUD Preliminary Plat

Staff Report dated 8-9-24 from the Town Manager presenting a request for an extension to meet conditions of approval for the Preserve PUD Preliminary Plat.

The Town Manager noted the Dalwhinnie Group LLC is requesting an extension for the Preserve PUD Preliminary Plat, approval initially granted on March 14, 2028, and subsequently extended in March of 2020, January of 2022 and February of 2024. If approved the extension would allow time to meet the conditions assigned with the preliminary plat approval. He explained in February the applicant requested a three year extension and the Council approved six months to allow discussions with staff regarding annexation and other processes. The current expiration of the preliminary plat approval is September 11th and the applicant is requesting a three year extension to meet the approvals assigned with the March 14, 2018 approval.

Manager Neill explained the applicant has been struggling to meet public improvement requirements, specifically related to the sanitary sewer system. After numerous discussions with the applicant, Town and County, it was determined the best course of action was for the

property where the proposed lift station would be located, be annexed from the County into the Town. The property is located outside of the Town's Urban Growth Boundary, and this process was approved in November of 2023; and it also falls within the Uncompahgre River Overlay District (UROD). On July 19th the applicant submitted annexation and zoning map amendment applications, which staff is in the process of reviewing to ensure accuracy with Municipal Code requirements. Staff is recommending an extension for two years, he stated.

Chris Hawkins, planner for the applicant, reviewed completed infrastructure items, and noted construction can not be started until the spring to meet public health department regulations, at which time a new preliminary plat will be submitted. He stated the applicant is not opposed to the two year extension time frame.

Tanya Ishkawa with the Uncompahgre Watershed Partnership noted the development is close to the river, and asked that Council "consider some of the regulations of the UROD".

She noted the development is "next to an active braided channel", and the "high water mark needs to be surveyed ", as it appears that "most vegetation will be removed at the rivers edge and the river bank stability is already precarious".

Michael Cox representing the applicant stated the current goal is to determine project and infrastructure costs before the end of the year.

ACTION:

Moved by Councilmember Schuyler to approve the extension for the Preserve PUD Preliminary Plat, Savath Subdivision park of Outlot A and the Woodford Addition, for a period of two years with the conditions assigned at the March 14, 2018 approval and to allow up to two years to meet those conditions. Councilor Grambley seconded and the motion carried unanimously on a roll call vote.

11. Emergency Ordinance Acting By and Through its Water Enterprise, Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance a Portion of the Costs of the Ductile Iron Pipe Replacement Project

Manager Neill explained the Town needs to adopt an emergency ordinance to enter into a loan with the Colorado Water Resources and Power Development Authority to help finance the ductile iron project. The loan is for \$650,000 with a 3.25% interest rate and will mature in 21 years, with repayment through a government bond which will be repaid from the water enterprise fund.

ACTION:

Moved by Councilor Lakin, seconded by Councilor Kroger the motion to approve Emergency Ordinance No. 02-2024, an Emergency Ordinance of the Town of Ridgway, Colorado, Acting By and Through its Water Enterprise, Approving a Loan from the Colorado Water Resources and Power Development Authority to Finance a Portion of the Costs of the Ductile Iron Pipe Replacement Project; Authorizing a Loan Agreement and a Bond to Document the Loan; Providing for Payment of the Bond from Net Revenue of the Water System and Declaring an Emergency carried unanimously on a roll call vote.

POLICY MATTERS

12. Notice of Award for Ductile Iron Pipe Replacement Project

Staff Report dated 8-9-24 from the Town Manager presenting bids received for the Ductile Iron Pipe Replacement Project.

The Town Manager reported in late May the Town issued a request for proposal for the Ductile Iron Pipe Replacement Project, with bids due on July 31st. At that time three bids were received, with the lowest from Ridgway Valley Enterprises, Inc. for \$869,425. He noted the company has completed several project for the Town of the past few years, and the company president has said if awarded, they would begin construction in spring of 2025. The project is included in the 2024 budget with an estimated cost of 1.2 million, secured by a \$600,000 grant from the Colorado Department of Local Affairs, and \$650,000 loan from the Colorado Water Resources and Power Development Authority. Staff has spoken to Ridgway Valley Enterprises regarding upsizing pipes, valves and fittings, and is recommending this change and approval of the bid be set at not to exceed \$950,000.

ACTION:

Councilmember Scovill moved to issue Notice of Award for the Ductile Iron Pipe Replacement Project to Ridgway Valley Enterprises, Inc. with the bid alternative for pipe upsizing, not to exceed \$950,000. Also the Notice of Award is contingent upon the successful finalization of the loan agreement with the Colorado Water Resources and Power Development Authority, and also contingent upon successful grant contracting with the Colorado Department of Local Affairs. The motion was seconded by Mayor Pro Tem Meyer, and carried unanimously on a roll call vote.

13. Notice of Award for Turf Replacement Project

Staff Report from the Town Manager dated 8-9-24 presenting a bid for turf replacement in Hartwell Park.

Manager Neill reported on July 16th the Town issued a request for quotes for the Ridgway Turf Replacement Project with bids due on August 7th. The request sought a qualified and experienced individual or firm to submit estimates to furnish labor, equipment and materials to remove turf and install xeriscape landscaping. One estimate was received from Alpine Property Services LLC in the amount of \$36,662.96. The Town has secured a technical assistance grant of \$10,000 from the Sonoran Institute. Additionally a grant through Resource Central will handle the removal of 2,500 square feet of turf, almost half of the projects 5,530. He noted this project was not identified in the 2024 Fiscal Year Budget, and no funding has been earmarked for the project.

ACTION:

Moved by Councilor Lakin, with a second by Councilor Kroger the motion to issue Notice of Award for the Ridgway Turf Replacement Project to Alpine Property Services LLC, with an amount not to exceed \$37,000 carried unanimously on a roll call vote.

14. Discussion regarding snow removal regulations

Staff Report from the Town Manager dated 7-16-24 regarding snow and ice removal regulations.

The Manager reported at the March meeting the Council discussed the Towns snow removal regulations and requested staff research other municipalities regulations, specifically to the responsibility of private property owners. He presented regulations from three neighboring municipalities and reviewed them with the Council.

There was discussion by the Council. It was agreed to instruct staff to prepare an ordinance with time limits for snow to be removed in front of private properties and businesses, and establishment of fines and associated fees.

15. Change of IT service provider

Staff Report from the Town Manager dated 8-9-24 presenting a background on IT contracted services.

Manager Neill reported in the latter part of 2023 the Town's IT service provided merged with an out of state provider. Since this merger customer service has drastically been reduced, impeding some staff members ability to complete daily duties. Staff has reached out to a local

IT company, and is recommending terminating the agreement with the current provider Iron Edge, and enter into a contract with Bell Tech Pro out of Montrose.

ACTION:

It was moved by Councilor Schuyler, seconded by Councilor Grambley and unanimously carried on a roll call vote to authorize staff to expend budgeted funds and terminate the contract with Iron Edge, and enter into an agreement with Bell Tech Pros for the provision of IT services.

16. Ratify letter of support for Habitat for Humanity of the San Juans

The Mayor asked the Council to ratify a letter of support for Habitat for Humanity of the San Juans application to the Single Family Owner-Occupied Rehab Program through the Colorado Department of Local Affairs.

ACTION:

On a motion from Councilmember Schuyler to ratify the letter of support for Habitat for Humanity of the San Juans, with a second by Councilor Kroger the motion carried unanimously on a roll call vote.

17. Ratify letter of support for EcoAction Partners

The Mayor asked Council to ratify a letter of support for EcoAction Partners' Energy Efficiency and Conservation Block Grant Program Application for a collaborative Regional Climate Action Development Director staff position.

ACTION:

Moved by Councilor Kroger, seconded by Councilor Scoville to ratify the letter of support for EcoAction Partners. On a call for the vote the motion carried unanimously on a roll call vote.

18. Emergency restrictions on burning and fires within the Town

Staff Report dated 8-7-24 from the Town Manager regarding fire restrictions in the Town and County.

Manager Neill explained on August 2nd the Town followed the lead of Ouray County and other agencies, and implemented Stage 1 Fire Restrictions. Acting in his capacity as defined in the

Municipal Code he promulgated the implementation, which requires confirmation by the Council.

ACTION:

Councilor Lakin moved to ratify the emergency restrictions on burning and fire within the Town, promulgated by the Town Manager. Councilmember Schuyler seconded the motion, which carried on a roll call vote.

MISCELLANEOUS REPORTS

Manager Neill noted a proposed change in the budget retreat meeting date, which was discussed by the Council. It was agreed to leave the date at October 12th.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk