

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 11, 2024

CALL TO ORDER

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

The Mayor called the meeting to order at 5:30 p.m. Councilors in attendance Kroger, Lakin, Schuyler, Scoville, Mayor Pro Tem Meyer and Mayor Clark. Councilor Grambley was absent.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(4)(b) for the purpose of receiving legal advice regarding the organization of the Town of Ridgway Board of Adjustment to address concerns raised regarding construction at 432 Amy Court.

ACTION:

Councilor Kroger moved with Mayor Pro Tem Meyer seconding, to enter into closed session. The motion carried unanimously.

The Council entered into a closed session at 5:35 p.m. with the Town Attorney, Town Manager, Town Clerk and Planner Dlubac with Community Planning Strategies.

The Council reconvened from closed session at 6:00 p.m. and conducted a meeting as the Ridgway Workforce and Affordable Housing Committee.

The Council reconvened into the regular meeting at 6:35 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of August 14, 2024.
2. Register of Demands for September 2024.

ACTION:

It was moved by Councilor Kroger, seconded by Mayor Pro Tem Meyer and unanimously carried to approve the consent agenda.

PUBLIC COMMENTS

Val Swartz representing the Dark Sky Committee, explained he is informing the public regarding impacts of night lighting on bird migration. He inquired about lighting in the new greenhouse on the Old Firehouse building, noting the illumination "is rather significant" and needs to be addressed.

Dana Ivers speaking as a member of the Sustainability Advisory Board, requested Council consider a resolution limiting the idling of vehicles to three minutes.

The Pickleball Club presented an invitation to attend the second annual tournament, noting the “event is sold out at 110 players” but is “free for spectators”.

Renee Marr stated she was before the Council last month and wanted to know why “construction is continuing at 432 Amy Court”, citing what appears to be “several code violations”.

The Mayor stated staff has reviewed the request and made a determination, he suggested considering making an appeal of the decision to the Board of Adjustment.

POLICY MATTERS

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

Town Manager, Preston Neill, noted the local disaster declared on August 14th will be expiring, and asked the Council to extend the declaration under the Colorado Disaster Emergency Act for another thirty days.

Manager Neill presented an update on the short term goal to re-establish the pipeline and divert water into Lake Ottanawanda. Tours of the impacted area have been conducted for Homeland Security, Colorado Water Conservation and Natural Resources. Engineering and analysis is underway, and applications made for state disaster relief so construction can begin this summer.

There were questions from the Council.

ACTION:

Councilmember Schuyler moved to approve the Emergency Declaration for the Town of Ridgway. Councilor Kroger seconded and the motion carried unanimously.

4. Letter to the Natural Resources Conservation Service requesting federal assistance under the Emergency Watershed Protection Program

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Kroger and unanimously carried to ratify the letter to the State Conservationist at the Natural Resources Conservation Service in Denver.

5. Adoption of the Green Street Sustainability Park Master Plan

Staff Report dated 9-6-24 from the Town Manager presenting the Green Street Sustainability Park Master Plan.

The Town Manager presented for adoption the Green Street Sustainability Park Master Plan, developed after direction from Council at the last meeting.

Stacy Passmore, consultant with Superbloom hired to develop the park plan, presented background pertaining to the site, community engagement, design, implementation and resources. She stated after two public meetings, two on line surveys, and two Council meetings to receive feedback, the current plan was developed based on Council direction and consolidates the solar array at the south end of the park, with some panels spread throughout the park, for a total of 300 kw of solar arrays; includes the existing community

garden and apiary; an outdoor class room; climbing area; covered picnic area; children's play area and restroom.

There were comments from the Council.

Speaking from the public, ideas were presented from Vicki Hawse, Jim Nowak, Scott Williams, Angela Hawse and Andre Bollar.

The Mayor noted any development in the park area would be discussed with capital improvement planning during the annual budgeting process.

ACTION:

Moved by Councilor Kroger, seconded by Councilor Lakin to adopt the Green Street Sustainability Park Master Plan. On a call for the vote the motion carried unanimously.

PUBLIC REQUESTS AND PRESENTATIONS

6. Introduction of new employee, Angela Kemp

The Mayor introduced new employee, Angela Kemp, who will serve as Senior Planner. Ms. Kemp was welcomed by the Council.

7. Proclamation declaring September 2024 as National Suicide Prevention Awareness and Recovery Month

Tri-County Health Network presented a proclamation declaring September as Suicide Prevention Awareness Month. It was noted the month was created to reduce the stigma that comes with the topic, and provide an opportunity to speak about suicide, as this is the first line in prevention.

The Mayor noted there are local efforts, including the suicide prevention coalition.

ACTION:

Councilor Lakin moved to adopt the Proclamation declaring September 2024 as Suicide Prevention Awareness Month in the Town of Ridgway. Councilor Kroger seconded and the motion carried unanimously.

8. Update regarding Ouray County Support and Advocacy Project

Chelsea Meece, Executive Director of the Ouray County Support and Advocacy Project presented an overview of the the services offered to support persons who have experienced sexual assault and domestic violence. These include crisis intervention, case management, advocacy and supportive services. Current fundraising is aimed at hiring two advocates to serve survivors, establishing a 24 hour hotline and to provide services, program operation and community engagement activities.

The Council took a recess at 6:35 p.m. and reconvened the meeting at 6:40 p.m.

9. Request to consider a ban on the sale of puppies and kittens in pet stores to assist in eliminating puppy and kitten mills

Joyce Cohen presented information on “factory farms” or “puppy mills” that are large scale commercial operations which breed dogs and cats in cages under “horrific conditions” and sell them to pet stores. She noted 99% of puppies sold in pet stores come from puppy mills and nearly all of them are ill or incubating an illness when purchased; each year in the country 4 million puppies are born in puppy mills; and there are over 35,000 pet stores.

She explained three states have passed legislation banning these practices, and the sale to pet stores. Last year 5,000 dogs were “imported” into the state to be sold in pet stores, and it is hoped the Colorado legislature will introduce similar legislation. She asked the Council to “show you value humane treatment of animals” and support legislation at the state level, by adopting an ordinance banning the sale of puppies and kittens to pet stores.

The Council directed staff to prepare an ordinance banning the sale of puppies and kittens in pet stores.

PUBLIC HEARINGS

10. Resubdivision of Lots 8-12 in Block 36; zoned Historic Residential; applicant James Nowak

Staff Report dated 9-6-24 from Contract Planner TJ Dlubac presenting a request for resubdivision of Lots 8-12 within Block 36.

Planner Dlubac presented the request for resubdivision of one parcel with an existing one-store residence and a two story garage with an accessory dwelling unit, to three residential lots. The parcel is .41 acres and located in the historic residential zone. The existing home will be on Lot A, and Lots B and C will be created. The Planning Commission approved a variance request to decrease the 15 foot setback to 11.2 feet. The resubdivision also includes new utility easements crossing the proposed lots to serve each lot. At a public hearing on July 30th the Planning Commission considered the request and voted unanimously to recommend approval to the Council with one condition. He stated staff is recommending the Council approve the request with the same condition.

ACTION:

It was moved by Councilor Schuyler, seconded by Councilor Lakin and unanimously carried to approve the Nowak Subdivision, finding the criteria set in Municipal Code Section 7-5-2(J)(3) have been met with the following conditions, prior to the Town recording the resubdivision with the Ouray County Clerks Office, all outstanding referral comments in the July 26th comment letter shall be adequately addressed.

Mr. Nowak addressed the Council and recommended changing the meeting date of the Planning Commission meetings to allow the 15 day process required In the code to be met.

PUBLIC REQUESTS AND PRESENTATIONS (continued)

11. Annual presentation from Uncompahgre Watershed Partnership

Tanya Ishikawa, Uncompahgre Watershed Partnership Communications Director, presented an update including board reorganization; strategic planning for 2024-2028; historical highlights; mission; vision; organizational objectives; ongoing projects and programs;

planned and potential projects; theoretical projects; watershed education and scientific advising; watershed restoration projects; funding request for 2025.

12. Annual presentation from EcoAction Partners

Kendra Held, Climate Coordinator with the Eco-Action Partners presented the 2023 Regional Greenhouse Gas Emissions Inventory. Emma Gevona, Executive Director, presented the organizational mission statement; Energy Workforce Development Program; Climate Action Plan; student engagement; regional greenhouse gases forecasting; green business program; Colorado Affordable Residential Energy Program; energy incentives and waste reduction efforts.

POLICY MATTERS (continued)

13. Introduction of Ordinance amending Section 7-4 “Zoning Regulations” of the Municipal Code relating to accessory dwelling units

Staff Report dated 9-6-24 from Contractual Planner, TJ Dlubac, presenting an ordinance amending accessory dwelling unit standards.

Planner Dlubac explained last year Chapter 7 of the Municipal Code was updated and Council asked the Planning Commission to address accessory dwelling unit (ADU) standards. At the July meeting the Commission finalized its review and hearing process and are recommending to the Council adoption of an ordinance to update the regulations. The proposed ordinance reorganized the provisions into five separate sections, added more standards; added statements in the general provision to clarify intent of ADU construction; waives plan review fees for ADU's attached to primary residences; allow ADU's with duplex and triplex uses; modified density based on lot size; added site plan review for property that results in two or more ADU's; increased maximum size and adjusted measurement standards from 800 square feet to 1000 square feet measure from the inside of the unit, not the outside; added incentives based on landscaping, construction materials and unit affordability to increase square footage size and minimum rental time frame changed to 90 days.

There were questions and discussion by the Council.

SPEAKING FROM THE AUDIENCE:

Pam Foyster noted the Commission still needs to address the owner occupancy requirements.

Doug Canright questioned the effect of minimum rental time frames on current short term rental license holders; current property owners of ADU's that have purchased separate water taps; and pre-existing non-conforming units. He noted “if you take away owner occupancy requirements you are saying every lot is a duplex lot”.

Renee Marr spoke in favor of requiring owner occupancy. She asked the Council to “think long term” in relation to what the community will look like with increased density and resulting impacts on infrastructure. “If owner occupancy is eliminated” developers may purchase property for “income generating purposes”. She noted this will bring “absent property owners” and impacts could include loss of community, and changing from a residential community to a bedroom community.

Jake Niece stated “ADU's are part of the affordable housing solution” and “fill a need for the missing middle” of “median income” community members.

Trish Greenwood expressed concerns that “lifting the owner residency requirement invites people who want investment only”.

Jim Nowak expressed concerns that absentee owners “could be a burden on other members of the community” as they may “not have an investment in the community”.

Terece Seal stated if the rental is long term it would be “okay if it is not owner occupied”, but if not long term rented, “it should be owner occupied”.

Jennifer Nelson supported further discussion by the Planning Commission regarding owner occupancy to understand “both sides of the issue”.

There were comments from Council. Consensus of the Council was to refer the proposed ordinance back to the Planning Commission for further discussion regarding owner occupancy requirements, to allow the code changes to be contained in one document.

14. Introduction of Ordinance amending Section 7-4 “Zoning Regulations” of the Municipal Code relating to parking standards

Staff Report dated 9-6-24 from Contract Planner TJ Dlubac presenting an ordinance amending parking standards.

Planner Dlubac presented an ordinance forwarded from the Planning Commission amending parking standards. He explained the provisions do not remove requirements for off street parking, but provide a variety of options. The changes include overall reduced and simplified parking regulations; stacking requirements for specific uses; shared parking plans; expansion of existing bicycle parking requirements; requiring electric vehicle parking spaces; reductions specific to various zoning districts and handicap accessible parking standards.

There were questions from the Council, and questions from the audience.

SPEAKING FROM THE AUDIENCE:

Renee Marr noted that current parking in LeRanch Subdivision is limited and the proposed regulations “will incredibly affect” the congestion and “limit circulation for trash and snow removal” equipment.

Staff was directed to research potential areas with existing parking congestion, and evaluate if they will be impacted by the proposed regulations.

ACTION:

Moved by Councilor Scoville, seconded by Councilor Schuyler the motion to introduce Ordinance No. 04-2024, an Ordinance of the Town of Ridgway, Colorado, amending Section 7-4 “Zoning Regulations” of the Ridgway Municipal Code regarding parking standards, on first ready, finding that the criteria set forth in Municipal Code Section 7-4-3(D)(3) have been met, and direct staff to evaluate potential areas where parking congestion exist, and determine if the regulations will impact these areas carried unanimously.

15. Resolution finding substantial completion of annexation application

Staff Report dated 9-6-24 from Contract Planner TJ Dlubac presenting a resolution finding substantial compliance for annexation of the Dalwhinnie-Ridgway Athletic Park.

