

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 9, 2023

CALL TO ORDER

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

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

CONSENT AGENDA

1. Minutes of the Regular Meeting of July 12, 2023.
2. Register of Demands for August 2023.
3. Renewal of Restaurant Liquor License for Provisions.
4. Liquor license name change for Star Saloon to The Million Roadhouse.

ACTION:

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

PUBLIC COMMENTS

Ruth Stewart encouraged the Town to solicit a "larger grocery store" to locate into Town.

PUBLIC REQUESTS AND PRESENTATIONS

5. Proclamation honoring Mike Jenkins for his years of service to the Town

The Mayor read a proclamation honoring Mike Jenkins for 32 years of service to the Town; proclaiming August 10th Mike Jenkins Day; and encouraging the public to thank him and wish him well on his retirement.

A slide presentation of photos taken over the years was displayed, along with fourteen of the awards Mr. Jenkins won over the years for heavy equipment operation.

6. Update from Ouray County Public Health Agency

Tanner Kingery, Director of Ouray County Public Health, presented an update about the recent Cyclospora outbreak from fresh produce delivered into the region; wastewater surveillance program testing; and offering of vaccinations.

There were questions from the Council.

POLICY MATTERS

7. Resolution No. 23-11 Submitting to the Electorate a Question Seeking Authority to Increase the Lodging Tax

Staff Report from the Town Manager dated 8-1-23 presenting a proposed resolution which would place a question related to an increase in lodging tax on the ballot at the November 7th Coordinated Election.

Town Manager Neill reported at a meeting in June the Council directed staff to submit a Notice of Intent to the County Clerk to participate in the November coordinated election; prepare a ballot title and content for Council consider to increase the lodging tax to six percents with a 50% of the proceeds going to tourism promotion and 50% to affordable housing; and include early childhood care and education as an eligible expenditure along with affordable workforce housing.

The Town Attorney explained the proposed ballot question was submitted to an attorney that specializes in TABOR related ballot question compliance, and she recommended a modification to the proposed question.

There were questions by Council to staff and it was agreed to make the recommended changes to the ballot question.

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Kroger to approve Resolution No. 23-11 Submitting to the Electorate of the Town of Ridgway, during a November 7, 2023 Special Municipal Election to be Held with a Coordinated Election, a Question Seeking Authority to Increase the Lodging Tax; Setting the Ballot Title and Content for the Ballot Issue; and Providing Other Matters Relating Thereto, with edits as discussed, thereby referring a local lodging tax ballot question to the November 7, 2023 Coordinated Election. On a call for the vote, the motion carried unanimously.

8. Intergovernmental Agreement with City of Ouray and Ouray County for Proposition 123 Affordable Housing Commitments

Staff Report dated 8-1-23 from the Town Manager presenting an Intergovernmental Agreement (IGA) pertaining to Proposition 123 affordable housing commitments.

Manager Neill explained several hundred million dollars for affordable housing will become available due to the enactment of Proposition 123 by the voters in 2022. Funds may be granted or loaned to specific types of organizations, including local governments. The Town is eligible to receive funding if a commitment is made above a baseline amount; and a commitment was made on July 26th, and accepted by the State agencies. Baseline amount commitment is to increase by three percent each year, for a three year period, ending on December 31, 2026 he noted. Municipalities and Counties can enter into agreements to take partial credit for increases in affordable housing, if the sum of the total units does not exceed the total number of units produced through the collaboration. He presented an IGA which would allow the Town, City of Ouray and County to establish a regional partnership which would allow each jurisdiction to receive partial credit towards respective growth requirements. The Towns baseline amount is 109, which would equate over a three year cycle to ten newly constructed or converted affordable units.

There were questions from Council to staff, and discussion by the Council.

ACTION:

Mayor Pro Tem Meyer moved to approve the Intergovernmental Agreement between the Town, City of Ouray and Ouray County for Proposition 123 Affordable Housing Commitments. Councilor Thomas seconded and the motion carried unanimously.

9. Marshals Department Overtime Policy

Staff Report dated 8-2-23 from the Town Manager and Marshal requesting reclassification of Deputies in the Marshals Department to non-exempt positions.

The Town Manager explained recently the Town discovered a period of non-compliance with the Fair Labor Standards Act as it provides to overtime exemption for law enforcement employees in relation to more than five employees working within a workweek. To ensure compliance, staff is recommending the Town waive the overtime exemption and reclassify Deputies in the Marshals Department to non-exempt, making them eligible for overtime pay.

Marshal Schmalz presented statistical data from 2020 to present, representing call outs which may cause the use of overtime. The hours reflected on-scene time only, and did not reflect drive time for officers that are off duty and responding from home.

ACTION:

Moved by Mayor Pro Tem Meyer, seconded by Councilor Schuyler and unanimously carried to adopt the Marshals Office Overtime Policy and direct staff to proceed with the reclassification of the Deputies within the Marshals Office to non-exempt, eligible for overtime.

10. Request to change fifth Deputy Marshal position from part-time to full-time

Staff Report dated 8-2-23 from the Town Manager and Marshal asking for consideration of changing the fifth Deputy Marshal position from regular part time, to regular full time.

Manager Neill noted currently the Marshals Office consists of four full time officers and one part time officer. This works with scheduling and shift coverage until instances of paid time off, training or other unexpected shift changes, which requires a split shift by an officer to cover 24 hours and work 10 out of the 24 hours. With an increase in calls for service, and the need to allow the Marshal to better address administrative tasks and data tracking, staff is recommending the regular part time deputy position be changed to a regular full time position.

ACTION:

Councilor Schuyler moved to change the regular, part-time deputy position to a regular, full-time deputy position. Councilmember Lakin seconded, and the motion carried unanimously.

11. Update and discussion regarding the Ridgway Wetterhorn Homes Project

Memorandum dated 8-9-23 from Ross Valcez with Impact Development Services presenting an update on the affordable housing application process for Wetterhorn Homes.

The Town Manager updated the Council on the Wetterhorn affordable housing project, and reported three homes are still available to applicants who do not require an exemption. The application for final plat on the project will be heard by the Planning Commission at the end

of the month and will then we sent to the Council. The anticipated date for receipt of Certificates of Occupancy is the end of October. He noted the Town has been invited to participate in the project and purchase one of the available homes for employee housing needs.

There was discussion by the Council. It was agreed the next time the Workforce and Affordable Housing Committee meets changes to the affordable housing regulations and guidelines should be discussed.

12. Special event permit for use of parking lot for electric vehicle demonstration

Dave Jones with the Town's Sustainability Advisory Committee, explained the group is planning to hold an electric vehicle "ride, drive, demonstration" on September 16th from 10:00 am to 2:00 pm and are requesting to use the south parking lot at Hartwell Park for the event.

ACTION:

Councilmember Schuyler moved, Mayor Pro Tem Meyer seconded, and it was unanimously carried to approve the application for right-of-way use for the electric vehicle demonstration on September 16th.

MISCELLANEOUS REPORTS

Manager Neill presented an update to the strategic plan for 2023; a proposed budget preparation schedule; and highlighted some items contained in the monthly Managers Report.

Councilor Kroger commented on the Parks Committee; the Mayor on the Region 10 Board; Councilmember Lakin on the CC4CA Conference; Councilor Thomas presented an update on the Sustainability Committee.

EXECUTIVE SESSION

The Town Attorney asked the Council to enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(4)(b) for consultation with the Town Attorney and 24-6-402(4)(e) for matters subject to negotiation regarding the Town's possible purchase of water rights.

ACTION:

Councilor Kroger moved to enter into Closed Session, Councilmember Grambley seconded, and the motion carried unanimously.

The Council entered into closed session at 7:30 p.m. with the Town Attorney, Town Engineer, Town Clerk and Town Manager.

The Council reconvened from closed session at 8:00 p.m.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk