

Ridgway Town Council  
Regular Meeting Agenda  
Wednesday, April 13, 2022

**Due to COVID-19, and pursuant to the Town's Electronic Participation Policy, the meeting will be conducted both in person and via a virtual meeting portal. Members of the public may attend in person at the Community Center, located at 201 N. Railroad Street, Ridgway, Colorado 81432, or virtually using the meeting information below.**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84855088059?pwd=MXVXWGF4UFFDaG54QktlTWpSZnNwUT09>

Meeting ID: 848 5508 8059

Passcode: 753235

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**OATH OF OFFICE**

The Town Clerk will administer the oath of office to recently elected Council Members Polly Enochs, Kevin Grambley, Terry Schuyler, JT Thomas and Mayor John Clark.

**5:30 p.m.**

**ROLL CALL** Councilors Polly Enochs, Kevin Grambley, Beth Lakin, Terry Schuyler, JT Thomas, Mayor Pro Tem Russ Meyer and Mayor John Clark

**ADDITIONS & DELETIONS TO THE AGENDA**

**ADOPTION OF CONSENT CALENDAR** All matters listed under the consent calendar are considered to be routine by the Town Council and enacted by one motion. The Council has received and considered reports and recommendations prior to assigning consent calendar designations. Copies of the reports are on file in the Town Clerk's Office and are available to the public. There will be no separate discussion on these items. If discussion is requested, that item will be removed from the consent calendar and considered separately.

1. Minutes of the Regular Meeting of March 9, 2022.
2. Minutes of the Special Meeting of February 28, 2022.
3. Register of Demands for April 2022.
4. Continue the Solar Energy Incentive Program pursuant to Municipal Code Section 6-1-12.
5. Renewal of Tavern Liquor License for Steps.
6. Renewal of Tavern Liquor License for The Patio at Steps Tavern.

**PUBLIC COMMENTS** Established time for the public to address the Council regarding any item not otherwise listed on the agenda. Comments will be limited to 5 minutes per person.

**PUBLIC REQUESTS AND PRESENTATIONS** Public comments will be limited to 5 minutes per person; discussion of each item may be limited to 20 minutes.

7. Introduction of Debra Overton as Administrative Assistant - Town Manager.

**PUBLIC REQUESTS AND PRESENTATIONS** Public comments will be limited to 5 minutes per person; discussion of each item may be limited to 20 minutes.

8. Request to use right-of-way on south end of Palomino Trail at 8:00 am on June 4th for the RAT Race - Town Clerk.

**PUBLIC HEARINGS** Public comments will be limited to 5 minutes per person; discussion of each item may be limited to 20 minutes.

9. Transfer of liquor store license for High Spirits Liquors, from Karen and Mark Vanden Branden to John 2.11 LLC, sole member Joe Stengele, for premises at 144 Highway 550 - Town Clerk.
10. **Application:** Replat; **Location:** Town of Ridgway, Block 34, a portion of Lots 11 and 12, and Lots 13 through 15; **Address:** 185 N. Lena St. and 195 N. Lena St.; **Zone:** Historic Business (HB); **Applicant:** Firehouse Investment Real Estate, LLC; **Owner:** Patrick O'Leary, Firehouse Investment Real Estate, LLC and Steven Chevalier - Town Manager.

**POLICY MATTERS** Public comments will be limited to 5 minutes per person; overall discussion of each item may be limited to 20 minutes.

11. Review and action on Encroachment Permit Application for use of Town property related to construction of Old Ridgway Firehouse Project - Town Manager.
12. Resolution No. 22-05 Amending the Police Procedures Manual to Add Section 28: Peace Officer Credibility Disclosure Notifications Policy - Town Marshal.
13. Review and action on Intergovernmental Agreement between Town of Ridgway and Ouray County concerning Noxious Weed Management and Control Services - Town Manager.
14. Ratification of letter of support for Congressional Directed Spending Request for acquisition of land at 660 Sherman St. for a mixed-use development project - Mayor Clark.
15. Review and action on contribution request from the Home Trust of Ouray County - Town Manager.
16. Annual appointment of Mayor Pro Tem and review of Council representation on commissions, committees and boards - Town Clerk.

**WRITTEN AND VERBAL REPORTS** Written reports may be provided for informational purposes prior to the meeting updating Council on various matters that may or may not warrant discussion and action.

17. Update regarding water service revenue in FY2021 - Town Manager.
18. Town Manager's Report - Town Manager.

**EXECUTIVE SESSION** The Town Council will enter into a closed session pursuant to CRS 24-6-402(4)(b) for the purpose of receiving legal advice regarding the paving of Lena Street and the implementation agreement with Lena Commons, LLC.

**COUNCIL COMMITTEE REPORTS** Informational verbal reports from Councilors pertaining to the following committees, commissions and organizations:

Committees & Commissions:

Ridgway Planning Commission - Councilor Meyer and Mayor Clark  
Ridgway Parks, Trails & Open Space Committee - vacant  
Ridgway Creative District Creative Advocacy Team - Councilor Grambley  
Ridgway Scholarship Committee - Councilor Lakin and Mayor Clark

Board Appointments:

Ouray County Weed Board - Councilor Lakin; alternate - Town Engineer  
Ouray County Joint Planning Board - Councilor Meyer, citizens Rod Fitzhugh & Tom McKenney; alternate - Councilor Beck  
Sneffels Energy Board - Councilor Lakin and Town Manager; alternate - Mayor Clark  
Region 10 Board - Mayor Clark  
WestCO Dispatch Board - Town Marshal; alternate - Town Manager  
Gunnison Valley Transportation Planning Region - Town Manager  
Ouray County Transit Committee - Town Manager  
Ouray County Water Users Association - Councilor Meyer  
Water and Land Committee for the Uncompahgre Valley - Councilor Meyer; alternate - Town Manager  
Colorado Communities for Climate Action - Councilor Lakin; alternate - Town Manager  
Colorado Municipal League Policy Committee - Town Manager

Liaisons:

Chamber of Commerce - Councilmember Lakin  
Communities That Care Coalition - Mayor Clark  
Ouray County Fairgrounds - Councilor Schuyler

**ADJOURNMENT**

Deadline for agenda items for next regular meeting, Wednesday, May 4, 2022 at 4:00 p.m., Town Clerk's Office, 201 N. Railroad Street, Ridgway, Colorado.

## Consent Agenda



RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
MARCH 9, 2022

CALL TO ORDER

The meeting was held both in person and via a 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 Beck, Grambley, Lakin, Schuyler, Mayor Pro Tem Meyer and Mayor Clark in attendance.

CONSENT AGENDA

1. Minutes of the Regular Meeting of February 9, 2022.
2. Register of Demands for March 2022.
3. Renewal of restaurant liquor license for the True Grit Cafe.

ACTION:

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

POLICY MATTERS

4. Discussion regarding indoor masking requirement at Town facilities

The Mayor reported a number of months ago the Council instituted a mask mandate for Town facilities to support Ouray County, and yesterday the County discontinued the measures.

There was discussion by the Council.

ACTION:

Mayor Pro Tem Meyer moved to end the current mask mandate at Town facilities, seconded by Councilor Lakin and on a roll call vote, the motion carried unanimously.

PUBLIC REQUESTS AND PRESENTATIONS

5. Request for use of park and rights-of-ways for San Juan Barrel Fest and Fete-de-Musique

The Mayor stepped down due to a potential conflict of interest, and turned the gavel to the Mayor Pro Tem.

The Town Clerk presented two requests for use of park and rights-of-ways for the San Juan Barrel Fest hosted by Ridgway Chautauqua Society on October 1, and Fete-de-Musique on June 19 hosted by Weehawken Creative Arts.

Trisha Oakland speaking on behalf of the applicants presented two proposed route maps for Fete-de-Musique in the event of street construction on North Lena Street.

There was discussion by the Council.

**ACTION:**

Moved by Councilor Lakin, seconded by Councilmember Schuyler and unanimously carried by a roll call vote to approve the use of Hartwell Park and use of rights of way for Fete-de-Musique; and use of Hartwell Park for the San Juan Barrell Fest.

The Mayor returned to sit with the Council.

**PUBLIC HEARINGS**

**6. Request for extension of River Park Ridgway Business Park Filing 3 Preliminary Plat**

Staff Report from the Town Manager dated 3-3-22 presenting a letter dated 1-28-22 from Ridgway Light Industrial LLC requesting an extension of the preliminary plat for Phase 3 of River Park Business Park.

Manager Neill reported Ridgway Light Industrial LLC is requesting an extension of the approved preliminary plat for River Park Ridgway Business Park Planned Unit Development (PUD) as it relates to Filing 3, planned Blocks 9-12 of the industrial park. The same request for extension was been made and approved by the Council every two years between 2010 and 2020. The current extension expires on July 8, 2022. The PUD comprises approximately 141 acres and is located at the north-central area of the municipal boundary, and consists of medium density single family housing, low density multi-family residences, industrial/commercial properties, open space and a trail network. Approval of the preliminary plat was given by the Council on February 13, 2001, and since that time the applicant has received final plat approvals for Filings 1 and 2. The preliminary plat continuation for Filing 3 consists of roads, infrastructure and easements, and the property is zoned Light Industrial.

Jack Petrucelli speaking on behalf of the applicant, reported the extension of Laura Street should be undertaken within two months, and the applicant is negotiating with another development on participating in the street extension; he reported "it is hoped before requesting the final plat, the construction is done".

There were comments by the Council.

**ACTION:**

It was moved by Councilmember Schuyler and seconded by Mayor Pro Tem Meyer to extend the preliminary plat dated December 27, 2022 and as amended April 29, 2008 subject to all prior conditions of approval and other requirements associated with the PUD, extension is granted with the requirement that the applicants plans be updated to reflect updated Town standards and specifications. After a roll call vote the motion carried unanimously.

**POLICY MATTERS** (Continued)

**7. Resolution No. 22-03 Amending the Police Procedures Manual to add Section 27: Eyewitness Identification Policy**

Staff Report from Marshal Schmalz presenting an addition to the Police Procedures Manual.

The Marshal explained during the 2021 Legislative Session House Bill 21-1142 was signed into law and requires each law enforcement agency to adopt written policies and procedures relative to eyewitness identifications. He reported a new section has been drafted for the Town Procedures Manual creating an Eyewitness Identification Policy.

ACTION:

Councilor Lakin moved to approve Resolution No. 22-03 Amending the Police Procedures Manual to add Section 27: Eyewitness Identification Policy. Mayor Pro Tem Meyer seconded the motion, which carried unanimously on a roll call vote.

8. Resolution No. 22-04 appointment interim Municipal Court Judges

The Town Attorney explained the existing County Judge is relocating and the appointment of a replacement is "taking longer than expected". Two judges have agreed to act as replacements until the final appointment is made, Anna Cooling and Jock Fleming.

There were questions from the Council.

ACTION:

Moved by Councilmember Lakin to approve Resolution No. 22-04 Approving Alternate Judges to Preside over the Ridgway Municipal Court for March and April of 2022, seconded by Councilor Schuyler, the motion carried unanimously on a roll call vote.

9. Establishment of a Town Sustainability Committee

Town Manager Staff Report dated 3-4-22 presenting a recommendation regarding formation of a Sustainability Committee.

The Town Manager reported based on Council discussion staff has researched establishment of a sustainability committee to serve in an advisory capacity. He noted goals, roles and responsibilities could include advancing and encouraging environmentally sustainable practices; advising the Council on improvements to the Municipal Code regarding sustainable practices, resource conservation, renewable energy, waste reduction; collaborate with staff to implement goals and objectives from the Regional Climate Action Plan. He suggested if the board is created incorporating members of the existing Parks, Trails and Open Space Committee to serve as the board.

There was discussion by the Council.

Speaking from the audience, Dave Jones and Jake Niece spoke in support of formation of the Committee.

Consensus of the Council was to direct the Town Manager to draft eligibility of membership, terms and procedures to attach to a resolution, and present for adoption at another meeting.

10. Contribution request from the Home Trust of Ouray County

Andrea Sokolowski, President of the Home Trust of Ouray County, presented the Council with background on the model of the county wide non-profit organization; grant opportunities and future plans. She explained application for grant funds require showing local support; also there is a need for funds for Executive Director salary, insurance, software, and

marketing. The City and County of Ouray have been approached requesting funding and written support, and the Town is being asked to participate.

There was discussion by the Council.

Speaking from the audience, Jack Petrucelli noted slow construction process on a current affordable housing project; Mark Hitchcock spoke in support of the organization.

Consensus of the Council was to support the organization, and agreed to contribute to the organization after receiving information on the amount of support being pledged by the City and County.

11. Authorization for Mayor to sign a letter expressing opposition to proposals mandating collective bargaining for public employees

Mayor Clark reported the Colorado Municipal League is asking members to send letters to State legislators expressing opposition to a proposed bill mandating collective bargaining for public employees.

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Schuyler and approved by a roll call vote to approve Mayor Clark sending a letter to Senator Coram and Representative McLachlan in opposition to mandating collective bargaining for public employees.

MISCELLANEOUS REPORTS

Manager Neill highlighted some of the items contained in the monthly managers report.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk

## MINUTES OF SPECIAL MEETING

### RIDGWAY TOWN COUNCIL

FEBRUARY 28, 2022

The Town Council convened for a meeting on a virtual platform, pursuant to the Town's Electronic Participation Policy.

The Mayor called the meeting to order at 6:00 pm. The Council was present in its entirety with Councilors Beck, Grambley, Lakin, Schuyler, Mayor Pro Tem Meyer and Mayor Clark in attendance.

Town Clerk's Notice of Workshop Meeting dated February 24, 2022.

#### PUBLIC COMMENTS

Robyn Cascade expressed concerns that affordable housing requirements placed on new development, "is not affordable to an average person working within Town". She suggested Council increase the deed restricted percentage from 10% to 20%; encourage developers to increase the cost of other units to lower the price on the units designated affordable; ask developers to not get a profit on the affordable units; and "keep a townhouse to \$300,000".

There were comments from the Council.

Jennifer Cram stated she agreed with the comments made by Ms. Cascade.

Andrea Sokolowski, President of Home Trust of Ouray County, noted the Home Trust is campaigning to raise funds to assist in purchases of affordable housing units.

#### 1. Presentation of Water Supply Assessment report

Staff Report dated February 24, 2022 from the Town Manager presenting the Water Supply Assessment prepared by LRE Water.

Manager Neill reported in May of 2021 the Town solicited requests for proposal to prepare a comprehensive assessment of the Town's current water rights portfolio and supplies. The study was to determine the total projected water supplies available during normal, single dry and multiple dry water years over a thirty year projection, and to determine if it meets the demands of future growth. The competitive bid process was awarded to LRE Water, and a comprehensive analysis was performed over a seven month period. Staff provided information and data to assist the consultants to quantify existing and future water demands, evaluate adequacy of the existing water supply system to meet those demands, and identify any deficiencies in either the available physical or legal supply.

Representing LRE Water, Ashley Moffatt, lead engineer and senior project manager, and Mark Mitisek, lead hydrologist and senior project manager presented the findings of the study. Key objectives of the study included system overview; existing water demands based on 1150 residents; supplies available from a legal and physical basis; water supply strategies; findings and recommendations.

Ms. Moffatt reported a key objective was the review of the water supply system, water rights portfolio, quantify existing and future water demands and analyzed physical water availability. It was noted the existing water system was evaluated at the “best available data at hand”. With a population base of approximately 1150 residents, the need was found to be approximately 315 acres per year. To determine the projected water demands of 2050 water availability from the water rights were reviewed. Taking into account for climate change adjustments, the consultants noted the importance of having water storage in the lake.

There were questions from Council and audience, and a discussion ensued regarding climate change models and possible reductions in flow.

The consultants addressed current operations or at full entitlement; demand totals; potable water use; model scenarios of historical hydrology and the demand scenario of the 30 year hydrology. The consultants stated the model results show that if the Town continues to manage the Ridgway Ditch such that it receives approximately 37% of the total available diversion, then its municipal water system will not be able to reliably support the high growth, total 2050 demand under historical or climate change hydrology. They also explained that the model results also show that by managing the Ridgway Ditch such that the Town receives the entire supply up to the first 2 cfs during the summer irrigation season and entire supply up to 0.25 cfs during the winter non-irrigation season, the total 2050 municipal demand can be met.

The consultants suggested water supply strategies the Town could explore as alternatives to making operational changes or in combination with changes. The suggestions included increased storage, acquiring water rights and developing a plan for augmentation.

Recommendations included data improvements through production records, Lake O records, Ridgway Ditch Diversion records; legal availability through Ridgway Ditch operations and Cottonwood Creek administration; develop codes through adequate water supply rules, and raw water demands; study legal considerations through the current Ouray County Water Court case and pursue available grants.

There were questions from the Council

#### SPEAKING FROM THE AUDIENCE:

Jack Petruccelli spoke in support of “piping Ridgway Ditch”, noting it could “protect us for the next 30-40 years”.

Pat Willits as the manager of the property upon which Lake Ottonawanda is located, stated he has monitored lake and ditch levels with “measuring sticks” and observations between the years of 2017-2021 are “the lake loses water in the wintertime”, and he is “confident in addition to evaporation there is a sippage loss in Lake O”. He recommended the Town monitor “what is diverted at Beaver Creek and what comes into the Lake” as there appears to be a “significant loss in those three miles”. He stated the reports show “we can double usage but based on what we are seeing at the lake and ditch”, “I would say the report is super over optimistic” and “I worry about what this model is projecting”. He stated “I think the Town needs to take a hard look” at “how the Town is going to grow and where the water is going to come from”. He agreed with the need to “pipe Beaver Creek to the lake”.

Jennifer Cram asked “if we need more data” where would research be performed to locate “where things might not be right”. Ms. Moffat stated the report needs to be “looked at periodically” and “continued to look at”.

Joan Chismire questioned water levels if there was a need for wildfire mitigation.

Gail Melgren had questions regarding uses from the raw water system.

Ken Miller presented questions regarding the capacity at Lake Ottonawanda.

2. Project Development and Implementation Agreement for Lena Street Improvements

Staff Report dated 2-24-22 from the Town Manager presenting a Project Development and Implementation Agreement for Lena Street Improvements with Lena Street Commons LLC.

The Town Attorney reported based on the recorded Development Agreement for the Lena Street Commons Project, staff and has met with development representatives to prepare an implementation plan which establishes responsible parties for undertaking the improvements on North Lena Street between Charles and Otto Streets. The cost sharing for the project is sixty percent by the developer and forty percent by the Town.

There were questions from the Council.

ACTION:

Moved by Mayor Pro Tem Meyer to approve the Project Development and Implementation Agreement for Lena Street Improvements seconded by Councilor Lakin and approved by a roll call vote.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk

**Town of Ridgway**  
**Register of Demands**  
April 2022

Name	Memo	Account	Paid Amount
<b>Western Paper Distributors</b>		<b>Alpine-Operating Account</b>	
		732POO · Supplies & Materials	-65.84
TOTAL			-65.84
<b>SGS Accutest Inc</b>		<b>Alpine-Operating Account</b>	
		990WOO · Testing - water	-245.58
		990WOO · Testing - water	-110.00
TOTAL			-355.58
<b>Bobcat of the Rockies LLC</b>		<b>Alpine-Operating Account</b>	
	hydraulic hose - Bobcat skidsteer	661GO2 · Vehicle & Equip Maint & Repair	-108.83
	hydraulic hose - Bobcat skidsteer	961WOO · Vehicle & Equip Maint & Repair	-108.83
TOTAL			-217.66
<b>Kim's Housekeeping LLC</b>		<b>Alpine-Operating Account</b>	
	Mar 2022	779POO · Janitorial Service - parks	-976.50
	Mar 2022	779PO1 · Janitorial Services - cntr/thal	-325.50
	Mar 2022	545GOO · Janitorial Services	-325.50
TOTAL			-1,627.50
<b>LRE Water</b>		<b>Alpine-Operating Account</b>	
	water supply assess. thru 2/11/22	914WOO · Consulting & Engineering Ser...	-33,834.25
TOTAL			-33,834.25
<b>Verizon Wireless</b>		<b>Alpine-Operating Account</b>	
		741POO · Telephone	-56.04
		943SOO · Telephone	-64.84
		943WOO · Telephone	-112.83
		843GO3 · Telephone	-162.76
		543GOO · Telephone	-91.38
		643GO2 · Telephone	-56.03
		552GOO · GIS Mapping - admin	-10.01
		952SOO · GIS Mapping - sewer	-10.01
		952WOO · GIS Mapping - water	-50.02
		830GO3 · Computer	-160.04
TOTAL			-773.96
<b>Xerox Financial Services</b>		<b>Alpine-Operating Account</b>	
	Xerox lease - Mar 2022	948SOO · Office Equipment - Leases	-7.63
	Xerox lease - Mar 2022	948WOO · Office Equipment - Leases	-15.26
	Xerox lease - Mar 2022	548GOO · Office Equipment - Leases	-129.75
TOTAL			-152.64



**Town of Ridgway**  
**Register of Demands**  
April 2022

Name	Memo	Account	Paid Amount
<b>Black Hills Energy-PW Building</b>		<b>Alpine-Operating Account</b>	
		742POO · Utilities	-103.59
		642GO2 · Utilities	-103.59
		942SOO · Utilities	-103.60
		942WOO · Utilities	-103.60
TOTAL			-414.38
<b>Black Hills Energy-Town Hall</b>		<b>Alpine-Operating Account</b>	
		742PO1 · Utilities - c cntr/t hall	-84.04
		842GO3 · Utilities	-84.04
		542GOO · Utilities	-84.04
TOTAL			-252.12
<b>Black Hills Energy-Broadband</b>		<b>Alpine-Operating Account</b>	
		783PO1 · Broadband Station	-14.72
TOTAL			-14.72
<b>Black Hills Energy-Hartwell Park</b>		<b>Alpine-Operating Account</b>	
		742POO · Utilities	-67.78
TOTAL			-67.78
<b>Black Hills Energy-PW Office</b>		<b>Alpine-Operating Account</b>	
		642GO2 · Utilities	-23.70
		942SOO · Utilities	-23.70
		942WOO · Utilities	-23.70
TOTAL			-71.10
<b>Black Hills Energy-Lift Station</b>		<b>Alpine-Operating Account</b>	
		942SOO · Utilities	-26.94
TOTAL			-26.94
<b>USABlueBook</b>		<b>Alpine-Operating Account</b>	
	rotary drum pump; connector	932WOO · Supplies & Materials	-180.63
TOTAL			-180.63
<b>Federal Express</b>		<b>Alpine-Operating Account</b>	
		990WOO · Testing - water	-276.55
		990WOO · Testing - water	-175.68
TOTAL			-452.23

**Town of Ridgway**  
**Register of Demands**  
April 2022

Name	Memo	Account	Paid Amount
<b>True Value</b>		<b>Alpine-Operating Account</b>	
		632GO2 · Supplies & Materials	-31.95
		732POO · Supplies & Materials	-81.40
		732PO1 · Supplies - c cntr/t hall	-55.31
		932SOO · Supplies & Materials	-4.31
		932WOO · Supplies & Materials	-4.32
TOTAL			-177.29
<b>Home Depot Credit Services</b>		<b>Alpine-Operating Account</b>	
	blacktop patch	637GO2 · Paving & Maintenance	-464.10
TOTAL			-464.10
<b>Montrose Water Factory, LLC</b>		<b>Alpine-Operating Account</b>	
		632GO2 · Supplies & Materials	-9.57
		732POO · Supplies & Materials	-9.56
		932SOO · Supplies & Materials	-9.56
		932WOO · Supplies & Materials	-9.56
TOTAL			-38.25
<b>Pro Velocity</b>		<b>Alpine-Operating Account</b>	
	Apr 2022	556GOO · IT Services	-605.50
	Apr 2022	615GO2 · IT Services	-605.50
	Apr 2022	729POO · IT	-605.50
	Apr 2022	820GO3 · IT Services	-605.50
	Apr 2022	917WOO · IT Services	-575.00
	Apr 2022	917SOO · IT Services	-575.00
TOTAL			-3,572.00
<b>Eurofins Eaton Analytical Inc.</b>		<b>Alpine-Operating Account</b>	
		990WOO · Testing - water	-150.00
TOTAL			-150.00
<b>Grand Junction Pipe &amp; Supply ...</b>		<b>Alpine-Operating Account</b>	
		988WOO · Taps & Meters	-77.00
		988WOO · Taps & Meters	-1,845.18
TOTAL			-1,922.18
<b>Quill.com</b>		<b>Alpine-Operating Account</b>	
		541GOO · Office Supplies	-129.99
TOTAL			-129.99
<b>UNCC</b>		<b>Alpine-Operating Account</b>	
		915WOO · Dues & memberships	-9.75
		915SOO · Dues & Memberships	-9.75
TOTAL			-19.50

**Town of Ridgway**  
**Register of Demands**  
**April 2022**

Name	Memo	Account	Paid Amount
<b>Caselle Inc</b>		<b>Alpine-Operating Account</b>	
	May 2022	914SOO · Consulting & Engineering Servs	-159.50
	May 2022	914WOO · Consulting & Engineering Ser...	-159.50
TOTAL			-319.00
<b>NAPA</b>		<b>Alpine-Operating Account</b>	
	blower motor resistor - Chevy truck	661GO2 · Vehicle & Equip Maint & Repair	-41.79
TOTAL			-41.79
<b>Honnen Equipment Company</b>		<b>Alpine-Operating Account</b>	
	3/7-3/30 loader	662GO2 · SnowRemoval Equip&Services	-3,389.25
TOTAL			-3,389.25
<b>Valvoline Instant Oil Change</b>		<b>Alpine-Operating Account</b>	
	oil - 2017 Explorer	860GO3 · Gas & Oil	-64.58
TOTAL			-64.58
<b>Scott's Printing &amp; Design</b>		<b>Alpine-Operating Account</b>	
	badge embroidery	883GO3 · Uniforms	-43.41
TOTAL			-43.41
<b>Ouray County Road &amp; Bridge</b>		<b>Alpine-Operating Account</b>	
	2/17/22-3/24/22	660GO2 · Gas & Oil	-490.38
	2/17/22-3/24/22	760POO · Gas & Oil	-22.07
	2/17/22-3/24/22	960WOO · Gas & Oil	-396.37
	2/17/22-3/24/22	960SOO · Gas & Oil	-422.59
	2/17/22-3/24/22	860GO3 · Gas & Oil	-679.05
TOTAL			-2,010.46
<b>Dana Kepner Company Inc</b>		<b>Alpine-Operating Account</b>	
	MXUs(27)	988WOO · Taps & Meters	-6,181.71
TOTAL			-6,181.71
<b>Sunset Automotive</b>		<b>Alpine-Operating Account</b>	
	air filter - F350	961SOO · Vehicle & Equip Maint & Repair	-25.09
TOTAL			-25.09
<b>The Paper Clip LLC</b>		<b>Alpine-Operating Account</b>	
		541GOO · Office Supplies	-9.50
		541GOO · Office Supplies	-337.14
		541GOO · Office Supplies	-15.56
TOTAL			-362.20

**Town of Ridgway**  
**Register of Demands**  
April 2022

Name	Memo	Account	Paid Amount
<b>City of Grand Junction</b>		<b>Alpine-Operating Account</b>	
		918SOO · Testing & Permits - sewer	-612.00
TOTAL			-612.00
<b>Alsco</b>		<b>Alpine-Operating Account</b>	
		932WOO · Supplies & Materials	-23.80
		932SOO · Supplies & Materials	-23.80
		732PO1 · Supplies - c cntr/t hall	-23.80
		632GO2 · Supplies & Materials	-23.80
TOTAL			-95.20
<b>Mountain Market</b>		<b>Alpine-Operating Account</b>	
		553GOO · Meetings & Community Events	-52.93
TOTAL			-52.93
<b>Ridgway Valley Enterprises, Inc.</b>		<b>Alpine-Operating Account</b>	
	extend wtr line Cottonwood Park	931WOO · Maintenance & Repairs	-5,400.00
TOTAL			-5,400.00
<b>Bruin Waste Management</b>		<b>Alpine-Operating Account</b>	
	Mar 2022	516GOO · Refuse Collection Franchise	-14,041.10
TOTAL			-14,041.10

## **STAFF REPORT**

Subject: Incentives for Use of Solar Energy Systems

Initiated By: Pam Kraft, MMC, Town Clerk

Date: March 16, 2022

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### **BACKGROUND:**

On March 12, 2008 Council received a request to consider implementing a program allowed under Senate Bill 07-145, which granted authority to local governments to offer incentives for the use of renewable energy fixtures.

Sales tax rebate incentives for the purchase of photovoltaic and solar thermal system equipment was established by Ordinance 08-06, and was codified into the Municipal Code as Section 6-1-12. This program applies only to purchases for installation of equipment located within the Town boundaries.

Section 6-1-12 (C) states: the incentive shall terminate, as of every biennial anniversary date of the effective date of this ordinance unless renewed by a motion of the Town Council at, or about, such time.

This item is being placed on the agenda to allow for reinstatement of the program for another two years.

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### **ANALYSIS:**

During the time this program has been in place there have been approximately three to four refunds made annually by the finance department. The refund is based on remittance of sales tax by the vendor selling the equipment, less the merchants deduction of .0233 of the remitted amount if this was taken for filing a timely remittance of sales tax.

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### **FINANCIAL CONSIDERATIONS:**

There is a loss of income to the Town, and a financial incentive to the purchaser of the equipment.

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### **STAFF RECOMMENDATION:**

If the Council agrees there are benefits to the community to continue the Solar Energy Incentive Program, approval should be made to continue refunds pursuant to Code Section 6-1-12.

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## AGENDA ITEM #7

## AGENDA ITEM #8



### **Special Event Permit Application**

Private Use of Public Property (RMC 14-3-3):  
Parks, Facilities, Rights-of-Way, including the Hartwell Park Stage

Application Date:	<u>March 27, 2022</u>	Event Name:	<u>2022 Fourth Annual RAT Race</u>
Applicant Name:	<u>Edward N. Hines</u>	Event Date:	<u>June 4, 2022</u>
Applicant Phone:	<u>970-218-1846</u>	Event Time:	<u>8:00 am</u>
Applicant Email:	<u>ehines@newbelgium.com</u>	# Attendees:	<u>75</u>
Organization Name:	<u>Ridgway Area Trails (RAT)</u>	# Participants:	<u>Not to exceed 200</u>
Mailing Address:	<u>188 Marie Street Ridgway Co 81432</u>	Entry Fee(s):	<u>\$70.00</u>
Contact Name (Event Day):	<u>Edward N. Hines</u>	# of Vendors:	<u>N/A</u>
Contact Mobile #:	<u>970-218-1846</u>	# of Spectators:	<u>N/A</u>

**IMPORTANT:** *Inaugural and second annual events, must receive the express approval of the Ridgway Town Council. Subsequent annual events will be permitted administratively and include all conditions of approval and other Town Council requirements.*

*All event sponsors are required to provide proof of insurance listing the Town of Ridgway, officers and employees as additional insured and indemnifying the Town of Ridgway and its officers and employees.*

Specify park, facility and/or public right-of-way for the event (*check all that apply*):

<input type="checkbox"/> Hartwell Park	<input type="checkbox"/> Performing Arts Stage	<input type="checkbox"/> Athletic Park
<input type="checkbox"/> Cottonwood Park	<input type="checkbox"/> Dennis Weaver Memorial Park	<input type="checkbox"/> Rollans Park
<input type="checkbox"/> Green Street Park	<input type="checkbox"/> Ouray County Fairgrounds	<input checked="" type="checkbox"/> Right-of-Way (specify below)
<input checked="" type="checkbox"/> Other ( <i>specify</i> ): Palomino Trail, CR12, CR12A, CR10, CR10B		

If use of Right-of-Way (*streets, alleys, sidewalks*) specify exact location(s):

Palomino Trail, CR12, CR12A, CR10, CR10B

Event Type (*check all that apply*):

<input type="checkbox"/> Fundraising Event	<input type="checkbox"/> Outdoor Concert	<input type="checkbox"/> Filming/ Production
<input type="checkbox"/> Run/Walk Event	<input checked="" type="checkbox"/> Bicycling Event	<input type="checkbox"/> Art Show
<input type="checkbox"/> Outdoor Market	<input type="checkbox"/> Other ( <i>specify</i> ):	

Describe in detail the proposed use and activity for the park, facility and/or right-of-way:





This event is the fourth annual RAT Race held on June 04, 2022. The event is a 30-mile mountain bike race to benefit the Ridgway Area Trails (RAT) chapter of the Colorado Plateau Mountain Bike Association (COPMOBA). The event will take place at the RAT trails and will start at 8:00 am at the Ridgway Lodge. Participants will start as a group on Palomino Trail and head south. Participants will turn left and head east on CR12 and continue North on CR12A. Participants will turn left and head west on CR10 until they turn right into the RAT Trails for the start of the race.

For assistance in completing the application please contact the Town of Ridgway 970-626-5308.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWN STAFF WILL COMPLETE THE FEE SCHEDULE and REQUIREMENTS BELOW**

<b>Permit Application Fee</b> (\$50): (Due at time of application)	\$ _____	Date Paid: _____	Check #: _____
<b>Large Event Fee</b> (\$50 - if more than 100 people):	\$ _____	Date Paid: _____	
<b>Filming/ Production Fee</b> (\$250 per day):	\$ _____	Date Paid: _____	
<b>Parks Department Assistance</b> (\$25/hr)	\$ _____	Date Paid: _____	
<b>Performing Arts Stage Use Fee</b> \$300 permitting, stage preparation and breakdown):	\$ _____	Date Paid: _____	
<b>Electricity Use Fee:</b> (\$15/day)	\$ _____	Date Paid: _____	
<b>Law Enforcement Fee:</b> (\$30/hr/officer)	\$ _____	Date Paid: _____	
<b>Performance Security</b> (Damage Deposit) up to 100 people: \$100 101-500 people: \$150 >500 people: \$200 Hartwell Park Stage Deposit: \$500	\$ _____	Date Paid: _____	
<b>Release of Deposit</b> (Yes/No):	\$ _____	Date Paid: _____	

Local government & special districts: 50% fee waiver

**ADDITIONAL REQUIREMENTS** (check all that apply):

<input type="checkbox"/> Town Council Approval (Date: _____)	<input type="checkbox"/> Insurance/ Indemnity
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Special Event Liquor License
<input type="checkbox"/> Special Event Vendor License	<input checked="" type="checkbox"/> Other: <u>Mountain Bike Race</u>
<input type="checkbox"/> Sales Tax License(s)	<input type="checkbox"/> Other: _____

**Vicinity Map/Site Plan**



Attach a vicinity map and site plan. List all parks, trails, open space, facilities, roadways, bridges and other Town property proposed for use with the event. The following questions include items which, if applicable, should also be included on the site plan.

Checklist for Vicinity Map/ Site Plan:

- ☐ Event site (park, trail, open space, facilities, roadway)
- ☐ Parking plan and traffic flow
- ☐ Locations of security personnel
- ☐ Locations of first aid and emergency services
- ☐ Routes for EMS and Fire Crew
- ☐ Water stations
- ☐ Location and number of sanitation facilities
- ☐ Food and merchandise vendor booths
- ☐ Temporary road closures
- ☐ Location of liquor sales and consumption (must match special event liquor license)
- ☐ Electrical and lighting sources
- ☐ Sound and amplification plan
- ☐ Trash Receptacles
- ☐ Signage type and location
- ☐ Proposed locations for staking or any penetration of the ground

**Parking/Traffic Flow**

Indicate the number of parking spaces, locations, traffic flow, personnel directing traffic, and traffic signage.

Name(s) authorized personnel to direct traffic: RAT volunteers

Are you planning event parking on-site?

☒ Yes ☐ No

Are you planning event parking off-site?

☐ Yes ☒ No

How will you be moving people to/from the event site?

**Security/Law Enforcement**

Describe the emergency communications plan [e.g.: radio channels, cell phones, etc.]:

\_\_\_\_\_N/A

Do you anticipate utilizing uniform deputy services for ground security or traffic direction?



If so, what are the event needs?

☐ Yes ☒ No

Will a private security company be used?

☐ Yes ☒ No

How will the security personnel be identified?

Will your event interrupt the normal traffic flow on any roadway?

☒ Yes ☐ No

Will your event need authorization to park vehicles on any roadway?

☐ Yes ☒ No

Does event need Ouray County Sheriff's Department or Ridgway Fire Department services?

☐ Yes ☒ No

If yes, please list and explain:

We need a temporary closure of Palomino Trail, CR12, CR12A, CR10.

### Emergency Medical Care

Describe Emergency Medical Services arrangements/plan:

\_\_\_In the event of an emergency, 911 will be utilized.

### Potable Water

Are participants/vendors providing their own drinking water?

☒ Yes ☐ No

If yes, describe water source, estimated amount and method of distribution:

Personal sources, Ridgway Lodge.

### Sanitation

Are you planning to use Town restroom facilities?

☐ Yes ☒ No

If yes, describe: \_\_\_\_\_

Will portable sanitation facilities be rented?

☐ Yes ☒ No

If yes, describe portable sanitation plan, including company name and phone number:



Sanitation Drop Off/ Pick Up Dates and Times:

Drop Off:       /      /              *est. time*  
                  mm / dd / yy

Pick Up:       /      /              *est. time*  
                  mm / dd / yy

### Food Service & Merchandise Vendors

Will food service and/or merchandise vendors be present at the event? ☐ Yes ☒ No

*If yes, an application for a Special Event Vendor License must be submitted to Clerks Office, including a detailed list of all vendors. The Clerk's Office will issue sales tax remittance forms to each vendor.*

Describe plan to remove hot coals and grease generated by food vendors: \_\_\_\_N/A

### Alcohol Use

*No alcoholic beverages may be possessed, consumed or provided on any public property unless the permit holder has been issued a Town of Ridgway Special Event Liquor License from the Town Clerk. All provisions of the Colorado Liquor Code and local law related to liquor apply to all public properties.*

### Electricity

Is electricity needed for the event? ☐ Yes ☒ No

Describe what electricity will be used for:

What type of service is needed:

### Sound and Amplification

Will sound amplification be used for the event? ☐ Yes ☒ No

Describe sound/ amplification to be used:



### Trash Collection/Removal

Will event use Town park trash receptacles? ☐ Yes ☒ No

Will event have dumpsters be rented? ☐ Yes ☒ No

If yes, describe trash collection plan, including company name and phone number:

\_\_\_\_\_N/A

Collection Container Drop Off/ Pick Up Dates and Times:

Drop Off: \_\_\_\_/\_\_\_\_/\_\_\_\_  
mm / dd / yy est. time

Pick Up: \_\_\_\_/\_\_\_\_/\_\_\_\_  
mm / dd / yy est. time

### Road Closure

Are temporary road closures needed for the event? ☒ Yes ☐ No

Describe the road closure, signage and safety plan: Roads to be temporarily closed are Palomino Trail, CR12, CR12A, CR10.

### Signage

Indicate the date and time the temporary signage will be placed:

(contact Town Staff for applicable regulations)

Signage Up: \_\_\_\_/\_\_\_\_/\_\_\_\_  
mm dd yy

Signage Down: \_\_\_\_/\_\_\_\_/\_\_\_\_  
mm dd yy

**Staking** (ground penetration – eg: tents, signs, fencing, etc.)

Are any ground penetrations needed for the event? ☐ Yes ☒ No

Describe the staking plan: N/A

**Please list any other special requirements or potential impacts of the event:**

\_\_\_\_\_



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**\* Please Note:** *Town equipment and furnishings cannot be removed from Town Hall for use outside of Town Hall.*

## AGENDA ITEM #9

## **STAFF REPORT**

Subject: Transfer of Liquor Store Liquor License - High Spirits Liquor  
Initiated By: Pam Kraft, MMC, Town Clerk  
Date: March 31, 2021

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### **BACKGROUND:**

The Town has received an application for transfer of liquor store license from Karen and Mark Vanden Branden, doing business as High Spirits, to new applicant John 2.11 LLC, sole member Joe Stengele, for the premises at 144 Highway 550. The trade name of the new establishment will remain High Spirits Liquor.

State law does not require a public hearing before the local jurisdiction for transfer of a liquor license, but a precedence has been set to bring all transfers to the Council for approval. All requirements of license application have been met, the premises posted, all fees paid, and all forms received.

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### **ANALYSIS:**

The license for liquor store will be held by John 2.11 LLC. The applicant, Joe Stengele, is purchasing the business from the current business owner, and will lease the premise.

State liquor law allows the transferee to request issuance of a temporary permit from the local jurisdiction to continue to conduct business and sell alcohol under the existing license, until transfer approval is issued by the state licensing authority. The applicant is seeking issuance of a temporary operating permit from the Town, and has remitted the appropriate fee.

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### **FINANCIAL CONSIDERATIONS:**

The Town receives a fee for a new liquor license application and annual renewals thereafter.

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### **LEGAL CONSIDERATIONS:**

None.

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### **STAFF RECOMMENDATION:**

Approve the application for transfer of liquor store license to John 2:11 LLC, sole member Joe Stengele.

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\*\*\*NOTE: Documents pertaining to liquor license applications are confidential in nature, and are on file in the Clerk's Office and open to inspection by the Council\*\*\*



## AGENDA ITEM #10

**To:** Town of Ridgway Town Council  
**Cc:** Preston Neill, *Ridgway Town Manager*  
**From:** TJ Dlubac, AICP, *Community Planning Strategies, Contracted Town Planner*  
**Date:** April 8, 2022  
**Subject:** Firehouse Replat for April 13 TC Meeting

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#### APPLICATION INFORMATION

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**Request:** Approval of a replat to combine two separate parcels into one parcel.  
**Legal:** A Portion of Lots 11 & 12, and Lots 13, 14 & 15 of Block 34 Town of Ridgway  
  
**Address:** 185 and 195 North Lena Street  
**General Location:** At the southwest corner of the intersection of North Lena Street and Clinton Street.  
**Parcel #:** 430516213006  
**Zone District:** Historic Business (HB) District  
**Current Use** Historic firehouse and vacant  
**Applicant** Patrick Oleary, Managing Director  
**Owner** Firehouse Investment Real Estate, LLC

#### PROJECT REVIEW

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##### BACKGROUND

This application for a Replat was submitted on February 24, 2022. A completeness review was conducted, and the application was accepted as complete on February 26, 2022.

This replat is part of a redevelopment proposal known as the firehouse mixed-use project. In summary, this proposal will result in the current firehouse being incorporated into a mixed-use structure with both commercial and residential uses. As part of this redevelopment process, several Town applications and processes have already been completed. The Planning Commission and/or Town Council have previously approved the following requests for this property:

1. Allowed a reduction to provide only three on-site commercial parking spaces and pay fee-in-lieu for the remaining required parking spaces;
2. Increase the allowed building height to 41 feet;
3. Allow a building over 15,000sf; and
4. Allow patio seating on the sidewalk within the Lena St. right-of-way.

Town staff also have preliminarily reviewed a building permit application along with full plan sets for this proposal. This replat is required because the building spans two parcels and the Ridgway Municipal

Code does not allow buildings to cross property lines. Combining of these parcels is required, in order for staff to allow the issuance of the building permit.

Currently, the parcels to be combined are owned by two separate entities. Lots 11 & 12 (Parcel 1), are owned by Steven Chevalier and Lots 13, 14 & 15 (Parcel 2) are owned by Firehouse Investment Real Estate LLC.

#### **REQUEST**

The applicant wishes to combine Lots 11 & 12 (Parcel 1), and Lots 13, 14 & 15 (Parcel 2) of Block 34 Town of Ridgway. If approved, the newly combined parcel will be 0.396 acres.

The applicant has submitted a hearing application, associated fees, final plat materials, and other required support materials for this public hearing to the Town. The property and hearing have been noticed and posted by the Town in accordance with RMC §7-3-23(D).

#### **CODE REQUIREMENTS**

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##### **RMC §7-4-10 REPLATS AND AMENDED PLATS**

- (A) *Replats which reduce the number of separately described contiguous parcels of property may be approved and recorded pursuant to this Subsection in lieu of other procedures for subdivisions provided in these Regulations, if all required improvements are in and available to serve the lot, and the Design Standards of these regulations are met.*

**BASED UPON SECTION 7.4.10 OF RMC, CRITERIA A IS MOST APPLICABLE TO THIS APPLICATION AS THIS REPLAT, IF APPROVED, WILL "REDUCE THE NUMBER OF SEPARATELY DESCRIBED CONTIGUOUS PARCELS." RMC §7-4-5(C)(8)(b):**

The Town Council shall determine the following are met in order to recommend approval, with or without conditions, of the replat to the Town Council:

- (i) *The Town has received a reproducible mylar properly executed by all parties except Town officials, the original subdivision improvements agreement properly executed by the Subdivider accompanied by required security, and copies of properly executed corporate documents and covenants;*
- (ii) *Compliance with all Planning Commission conditions of approval except those subject to a good faith dispute;*
- (iii) *Payment of all costs due to date pursuant to 7-4-12(B), recording fees, development excise taxes, tap fees and other amounts due the Town.*

## ANALYSIS

### LAND USES

The subject property is currently home to the Historic Firehouse with other ancillary buildings and a sculpture garden. Per the plans that have been provided, the historic structure will be incorporated into the overall structure. As mentioned prior, the applicant seeks to develop a mixed-use structure that houses both commercial and residential uses, which are appropriate for the HB zone. While some site improvements will be required, adjacent infrastructure such as public utilities, roadways, and sidewalks are already present. Lastly, the subject site is flat with no significant natural resources to note.

This replat is a necessary step in the process, as the proposed improvements span both lots, which is prohibited by code.

Residential Uses: The project includes six residential long-term rental units. All dwelling units are to be rented at market rate and the development is not intending to include any affordable housing units.

Note: If the units are to be sold, a condominium plat would have to be approved by the Town.

Commercial Use The project also proposes commercial uses including a restaurant, greenhouse, and office space.

### DIMENSIONAL STANDARDS

Section §7-3-15(A) sets forth the required dimensional standards which shall be met for various uses within each zone district. For the HB Historic Business District, the following standards apply to all uses:

<i>Standard</i>	<i>Requirement</i>	<i>Provided</i>
Min. Lot Width	25'	93' Approx.
Min. Lot Size	N/A	Approx. 0.396 acres (17,249.76sf)
Max. Lot Coverage*	N/A	TBD
Min. Front Setback*	0'	0'
Min. Rear Setback*	8'	TBD
Min. Side Setback*	2' (Adjacent to alley)	2'
Max. Side on Corner Lot*	N/A	TBD
Structure Height*	35'	41' which is consistent with the variance approved by Planning Commission on March 31, 2020.

*\*The dimensional standards are being reviewed in conjunction with the building permit application. The "Provided" column reflects the dimensions proposed in the building permit, as applicable.*

The proposed replat allows ample lot area to meet applicable dimensional standards.

### ACCESS

The proposed development and all on-site parking will be accessed from the alley that abuts the southern property line. Street parking is provided along Lena Street.

## **PARKING**

The proposed parking garage will have ten spaces of dedicated residential parking with the following breakdown for commercial:

On December 3, 2019, the Planning Commission approved a variance to reduce the required number of on-site commercial parking spaces by three spaces. This action changed the applicant's commercial parking provision requirement from five spaces to two. The applicant has proposed to pay a fee-in-lieu for these non-residential parking spaces.

The Sec. 7-3-9(E)(4)(d) of RMC states the following:

*In lieu of nonresidential off street parking requirements in excess of three spaces and pursuant to paragraph (b) above, a money payment of \$3,000.00 per space may be paid to the Town, which money shall be used to fund the acquisition or construction of public parking facilities to serve the Historic Business Zoning District.*

Said fee will be \$6,000 and shall be paid prior to Building Permit issuance. The breakdown of this fee may be found below:

(5 Spaces Required – 3 (Reduced by Variance) = 2 Total Spaces to be provided) \* 3,000 = 6,000

## **UTILITIES**

Per the submitted utility plan for BP2021-058, all connections are proposed to tap into existing Town water main and sewer service located in North Lena Street. Utility connection design and installation will be reviewed, approved, and inspected through the building permit and encroachment permit processes.

Water Service: Three existing lines to be abandoned, with the possibility of one being maintained for irrigation. A new 2" water line will be added on the southern end of property per Town requirement.

Sewer Service: Two existing lines to be abandoned and capped with the existing 4" central line to be repaired/replaced and utilized.

## **PUBLIC COMMENT**

The applicant has submitted a hearing application, associated fees, final plat materials, and other required support materials for this public hearing to the Town.

The property has been posted and proper notification has been completed by the Town in accordance with RMC §7-4-13.

As of the drafting of this staff report, no public comments either for or against the request have been received.

## **PLANNING COMMISSION RECOMMENDATION**

At their regularly scheduled meeting on March 29, 2022, the Town of Ridgway Planning Commission voted unanimously by a vote of 5-0 to recommend the Town Council approve the Firehouse Replat with the following condition:

1. Both properties shall transfer to one ownership prior to recording.



**STAFF RECOMMENDATION**

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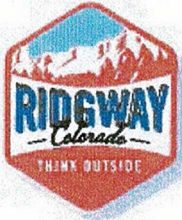
Upon review of the application against applicable Town standards, staff recommends that the Town of Ridgway Town Council approve the Firehouse Replat with the following condition:

1. Both properties shall transfer to one ownership prior to recording.

**ATTACHMENTS**

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- A. Application and Support Materials



## Planning Commission Hearing Request

### Official Use Only

Receipt # \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Initials: \_\_\_\_\_

### General Information

Applicant Name Firehouse Investment Real Estate, LLC Application Date Feb 25, 2022  
Mailing Address 182 Juniper Rd South Ridgway Colorado 81432  
Phone Number (312) 952-5409 Email poleary1975@gmail.com  
Owner Name Patrick Oleary, Managing Director Firehouse Investment Real Estate, LLC  
Phone Number (312) 952-5409 Email poleary1975@gmail.com  
Address of Property for Hearing 185 and 195 North Lena Street Ridgway Colorado 81432  
Zoning District Historic Business

### Brief Description of Requested Action

We are proposing to remove a single interior lot line (combine (2) separately-owned parcels into a single parcel)  
Amended plats of subdivision plats previously approved by the Town, or parts of such plats, which do not make or require a material change in the extent, location, or type of public improvements and easements provided, and are consistent with the Design Standards of these Regulations may be submitted, approved and recorded in accordance with the provisions of this Subsection in lieu of other procedures provided for subdivision by these regulations, if all required improvements are in and available to serve each lot.

### Action Requested and Required Fee Payable to the Town of Ridgway

<input type="checkbox"/> Temporary Use Permit per 7-3-18(C)	\$150.00	Subdivisions per 7-4 unless noted	
<input type="checkbox"/> Conditional Use per 7-3-19	\$250.00	<input type="checkbox"/> Sketch Plan	\$300.00 (+ \$10.00/lot or unit)
<input type="checkbox"/> Change in Nonconforming Use per 7-3-20	\$150.00	<input type="checkbox"/> Preliminary Plat	\$1,500.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variances & Appeals per 7-3-21	\$250.00	<input type="checkbox"/> Preliminary Plat resubmittal	\$750.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Rezoning per 7-3-22	\$250.00	<input type="checkbox"/> Final Plat	\$600.00
<input type="checkbox"/> Other Reviews Pursuant to 7-3-23	\$250.00	<input type="checkbox"/> Minor Subdivision	\$450.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Variance to Floodplain Reg. per 6-2	\$150.00	<input type="checkbox"/> Lot Split	\$450.00
<input type="checkbox"/> Master Sign Plan Pursuant to 7-3-117	\$150.00	<input type="checkbox"/> Replat	\$150.00 (+ \$25.00/lot or unit)
<input type="checkbox"/> Deviations from Residential Design	\$175.00	<input checked="" type="checkbox"/> Plat Amendment	\$250.00
Standards per 6-6		<input type="checkbox"/> Planned Unit Dev. per 7-3-16	See Preliminary and Final Plat
<input type="checkbox"/> Other	\$_____	<input type="checkbox"/> Statutory Vested Rights per 7-5	\$1,500.00

Applicant and owner shall be jointly and severally responsible for legal, engineering, planning, administrative and miscellaneous fees, including recording costs, if incurred. (R.M.C. 7-3-25(B) and 7-4-12(B)). Water and sewer tap fees and development excise taxes are due at approval of final plats.





### Attachments Required

#### For All Applications

- ☒ Evidence of ownership or written notarized consent of legal owner(s).
- ☒ Information proving compliance with applicable criteria (see the Ridgway Municipal Code for criteria); this may include a narrative, site plans, and/or architectural drawings drawn to scale.

#### For Conditional Uses

- ☐ The site plan shall show the location of building(s), abutting streets, all dimensions, off-street parking requirements, and landscaping
- ☐ Architectural drawings shall include elevations and details of building(s).

#### For Changes in Nonconforming Use

- ☐ Description of existing non conformity.

#### For Variances

- ☐ The site plan shall show the details of the variance request and existing uses within 100 ft. of property

#### For Rezoning

- ☐ Legal description, current zoning, and requested zoning of property.

#### For Subdivisions

- ☐ All requirements established by Municipal Code Section 7-4.
- ☐ Sketch plan submittals shall be submitted at least 21 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered
- ☐ Preliminary plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.
- ☒ Final plat submittals shall be submitted at least 30 days prior to the Planning Commission hearing at which the applicant wishes to have the application considered.

Please note that incomplete applications will be rejected. Contact with a Planning Commission or Town Council member regarding your application constitutes ex parte communication and could disqualify that Commissioner or Councilor from participating in your hearing. Please contact staff with any questions.

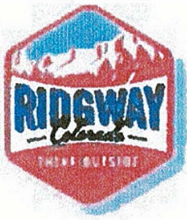
*Patrick B. O'Leary*  
Applicant Signature *MANAGING MEMBER, FIRE, LLC*

*February 22, 2022*  
Date

*Patrick B. O'Leary*  
Owner Signature *MANAGING MEMBER, FIRE, LLC*

*February 22, 2022*  
Date





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**TOWN OF RIDGWAY, COLORADO  
ACKNOWLEDGMENT OF FEES AND COSTS**

FIRE, LLLC / Patrick Oleary ("Applicant") and FIRE, LLC / Patrick Oleary ("Owner") do hereby acknowledge that with the filing of an application, or seeking Town review under Chapter 7, Section 3 or Section 4 of the Town of Ridgway Municipal Code, that it is subject to the requisite fees and costs associated with such action, in accordance with 7-3-20 and 7-4-12, including out-of-pocket legal fees and/or engineering fees.

Applicant and Owner acknowledge that no plat shall be recorded, improvement accepted, lien released, building permit issued, tap approved or final approval action taken until all fees then due are paid to the Town.

Applicant and Owner acknowledge that the Town may suspend review of submittals, inspection of improvements, and processing of a subdivision, as it deems appropriate, unless all amounts are paid as due.

Applicant and Owner further acknowledges that unpaid fees may be certified to the Ouray County Treasurer for collection as delinquent charges against the property concerned.

Acknowledged this 22nd day of February, 2022.

**APPLICANT:** Firehouse Investment Real Estate, LLC

By: *Patrick B. Oleary*, managing member FIRE, LLC  
Patrick Oleary, authorized signer  
(print name)

**PROPERTY OWNER:**

By: *Patrick B. Oleary*  
Patrick Oleary, authorized signer  
(print name) *MANAGING MEMBER - FIRE, LLC*

  
Notary Public

**EXHIBIT "A"**  
**To Warranty Deed**

RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED AS RESERVED IN UNITED STATES PATENTS RECORDED FEBRUARY 27, 1903 IN BOOK 64 AT PAGE 56.

TERMS, CONDITIONS, STIPULATIONS, OBLIGATIONS AND PROVISIONS OF SEWER AGREEMENT, RECORDED AUGUST 03, 1967 IN BOOK 182 AT PAGE 163.

THE ENCROACHMENTS OF THE OLD FIREHOUSE BUILDING DEPICTED ON THAT CERTAIN PLAT OF IMPROVEMENT SURVEY RECORDED AT RECEPTION NUMBER 218096 IN THE REAL PROPERTY RECORDS OF THE CLERK AND RECORDER OF OURAY COUNTY, COLORADO.

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

Steven Chevalier  
67 River Lane  
Ridgway, Colorado 81432

COPY

Space Above this Line Reserved for Use by Recorder

### QUIT CLAIM DEED

THIS QUIT CLAIM DEED made as of the 20<sup>th</sup> day of May, 2005, between **PARKRIDGE DEVELOPMENT, LLC**, a Colorado limited liability company, 67 River Lane, Ridgway, Colorado 81435, as **GRANTOR**, and **Steven R. Chevalier and Catherine M. Chevalier**, as a joint tenants, 67 River Lane, Ridgway, Colorado 81432, as **GRANTEE**.

WITNESSETH, that GRANTOR, for and in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has remised, released, sold, conveyed, and QUIT CLAIMED, and by these presents, does remise, release, sell, convey, and QUIT CLAIM unto GRANTEE, as their sole and separate property, their heirs, successors and assigns, forever, all the right, title, interest, claim and demand which GRANTOR has in and to the real property, together with improvements, if any, situate, lying and being in the County of San Miguel, and State of Colorado, as described as follows:

East 92 feet of Lots 11 and 12, in Block 34, Town of Ridgway,

County of Ouray,  
State of Colorado

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of GRANTOR, either in law or equity, to the only proper use, benefit and behoof of GRANTEE, his successors, heirs and assigns forever. The singular number shall include the plural, the plural shall include the singular, and the use of any gender shall be applicable to all genders.

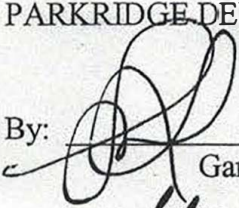
[Signatures on following page]



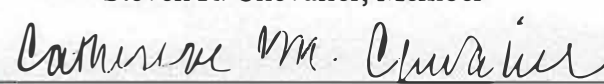
IN WITNESS WHEREOF, GRANTOR has executed this QUIT CLAIM DEED on the date set forth above.

GRANTOR:

PARKRIDGE DEVELOPMENT, LLC, a Colorado limited liability company

By:   
Gary Smith, Manager and Member

By:   
Steven R. Chevalier, Member

By:   
Catherine M. Chevalier, Member

STATE OF Colorado )  
COUNTY OF Ouray )ss.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 2005, by Gary Smith, individually and as a Member and Manager of Parkridge Development, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 10-18-2006

  
Notary Public

STATE OF Colorado )  
COUNTY OF Ouray )ss.

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 2005, by Steven R. Chevalier and Catherine M. Chevalier, individually and as **Members** of Parkridge Development, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 10-18-2006

  
Notary Public



Official Use Only

Date Received: \_\_\_\_\_  
Initials: \_\_\_\_\_

## Authorization of Agent

### Owner(s) Information

Name(s) FIREHOUSE INVESTMENT REAL ESTATE, LLC Date Feb. 25, 2022  
Phone (312) 952-5409 Email poleary1975@gmail.com

### Property Information

Property Street Address 195 N. LENA STREET (FIRE, LLC) + 195 N. LENA (CHEVALIER)  
Property Legal Address: Subdivision TOWN OF RIDGWAY Filing 16-131-FIRE Block 34 Lots: 18+12-CHEVALIER  
13, 14+15-FIRE, LLC

### Authorized Agent Information

Name PATRICK B. O'LEARY  
Phone (312) 952-5409 Email poleary1975@gmail.com

### Permits Applicable

☐ Building ☐ Subdivision ☐ Land Use Hearing ☐ Encroachment ☒ Other: REPLAT

I/we, the undersigned owner/s of the above described real property located in the Town of Ridgway, Colorado, hereby authorize:

PATRICK B. O'LEARY, MANAGING MEMBER  
Name of Authorized Agent FIREHOUSE INVESTMENT REAL ESTATE, LLC

to act in my/our behalf in applying for the above permits from the Town of Ridgway, as required by existing Town of Ridgway regulations pertaining to zoning, building, encroachment, excavation, and/or utilities.

Patrick B. O'Leary  
Property Owner of Record FIRE, LLC BLOCK 34 LOTS 13, 14, 15

February 20, 2022  
Date

Catherine Chevalier  
Property Owner of Record

2/20/22  
Date

Steve Chevalier  
Property Owner of Record

Feb. 20, 2022  
Date



FIREHOUSE REPLAT
OF A PORTION OF LOTS 11 & 12, AND LOTS 13, 14 & 15 OF BLOCK 34
SITUATED IN SECTION 16, TOWNSHIP 45 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN
CITY OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO

CERTIFICATE OF DEDICATION AND OWNERSHIP:

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner(s) of certain lands in the Town of Ridgway, Colorado, to wit:

Parcel 1:
EAST 92 FEET OF LOTS 11 AND 12 OF BLOCK 34, TOWN OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO PER RECEPTION NO. 183489 FILED IN THE OFFICE OF THE OURAY COUNTY CLERK AND RECORDER.

TOGETHER WITH

Parcel 2:
LOTS 13, 14, AND 15, IN BLOCK 34, TOWN OF RIDGWAY, COUNTY OF OURAY, COLORADO PER RECEPTION NO. 218096 FILED IN THE OFFICE OF THE OURAY COUNTY CLERK AND RECORDER.

CONTAINING 0.396 ACRES AS HEREON SHOWN

Has by these presents laid out, platted and subdivided the same into lots, as shown on this plat, under the name of FIREHOUSE REPLAT,

Executed this day of , A.D. 20.

STEVEN R CHEVALIER CARE OF CATHERINE M CHEVALIER for Parcel 1

By: Date:

Printed Name:

Title:

STATE OF COLORADO )
) ss.
COUNTY OF )

The foregoing Certificate of Ownership and Dedication was acknowledged before me this day of , A.D. 20, by (type in name of signatory), (type in representative capacity), of (type in owner's name).

Witness my hand and official seal.

My Commission expires (SEAL)

Notary Public

FIREHOUSE INVESTMENT REAL ESTATE LLC for Parcel 2
a Colorado limited liability company

By: Date:

Printed Name:

Title:

STATE OF COLORADO )
) ss.
COUNTY OF )

The foregoing Certificate of Ownership and Dedication was acknowledged before me this day of , A.D. 20, by (type in name of signatory), (type in representative capacity), of (type in owner's name).

Witness my hand and official seal.

My Commission expires (SEAL)

Notary Public

PLAT NOTES:

1. OUTDOOR LIGHTING:
All outdoor lighting fixtures shall comply with Town regulations.

ATTORNEY'S CERTIFICATE:

I, , an attorney at law duly licensed to practice before the courts of record of Colorado, do hereby certify that I have examined the Title Policy numbered issued by on and according to that title policy, of all land herein platted and that title to such land is in the dedicator(s) and owners, and that based upon my review of said title commitment, the property dedicated hereon has been dedicated free and clear of all liens and encumbrances, except as follows:

Dated this day of , A.D., 20.

Attorney at Law

CERTIFICATE OF IMPROVEMENTS:

The undersigned, Town Manager of the Town of Ridgway, does certify that all improvements and utilities required by the current Subdivision Regulations of the Town of Ridgway are already installed and are available and adequate to serve each lot:

Date:

Town Manager

OURAY COUNTY TREASURER:

I certify that as of the day of , there are no delinquent taxes due, nor are there any tax liens, against the property described herein or any part thereof, and that all current taxes and special assessments have been paid in full.

Date:

Ouray County Treasurer

PLANNING COMMISSION:

Approved by the Ridgway Town Planning Commission this day of , A.D. 20, by

, Chairman.

TOWN COUNCIL:

Approved by the Ridgway Town Council this day of , A.D. 20, by

, Mayor.

TOWN ATTORNEY'S CERTIFICATE:

Approved for recording this day of , 20.

Town Attorney

BASIS OF BEARINGS:

The bearing between the found 1½" Aluminum Cap as a 2' witness corner to the Southwest corner of Lot 15, Block 34, Ridgway, Colorado and the found 1½" Aluminum Cap as a 2' witness corner to the Southeast corner of Lot 15 of said Lot 15, Block 34, Ridgway, Colorado , bears S88°25'39"E (ASSUMED)

LINEAL UNITS STATEMENT:

The Lineal Unit used on this plat is U.S. Survey Feet

SURVEYORS CERTIFICATE:

I, Nicholas Barrett, hereby certify that this plat was prepared under my direct supervision and that said survey is accurate to the best of my knowledge, conforms to all requirements of the Colorado Revised Statutes, and all applicable Town of Ridgway regulations, and that all required monuments have been set as shown.

Nicholas Barrett L.S. 38037


RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the Clerk and Recorder of Ouray County at \_\_\_\_\_.m. on the day of , 20.

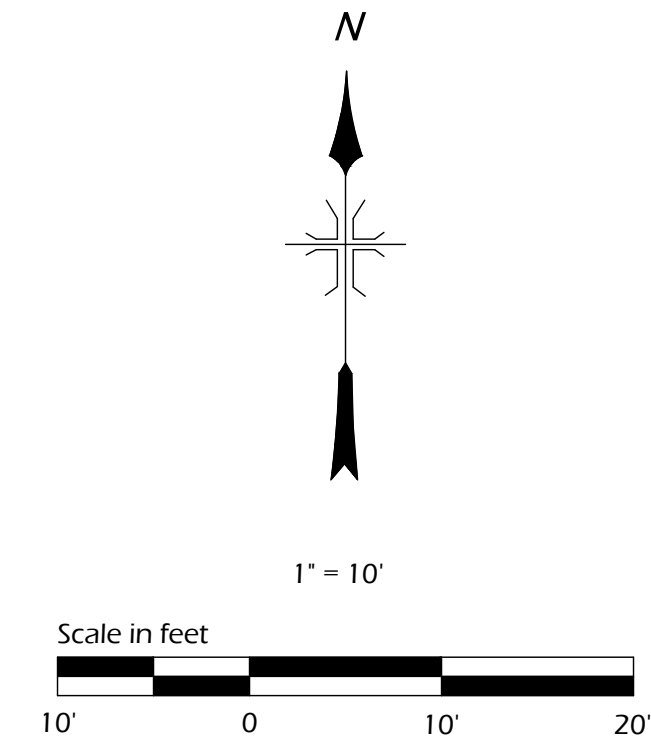
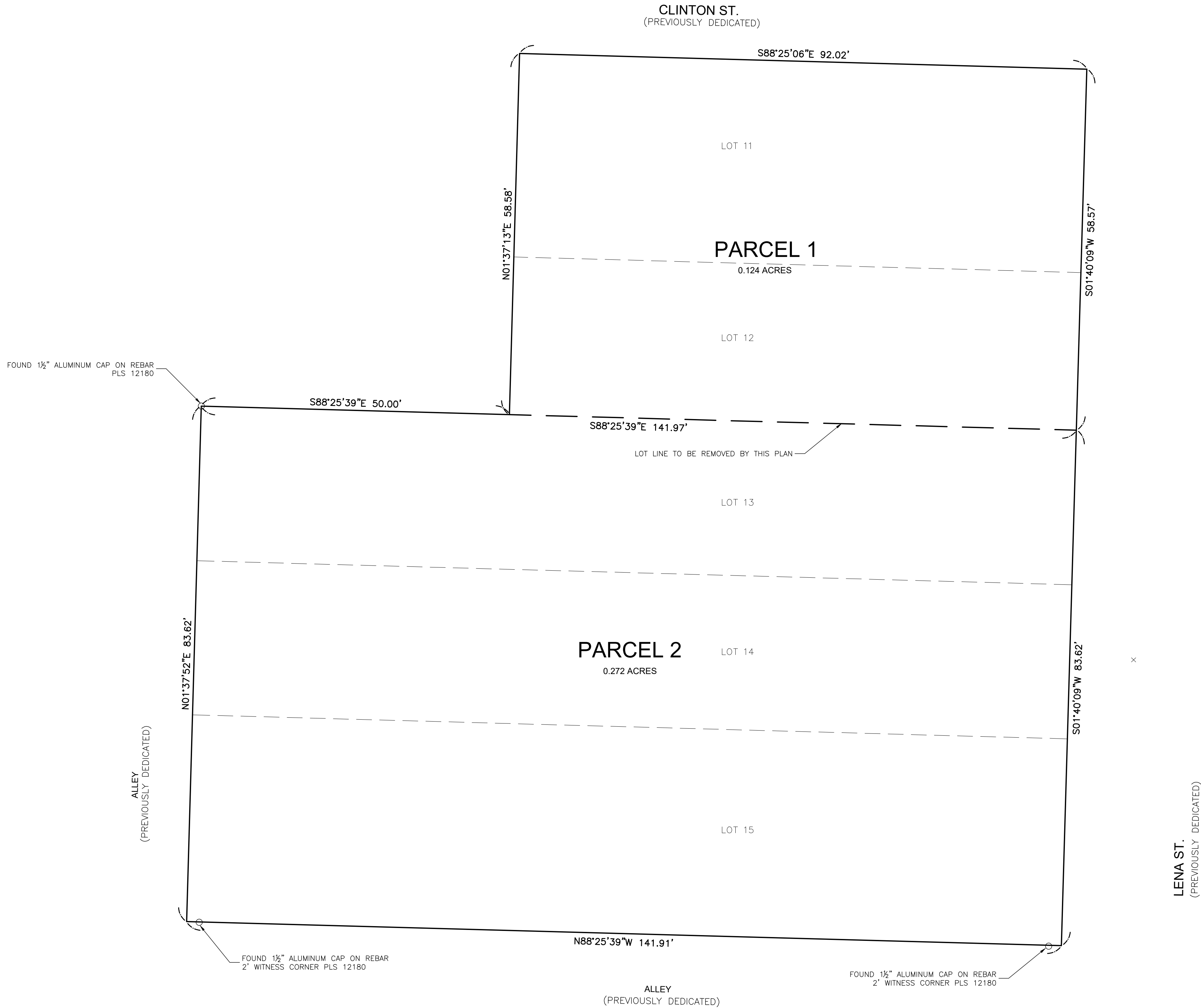
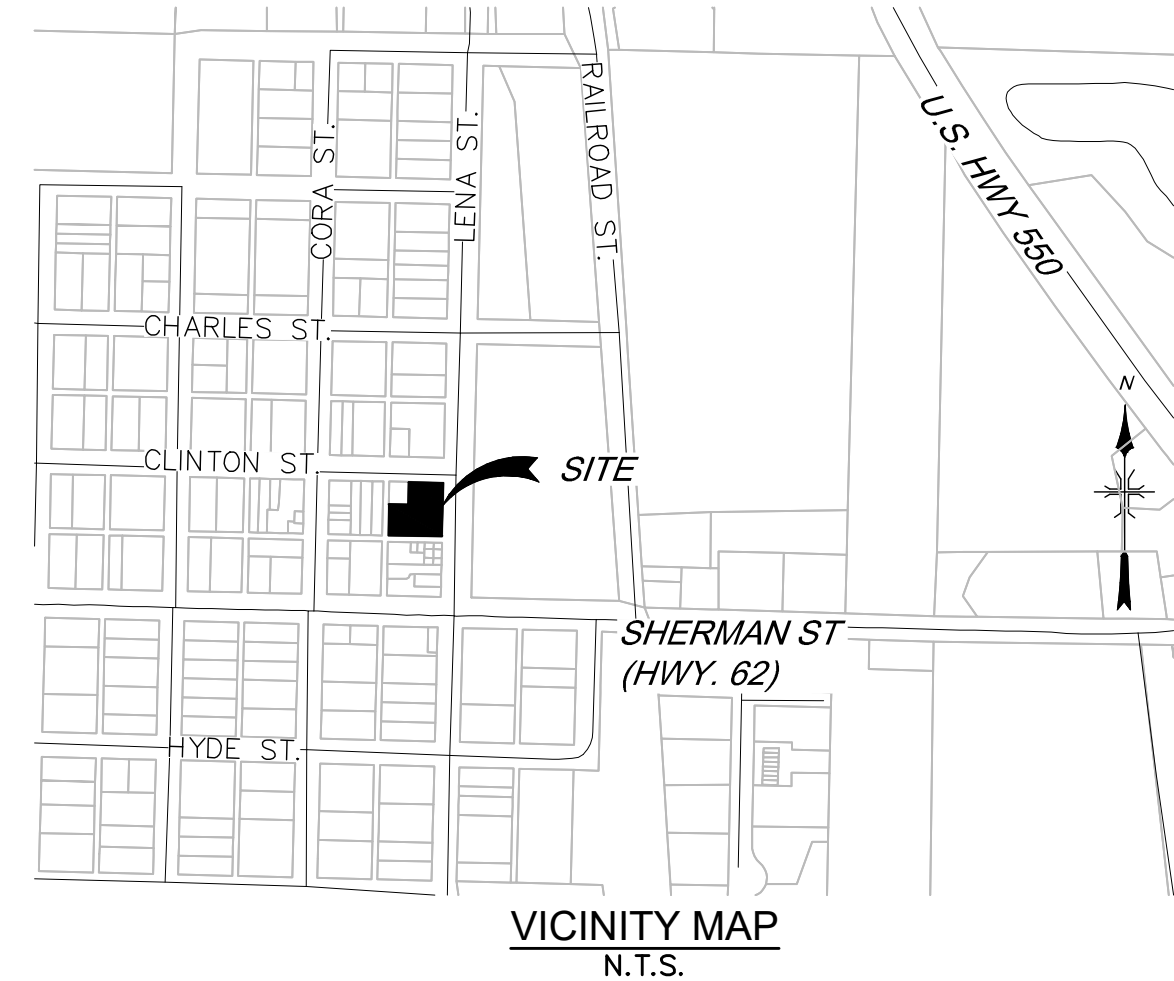
Reception No. .

, by
County Clerk & Recorder Deputy

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.


				DEL-MONT CONSULTANTS, INC. ENGINEERING & SURVEYING 125 Colorado Ave. • Montrose, CO 81401 • (970) 248-2251 • (970) 248-2342 FAX www.del-mont.com • service@del-mont.com	
FIELD BOOK:	865	DRAWN BY:	MGW/ DCC	DATE:	2022-02-17
SHEET:	1 of 2	FILE:	20006V_PLAT	JOB NO.:	20006
					TITLE: REPLAT RIDGWAY, COLORADO
					CLIENT:
					ADDRESS & PHONE:
					TYPE: REPLAT

FIREHOUSE REPLAT  
OF A PORTION OF LOTS 11 & 12, AND LOTS 13, 14 & 15 OF BLOCK 34  
SITUATED IN SECTION 16, TOWNSHIP 45 NORTH, RANGE 8 WEST, NEW MEXICO PRINCIPAL MERIDIAN  
CITY OF RIDGWAY, COUNTY OF OURAY, STATE OF COLORADO



- LEGEND**
- = F.D. REBAR & CAP (L.S. AS NOTED)
  - = SET 5/8"x18" REBAR W/ 1 1/2" ALUMINUM CAP

NOTICE: According to Colorado Law (13-80-105, CRS) you must commence any legal action based upon any defect in this survey within three (3) years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten (10) years from the date of the certification shown hereon.

<div></div> <div>DEL-MONT CONSULTANTS, INC. ENGINEERING ▼ SURVEYING 125 Colorado Ave. ▼ Montrose, CO 81401 ▼ (970) 249-2251 ▼ (970) 249-2342 FAX www.del-mont.com ▼ service@del-mont.com</div>				TITLE: <b>REPLAT</b> RIDGWAY, COLORADO	
				CLIENT:	
FIELD BOOK: <b>865</b>				ADDRESS & PHONE:	
DRAWN BY: <b>MGW</b>					
DATE: <b>2022-02-21</b>				TYPE: <b>REPLAT</b>	
SHEET: <b>2 of 2</b>					
FILE: <b>20006V_PLAT</b>					
JOB NO.: <b>20006</b>					



**OLD FIRE HOUSE  
RIDGWAY, COLORADO**



**PERMIT SET**

December 17, 2021

## AGENDA ITEM #11



To: Honorable Mayor Clark and Ridgway Town Council  
From: Preston Neill, Town Manager  
Date: April 8, 2022  
Agenda Topic: **Review and action on Encroachment Permit Application for use of Town property related to construction of Old Ridgway Firehouse Project**

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**ACTION BEFORE COUNCIL:**

Council is asked to review and take action on the attached Encroachment Permit Application for the Old Ridgway Firehouse Project. According to Section 14-3 of the Ridgway Municipal Code, the Town Council may approve the use of Town property.

**SUMMARY:**

The question for Council is whether to allow a private developer to close and privately use, for a period of 17 months (anticipated start date of June 13, 2022, and an estimated completion date of November 17, 2023), Town sidewalk on the east and north sides of the project, the portion of Lena St. alley on the south side of the project, nearly two-thirds of the Clinton St. alley on the west side of the project, and Town parking spaces on the east side of the project.

Generally speaking, one should design a project in a way that the project can be constructed from one's property and so that it does not adversely impact public use of public property. The developer is seeking to close the adjoining alleys to vehicular traffic. Staff would like to point out that delivery trucks regularly access businesses to the south of the alley. Closure of the stated alleys may mean delivery trucks would have to back out onto Hwy 62 after making deliveries. Staff recommends against the closure of either of the adjoining alleys. A potential alternative could be to allow for the closure of one alley at a time and requiring that the alley intersection be open at all times.

Staff would also like to understand if the property owner has done any outreach to nearby businesses and property owners about the requested closures. Input from nearby businesses and property owners on impacts of the proposed closures may be helpful for Council's discussion.

**ATTACHMENT:**

Encroachment Permit Application



Official Use Only

Permit No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

Initials: \_\_\_\_\_

## Encroachment and Excavation Application

### Applicant Information

Name	Firehouse Investment Real Estate, LLC	Application Date	4/1/2022
Phone	(312) 952-5409	Email	poleary1975@gmail.com

### Project Information

Street Address for Encroachment Area				185 & 189 North Lena Street, Ridgway, Colorado, 81432	
Subdivision	Filing	Lot	13,14,15	Block	34
Contractor FCI Constructors					
Phone	(970) 259-8644	(970) 759-4105	Email	smerrill@fciol.com	
Estimated Start Date	June 13th, 2022		Estimated Completion Date	November 17th, 2023	

### Type of Encroachment (check all that apply)

- |                                                                                    |                                                 |                                                                              |
|------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Parallel (along alley or street)               | <input checked="" type="checkbox"/> Water       | <input checked="" type="checkbox"/> Sewer                                    |
| <input type="checkbox"/> Utility Installation (residential)                        | <input checked="" type="checkbox"/> Power       | <input checked="" type="checkbox"/> Installation of Communications Utilities |
| <input checked="" type="checkbox"/> Utility Installation (commercial)              | <input checked="" type="checkbox"/> Phone       | <input checked="" type="checkbox"/> Natural Gas                              |
| <input checked="" type="checkbox"/> Driveway cut/curb cut (residential/commercial) | <input checked="" type="checkbox"/> Landscaping | <input type="checkbox"/> Other _____                                         |

### Town Infrastructure Affected by Work (check all that apply)

- ☒ Street ☒ Alley ☒ Sidewalk ☒ Landscape Area ☐ Other \_\_\_\_\_

### Description of encroachment, including estimated square footage of encroachments into Town property:

Sidewalk and 3 Parking Stalls on Clinton St. Sidewalk and 8 Parking Stalls on N. Lena St. Fourteen feet of N. Lena St. Alley. Sixteen feet of Clinton St. Alley. See attached maps, plans and additional narrative for further detailed description. The estimated total area for encroachment is 10,986 SF.

Is traffic control or erosion protection required? ☒ Yes ☐ No

If yes, please explain: Yes, Traffic Control will be required, both in terms of vehicular traffic, as well as for general public and pedestrian foot traffic.

Traffic Control measures to include but not be limited to: temporary construction fencing around the perimeter of the project, signage as required, and occasionally flaggers to accommodate larger deliveries, for example crane mobilization and semi-truck delivery positioning.

Erosion protection will be needed along the N. Lena and Clinton Street's sidewalks. See attached maps, plans and additional narrative for further detailed description.



#### Required Attachments for the Application

✓ Map of encroachment area showing the proposed location of the encroachment or excavation; and location of work, depth of utilities & tie-ins **See attached plans and maps**

✓ Workman's Compensation <for contractors that are not sole proprietors> (refer to RMC §14.5.8)

✓ Liability Insurance (refer to RMC §14.5.8)

✓ Plan showing protection of subject and adjacent property, if applicable **See attached plans and maps**

☐ Engineered drawings (CAD format), if applicable N/A

#### Costs if Applicable (to be calculated by Town staff and paid at the time of permit issuance)

- Permit Fee (Non-refundable \$100.00-minor or \$250.00-major)
- Administration Costs Deposit (Resolutions 07-07 and 12-08 & RMC 7-3-20)
- Administrative Costs, if incurred
- Performance Security – cash or irrevocable LOC (\$2 per sq. ft. non-road; \$5 per sq. ft. gravel; \$10 per sq. ft. for asphalt/hard surface)
- Rental fee (Resolution 19-06)

Patrick B. Cleary MANAGING MEMBER March 31, 2022  
Applicant Signature\* for FIREHOUSE INVESTMENT REAL ESTATE, LLC Date

[Signature] / FCI 3/31/22  
Contractor Signature\* Date

*\*Note that the Applicant and Contractor will also need to sign the permit when issued*

### **Additional Narrative**

In order to provide and ensure pedestrian and public safety over the course of the project, as well as to provide space for construction operations, temporary 6' high construction fencing and signage shall be placed around the perimeter of most of the quarter block of N. Lena and Clinton Streets.

The Clinton St. area is needed to accommodate deliveries and primary construction access. Clinton St. is a bit wider than N. Lena St. with a bit less traffic and two way flow, making it better suited to accommodate semi-trucks and deliveries in those 3 parking stalls, and therefore keeping the regular vehicular traffic lanes open at all times.

The N. Lena St. area is needed to make utility connections in the street, for temporary construction facilities and operations, as well as rebuilding multiple Town sidewalk, civil and landscaping features.

We need 14' (most) of the N. Lena St. Alley on the south side of the project. This will still allow for a 4' pedestrian way against the building that's on the south side of the alley. The 14' is necessary to be able to perform OSHA compliant foundation excavations, underground utility installations, new asphalt pavement, as well as provide space for temporary construction operations including scaffolding, forklifts, man lifts, etc.

We need 16' (all) of the Clinton St. Alley on the west side of the project for all of the same reasons. The difference in 14' vs. 16' is because general public / pedestrian access is not necessary within this alley.

The alleys and private parking areas to the south and west of the project shall remain open and accessible at all times.

Unlocked gates with informational signage will be provided at each alley entrance to allow for emergency and authorized access when necessary. Alleys shall be left in a passable state as often as is practical depending on construction sequencing. FCI shall be responsible for snow removal of the alleys within the project fencing. FCI shall be responsible for coordinating trash service and other like services with providers and affected neighbors.



# Old Stone Fire House Encroachment Plan - Utilities & Footprint



New 2" water service and meter manhole per town standards.

New Buried electrical service.

Electrical Transformer

New gas line to southwest corner of building.

New 6" storm Drain.

Re-routed irrigation line to new tree well locations.

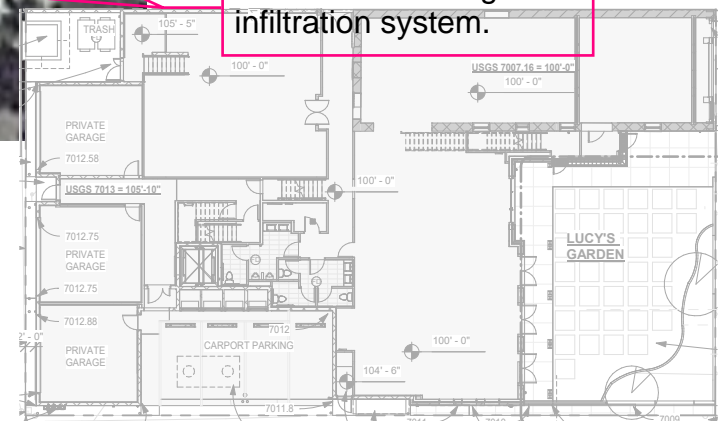
6" fire protection service connect to existing 8" waterline in N. Lena Street per town of Ridgway standard.

Connect to existing 8" waterline in N. Lena St.

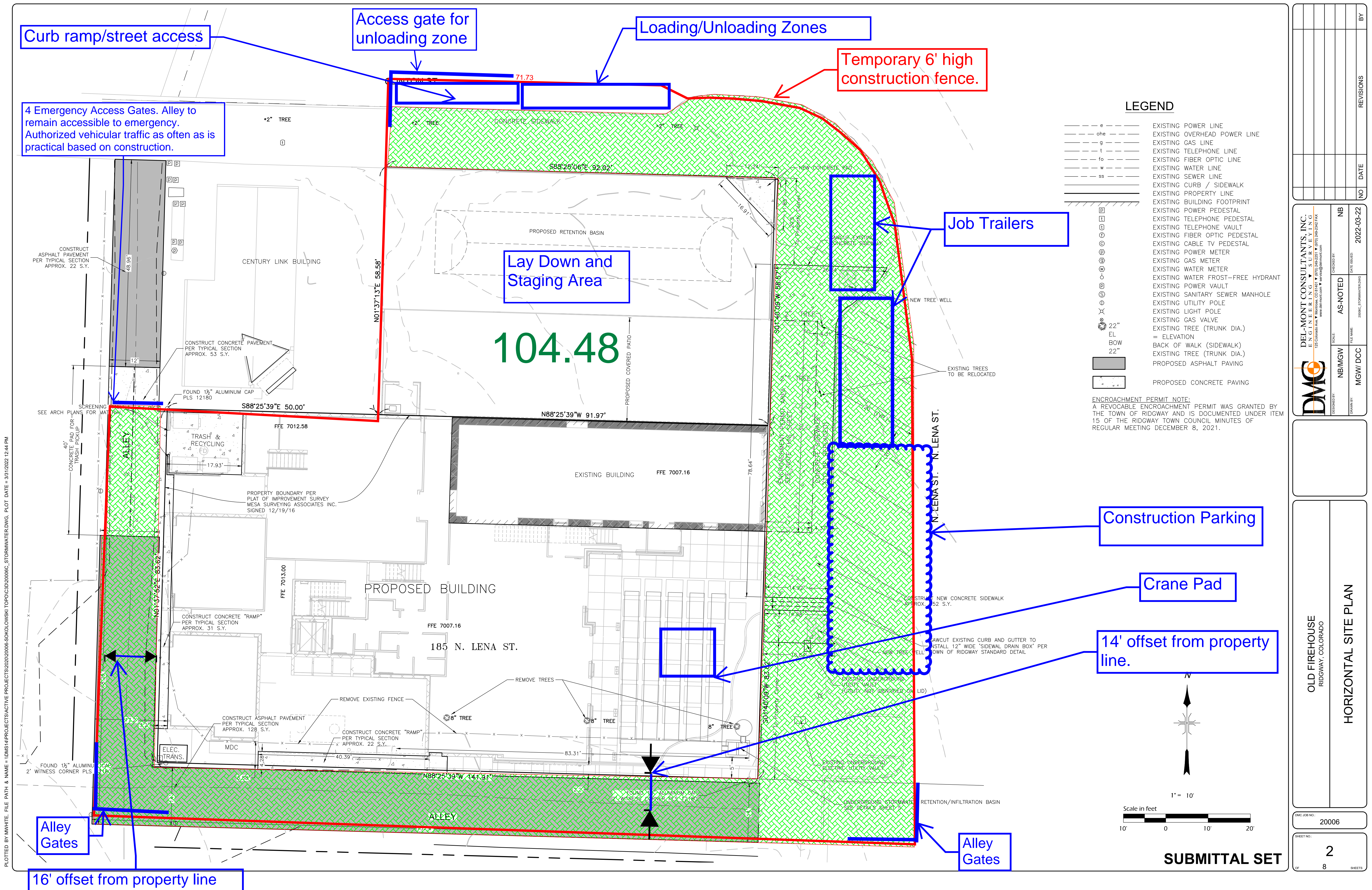
New 4" sanitary sewer

Connect to existing 4" sanitary service.

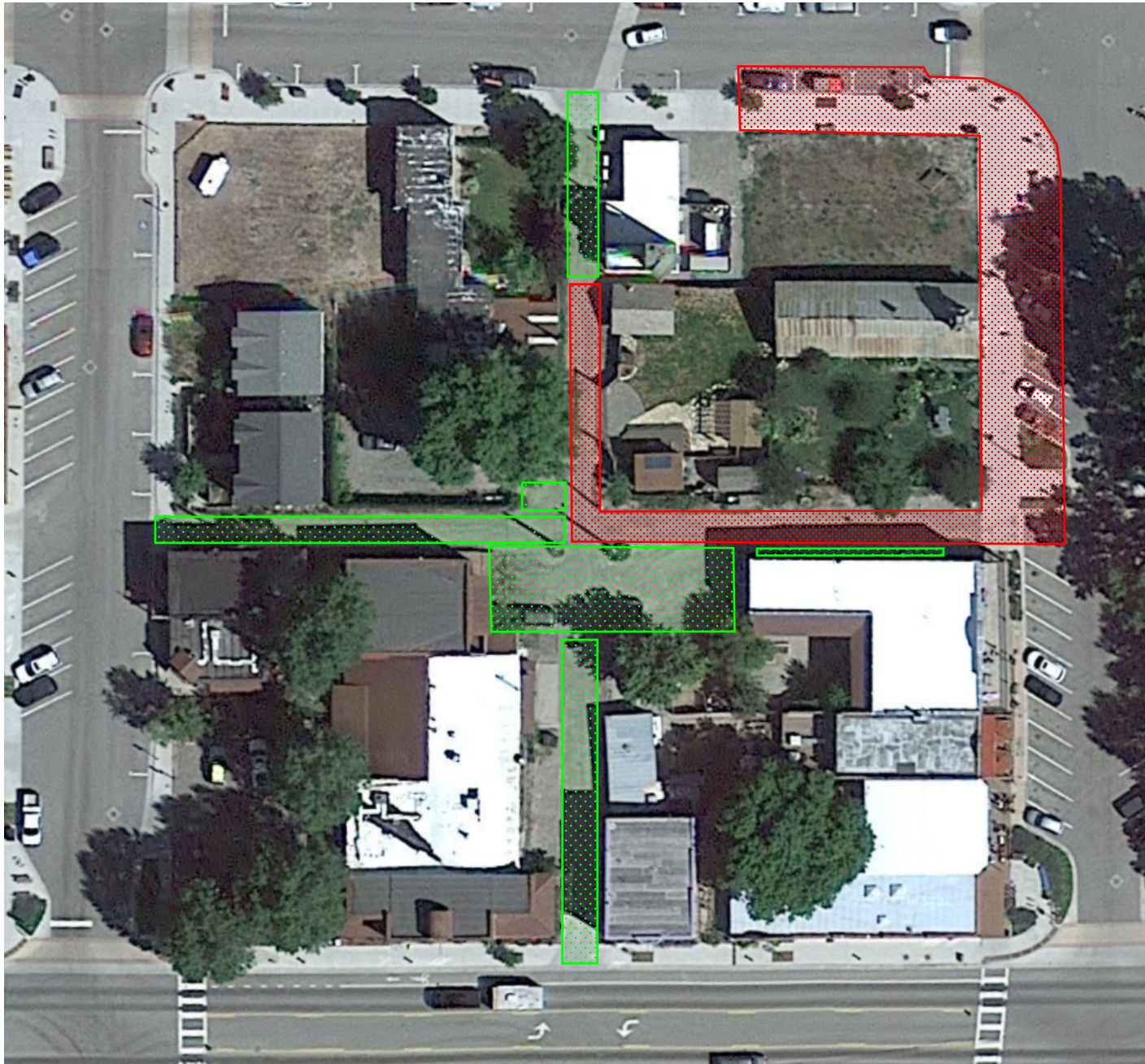
Connect to underground infiltration system.



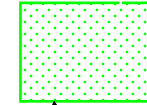




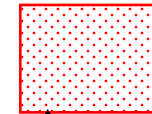




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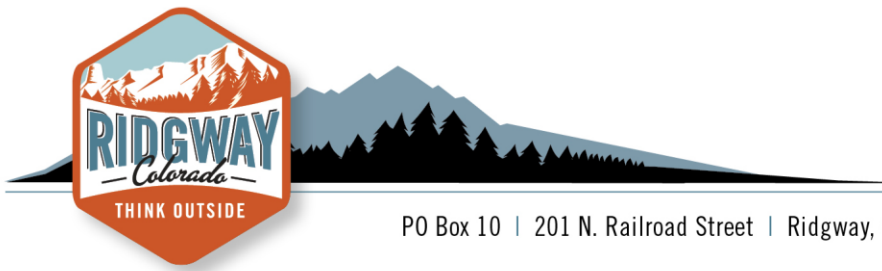


Areas that will not be encroached on, due to construction.



Areas that will be temporarily encroached on, due to construction.

## AGENDA ITEM #12



## MARSHAL'S OFFICE

PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5196 | [www.town.ridgway.co.us](http://www.town.ridgway.co.us)

To: Honorable Mayor Clark and Ridgway Town Council  
From: Shane Schmalz, Town Marshal  
Date: April 5, 2022  
Topic: **Resolution No. 22-05 Amending the Police Procedures Manual to add Section 28: Peace Officer Credibility Disclosure Notifications Policy**

---

Honorable Mayor John Clark and Ridgway Town Council,

As part of the 2021 Legislative Session, SB21-174 was signed into law and created the peace officer credibility disclosure notification committee. The committee was required to create a statewide model for peace officer credibility disclosure notifications by December 1, 2021. The statewide model includes policies and procedures that law enforcement agencies and district attorneys' offices are required to adopt and implement on or before January 1, 2022.

Seth Ryan, District Attorney for the 7<sup>th</sup> Judicial District, has adopted a Peace Officer Credibility Disclosure Notifications Policy for his office and for all law enforcement agencies that exercise any law enforcement jurisdiction within the 7<sup>th</sup> Judicial District. That policy is attached to Resolution No. 22-05 for your review and consideration. We agree with this policy and recommend adoption as our agency has been following a similar policy provided by Former District Attorney Dan Hotsenpiller.

The purpose of the Peace Officer Credibility Disclosure Notifications Policy is to establish uniform and consistent standards requiring law enforcement agencies to disclose specific information to the District Attorney that may impact the credibility of a peace officer in a criminal prosecution, and to establish uniform procedures for the District Attorney to timely disclose such information to the defense under the Colorado Rules of Criminal Procedure and to increase transparency to allow members of the public to access information concerning peace officers who are subject to a credibility disclosure notification.

Thank you,

Marshal Shane Schmalz

**RESOLUTION NO. 2022-05**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
RIDGWAY, COLORADO, AMENDING THE POLICE  
PROCEDURES MANUAL TO ADD SECTION 28: PEACE  
OFFICER CREDIBILITY DISCLOSURE NOTIFICATIONS  
POLICY**

**WHEREAS**, the Town of Ridgway, Colorado (the “Town”) is a home rule municipality and political subdivision of the State of Colorado organized and existing under a home rule charter pursuant to Article XX of the Constitution of the State; and

**WHEREAS**, the Town Council implemented the Police Procedures Manual through the adoption of Resolution No. 99-04 on April 14, 1999; and

**WHEREAS**, the Town Council has subsequently amended the Police Procedures Manual through Resolutions 11-08, 18-02, 19-13, 19-18, 20-03, and 22-03; and

**WHEREAS**, Colorado Senate Bill 21-174 was signed into law on July 2, 2021 and requires law enforcement agencies and district attorneys’ offices to adopt and implement a statewide model for peace officer credibility disclosure notifications; and

**WHEREAS**, the Police Procedures Manual does not include a Peace Officer Credibility Disclosure Notifications Policy and the Town Council finds this policy necessary to preserve the health, safety and welfare of the community.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Ridgway that the Peace Officer Credibility Disclosure Notifications Policy, as set forth in **Exhibit A**, is now adopted.

**ADOPTED AND APPROVED** this \_\_\_\_ day of April 2022.

---

John Clark, Mayor

ATTEST:

---

Pam Kraft, Town Clerk



## EXHIBIT A

SETH D. RYAN  
District Attorney

ROBERT ZENTNER  
Assistant District Attorney



Office of the District Attorney  
Seventh Judicial District

Montrose Office  
1140 N. Grand Ave., #200  
Montrose, CO 81401  
Phone: (970) 252-4260  
Email: [mail@co7da.org](mailto:mail@co7da.org)  
[www.co7da.org](http://www.co7da.org)

### PEACE OFFICER CREDIBILITY DISCLOSURE NOTIFICATIONS POLICY

The District Attorney's Office in and for the Seventh Judicial District, State of Colorado, (District Attorney's Office) has adopted the following policy to ensure compliance with our ethical and legal obligations pursuant to the United States Supreme Court decision in *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194 (1963), Colorado Rules of Criminal Procedure, Rule 16 (Rule 16), and all State and Federal laws concerning peace officer credibility disclosures. This policy sets out the obligations of the District Attorney's Office, and the District Attorney's expectations regarding the policies and practices of all law enforcement agencies that exercise any law enforcement jurisdiction within the Seventh Judicial District.

#### I. PURPOSE:

Consistent with the requirements under state law, this policy seeks to establish uniform and consistent standards requiring law enforcement agencies to disclose specific information to the District Attorney that may impact the credibility of a peace officer in a criminal prosecution, and to establish uniform procedures for the District Attorney to timely disclose such information to the defense under the Colorado Rules of Criminal Procedure and to increase transparency to allow members of the public to access information concerning peace officers who are subject to a credibility disclosure notification.

#### II. IMPORTANCE WITH COMPLIANCE WITH *BRADY* REQUIREMENTS:

The United States Constitution and Rule 16 mandate that a "prosecuting attorney shall disclose to the defense any material or information within his or her possession or control which tends to negate the guilt of the accused as to the offense charged or would tend to reduce the punishment therefor." The Colorado Supreme Court has held that exculpatory evidence includes evidence that bears on the credibility of a prosecution witness." *People v. District Court*, 793 P.2d 163 (Colo. 1990). Such exculpatory materials are traditionally referred to as *Brady* material."

Colorado law is clear that "material in possession of the police is constructively in the possession of the prosecution." *People v. Lucero*, 623 P.2d 424 (Colo.App. 1980).

## EXHIBIT A

SETH D. RYAN  
*District Attorney*

ROBERT ZENTNER  
*Assistant District Attorney*



### Office of the District Attorney Seventh Judicial District

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Email: [mail@co7da.org](mailto:mail@co7da.org)  
[www.co7da.org](http://www.co7da.org)

In order to comply with *Brady* obligations, the District Attorney's Office is required to notify criminal defendants and/or their legal counsel when there is information in an employee's personnel or internal affairs file that may affect the officer's credibility. Therefore, it is necessary for law enforcement agencies to notify the District Attorney's Office of the existence of such information.

### III. DEFINITIONS:

As used in this policy, the below terms shall have the following meaning:

- A. "Credibility Disclosure Notification" means the notification described in C.R.S. 16-2.5-502(2)(c) and described in Section (IV)(A) and (IV)(B) of this policy.
- B. "Law Enforcement Agency" means a state or local agency that employs peace officers.
- C. "Official Criminal Justice Record" means any handwritten or electronically produced report or documentation that a law enforcement agency requires a peace officer to complete as part of the peace officer's official duties, for the purpose of serving as the agency's official documentation of an incident, call for service, response to an alleged or suspected crime, a use of force, or during a custodial arrest or the direct supervision of a person who is in custody. Official criminal justice records also include any other reports or documents that an agency requires a peace officer to complete as part of the peace officer's official duties where the peace officer knows or should know the information included may be relevant to an ongoing or future criminal or administrative investigation.
- D. "Untruthfulness" or "dishonesty" means conduct that involves a knowing misrepresentation, including but not limited to intentionally untruthful statements, knowing omissions of material information, and knowingly providing or withholding information with an intent to deceive or mislead.
- E. "Sustained finding" means a final determination by a law enforcement agency, following a law enforcement agency's administrative procedures for investigating and reviewing alleged misconduct by a peace officer on the merits.

### IV. LAW ENFORCEMENT AGENCY'S OBLIGATION TO PROVIDE OFFICER CREDIBILITY DISCLOSURE NOTIFICATION:

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Notwithstanding any other procedures or existing legal requirements regarding the disclosure of exculpatory evidence in a criminal proceeding, beginning January 1, 2020, every law enforcement agency shall:

- A. Promptly notify the District Attorney's office(s) in the law enforcement agency's jurisdiction, in writing, of any sustained finding made on or after January 1, 2020, where a peace officer:
  - 1. Knowingly made an untruthful statement concerning a material fact;
  - 2. Demonstrated a pattern of bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class;
  - 3. Tampered with or fabricated evidence;
  - 4. Been convicted of any crime involving dishonesty or has been charged with any felony or any crime involving dishonesty;
  - 5. Violated any policy of the law enforcement agency regarding dishonesty.
- B. In addition to the credibility disclosure notification required under Section (IV)(A), a law enforcement agency shall also notify the District Attorney's office(s) in the law enforcement agency's jurisdiction as soon as practicable when a peace officer is under a criminal or administrative investigation that if sustained, would require disclosure under Section (IV)(A), and where it also meets both of the following circumstances:
  - 1. The peace officer is a potential witness in a pending criminal prosecution in which a criminal defendant has been formally charged; and
  - 2. The criminal or administrative investigation of the peace officer involves an allegation related to the peace officer's involvement in the defendant's pending criminal case.
- C. For disclosures made pursuant to Section (IV)(B), the law enforcement agency shall promptly notify the District Attorney's office(s) once the law enforcement

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agency has completed the agency's administrative process for investigating and evaluating the allegations on the merits.

1. If the law enforcement agency determines through its administrative process that the criminal or administrative allegations are not sustained based on the merits, the law enforcement agency should promptly notify the District Attorney of the outcome and the agency or involved peace officer may request that the District Attorney's office(s) remove the credibility disclosure notification from its records as set forth in Section (VIII)(C), below.
  2. Nothing in this section shall require a District Attorney to remove any credibility disclosure notification that was made to a defendant pursuant to Rule 16 in a pending criminal proceeding where the requirements of Section (IV)(B) applied at the time of the disclosure.
- D. Prior to making any credibility disclosure notification required under Sections (IV)(A) or (IV)(B), a law enforcement agency must give the involved peace officer at least seven (7) calendar days' notice of the agency's intent to send a credibility disclosure notification to the District Attorney's office.
1. If seven (7) days' notice is not practicable due to an impending trial date, the agency shall provide as much notice to the involved peace officer as is practicable under the circumstances.
  2. The District Attorney expects that the agency's initial notification about the officer shall occur immediately after the seven (7) calendar day notification period specified above or immediately after the notice provided to the officer as provided in (IV)(D)(1).

## V. CREDIBILITY DISCLOSURE NOTIFICATION PROCEDURES:

- A. A law enforcement agency shall include the following information in the credibility disclosure notification to be provided in writing to the District Attorney's office(s):
  1. The peace officer's name;

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2. The name of the law enforcement agency that employs or employed the peace officer at the time of the sustained findings or at the time of the criminal or administrative investigation;
3. The following statement: "This notification is to inform you that there is information in the law enforcement agency's possession regarding [name of peace officer] that may affect the peace officer's credibility in court.";
4. The applicable statutory provision identifying the basis for the credibility disclosure notification, including whether the notification is based on a sustained finding pursuant to Section (IV)(A) or whether the notification relates to an open criminal or administrative investigation pursuant to Section (IV)(B).

- B. The law enforcement agency shall send the required credibility disclosure notification in writing, either electronically or by mail, to the District Attorney or the Assistant District Attorney for the Seventh Judicial District.

**VI. DISTRICT ATTORNEY INITIATED CREDIBILITY DISCLOSURE NOTIFICATIONS:**

- A. There may be circumstances where the District Attorney's office independently discovers evidence involving a law enforcement officer's credibility that must be discovered to a criminal defendant and/or their counsel under *Brady v. Maryland*, Rule 16, or State of Federal laws.
- B. Because this duty of notification is an ethical obligation of each of the attorneys employed by the District Attorney's Office, the District Attorney shall make the final decision as to who is placed in the credibility notification records.
- C. Because placing an employee in the credibility notification records can have consequences for the employee and the agency:
  1. The District Attorney's Office will notify the agency of the issue so that the agency can determine whether to take further action, including but not limited to initiating an administrative or internal affairs investigation into the matter.

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2. The District Attorney will endeavor to consult with the highest executive officer of the law enforcement agency, or his or her designee, on whether an employee should be placed in the credibility notification records prior to an initiation of and administrative or internal affairs investigation.
3. The District Attorney may consult others, including other District Attorneys or outside legal counsel.

### VII. RETENTION OF PERSONNEL OR INTERNAL AFFAIRS FILES:

If an employee is added to the credibility notification disclosure records for any reason and there is potentially exculpatory information in the employee's personnel file, or there is an internal affairs file dealing with the reason that the employee was placed thereon, the personnel file and/ or the internal affairs file should not be provided in whole or in part to the District Attorney's Office. Pursuant to *Martinelli v. District Court*, 612 P.2d 1083 (Colo. 1980) any discovery requests for the contents of those files will be directed to the law enforcement agency, their associated County or Municipality, and the involved officer. The parties will then have the opportunity to be represented in court and to object to the release of those documents if appropriate.

### VIII. DISTRICT ATTORNEY OBLIGATIONS:

- A. On or before January 1, 2022, the District Attorney shall:
  1. Designate the contact(s) to whom law enforcement agencies should send the required credibility disclosure notifications. Such contact shall be the District Attorney or the Assistant District Attorney;
  2. Establish a process to timely notify defense counsel or a defendant of credibility disclosure notification records pursuant to Rule 16 of the Colorado Rules of Criminal Procedure;
  3. Maintain a current record of all credibility disclosure notifications, distinguishing between sustained findings disclosed pursuant to Section (IV)(A) and open investigations disclosed pursuant to Section (IV)(B);
  4. Comply with the procedures set forth in Section (VIII)(B) for entering credibility disclosure notifications.

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5. Remove any credibility disclosure notifications records as set forth in Section (VIII)(C).
  6. Post on the District Attorney's or county's website the procedures for how a member of public can access the database created by the P.O.S.T. Board pursuant to section 24-31-303 (1)(r).
- B. For any credibility disclosure notification made to the District Attorney pursuant to Section (IV)(A) (i.e. involving a sustained allegation), or where a District Attorney receives a notification pursuant to Section (IV)(B) and the District Attorney is subsequently notified by the law enforcement agency that the completed criminal or administrative investigation concluded the allegations against the peace officer were sustained, each District Attorney shall require members of the District Attorney's office to denote in its current record the involved officer as having a credibility disclosure notification.
- C. The District Attorney shall remove credibility disclosure notification records from the District Attorney's records and notification procedures under the following circumstances:
1. When a law enforcement agency made a credibility disclosure notification about an open criminal or administrative investigation pursuant to Section (IV)(B), and subsequently notifies the District Attorney that the agency concluded through its administrative process that the criminal or administrative allegations are not sustained based on the merits, and the law enforcement agency or peace officer makes a written request that the District Attorney's office(s) remove the credibility disclosure notification from the District Attorney's records.
  2. When a District Attorney makes an independent determination, based on a review of the underlying records (if access to the underlying records is granted by the agency, officer, or by court order) that removal is appropriate or lawful.
  3. When a District Attorney receives a court order directing the District Attorney to remove the credibility notification records.

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- D. The District Attorney shall review the policies and procedures adopted and implemented under this Section at least every four (4) years to ensure compliance with controlling federal and state case law interpreting *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *Kyles v. Whitely*, 514 U.S. 419 (1995), and its progeny, as well as the Colorado Rules of Criminal Procedure.

**IX. DISTRICT ATTORNEY PROCESS AND PROCEDURE FOR NOTIFYING DEFENSE OF CREDIBILITY DISCLOSURE NOTIFICATION:**

- A. If the District Attorney or Assistant District Attorney receives notification of sustained finding under (IV)(A), the District Attorney Office shall promptly:
1. Create a file containing the involved officer's name, agency, any discoverable evidence in the possession of the District Attorney's Office, and the written notification provided by the agency;
  2. Record all pertinent information pursuant to (VIII)(A)(3);
  3. Draft a letter notifying defense of the sustained finding under (IV)(A) for inclusion in the involved officer's file and that the agency may have additional information related to the matter; and
  4. In all open criminal cases or future criminal cases where the involved officer is a potential witness or any criminal or administrative investigation of the peace officer involving allegations related to the peace officer's involvement in the defendant's pending criminal case: provide a copy of the agency's notification, the District Attorney's notification, and any discoverable evidence in the possession of the District Attorney's Office to the defendant or their counsel.
- B. If the District Attorney or Assistant District Attorney receives notification under (IV)(B) about an open criminal or administrative investigation, the District Attorney's Office shall promptly:
1. Create a file containing the involved officer's name, agency, any discoverable evidence in the possession of the District Attorney's Office, and the written notification provided by the agency;

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2. Record all pertinent information pursuant to (VIII)(A)(3);
3. Draft a letter for inclusion in the involved officer's file notifying defense of the pending investigation and that the agency may have additional information related to the matter; and
4. In all open criminal cases or future criminal cases where the involved officer is a potential witness or any criminal or administrative investigation of the peace officer involving allegations related to the peace officer's involvement in the defendant's pending criminal case: provide a copy of the agency's notification, the District Attorney's notification, and any discoverable evidence in the possession of the District Attorney's Office to the defendant or their counsel.

**C. District Attorney Initiated Credibility Disclosure Notification**

1. If the District Attorney receives information or evidence that requires notification pursuant to section (VI), the District Attorney shall:
  - a. Notify the involved agency and officer;
  - b. Create a file containing the involved officer's name, agency, any discoverable evidence in the possession of the District Attorney's Office, and the written notification provided by the agency;
  - c. Record all pertinent information pursuant to (VIII)(A)(3);
  - d. Draft a letter for inclusion in the involved officer's file notifying defense, that an investigation may or may not be pending, and that the agency may have additional information related to the matter; and
  - e. In all open criminal cases or future criminal cases where the involved officer is a potential witness or any criminal or administrative investigation of the peace officer involving allegations related to the peace officer's involvement in the defendant's pending criminal case: provide a copy of the agency's notification, the District Attorney's

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notification, and any discoverable evidence in the possession of the District Attorney's Office to the defendant or their counsel.

**D. Court Ordered Credibility Disclosure Notification:**

1. If, after a motion filed pursuant to *Martinelli v. District Court*, 612 P.2d 1083 (Colo. 1980), a court orders the disclosure, to a criminal defendant and/or their associated counsel and the district attorney's office, of the personnel, administrative, or internal investigations records of an involved officer along with a protective order limiting use and disclosure, the District Attorney shall:
  - a. Create a file containing the involved officer's name, agency, along with the protected records;
  - b. Record all pertinent information pursuant to (VIII)(A)(3);
  - c. Draft a letter for inclusion in the involved officer's file notifying defense: of the court's order; the protective order; the case caption in which the orders were entered; that the District Attorney's Office is in possession of the protected records; and that upon signing a stipulation agreeing to the same limitations on use and disclosure contained in the original disclosure that the District Attorney will release the protected records; and
  - d. Send such notification to all criminal defendants and/or their associated counsel in all open criminal cases or future criminal cases where the involved officer is a potential witness or any criminal or administrative investigation of the peace officer involving allegations related to the peace officer's involvement in the defendant's pending criminal case.
2. After receiving the signed stipulation, the District Attorney shall release the protective records to the criminal defendant and/or their associated counsel.



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3. The District Attorney will not release the protected records absent the signed stipulation or other court order authorizing the office to release the protected records.
4. A court order granted pursuant to *Martinelli*, necessarily includes a determination that the protected records include exculpatory evidence that requires disclosure pursuant to *Brady*. As such, the District Attorney is prevented from independently removing the involved officer from the notification records absent a court order.

**E. Removal of an officer from the Notification List:**

1. If the District Attorney receives notification that, after the agency concluded its administrative of internal affairs investigation pursuant to (IV)(C)(1) the agency made a no sustained finding determination, and the agency and/or involved officer makes a request with the District Attorney for removal from the notification records, the District Attorney shall:
  - a. Make an independent determination pursuant to section (VIII)(C).
  - b. If the District Attorney determines that the involved officer should be removed from the notification records, the District Attorney shall:
    - i. Designate the officer's notification record as inactive, and remove the officer from the records referred to in section (VIII)(A)(3);
    - ii. Draft a letter for inclusion in the involved officer's file notifying defense that: the investigation was completed, and the agency made a no sustained finding determination; the District Attorney is removing the involved officer from the notification records; and that the agency may have additional information related to the matter;
  - c. In all open criminal cases or future criminal cases where the involved officer is a potential witness or any criminal or administrative investigation of the peace officer involving allegations related to the

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peace officer's involvement in the defendant's pending criminal case; provide a copy of the agency's notification, and the District Attorney's notification, to the defendant or their counsel; and

- d. Shall not include any other notifications in any open criminal cases or future criminal cases where the involved officer is a potential witness or any criminal or administrative investigation of the peace officer involving allegations related to the peace officer's involvement in the defendant's pending criminal case.

A handwritten signature in blue ink, appearing to be "Seth D. Ryan", with a long horizontal line extending to the right.

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Seth D. Ryan  
District Attorney, Seventh Judicial District

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January 28, 2022



## AGENDA ITEM #13



To: Honorable Mayor Clark and Ridgway Town Council  
From: Preston Neill, Town Manager  
Date: April 7, 2022  
Agenda Topic: **Review and action on Intergovernmental Agreement between Town of Ridgway and Ouray County concerning Noxious Weed Management and Control Services**

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**ACTION BEFORE COUNCIL:**

Council is asked to review and take action on the attached *Intergovernmental Agreement (IGA) between Ouray County and Town of Ridgway concerning Noxious Weed Management and Control Services*.

**BACKGROUND:**

Back in June 2021, Julie Kolb, Ouray County Vegetation Manager, presented information to Council about her department's weed control practices and the outlook for weeds in Ridgway. She showed various maps that depicted weed infestations in a variety of spots around Town. According to Julie, weeds are traveling in our water channels, and becoming a problem not only for the incorporated areas of Town but also for parts of Ouray County, Ridgway State Park, and homeowners located downstream. An assertion has been made that the time has come to manage the weeds in Ridgway more aggressively.

In January 2022, Council adopted [Resolution No. 22-01, Amending the Policy Relative to Noxious Weed Management](#) in an effort to allow for flexibility in addressing and controlling various noxious weed species that have been located in Town. The policy now allows for the application of chemical-based herbicides when deemed necessary by Town staff and Ouray County Vegetation Management personnel, as long as the application falls in line with the Chemical Application and Protocol Recommendations found in the [2011 Town of Ridgway Integrated Weed Management Plan](#). Prior to the adoption of Resolution No. 22-01 and starting in 2003, the policy had been that the Town "shall not use toxic or poisonous, chemical-based herbicides within the Town limits toward the control of noxious weeds, and that the use of non-toxic, organic management practices shall be implemented."

Last week, staff met with Julie and members of the Uncompahgre Watershed Partnership to identify weed infestations on Town property in close proximity to the Uncompahgre River, and to discuss and agree upon herbicide application protocols for those identified areas. Julie and her team are aiming to get many of the identified problem areas addressed in mid-to-late April. Prior to undertaking any work, an Intergovernmental Agreement is needed between the Town and County to specify the scope of work and payment terms.

**FINANCIAL IMPLICATIONS:**

The attached Intergovernmental Agreement has been drafted with a not-to-exceed amount of \$2,500.00. This amount was budgeted for in the 2022 Annual Budget.

**RECOMMENDED MOTION:**

"I move to approve the *Intergovernmental Agreement between Ouray County and Town of Ridgway concerning Noxious Weed Management and Control Services*, as presented."

**ATTACHMENT:**

Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT BETWEEN OURAY COUNTY AND TOWN  
OF RIDGWAY CONCERNING NOXIOUS WEED MANAGEMENT AND CONTROL  
SERVICES**

**THIS INTERGOVERNMENTAL AGREEMENT**, (the “IGA”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022 (the “Effective Date”) by and between the **COUNTY OF OURAY, COLORADO**, acting by and through the Board of County Commissioners (the “County”); and **TOWN OF RIDGWAY, COLORADO** (the “Town”).

**RECITALS**

**WHEREAS**, pursuant to C.R.S. § 35-5.5-101, *et seq.*, the Colorado Noxious Weed Act (“the Act”), the County is authorized and required to adopt and implement a noxious weed management plan for the unincorporated lands within Ouray County.

**WHEREAS**, pursuant to such mandate in the Act, the County, by and through the Ouray County Weed Advisory Board, has developed and adopted the Ouray County Weed Management Plan (the “County Plan”), a copy of which is available from the County upon request.

**WHEREAS**, the County Plan describes, among other things, certain parts of Ouray County that are encompassed thereby.

**WHEREAS**, pursuant to the Act, municipalities are authorized and required to adopt a weed management plan for all lands within their boundaries.

**WHEREAS**, pursuant to the Act, municipalities may contract for the management of noxious weeds.

**WHEREAS**, pursuant to the Act, municipalities and counties may cooperate in the exercise of any powers and authorities granted by the Act.

**WHEREAS**, pursuant to the Colorado Constitution, Article XIV, Section 18(2)(A) and C.R.S. § 29-1-201, *et seq.*, any political subdivision of the State of Colorado may cooperate or contract with another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting entities, including the sharing of costs, the imposition of taxes, or the incurring of debt, but only if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

**WHEREAS**, the Town desires to retain the County to conduct a survey of noxious weeds on all public property subject to the control or supervision of the Town, provide a report, make recommendations as to appropriate treatment, and then to conduct treatments including application of herbicide treatments as approved by the Town, in locations determined by both the Town and the County.

**WHEREAS**, the County desires to perform these duties and agrees to provide a report of locations of noxious weed populations and make recommendations before conducting any

herbicide applications with a decision to be made by the Town in consultation with the County, for each location recommended to receive herbicide treatment.

**WHEREAS**, the County desires to perform these duties, and the Town and the County agree that such work shall be performed under the terms and conditions set forth in this IGA.

**NOW, THEREFORE**, in consideration of the mutual promises set forth herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, the County and the Town hereby agree as follows:

## **SECTION I DESCRIPTION OF WORK**

Pursuant to the specific direction of the Town or its designated agent or representative, the County agrees to work cooperatively with the Town, and will furnish the labor, equipment, material, supplies, tools, supervision, and consultation services that are reasonably necessary to conduct a survey of noxious weed problems on all property within the public property subject to the control or supervision of the Town that will result in a County Report (the "County Report") describing the location, type and extent of weed populations and recommend appropriate removal and control methods.

For each location recommended for herbicide application by the County Report, the Town will evaluate the recommendation and notify the County whether the Town wishes the County to apply herbicide treatment. Following the written notice from the Town identifying the specific locations where the Town requests herbicide application, a County representative (the "County Representative") and a representative from the Town shall conduct a site walk and shall delineate the specific locations to receive herbicide

If, during the application of herbicide, the County Representative has a question on the locations to receive herbicide treatment, the County Representative shall contact the Town Representative and request further clarification on the property to receive herbicide application. Should the Town receive such request, the Town will make a good faith effort to provide other services of an appropriate Town employee to assist the County Representative in identifying the appropriate location for herbicide application. For specified locations where the County Report recommends or the Town chooses, a method other than herbicide application, the County will assist Town staff by providing technical advice and training on alternative methods of removal and control.

The Town shall be responsible for providing proper public notice regarding the application of herbicide in the Town, which includes appropriate physical posting on site no less than two (2) days in advance.

Representatives for the Park and County are:

Town:

Preston Neill, Town Manager, or designee

201 North Railroad Street  
Ridgway, CO 81432  
Phone: (970) 626-5308 ext. 212  
Email: pneill@town.ridgway.co.us

County:  
Julie Kolb, Manager, or designee  
Ouray County Vegetation Control & Management  
111 Mall Road  
Ridgway, CO 81432  
Phone: (970)626-9775 X7  
Fax: (970)626-4439  
Email: jkolb@ouraycountyco.gov

## **SECTION II PAYMENT**

The County shall be compensated by Town at a rate of \$85.00 per hour for UTV, ATV or Truck use and for two technicians; and \$65.00 per hour for the County Representative's time spent on the annual survey work; plus the costs of all materials and herbicides, not to exceed a total of two thousand \$2,500.00 dollars for services requested on public properties per year.

The County will provide the Town with a monthly status report within thirty days after the last day of month within which work was performed. This report shall include a list of the hours spent by the County in performing the duties under this IGA as well as the costs for all materials and herbicide, in the form of invoices, if the County is requesting compensation for said materials and herbicide. The Town shall pay to the County in full for any invoice submitted within thirty days of receipt.

## **SECTION III TERM**

This IGA shall be effective as of the Effective Date and shall terminate on October 30, 2022 unless otherwise extended by the mutual written agreement of the parties. Unless otherwise provided in any agreement to extend this IGA, all terms of this IGA shall continue to govern and control the relationship of the parties for the duration of any such extension.

## **SECTION IV TARGETED FLORA**

County and Town agree that a survey will be performed by County when feasible in spring or early summer 2022 at which time targeted flora will be identified based on the State and County noxious weed lists.

## **SECTION V RELATIONSHIP OF PARTIES**

The County and the Town intend that an independent contractor relationship will be created by this IGA. The Town is interested only in the results to be achieved by the surveying project and the possible control, including herbicide application. The method and control of the work will be within the scope of the County's responsibility, subject to compliance with all applicable State and Federal statutes, rules and regulations, and the requirements of this IGA. However, the work contemplated must meet the approval of the Town Representative and shall be subject to the Town Representative's general right of inspection and supervision to insure the satisfactory completion thereof. The County is not entitled to any of the benefits that the Town provides to its employees, including, but not limited to, any federal or state withholding taxes, FICA, insurance in any form, retirement plans, worker's compensation, or unemployment compensation.

## **SECTION VI LIABILITY**

The Town and the County both retain governmental immunity under the Colorado Governmental Immunity Act to the maximum extent permissible, and no term of this IGA shall be construed as an express or implied waiver of governmental immunity. Neither party shall indemnify the other, and both parties agree to waive any claim for damages against the other party for work performed under the terms of this IGA. In the event of any other legal dispute regarding the terms of this IGA, the governing laws shall be the laws of the State of Colorado, the venue shall be the Seventh Judicial District, State of Colorado, and both parties shall be responsible for their own attorneys' fees and costs.

## **SECTION VII NON-ASSIGNABILITY**

The County and the Town agree that this IGA or any interest therein shall not be assigned, sublet, or transferred without the prior written consent of all parties hereto.

## **SECTION VIII EFFECT OF AGREEMENT**

Each clause and covenant of this IGA shall extend to, benefit, and bind the successors and assigns of the parties hereto respectively.

## **SECTION IX AMENDMENTS**

This IGA represents the entire integrated and merged understanding of the parties and no prior or contemporaneous term, condition, promise, or representation regarding the subject matter of this IGA shall be of any legal force or effect unless set forth herein in writing or in a written amendment or addendum hereto.

The County and the Town agree that any modifications or alterations of or additions to or changes in any term, condition, or agreement contained herein shall be void and not binding on either of the parties unless set forth in writing and executed by both parties.

## **SECTION X LICENSE**

The County warrants to the Town that the authorized County Representative for herbicide application possesses a valid Applicator's License.

## **SECTION XI FORCE MAJEURE**

It is agreed that the Town shall excuse the County of its performance and obligations due to any of the following occurrences: acts of God; strikes; lockouts or other industrial disturbances; acts of public enemies; orders or restraints of any kind of the government of the United States of America or of the State of any of their departments, agencies, or officials or any civil or military authority insurrection; riots, landslides; earthquakes; fires; storms; droughts; floods; explosions; breakage or accidents to machinery, transmission pipes, or canals; or any other cause of event not within the control of the county that prevents its performance of its obligations.

## **SECTION XII PROPERTY OWNERS**

The County and the Town shall give due consideration to the interests of property owners and tenants wherever involved and shall conduct the work to be performed hereunder in a manner causing a minimum of inconvenience and injury to said property owners or tenants. The Town shall provide and maintain a safe condition at crossings of public roads, private roads, and entrances that may be open for the work hereunder to be performed. The Town shall provide and maintain work conditions that comply with the normal requirements and regulations involving the application of spray herbicides. The Parties will be expected to respect private property and adjacent public roadsides that have been adequately flagged or otherwise marked, as a "No Spray" zone.

IN WITNESS WHEREOF, the respective parties enter this IGA as of the Effective Date.

## **BOARD OF OURAY COUNTY COMMISSIONERS**

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Lynn Padgett, BOCC Chair

**ATTEST:**

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Hannah Hollenbeck, Deputy Clerk of the Board

**Town of Ridgway**

By: \_\_\_\_\_  
John Clark, Mayor

ATTEST:

\_\_\_\_\_  
Pam Kraft, Town Clerk



## AGENDA ITEM #14



April 7, 2022

Senator John Hickenlooper  
Byron Rogers Federal Building  
1961 Stout Street, Suite 12-300  
Denver, CO 80294

**RE: Letter of Support for the Home Trust of Ouray County's Congressionally Directed Spending Request**

Dear Senator Hickenlooper,

On behalf of the Ridgway Town Council, I am writing to express our support of the Ridgway Childcare Facility and Rental Project proposed by the Home Trust of Ouray County. Specifically, we your office to grant the Home Trust's Congressionally Directed Spending Request of \$450,000 for acquisition of land at 660 Sherman Street, Ridgway, CO 81432 so that the Home Trust can bring their proposed project to fruition.

The Town of Ridgway recognizes that the lack of affordable homes and childcare opportunities are threats to the future and well-being of our community. The price of a single-family home in Ridgway is now out of reach for many residents. For those with children, the problem is compounded by an absence of childcare options. Granting this funding request for land acquisition would make a significant positive impact on strength, sustainability, and inclusivity of Ridgway's community.

The property for this project is located at 660 Sherman St. in Ridgway, CO. It is zoned Historic Business (HB). The proposed uses include upper story residential units, a day care center, and other first floor commercial uses yet to be determined. These uses, as currently proposed, are permitted in the HB zone district with prior approval of a Conditional Use pursuant to Section 7-3-19 of the Ridgway Municipal Code.

Should the funds be granted and based on the proposed project in its current form, we are confident that the criteria for Conditional Use will be met. Because the Home Trust of Ouray County is a 501(c)(3) non-profit community land trust created through a grassroots community effort, we know this land and future building in the heart of Ridgway's historic business district will be managed and maintained for community benefit in perpetuity.

We thank you for your consideration of this funding request that would help advance a very important project for our community.

Sincerely,



John I. Clark  
Mayor  
On behalf of the Ridgway Town Council

## AGENDA ITEM #15



To: Honorable Mayor Clark and Ridgway Town Council  
From: Preston Neill, Town Manager  
Date: April 7, 2022  
Agenda Topic: **Review and action on contribution request from the Home Trust of Ouray County**

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**ACTION BEFORE COUNCIL:**

Attached for Council's consideration is a contribution request from the Home Trust of Ouray County. The request is for \$10,000 to support their operations.

**SUMMARY:**

Council expressed a commitment to contribute to the Home Trust at last month's Council meeting. There was interest in seeing if the other governments in our region would contribute, and there was also interest in receiving a request for a specific dollar amount based on need. Andrea Sokolowski, President of the Home Trust, has submitted a narrative of the contribution request and it is appended to this memo as Attachment 1. The Home Trust's operating budget is appended as Attachment 2.

**FINANCIAL IMPLICATIONS:**

Should Council elect to move forward with a contribution, staff recommends the funding come out of the "Affordable Housing" line item in the Administrative Services Program Budget in the General Fund. Currently, there is \$35,000 in that line item and those funds are generally meant to advance affordable housing efforts.

**PROPOSED MOTION:**

"I move to contribute \$\_\_\_\_\_ to the Home Trust of Ouray County in FY2022, with the funding to come out of the Affordable Housing line item in the General Fund."

**ATTACHMENTS:**

Attachment 1 – Budget request narrative

Attachment 2 – Home Trust operating budget

## ATTACHMENT 1

### Home Trust Operating Budget Narrative

The current fiscal year, 2022, shows a part time position for an executive director – as an independent contractor (IRS tax form 1099). Payroll taxes and a benefits package for full time staff members is included starting in fiscal year 2023.

There is an amount input for property taxes but the Home Trust may be able to get property taxes waived – we are in the application process.

The “Support from Local Governments” budget line item has the county, the town of Ridgway, and the city of Ouray contributing \$10,000 each for fiscal year 2022, \$20,000 each for fiscal year 2023, and \$30,000 each for fiscal year 2024. This is reflective of the increase in staff positions each successive year as well as \$20,000 for “back-office” services and technical assistance from our partner organization – Elevation CLT starting in fiscal year 2023. Even with the increase in contribution per entity to \$30,000 by year 3, this is a cost effective way to create and staff a local affordable housing organization that is tasked with implementing and managing the affordable housing and community development solutions in our municipalities and county.

By year 4, or fiscal year 2025, we are aiming to have a duplex and a mixed use project that includes a childcare facility and 14 rentals built and generating some revenues for our organization. Our goal is to generate 30% of our income from ground lease fees, rents, and developer fees. The remaining 70% of our income will come from CHDO operations funding, grants (foundations, CHFA, local banks, local contributions) and our local governments.

# Home Trust of Ouray County Operating Budget

95 Meadows Circle

Ridgway, CO 81432

970-309-9314

[dreasoko@gmail.com](mailto:dreasoko@gmail.com)

## ATTACHMENT 2

	CURRENT FISCAL YEAR	2022	FISCAL YEAR	2023	FISCAL YEAR	2024
REVENUE	CURRENT YEAR BUDGET	YEAR-TO-DATE ACTUALS	2023 YEAR BUDGET	YEAR-TO-DATE ACTUALS	2024 YEAR BUDGET	YEAR-TO-DATE ACTUALS
Grants - DOH, CHFA	\$ -	\$ -	\$ 15,000.00	\$ -	\$ 20,000.00	\$ -
Foundations - El Pomar, Anschutz, Boettcher	\$ 5,000.00	\$ -	\$ 15,000.00	\$ -	\$ 20,000.00	\$ -
Developer Fees	\$ -	\$ -	\$ 5,000.00	\$ -	\$ 20,000.00	\$ -
Gifts	\$ 13,000.00	\$ 3,850.60	\$ 15,000.00	\$ -	\$ 20,000.00	\$ -
Fundraising	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Membership	\$ 250.00	\$ 125.00	\$ 500.00	\$ -	\$ 1,000.00	\$ -
Other - Support from Local Governments	\$ 30,000.00	\$ -	\$ 60,000.00	\$ -	\$ 90,000.00	\$ -
Ground lease fees - Ridgway duplex	\$ -	\$ -	\$ 2,400.00	\$ -	\$ 2,400.00	\$ -
CHDO general operation funding	\$ -	\$ -	\$ 30,000.00	\$ -	\$ 60,000.00	\$ -
<b>TOTAL YEARLY REVENUE</b>	<b>\$ 48,250.00</b>	<b>\$ 3,975.60</b>	<b>\$ 142,900.00</b>	<b>\$ -</b>	<b>\$ 233,400.00</b>	<b>\$ -</b>

EXPENSES	CURRENT YEAR BUDGET	YEAR-TO-DATE ACTUALS	CURRENT YEAR BUDGET	YEAR-TO-DATE ACTUALS	PREVIOUS YEAR BUDGET	PREVIOUS YEAR ACTUALS
Salaries and Wages	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Executive Director (PT to start)	\$ 35,000.00	\$ -	\$ 70,000.00	\$ -	\$ 70,000.00	\$ -
Homeownership and Rentals Manager	\$ -	\$ -	\$ -	\$ -	\$ 55,000.00	\$ -
Benefits	\$ -	\$ -	\$ 22,000.00	\$ -	\$ 44,000.00	\$ -
Insurance	\$ 1,400.00	\$ -	\$ 1,400.00	\$ -	\$ 1,400.00	\$ -
Office Supplies	\$ 200.00	\$ -	\$ 300.00	\$ -	\$ 400.00	\$ -
Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utilities 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Utilities 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Property Taxes	\$ 2,400.00	\$ 1,241.25	\$ 6,300.00	\$ -	\$ 7,200.00	\$ -
Payroll Taxes	\$ -	\$ -	\$ 5,400.00	\$ -	\$ 10,800.00	\$ -
Consultants and TA	\$ -	\$ -	\$ 20,000.00	\$ -	\$ 20,000.00	\$ -
Software	\$ 550.00	\$ 536.00	\$ 550.00	\$ -	\$ 1,000.00	\$ -
Memberships	\$ 300.00	\$ -	\$ 300.00	\$ -	\$ 300.00	\$ -
Travel	\$ 500.00	\$ -	\$ 500.00	\$ -	\$ 1,000.00	\$ -
Fundraising	\$ 5,000.00	\$ -	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -
Marketing	\$ 2,500.00	\$ -	\$ 5,000.00	\$ -	\$ 10,000.00	\$ -
<b>TOTAL YEARLY EXPENSES</b>	<b>\$ 47,850.00</b>	<b>\$ 1,777.25</b>	<b>\$ 141,750.00</b>	<b>\$ -</b>	<b>\$ 231,100.00</b>	<b>\$ -</b>

# ATTACHMENT 2

	CURRENT YEAR BUDGET	CURRENT YEAR ACTUAL	CURRENT YEAR BUDGET	CURRENT YEAR ACTUAL
TOTAL YEARLY REVENUE	\$ 48,250.00	\$ 3,975.60	\$ 142,900.00	\$ -
TOTAL YEARLY EXPENSES	\$ 47,850.00	\$ 1,777.25	\$ 141,750.00	\$ -
TOTAL YEARLY OPERATING OVERAGE/SURPLUS	\$ 400.00	\$ 2,198.35	\$ 1,150.00	\$ -

## AGENDA ITEM #16



Agenda Item \_\_\_\_\_

File No. \_\_\_\_\_

## STAFF REPORT

Subject: Appointment of Mayor Pro Tem and review of Council representation on commissions, committees and boards

Initiated By: Pam Kraft, Town Clerk

Date: March 31, 2022

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In conjunction with the annual election of members, the Town Council is required to address appointment of the Mayor Pro Tem; and may wish to review representation on boards, committees and commissions.

**Mayor Pro Tem** - every year after the regular election the Council appoints one of its members to serve as Mayor Pro Tem to cover for the Mayor during absences, etc.

**Representation on boards, committees and commissioners** - current appointments are as follows:

Committees & Commissions:

Ridgway Planning Commission - Councilor Meyer and Mayor Clark

Ridgway Parks, Trails & Open Space Committee - vacant

Ridgway Creative District Creative Advocacy Team - Councilor Grambley

Ridgway Scholarship Committee - Councilor Lakin and Mayor Clark

Board Appointments:

Ouray County Weed Board - Councilor Lakin; alternate - Town Engineer

Ouray County Joint Planning Board - Councilor Meyer, citizens Rod Fitzhugh & Tom McKenney;  
alternate - Councilor Beck

Sneffels Energy Board - Councilor Lakin and Town Manager; alternate - Mayor Clark

Region 10 Board - Mayor Clark

WestCO Dispatch Board - Town Marshal; alternate - Town Manager

Gunnison Valley Transportation Planning Region - Town Manager

Ouray County Transit Committee - Town Manager

Ouray County Water Users Association - Councilor Meyer

Water and Land Committee for the Uncompahgre Valley - Councilor Meyer; alternate - Town Manager

Colorado Communities for Climate Action - Councilor Lakin; alternate - Town Manager

Colorado Municipal League Policy Committee - Town Manager

Liaisons:

Chamber of Commerce - Councilmember Lakin

Communities That Care Coalition - Mayor Clark

Ouray County Fairgrounds - Councilor Schuyler

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## AGENDA ITEM #17



## WRITTEN REPORT

To: Honorable Mayor Clark and Ridgway Town Council  
From: Preston Neill, Town Manager  
Date: April 5, 2022  
Agenda Topic: **Update regarding water service revenue in FY2021**

### SUMMARY:

In 2018 and 2019, Council held a number of work sessions and discussions on water rates in a concerted effort to ensure fiscal solvency in the Water Enterprise Fund. A desire was consistently expressed by Council to balance costs across all water system users in an equitable way, considering the needs of commercial and residential customers. The purpose of this memo is to recap the discussions and actions of the Town Council during that time period and to report on service revenue in FY2021.

### BACKGROUND:

[Ordinance No. 2018-06](#), which was adopted in October of 2018 and went into effect in December of 2018, updated water service rates and water base allocations. Not too soon before that ordinance was adopted, Council adopted [Emergency Ordinance No. 2018-05](#), which created water wasting regulations associated with mandatory water restrictions during times of limited water supply.

Following robust community conversation and numerous sentiments expressed to Council members and Town staff about water service rates, in June of 2019 Council adopted [Ordinance No. 2019-04](#), which temporarily amended water rates. The temporary rate adjustment was in place for the months of June, July, August, September and October 2019.

Prior to the expiration of the temporary rate adjustment, Council met several times during the fall of 2019 to discuss and provide further direction on water rates. Council considered a series of rate scenarios shown below:

#### **SCENARIO 1 – This is the rate schedule adopted in October 2018 via Ordinance No. 2018-06.**

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 6,000	7,000-10,000	10,000-15,000	>15,000	Base gallons: 4,000	4,000-10,000	10,000-15,000	>15,000	
\$42.00	\$10.50	\$15.00	\$20.00	\$42.00	\$10.50	\$15.00	\$20.00	\$638,949.00

#### **SCENARIO 2**

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 4,000	4,000-10,000	10,000-18,000	>18,000	Base gallons: 4,000	4,000-17,000	17,000-38,000	>38,000	
\$42.00	\$10.50	\$12.00	\$14.00	\$42.00	\$10.50	\$12.00	\$14.00	\$599,094.00



### SCENARIO 3

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 4,000	4,000-10,000	10,000-18,000	>18,000	Base gallons: 4,000	4,000-17,000	17,000-38,000	>38,000	
\$42.00	\$10.50	\$13.00	\$15.00	\$42.00	\$10.50	\$13.00	\$15.00	\$609,335.00

### SCENARIO 4

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 4,000	4,000-10,000	10,000-18,000	>18,000	Base gallons: 4,000	4,000-17,000	17,000-38,000	>38,000	
\$42.00	\$10.50	\$14.00	\$16.00	\$42.00	\$10.50	\$14.00	\$16.00	\$619,575.00

### SCENARIO 5

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 4,000	4,000-10,000	10,000-18,000	>18,000	Base gallons: 4,000	4,000-17,000	17,000-38,000	>38,000	
\$62.00	\$10.50	\$15.00	\$20.00	\$62.00	\$10.50	\$15.00	\$20.00	\$780,242.00

### SCENARIO 6

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 4,000	4,000-10,000	10,000-18,000	>18,000	Base gallons: 4,000	4,000-17,000	17,000-38,000	>38,000	
\$62.00	\$11.00	\$13.00	\$15.00	\$62.00	\$11.00	\$13.00	\$15.00	\$737,613.00

### SCENARIO 7

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 4,000	4,000-10,000	10,000-18,000	>18,000	Base gallons: 4,000	4,000-17,000	17,000-38,000	>38,000	
\$47.00	\$10.50	\$13.00	\$15.00	\$47.00	\$10.50	\$13.00	\$15.00	\$651,011.00

### SCENARIO 8 - Flat \$10.50 /1000. No conservation rate. Vacancy rate \$35.50. Schools \$35.50 base/ \$10.50.

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 0	0-10,000	10,000-15,000	>15,000	Base gallons: 0	0-10,000	10,000-15,000	>15,000	
\$35.50	\$10.50	\$10.50	\$10.50	\$35.50	\$10.50	\$10.50	\$10.50	\$722,597.00

### SCENARIO 9 - Keeps old allocations, rate increase by 15%. Vacancy \$26.16. Schools \$111.55/ \$2.30.

RESIDENTIAL	Gallons			NON-RESIDENTIAL	Gallons			Projected Revenues
Base gallons: 9,000	9,000-18,000	18,000-26,000	>26,000	Base gallons: 4,000	4,000-10,000	10,000-15,000	>15,000	
\$48.30	\$1.15	\$2.88	\$6.90	\$42.26	\$3.45	\$4.60	\$4.60	\$453,583.00



After reviewing and discussing the scenarios above, Council honed in on ranges for base allocation (5,000-6,000), base rate (\$47.00-52.00), overage water allocations (up to 10,000 gallons, 10,000-18,000, over 18,000 for residential and up to 17,000, 17,000-38,000, and over 38,000 for non-residential users), and overage costs (\$11.00, \$13.00, \$15.00). Council agreed that the total annual revenue goal for the Water Fund is approximately \$766,000 per year. An assumption was worked in that approximately \$50,000 of that total revenue is estimated to come from other revenue sources (i.e., tap fees, material costs, etc.). The funds needed from user fees alone to meet the total revenue goal of \$766,000, is \$716,000.

At a Council meeting in October 2019, Town staff presented some additional scenarios based on Council's direction above. Those scenarios are depicted below:

Rate Option	Vacancy Rate	Base Allotment	Base Cost	10K Residential / 17K Non-residential	18K Residential / 38K Non-residential	Over 18K Residential / 38K Non-residential	Projected Revenue
1	\$30.00	5,000	\$50.00	\$11.00	\$13.00	\$15.00	\$656,351.00
2	\$30.00	6,000	\$50.00	\$11.00	\$13.00	\$15.00	\$638,195.00
3	\$30.00	5,000	\$52.00	\$11.00	\$13.00	\$15.00	\$672,446.00
4	\$30.00	6,000	\$52.00	\$11.00	\$13.00	\$15.00	\$654,291.00

With the direction provided by Council, staff developed an ordinance based on rate option 3 above, which has a base allocation of 5,000 gallons, a base rate of \$52.00 for all user types, and water overage amounts of \$11.00, \$13.00 and \$15.00 for the overages indicated for user type. This rate schedule has a vacancy rate of \$30 per month and the School District at a base rate of \$105.00 for 10,000 gallons with overage costs of \$11.00 per 1,000 gallons. Please note that water conservation is not assumed with any revenue figures provided above. This is because much of the usage data utilized to calculate this projection was already under raised water rates.

[Ordinance No. 2019-08](#), which updated water service rates and water allocations based on the amounts described in the paragraph above, was adopted by Council in October 2019 and remains in effect today.

#### FINANCIAL ANALYSIS:

In FY2019, revenue from Water Service Charges ended up at \$595,396 and Total Water Fund Revenues ended up at \$650,215. The year-end figure for Water Service Charges in our Caselle software for FY2020 was \$718,788 and the estimated year-end figure for Total Water Fund Revenues in FY2020 was \$864,501. Please note that Total Water Fund Revenues includes revenue from grants, tap fees and other fees. The stated total revenue goal for the Water Enterprise Fund back in the fall of 2019 was \$766,000 with \$716,000 of that coming from user fees. The Town exceeded the service revenue goal in the first full fiscal year since the current water rate structure was implemented by an estimated \$2,788 or 0.39%.

For FY2021, the year-end figure for Water Service Charges in our Caselle software was \$689,126.88 and the estimated year-end figure for Total Water Fund Revenues in FY2021 is \$1,060,954. The Town fell short of the



service revenue goal in the second full fiscal year since the current water rate structure was implemented by an estimated \$26,873 or 3.75%.

The Town sold approximately 42.0 million gallons of water in 2019, approximately 48.4 million gallons of water in 2020, and approximately 44.9 million gallons of water in 2021. The table below compares the median and average single-family home usage for 2019, 2020 and 2021.

	2019	2020	2021
Median Monthly Usage (gallons)	3,000	3,500	3,100
Average Monthly Usage (gallons)	4,580	5,435	4,581

## AGENDA ITEM #18