Planner Dlubac explained the annexation petition for Dalwhinnie-Ridgway Athletic Park has been received, and the Council is being asked to find compliance and set a public hearing.

The property is 3.23 acres owned by the Dalwhinnie Group and Town, and the petition has been filed collectively. The area includes .28 acres of the Athletic Park and 2.53 acres of Dalwhinnie property along with .072 acres within the right-of-way of County Road 23. If the Council adopts the resolution finding substantial completion, a public hearing will be held at the November meeting, he noted.

Speaking on behalf of Dalwhinnie Group, Chris Hawkins stated the plat map will be submitted next week.

ACTION:

Moved by Councilmember Lakin to approve Resolution No 2024-09, a Resolution Finding Substantial Compliance for an Annexation Petition Filed with the Town of Ridgway, Colorado known as Dalwhinnie-Ridgway Athletic Park Annexation to the Town of Ridgway and Setting a Public Hearing for November 13, 2024. Mayor Pro Tem Meyer seconded and the motion carried unanimously.

16. Emergency restrictions on burning and fires within the Town

Staff Report from the Town Manager dated 9-6-24 reporting on August 2nd the Town implemented Stage 1 fire restrictions, and on August 16th following other local agencies the Town transitioned out of fire restrictions.

The Town Manager asked the Council to confirm the rescission of emergency fire restrictions.

ACTION:

Mayor Pro Tem Meyer moved to confirm the rescission of emergency restrictions on burning and fires within the Town of Ridgway, Councilmember Kroger seconded, and on a call for the vote the motion carried unanimously.

17. Ratification of letter of support for the Grand Junction Regional Material Recycling Facility Project

ACTION:

Moved by Councilmember Schuyler to ratify the letter to the Grand Junction City Council supporting the of the Grand Junction Regional Material Recycling Facility Project. Councilor Lakin seconded the motion which carried unanimously.

18. Ratification of letter of support for the Ridgway Area Chamber of Commerce Tourism Marketing Grant application to the Colorado Tourism Office

ACTION:

Councilor Lakin moved to approve the letter to the Colorado Tourism Office supporting the Chambers application for a marketing grant. Mayor Pro Tem Meyer seconded, the motion carried unanimously.

19. Letter of support for the Gunnison Outdoor Research Protection Act

ACTION:

Councilor Kroger moved, Councilor Lakin seconded and it was unanimously carried to approve the Gunnison Outdoor Research Protection Act support letter.

MISCELLANEOUS REPORTS

The Town Manager presented an overview of the monthly written managers report.

POLICY MATTERS (continued)

20. Resolution authorizing the exercise of the Town's Eminent Domain Authority to acquire real property for a recreational trail

Contractual attorney Joseph Rivera presented an update on the Council's desire to negotiate purchase of a ten foot wide recreational trail easement on 539 Marion Overlook to access the school immediately to the north boundary. He explained in the winter of 2022 staff reached out to the property owner regarding purchase of the easement; in early summer of 2023 he was hired to advise on the process to acquire the property; notices of intent were sent to the property owner who hired legal counsel in September of 2023; in May of this year the property owner terminated the services of legal counsel and an appraiser. Mr. Rivera noted if the Council is still interested in acquiring the trail easement pre-requisites must first be met, and presented a resolution outlining the procedure.

ACTION:

On a motion from Councilmember Lakin to approve Resolution No. 24-08 authorizing the exercise of the Town's Eminent Domain Authority to acquire real property for a recreational trail, with correction to the property boundary and spelling changes, with a second by Mayor Pro Tem Meyer the motion carried unanimously.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into a closed session for a conference with the Town attorney for the purpose of receiving legal advice on a specific legal question under C.R.S. Section 24-6-402(4)(b) and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) concerning the possible condemnation of real property for the a creation of a recreational trail along real property located at 539 Marion Overlook.

ACTION:

Councilor Kroger moved with Mayor Pro Tem Meyer seconding, to enter into closed session. The motion carried unanimously.

The Council entered into a closed session at 10:40 p.m. with the Town Attorney, Town Manager, Town Clerk and Attorney Joseph Rivera.

The Council reconvened from closed session at 11:20 p.m.

COUNCIL REPORTS

Councilor Schuyler presented an update on the Sustainability Committee.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk