

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JUNE 12, 2024

CALL TO ORDER

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

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

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 on specific legal questions regarding the possible purchase and/or condemnation of 539 Marion Overlook.

ACTION:

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

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

The Council reconvened from closed session at 5:55 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of May 8, 2024.
2. Minutes of the Workforce and Affordable Housing Committee for May 8, 2024.
3. Register of Demands for June 2024.
4. Renew restaurant liquor license for El Agave Azul.
5. Renewal of tavern liquor license for Sherbino Theater.
6. Renewal of tavern liquor license for The Million Roadhouse.
7. Renewal of restaurant liquor license for Eatery 66.

ACTION:

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

PUBLIC PRESENTATIONS

8. Introduction of new Deputy Marshal

Marshal Schmultz introduced new Deputy Marshal Brannon Hasler formally with the Montrose County Sheriffs Department. He noted Deputy Hasler has a background serving as a school resource officer, and the department intends to use this knowledge to create a stronger connection with the schools.

9. Special event application to close Clinton Street for Celebration of Life of Patrick O'Leary

Marti O'Leary requested to block Clinton Street from Laura to Cora Streets, for a Celebration of Life of Patrick O'Leary which will be based out of the Sherbino Theater on September 14th.

ACTION:

Moved by Councilor Scoville to approve the special event permit application for closing the right-of-way on September 14th. Councilor Kroger seconded and the motion carried unanimously.

10. Proclamation recognizing the Ouray Mountain Rescue Team 50th Anniversary

Speaking from the Ouray Mountain Rescue Team Grant Lee, David Mullins and Bill Dwelly all noted the accomplishments of the rescue team over the past fifty years, and "the amazing community support" through out the years.

The Mayor read a proclamation recognizing the fiftieth anniversary.

ACTION:

Councilmember Kroger moved, Councilor Schuyler seconded, to approve the Proclamation Recognizing the 50th Anniversary of the Ouray Mountain Rescue Team. The motion was unanimously carried.

11. Proclamation declaring June as Immigrant Heritage Month

Tabassum Siddiqui the Multicultural Advocacy Manager with Tri-County Health Network asked the Council to proclaim June as Immigrant Month, and recognizing World Refugee Day.

On a question from the audience Ms. Siddiqui presented events which will be held during the month, and explained the organization hosts monthly programming which "promote multicultural harmony".

ACTION:

Mayor Pro Tem Meyer moved, with Councilor Grambley seconding to approve the Proclamation Declaring June 2024 as Immigrant Heritage Month. The motion carried unanimously.

12. Proclamation declaring June as Dark Sky Month

Val Szwarc with the Ridgway Ouray Community Council Dark Sky Committee reported the Governor has proclaimed June as Dark Sky Month in the State of Colorado. Mr. Szwarc

stated since "Ridgway is one of the dark sky gems" the Council should adopt a similar proclamation.

ACTION:

Councilmember Schuyler moved to approve the Proclamation declaring June as Dark Sky Month. Mayor Pro Tem Meyer seconded the motion which carried unanimously.

PUBLIC HEARINGS

13. Application for Restaurant Liquor License; Applicant: Fuego Hospitality Company LLC; Sole Member: Martha O'Leary; DBA: The Hearth; Location: 185 N. Lena Street

Staff Report dated 5-7-24 from the Town Clerk presenting an application for a restaurant liquor license from Fuego Hospitality Company LLC.

The Town Clerk explained an application for a restaurant liquor license has been received from Fuego Hospitality Company LLC, sole member Martha O'Leary for the premises at 185 North Lena Street, Units 100, 101 and 107, the north patio area and the sidewalk along Lena Street. The trade name of the business is The Hearth. The applicant owns the premises as Firehouse Investment Real Estate LLC and will be leasing to Fuego Hospitality Company LLC, both of which she is sole member. The application has been filed as a concurrent review with State Liquor Enforcement, she noted.

The applicant answered questions from the Council.

ACTION:

Moved by Mayor Pro Tem Meyer to approve the application for a Restaurant Liquor License from Fuego Hospitality Company LLC, sole member Martha O'Leary, doing business as The Hearth. The motion was seconded by Councilmember Kroger and carried unanimously.

14. Extension request to meet conditions of approval of River Park Ridgway Business Park Filing 3 Preliminary Plat

Staff Report dated 6-7-24 from the Town Manager presenting a request from Ridgway Triangle LLC to extend approval of the River Park Ridgway Business Park Filing 3 Preliminary Plat.

Manager Neill reported applicant Ridgway Triangle LLC is requesting an extension of the approved preliminary plat for River Park Ridgway Business Park Planned Unit Development as it relates to Filing 3 which are planned Blocks 9 through 12 of the Industrial Park. This same extension request was made by the previous owner seven times, every two years beginning in 2010.

He explained the River Park Business Park PUD is part of a larger PUD, this component addresses the industrial/commercial properties. The 2001 preliminary plat of the overall project includes Filing 3, consisting of Blocks 9, 10, 11 and 12 and has an approved plat but there is remaining infrastructure to be completed, and it continues to remain a single parcel instead of the planned blocks and lots. The current extension request would expire on July 8, 2026 and allow the new property owners to meet the Towns current infrastructure standards.

Owners agent Jack Petruccilli reported the owner plans to “break ground July 1st and pave in October”. He stated “we are contemplating building a project much different than what was platted”.

Speaking from the audience Jake Niece expressed concerns with the proposed extension of North Laura Street noting it “will change travel patterns of cars and trucks into the industrial area”; the N. Laura intersection at Otto Street is not a full width street; will “create a risk” for safety of pedestrians and bicycle riders. He recommended not connecting N. Laura to Railroad Street and creating a cul-de-sac.

There were comments from the Council. Town Engineer Joanne Fagan stated the original “lay out of River Park in the late 90’s” included more than one access from the highway to access the subdivision.

Mr. Petruccilli noted the reduced width at Otto Street will limit truck traffic; and offered if the Town would like to place signage “eliminating trucks we wouldn’t be opposed to that”.

The Town Attorney noted the request before the Council is extension of time for the preliminary plat and conversations regarding amending the traffic patterns would need to be a separate discussion.

There was discussion and comments from the Council.

ACTION:

Councilmember Schuyler moved to grant the extension through July 8, 2026, Mayor Pro Tem Meyer seconded, and on a call for the vote the motion carried unanimously.

15. Emergency Ordinance No. 01-2024 Amending the Franchise Granted to San Miguel Power Association, Inc., to Operate an Electric Power Utility within the Town of Ridgway

Town Attorney Nerlin presented an emergency ordinance amending the franchise agreement with San Miguel Power Association Inc. He explained in October of 2023 the Council approved an ordinance extending the franchise agreement. The attorney for the association has raised concerns with the approved agreement regarding the burying of power lines. The proposed ordinance would update the existing ordinance with a provision allowing “parity”.

There was discussion between staff and Council.

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Lakin, and unanimously approved to approve Emergency Ordinance No. 01-2024, amending the franchise granted to San Miguel Power Association Inc.

POLICY MATTERS

16. Revocable Permit for use of public right-of-way, through use of sidewalk for service of alcoholic beverages, adjacent to The Hearth Restaurant at 185 N. Lena Street

The Town Clerk presented a revocable permit for use of right-of-way granting Feugo Hospitality Company LLC use of the sidewalk directly abutting 185 N. Lena Street, in front of The Hearth Restaurant, for the purpose of placing tables and chairs to serve alcoholic beverage. She noted the permit requires six feet of open pedestrian passage.

ACTION:

It was moved by Councilmember Lakin, seconded by Mayor Pro Tem Meyer and unanimously carried to approve the revocable Permit for use of public right-of-way, through use of sidewalk for service of alcoholic beverages, adjacent to The Hearth Restaurant at 185 N. Lena Street .

17. Revocable Permit for use of public right-of-way, through use of sidewalk for service of alcoholic beverages, adjacent to The Kismet Cafe at 618 Clinton Street

The Town Clerk presented a revocable permit for use of right-of-way granting Wick Coffee Co. LLC use of the sidewalk directly abutting 618 Clinton Street, in front of the Kismet Cafe, for the purpose of placing tables and chairs to serve alcoholic beverage. She noted the permit requires a six feet open pedestrian passage.

ACTION:

It was moved by Councilmember Lakin, seconded by Councilor Kroger and unanimously carried to approve the revocable Permit for use of public right-of-way, through use of sidewalk for service of alcoholic beverages, adjacent to Kismet Cafe at 618 Clinton Street.

18. Modification of liquor licensed premises for a Communal Outdoor Dining Area; Colorado Boy Pub and Brewery and Sherbino Theater at 602 and 604 Clinton Street

Staff Report from the Town Clerk dated 5-28-24 presenting an application to modify liquor licenses to create a communal outdoor dining area.

The Town Clerk presented an application to modify the brew pub liquor license for The Colorado Boy Pub and Brewery, and the tavern liquor license held by the Sherbino Theater to create a communal dining area on the sidewalk in front of 602 and 604 Clinton Street.

She reported State regulations allow creation of a communal outdoor area contingent upon the area being located within 1000 feet of the permanent licensed premises; each licensee submitting a modification application and fee; licensees agreeing to a security and control plan which includes obtaining general and liquor liability insurance which contains the communal area.

ACTION:

Moved by Councilor Lakin, seconded by Mayor Pro Tem Meyer and unanimously carried to approve the modifications of Brew Pub liquor license for the Colorado Boy Brewing Company and Tavern liquor license for the Ridgway Chatauqua Society for a communal outdoor dining area.

19. Request for use of rights-of-ways for annual Rally Thru The Alley event on September 29th

The Town Clerk stated the Rally Thru the Alley annual event will be held this year on September 29th between 9:00 am and 2:00 pm. The event will use the alleys at Amelia between Charles and Clinton, down N. Mary Street to the alley between Clinton and Sherman Street to arrive at Town Park. Crossing guards will be placed at all major alley turns and pedestrian street crossings.

ACTION:

Moved by Councilmember Lakin to approve the application for the Rally Through the Alley event on September 29th from 9:00 am to 2:00 pm. The motion was seconded by Councilmember Kroger and carried unanimously on a call for the vote.

20. Second Amendment to Development Agreement with Lena Commons, LLC

Memorandum from the Town Attorney dated 6-2-24 presenting a request for extension of the vested rights within the Lena Street Commons Development Agreement.

Attorney Nerlin explained the original development agreement with Lena Street Commons was amended on March 29, 2022 and both remain in place. Prior to approval, in June of 2018, the developer petitioned Council for issuance of statutory vested rights, and these rights are set to expire on June 13, 2024, and they are now requesting an extension of these rights to June 13, 2028.

There were questions from the Council.

Legal counsel for the developer, Tom Kennedy, explained the request is being made to complete development and construction of Buildings A, D and E, noting all infrastructure is already in place. He stated it is “envisioned” the next phase will be Building E which contains “employee housing” and “will be completed by 2026”. He noted “if economic conditions are good, we will start next year”.

There were comments by the Council.

Developer Travis Spitzer stated “we are committed to start in 2026” but “hope to start in 2025”; we “commit to do all three in phased approaches”.

There was discussion by the Council.

ACTION:

Moved by Councilor Schuyler, seconded by Councilmember Lakin to approve the second amendment to Development Agreement between Lena Street Commons LLC and the Town of Ridgway. The motion carried unanimously.

21. Third Amendment to Memorandum of Understanding with Ouray County concerning annexation of property located at 111 Mall Road

The Town Manager explained there is an existing Memorandum of Understanding with Ouray County, originally entered into in 2017, concerning the planning and annexation of the County property on Mall Road into the Town limits. The County is requesting an extension to June of 2029. This would make the third request for extension, he noted.

County Commissioner Jake Niece stated the County is currently performing facility planning, which is hoped to be completed by the end of the year.

ACTION:

Councilmember Lakin moved to approve the third amendment to Memorandum of Understanding between Ouray County and the Town of Ridgway concerning annexation of

the Ouray County's property located at 111 Mall Road, Councilor Schuyler seconded the motion which carried unanimously.

22. Award of bid for the Athletic Park Parking Lot Project

Staff Report dated 6-6-24 from the Town Manager presenting a recommendation pertaining to award of bid for the Athletic Park Parking Lot Project.

Manager Neill reported the Town received two bids for the project, the lowest bid is from Ridgway Valley Enterprises, Inc, who has completed several project over the last few years for the Town. He noted construction of the project is the first step in the master planning process for the Athletic Park, and if awarded construction will begin next week. The project was budgeted at \$100,000 and the bid was received at \$126,865. He stated staff feels the general fund can accommodate the increase in the budgeted line item.

ACTION:

Councilmember Scoville moved to authorize staff to being negotiations with Ridgway Valley Enterprises, Inc. to expend budgeted funds and execute a construction contract set to not to exceed \$126,865. The motion was seconded by Councilmember Lakin and carried unanimously on a call for the vote.

23. Award of Bid for the Ridgway Space to Create Resilience Hub Microgrid Project

Staff Report from the Town Manager dated 6-7-24 presenting the results of bids received on the project for installation of a microgrid resilience hub on the Space to Create building.

The Town Manager reported the Town issued a request for proposals for the project and opened bids on June 6th. Three bids were received and the lowest bid was received from Alternative Power Enterprises, Inc for \$63,875; the project was budgeted at \$70,000.

Councilor Schuyler stated a grant from the Department of Local Affairs was received in the amount of \$46,009 to "offset costs". Receipt of a clean energy tax credit could reduce the cost further.

ACTION:

Mayor Pro Tem Meyer moved to authorize staff to expend budgeted funds and execute a Contractor Services Agreement between the Town and Alternative Power Enterprises, Inc for the Ridgway Space to Create Resilience Hub Microgrid Project at a price not to exceed \$63,875. Councilor Lakin seconded. The motion carried with Councilor Schuyler abstaining from the vote.

24. Easement Agreement with Artspace Ridgway Limited Partnership for the installation of the Ridgway Space to Create Resilience Hub Microgrid Project

Memorandum dated 6-7-24 from the Town Attorney presenting an easement agreement for the Ridgway Space to Create Resilience Hub Microgrid Project.

The Town Attorney noted the Council awarding the bid for the Space to Create Microgrid Project, requires the Town to enter into an easement agreement with Artspace Ridgway Limited Partnership for a rooftop easement on the facility to install the solar panels and microgrid.

ACTION:

Moved by Councilmember Lakin, seconded by Councilmember Kroger and unanimously carried to authorize Mayor Clark to execute an easement agreement between the Town and Artspace Ridgway Limited Partnership, for the installation of the Space to Create Resilience Hub Microgrid Project.

25. Discussion regarding the process of vacating a public right-of-way

Attorney Nerlin reported in follow up to a discussion the Council held at the May meeting regarding vacating a right-of-way, staff has held discussions, and given notice to property owners that any encroachments on the property need to be removed. He noted the property between Charles to the alley is not maintained by the Town.

There were comments by the Council, and discussion between the Council and staff. Consensus of the Council was to install a split rail fence to close of the area, and staff continue to discuss proposed uses for the property.

26. Letter of support for the Ridgway Chamber of Commerce application to the Colorado Tourism Office for the Destination Blueprint Program

A letter of support was presented for the Chamber of Commerce Destination Blueprint Program application.

ACTION:

Mayor Pro Meyer moved to authorize the Mayor to sign the letter in support of Destination Blueprint Program application. Councilor Schuyler seconded the motion which carried unanimously.

27. Implementation of voluntary water restrictions

The Town Manager suggested the Council take action on the 2018 Water Conservation Management Plan, and based on current significant levels of drought conditions in the State, implement voluntary water restrictions. He noted the water plant is producing at the average capacity for this time of year at 260,000 gallons a day, but water is starting to be pulled from Lake Ottonwanda.

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Kroger and unanimously carried to promulgate Stage 1 Voluntary Water Restrictions.

MISCELLANEOUS REPORTS

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

Councilor Lakin reported on CC4C2.

Councilor Scoville reported on the recent Chamber of Commerce meeting.

Councilor Schuyler reported on the Sustainability Advisory Committee.

The Mayor reported on the recent Baldy Mountain site tour pertaining to wildfire mitigation efforts, which were 95% successful.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk