

Ridgway Town Council
Regular Meeting Agenda
Wednesday, August 9, 2023

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/89270467460?pwd=a2pCTzlxdmndSMUpGRmJyVDE3MkR1Zz09>

Meeting ID: 892 7046 7460

Passcode: 696179

Dial by your location

+1 346 248 7799 US

+1 253 215 8782 US

5:30 p.m.

ROLL CALL Councilors Kevin Grambley, Polly Kroger, 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 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.

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.

5. Proclamation honoring Mike Jenkins for his years of service to the Town of Ridgway - Mayor Clark.
6. Update from Ouray County Public Health Agency - Tanner Kingery, Director.

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

7. 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 - Town Manager.

8. Review and action on Intergovernmental Agreement between Town of Ridgway, City of Ouray, and Ouray County for Proposition 123 Affordable Housing Commitments - Town Manager.
9. Review and action on Marshal's Office Overtime Policy - Town Manager.
10. Discussion and action regarding changing the fifth deputy position from part-time to full-time – Town Manager.
11. Update and discussion regarding the Ridgway Wetterhorn Homes Project - Town Manager.

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.

12. Town Manager's Report.
13. 2023 Strategic Plan Progress Report
14. Proposed schedule for preparation of the 2024 Fiscal Year Budget.

EXECUTIVE SESSION The Town Council will 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.

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 - Councilor Kroger
Ridgway FUSE - Councilor Grambley
Ridgway Sustainability Advisory Board - Councilor Thomas; alternate - Councilor Schuyler
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 Schuyler
Sneffels Energy Board - Councilor Thomas 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; alternate - Councilor Thomas
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
Home Trust of Ouray County - 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, September 6, 2023 at 4:00 p.m.,
Town Clerk's Office, 201 N. Railroad Street, Ridgway, Colorado.

Consent Agenda

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JULY 12, 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. In attendance Councilors Grambley, Kroger, Schuyler, Thomas, Mayor Pro Tem Meyer and Mayor Clark. Councilor Lakin was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of June 14, 2023.
2. Minutes of the Workforce and Affordable Housing Committee for June 6, 2023.
3. Minutes of the Workforce and Affordable Housing Committee for June 15, 2023.
4. Register of Demands for July 2023.
5. Renew Fermented Malt Beverage Liquor License for Ridgway Conoco.
6. Renew Fermented Malt Beverage Liquor License for Ridgway Shell.

ACTION:

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

PUBLIC REQUESTS AND PRESENTATIONS

7. Update from the Department of Local Affairs Division of Housing

Southwest Housing Development Specialist with the Department of Local Affairs Division of Housing, Shirley Diaz, explained she is representative to seven counties, and is the contact for the Town. She presented an update on statewide funding which is available for gap financing for affordable housing projects; and noted the funding is not available for employee housing which is owned by an employer.

There were questions and discussion by the Council.

8. Request for issuance of a Revocable Permit for Right of Way for Kates Place restaurant

Staff Report from the Town Clerk dated 6-16-23 presenting an application for use of sidewalk for service of alcohol.

The Town Clerk reported Paul Paul Choates, sole member of Original Outlaw, LLC, and new owner of Kates Place, has requested use of the Town sidewalk in front of the restaurant at 615 Clinton Street. The request is to use the space for placement of tables and chairs to be included under the application for a State issued Restaurant Liquor License.

She noted the Town has issued the same type of permit for other liquor license holders. The permit allows for use of the area for customer seating and requires a six foot area to be remain open to meet ADA requirements and allow for passage of pedestrians. The permit also allows for the serving of alcoholic beverages within the right-of-way, and allows the State to include the premises under a State issued Liquor License.

ACTION:

Councilmember Schuyler moved to approve the Revocable Permit for Use of Right-of-Way to Original Outlaw, LLC, sole member Paul Choate. Councilor Grambley seconded and the motion carried unanimously.

9. Special Event Permit Application for Pickleball Tournament at Ridgway Athletic Park

Staff Report from the Town Clerk dated 6-27-23 presenting an application for Special Event Permit to use the Athletic Park for a Pickleball Tournament.

The Town Clerk reported the Ridgway Pickleball Club has submitted an application to use the Athletic Park on September 22nd through the 24th from Friday evening at 5:00 p.m. to Sunday at 8:00 p.m. for a tournament to raise funds to support a dedicated pickleball facility. The request being made is to use the tennis and basketball courts, pavilion and gazebo at the Athletic Park. The event will also include food trucks and the sale of alcoholic beverages.

She explained staff has concerns that the request is for exclusive use of the courts, which would prohibit use by other park users, along with not allowing access to the public outdoor picnic and meeting areas for the weekend. She noted the Town has never approved an event at which a fee is charged to use public courts. Staff is concerned a precedence would be set by allowing this type of event to take place; and additionally for allowing exclusive use of athletic courts for three consecutive days. She noted she has discussed with the applicant that alcohol sales and service must be limited to a specific area, and can not be removed from designated areas.

Clark Gilbert displayed a Power Point Presentation and explained the Pickleball Club would like hold fundraisers to raise monies for the construction of pickleball courts, and “hope to have four of these event”. He noted it is expected approximately 150 participants “mostly from out of Town” would attend, and this would “boost the economy”. The intent is to “secure access to the courts” from Friday afternoon to Sunday evening.

There were questions from the Council regarding current use of the courts by the Club, Mr. Gilbert noted games are played from 8:00 to 11:00 am Monday, Wednesday and Friday, by approximately 40-50 people.

There was discussion by the Council regarding the proposed event including leaving one tennis court open, limiting the scope of the event, impacts on other users of the park including soccer and baseball games.

There were questions and discussion between the Council and applicant.

The Council expressed concerns with exclusive use of the courts and fields, and agreed the event will be approved for one time only which will not guarantee approval of other events; the organization should reach out to tennis users of the courts; contact the Chipeta Lodge regarding the proposed event parking on Chipeta Drive; and encourage parking in the larger parking lot at the south end of the park.

Speaking from the audience pickleball players Rusty Weaver and Lisa Gottwall spoke in support of the event.

ACTION:

Moved by Councilor Schuyler, seconded by Councilor Kroger to conditionally approve with conditions the Application for Special Event Permit, with the understanding this is test run, one time event, ask the applicant to amend the application to modify the time schedule to Friday evening from 5:00 to 7:00 pm, Saturday and Sunday from 7:00 to 4:00 pm; contact the tennis community; contact the Chipeta Lodge re: parking; check with conflicts with field use for Soccer and Baseball. On a call for the vote the motion carried unanimously.

PUBLIC HEARINGS

10. Application for Restaurant Liquor License from Original Outlaw, LLC; Member: Paul Choate; DBA: Kates Place; Location: 615 Clinton Street

Staff Report from the Town Clerk dated 6-16-23 presenting an application for restaurant liquor license from Original Outlaw LLC.

The Town Clerk reported the Town has received an application for a Restaurant Liquor License from Original Outlaw, LLC; sole member: Paul Choate; for the premises at 615 Clinton Street. The trade name of the business is Kates Place. A notice of hearing before the Town Council has been posted and published, and the premises posted, all in accordance with state statutes. She explained the applicant leases the premises, which will be licensed to include the building and the patio area to the east, along with a portion of the sidewalk on the south side. State liquor law allows applicants to file for concurrent review with State Liquor Enforcement while the application is being processed at the local level. This type of application allows the local jurisdiction to issue a temporary permit allowing the applicant to conduct business and sell alcohol, until approval is issued by the state licensing authority, and the applicant is seeking concurrent review, she reported.

ACTION:

Councilmember Schuyler moved to approve the application of Restaurant Liquor License from Original Outlaw LLC, sole member Paul Choate, dba Kates Place. Councilor Kroger seconded the motion which was unanimously approved.

11. Emergency Ordinance No. 04-2023 Repealing Emergency Ordinance No. 01-2022 and the Temporary Moratorium on the Acceptance of Development Applications

The Town Manager presented an emergency ordinance ending the moratorium on the acceptance, processing and approval of development applications, as discussed at the last meeting of the Council.

ACTION:

Moved by Mayor Pro Tem Meyer to approve Ordinance No. 04-2023 Repealing Emergency Ordinance No. 01-2022 and the Temporary Moratorium on the Acceptance of Development Applications. Councilor Thomas seconded the motion. The motion carried unanimously.

POLICY MATTERS

12. Presentation on activities and financial status from Ridgway Area Chamber of Commerce

Ashley Perkins, Executive Director for the Ridgway Area Chamber of Commerce, presented an update on activities, and reported membership in the organization has increased by 22 new business, with a total of 80 members.

Catherine Johnson, Public Relations and Marketing Consultant, explained website analysis has determined the Chamber website is the number one search result for Ridgway Colorado; there has been an increase of 259% sessions on the site. This year a Facebook page was created and now has over 640 followers, and the Instagram page over 3,900 followers.

A recent survey of businesses was undertaken and some of the ideas offered included sponsoring more events, and participating in community events. Upcoming goals include marketing for all the community; increasing membership; and participating in preparing a gravel road travel guide.

There were questions from the Council.

13. Direction regarding tourism promotion and marketing services

Staff Report from the Town Manager & Community Initiatives Facilitator dated 7-5-23 presenting background and options for consideration pertaining to tourism promotion and marketing services for the Town.

Community Initiatives Facilitator Tera Wick explained staff is seeking direction from the Council regarding ways to proceed with tourism promotion and marketing, as the contract for services with the Chamber of Commerce ends this year. She asked the Council to consider three options, renewing the professional services agreement with the Chamber; a competitive process through Requests for Proposal; bring tourism promotion in house and hire staff to fill roles previously filled by contractors.

Facilitator Wick noted that which ever direction Council chooses staff is recommending a scope of work be developed which outlines 'clear and measurable outcomes'. Since public dollars are being used benefits should be for the larger community not just a membership; and a partnership should be delineated with the Main Street and Creative District for specific deliverables. If the Council does choose to enter into an agreement with the Chamber she noted, staff is recommending a one year term to "evaluate the process".

There were questions from the Council, and discussion between Council and staff. There was discussion by the Council and it was agreed to not pursue a competitive process, limit a contract with the Chamber of Commerce to one year term, and direct staff to prepare a set of deliverables to guide the contract.

14. Resolution No. 23-11 Submitting to the Electorate during the November 7, 2023 Coordinated Election a Question Seeking Authority to Increase the Lodging Tax

Staff Report dated 7-7-23 from the Town Manager presenting a resolution to participate in the coordinated election in November and present a ballot question to the voters.

Manager Neill reported at the previous meeting Council continued discussions regarding a dedicated revenue source for affordable housing and directed staff to submit a notice of intent to the County Clerk to present a ballot question at the November election and prepare a ballot

title and content of the question for Council consideration. He noted the draft ballot question proposes to increase the Lodging Tax rate to 6% with half the proceeds being designated for affordable housing, and the other half, tourism promotion.

There was discussion by the Council and a change was made to the proposed ballot question language. It was agreed to direct staff to present the resolution at the next meeting with the change as given.

ACTION:

Councilor Kroger moved to direct staff to notify the County Clerk of the Towns intent to move forward with presenting a ballot question at the November election. The motion was seconded by Mayor Pro Tem Meyer and unanimously carried.

15. Resolution No. 23-12 Establishing a Fee Schedule for Land Use Applications

The Town Manager explained as part of the process of updating the land use regulations, references to fees were removed from the Municipal Code and will now be established by a fee schedule for land use applications. He presented a resolution adopting the schedule, noting the rates are standard with other jurisdictions.

There were comments by the Council, and staff was asked to ensure the fees are covering staff costs.

ACTION:

Mayor Pro Tem Meyer moved to approve Resolution No. 23-12 Establishing a Fee Schedule for Land Use Applications, there was a second by Councilor Schuyler, and the motion carried unanimously.

16. Promulgating Stage I Voluntary Water Restrictions

Staff Report dated 7-7-23 from the Town Manager presenting a background on the Town's Water Conservation and Management Plan.

Manager Neill noted the Water Plant is producing 290,000 gallons a day, which is in line with previous years. He suggested the Council implement Stage 1 Voluntary Water Restrictions pursuant to the Water Conservation and Management Plan.

ACTION:

Councilmember Thomas moved, Councilor Kroger seconded, and it was unanimously carried to promulgate Stage I Voluntary Water Restrictions for the Town of Ridgway.

MISCELLANEOUS REPORTS

Manager Neill presented a proposed budget preparation schedule and reviewed the document with the Council; and highlighted some items contained in the monthly Managers Report.

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, Mayor Pro Tem Meyer seconded, and the motion carried unanimously.

The Council entered into closed session at 8:00 p.m. with the Town Attorney, Town Engineer and Town Manager.

The Council reconvened from closed session at 8:20 p.m.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

Town of Ridgway
Register of Demands
August 2023

<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
City of Grand Junction		Alpine-Operating Account	
		918SOO · Testing & Permits - sewer	-614.03
TOTAL			-614.03
CDPHE		Alpine-Operating Account	
		990WOO · Testing - water	-310.00
TOTAL			-310.00
Ouray County		Alpine-Operating Account	
		834GO3 · Program Participation	-6,000.00
TOTAL			-6,000.00
Tripp Electrical Systems LLC		Alpine-Operating Account	
	compressor motor - plant	931WOO · Maintenance & Repairs	-300.00
TOTAL			-300.00
Pickin' Productions		Alpine-Operating Account	
	promotor - final payment	781POO · Events & Festivals	-6,600.00
	greenroom - all shows	781POO · Events & Festivals	-4,070.80
	transportation - S. Fish	781POO · Events & Festivals	-1,380.00
TOTAL			-12,050.80
Hartman Brothers Inc		Alpine-Operating Account	
	co2 - show #3	781POO · Events & Festivals	-45.95
	co2 - show #4	781POO · Events & Festivals	-40.42
TOTAL			-86.37
Ridgway Area Chamber of Com...		Alpine-Operating Account	
	June 2023	529GOO · Tourism Promotion	-4,739.99
TOTAL			-4,739.99
Pro Velocity		Alpine-Operating Account	
	Aug 2023	556GOO · IT Services	-1,607.15
	Aug 2023	615GO2 · IT Services	-11.50
	Aug 2023	729POO · IT	-35.00
	Aug 2023	820GO3 · IT Services	-1,374.65
	Aug 2023	917SOO · IT Services	-818.15
	Aug 2023	917SOO · IT Services	-818.15
TOTAL			-4,664.60

Town of Ridgway
Register of Demands
August 2023

Name	Memo	Account	Paid Amount
True Value		Alpine-Operating Account	
		632GO2 · Supplies & Materials	-23.06
		732POO · Supplies & Materials	-256.45
		732PO1 · Supplies - c cntr/t hall	-38.20
		932SOO · Supplies & Materials	-56.38
		932WOO · Supplies & Materials	-221.87
TOTAL			-595.96
Bruin Waste Management		Alpine-Operating Account	
	second pickup July 2023	742POO · Utilities	-564.30
TOTAL			-564.30
Verizon Wireless		Alpine-Operating Account	
		741POO · Telephone	-61.02
		943SOO · Telephone	-135.48
		943WOO · Telephone	-112.82
		843GO3 · Telephone	-203.40
		543GOO · Telephone	-132.04
		643GO2 · Telephone	-61.02
		552GOO · GIS Mapping - admin	-10.01
		952SOO · GIS Mapping - sewer	-10.00
		952WOO · GIS Mapping - water	-50.02
		830GO3 · Computer	-200.05
TOTAL			-975.86
UNCC		Alpine-Operating Account	
		915WOO · Dues & memberships	-47.09
		915SOO · Dues & Memberships	-47.08
TOTAL			-94.17
Xerox Financial Services		Alpine-Operating Account	
		948SOO · Office Equipment - Leases	-7.63
		948WOO · Office Equipment - Leases	-15.26
		548GOO · Office Equipment - Leases	-129.75
TOTAL			-152.64
Dana Kepner Company Inc		Alpine-Operating Account	
	meters (8)	988WOO · Taps & Meters	-5,834.20
	meter install parts	932SOO · Supplies & Materials	-385.84
TOTAL			-6,220.04
Montrose Ford-Nissan Inc		Alpine-Operating Account	
	oil change - Tahoe	861GO3 · Vehicle Maintenance & Repair	-94.24
TOTAL			-94.24

Town of Ridgway
Register of Demands
August 2023

Name	Memo	Account	Paid Amount
Clear Networx, LLC		Alpine-Operating Account	
	Aug 2023	543GOO · Telephone	-56.00
	Aug 2023	643GO2 · Telephone	-56.00
	Aug 2023	843GO3 · Telephone	-61.00
	Aug 2023	943SOO · Telephone	-56.00
	Aug 2023	943WOO · Telephone	-56.00
	Aug 2023	530GOO · Computer	-50.00
	Aug 2023	630GO2 · Computer	-50.00
	Aug 2023	730POO · Computer	-50.00
	Aug 2023	830GO3 · Computer	-50.00
	Aug 2023	930WOO · Computer	-50.00
	Aug 2023	930SOO · Computer	-50.00
	Aug 2023	930WOO · Computer	-50.00
	Aug 2023	930SOO · Computer	-25.00
	Aug 2023	630GO2 · Computer	-25.00
	Aug 2023	843GO3 · Telephone	-40.00
TOTAL			-725.00
Mesa County HDR Laboratory		Alpine-Operating Account	
		990WOO · Testing - water	-20.00
TOTAL			-20.00
Affordable Auto Glass		Alpine-Operating Account	
	windshield - Durango	861GO3 · Vehicle Maintenance & Repair	-320.00
TOTAL			-320.00
Sunset Automotive		Alpine-Operating Account	
	Kubota tractor battery	761POO · Vehicle & Equip Maint & Repair	-184.95
TOTAL			-184.95
Ouray County Road & Bridge		Alpine-Operating Account	
	6/21/23 - 7/25/23	660GO2 · Gas & Oil	-110.82
	6/21/23 - 7/25/23	760POO · Gas & Oil	-78.42
	6/21/23 - 7/25/23	960WOO · Gas & Oil	-199.81
	6/21/23 - 7/25/23	960SOO · Gas & Oil	-284.20
	6/21/23 - 7/25/23	860GO3 · Gas & Oil	-442.49
TOTAL			-1,115.74
LRE Water		Alpine-Operating Account	
	Hyde Sneva wtr rights	914WOO · Consulting & Engineering Ser...	-4,567.75
TOTAL			-4,567.75
WestCo		Alpine-Operating Account	
	3rd qtr 2023	885GO3 · Dispatch Services	-16,705.17
TOTAL			-16,705.17

Town of Ridgway
Register of Demands
August 2023

<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
USABlueBook		Alpine-Operating Account	
	multi function valve - plant	932WOO · Supplies & Materials	-311.05
TOTAL			-311.05
Bobcat of the Rockies LLC		Alpine-Operating Account	
	washer cast - Bobcat Skidsteer	661GO2 · Vehicle & Equip Maint & Repair	-15.54
	washer cast - Bobcat Skidsteer	961WOO · Vehicle & Equip Maint & Repair	-15.54
TOTAL			-31.08
Philip Reiker		Alpine-Operating Account	
	refund overpmt - 383 S. Amelia St	Acts Rec - Water	-81.63
	refund overpmt - 383 S. Amelia St	Acts Rec - Sewer	-10.11
	refund overpmt - 383 S. Amelia St	Acts Rec - Trash/Recycling	-23.09
TOTAL			-114.83
Randy D. Barnes		Alpine-Operating Account	
	reim CDL - R. Barnes (2nd)		
	reim CDL - R. Barnes (2nd)	913WOO · Office-Miscellaneous	-110.00
TOTAL			-110.00
Black Canyon Equipment Rental		Alpine-Operating Account	
	chipper rental	731POO · Maintenance & Repairs	-982.26
TOTAL			-982.26
Glass Doctor		Alpine-Operating Account	
		731PO1 · Maint & Repairs - c cntr/t hall	-468.65
TOTAL			-468.65
Montrose Ford-Nissan Inc		Alpine-Operating Account	
	oil change - 2023 Tahoe	861GO3 · Vehicle Maintenance & Repair	-94.24
TOTAL			-94.24
Montrose Ford-Nissan Inc		Alpine-Operating Account	
	oil change - 2017 Ford	861GO3 · Vehicle Maintenance & Repair	-78.24
TOTAL			-78.24
Kim's Housekeeping LLC		Alpine-Operating Account	
	July 2023	778PO1 · Space to Create Meeting Room	-280.00
	July 2023	545GOO · Janitorial Services	-682.50
	July 2023	779PO1 · Janitorial Services - cntr/thal	-682.50
	July 2023	779POO · Janitorial Service - parks	-682.50
TOTAL			-2,327.50

Town of Ridgway
Register of Demands
August 2023

<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Paid Amount</u>
Black Hills Energy-Broadband		Alpine-Operating Account	
		783PO1 · Broadband Station	-14.83
TOTAL			-14.83
Black Hills Energy-Lift Station		Alpine-Operating Account	
		942SOO · Utilities	-27.59
TOTAL			-27.59
Black Hills Energy-PW Building		Alpine-Operating Account	
		742POO · Utilities	-6.59
		642GO2 · Utilities	-6.59
		942SOO · Utilities	-6.59
		942WOO · Utilities	-6.59
TOTAL			-26.36
Black Hills Energy-PW Office		Alpine-Operating Account	
		642GO2 · Utilities	-11.26
		942SOO · Utilities	-11.26
		942WOO · Utilities	-11.26
TOTAL			-33.78
Black Hills Energy-Hartwell Park		Alpine-Operating Account	
		742POO · Utilities	-39.97
TOTAL			-39.97
Black Hills Energy-Town Hall		Alpine-Operating Account	
		742PO1 · Utilities - c cntr/t hall	-12.08
		842GO3 · Utilities	-12.08
		542GOO · Utilities	-12.09
TOTAL			-36.25

AGENDA ITEM #5



TOWN OF RIDGWAY, COLORADO OFFICIAL PROCLAMATION

A Proclamation Honoring Michael Jenkins for his Years of Service to the Town of Ridgway

WHEREAS, Michael (Mike) Jenkins has served the Town of Ridgway as a member of the Public Works Department since April 13, 1992; and

WHEREAS, Mike's 31 years of service have been marked by exemplary dedication to the interests of the community and service to citizens; and

WHEREAS, his colleagues know him as a steady, dependable co-worker, who takes pride in his work and in this community, and who is always ready to lend support or a helping hand when needed; and

WHEREAS, he has distinguished himself as a hard-working and dedicated public servant, at all times committed to helping his community, and has provided invaluable leadership and guidance on many significant public projects; and

WHEREAS, in his desire to excel in proficiency in the operation of heavy equipment, he participated and placed at the top of numerous competitions throughout the years, bringing nine top titled awards back to Town Hall; and

WHEREAS, Mike's dedication and integrity are his trademarks, which will fondly be remembered by the citizens of Ridgway; and

WHEREAS, through Mike's remarkable resolve and resiliency the Town of Ridgway has been in good hands, with Mike tirelessly serving its citizens, visitors and business owners.

NOW, THEREFORE BE IT PROCLAIMED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, AS FOLLOWS:

Section 1. The Town of Ridgway hereby expresses its sincere appreciation to Mike Jenkins for his dedicated work and tireless efforts in assisting in all aspects within the Ridgway Public Works Department.

Section 2. In recognition of his many achievements, we extend our gratitude and appreciation to Mike for his many years of exemplary service in our Public Works Department, and we congratulate him for a job well done and wish him continued success and happiness as he retires.

Section 3. By virtue of Mike’s community involvement, leadership and dedication, we, the Ridgway Town Council, proclaim August 10, 2023, as “**MIKE JENKINS DAY**”, in the Town of Ridgway, Colorado, and urge all Ridgway citizens to congratulate and thank Mike for his public service.

Dated this 9th day of August 2023.

By: _____
John Clark, Mayor

Attest: _____
Pam Kraft, Town Clerk

AGENDA ITEM #6



TOWN HALL PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5308 | www.town.ridgway.co.us

To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: August 4, 2023
Agenda Topic: **Update from Ouray County Public Health Agency**

SUMMARY

Tanner Kingery, Director of Ouray County Public Health Agency (OCPH), will attend Wednesday's meeting to provide an update on the services, programs and happenings of OCPH and to answer any questions from Council members.

AGENDA ITEM #7



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: August 1, 2023
Agenda Topic: **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**

ACTION BEFORE COUNCIL

Council is asked to take action on Resolution No. 23-11, which would place a ballot question related to the Town's lodging tax on the November 7, 2023 Coordinated Election ballot. The ballot language below and in the attached resolution has been crafted for Council's review based upon Council's previous discussions.

SUMMARY

As a result of the June work session where Council continued discussing and evaluating strategies for a dedicated revenue source for affordable housing, Council provided the following direction to staff:

1. Submit a "Notice of Intent" to participate in November election to the Ouray County Clerk & Recorder's Office.
2. Craft a ballot title and content for Council consideration. Start by proposing an increase to the Lodging Tax rate of 6% at a split of 50/50 (i.e., 50% to tourism promotion and 50% to affordable housing).
3. In the initial draft of the ballot language include "early childhood care and education" as an eligible expenditure in addition to "affordable and workforce housing".

To check out the staff reports from previous work sessions, please visit the following links:

- [June 9, 2023 Staff Report re "Dedicated revenue source to address housing challenges"](#)
- [May 2, 2023 Staff Report re "Dedicated revenue source to address housing challenges"](#)
- [April 13, 2023 Staff Report re "Dedicated revenue source to address housing challenges"](#)
- [March 3, 2023 Staff Report re "Dedicated revenue source to address housing challenges"](#)
- [February 10, 2023 Staff Report re "Dedicated revenue source to address housing challenges"](#)



BALLOT QUESTION

The ballot language below is being proposed based up Council's previous discussions. The language is in compliance with the TABOR provisions of the Colorado State Constitution.

SHALL THE TOWN OF RIDGWAY LODGING TAX BE INCREASED BY \$110,000.00 ANNUALLY, BEGINNING IN 2024, WHICH WILL BE THE FIRST FULL FISCAL YEAR OF THE INCREASE, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY INCREASING THE RATE OF THE TOWN'S LODGING TAX TWO AND A HALF PERCENT (2.5%), FOR A TOTAL LODGING TAX OF SIX PERCENT (6%), WITH UP TO 50% OF THE PROCEEDS OF THE LODGING TAX TO BE USED FOR TOURISM PROMOTION AND ECONOMIC DEVELOPMENT AND THE REMAINDER TO BE USED FOR THE DEVELOPMENT, OPERATION, MAINTENANCE OF, AND ANY OTHER ACTION(S) BY THE TOWN OR IN PARTNERSHIP, TO PROVIDE WORKFORCE SUPPORT THAT INCLUDES AFFORDABLE AND WORKFORCE HOUSING AND CHILDHOOD CARE AND EDUCATION, AND FUND PROGRAM(S) TO FACILITATE HOMEOWNERSHIP, AND OTHER ACTION(S) AND PROGRAM(S) NOT INCONSISTENT WITH THESE PURPOSES, EXCEPT THAT NO VENDOR PROCESSING FEE SHALL APPLY TO THE TAX INCREASE, AND SHALL THE REVENUES GENERATED BY SUCH TAX INCREASE AND PROCEEDS BE COLLECTED AND SPENT BY THE TOWN AS A VOTER APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AND SHALL THE RIDGWAY TOWN COUNCIL BE AUTHORIZED TO ADOPT AN ORDINANCE IMPLEMENTING SUCH INCREASE AND USE OF THE PROCEEDS IN SUBSTANTIAL CONFORMITY HERewith?

FINANCIAL IMPLICATIONS:

Please refer to the staff report dated June 9, 2023 to review projected lodging tax revenues based on increased lodging tax rates applied to lodging tax revenues in FY2017 to FY2023.

PROPOSED MOTION:

"I move to approve Resolution No. 23-11 [with or without modifications], thereby referring a local lodging tax ballot question to the November 7, 2023 Coordinated Election."

RESOLUTION NO. 23-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, 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 THERE TO

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

WHEREAS, pursuant to the Charter, the Town has full authority, power to enact taxes and tax increases, subject to approval of the voters pursuant to Article X, Section 20 of the Colorado Constitution; and

WHEREAS, the Town has a lodging tax with a rate previously approved by the voters of 3.5% of the entire amount charged for furnishing the room or accommodations with 70% of the net lodging tax revenues received by the Town to be used for tourism promotion and economic development purposes, and the remainder to be used for expenses attributable to tourism and growth; and

WHEREAS, after due consideration the Town Council has determined to propose a ballot question to voters to allow the lodging tax to be increased to a rate of 6.0% of the entire amount charged for furnishing the room or accommodations with 50% of the proceeds of the tax to be used for tourism promotion and economic development, and the remainder to be used for the development, operation, maintenance of, and any other action(s) by the Town or in partnership, to provide affordable and workforce housing, and improve early childhood care and education, and fund programs to facilitate homeownership, and other actions and programs not inconsistent with these purposes; and

WHEREAS, pursuant to Section 4-3 of the Charter, special municipal elections may be called by the Town Council, and pursuant to Section 4-4 of the Charter, Town elections are to be governed by Colorado Revised Statutes (“C.R.S.”), except as otherwise provided in the Charter or as the Town Council may otherwise prescribe by ordinance; and

WHEREAS, C.R.S. 31-10-102.7 provides that any municipality may decide by resolution to utilize the procedures and requirements of the Uniform Election Code of 1992, which the Council finds is appropriate to use, in order to participate in the coordinated election of November 7, 2023; and

WHEREAS, the Town Council has determined to set the ballot title for the ballot issue to be submitted at a special municipal election to be held on November 7, 2023; and

WHEREAS, pursuant to the criteria for ballot titles set forth at Section 31-11-111 and 1-11-203.5, C.R.S., in fixing this ballot title, the Town Council finds that the title set forth in Exhibit A is not misleading, clearly identifies the effect of a “yes” or “no” vote, does not conflict with title of any other measure that will appear on the ballot, and correctly and fairly expresses the true intent and meaning of the measure.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO:

1. At a special municipal election of the Town to be held on November 7, 2023, as a coordinated election using the procedures of the Uniform Election Code of 1992, there shall be submitted to the eligible electors of the Town a ballot issue authorizing an increase and amendment in the lodging tax and the use of the proceeds therefrom, which ballot issue shall be in substantially the form attached hereto as Exhibit A. Exhibit A is hereby incorporated into this Resolution as if set forth in full herein.

2. For purposes of Section 1-11-203.5, C.R.S. and Section 31-11-111, C.R.S., this Resolution shall serve to set the title and content for the ballot issue set forth herein and the ballot title for such ballot issue shall be the text of the ballot issue itself. Pursuant to Section 1-11-203.5, C.R.S., any contest by a person of the form or content of a ballot title must be filed within five days of the Town Council's final action concerning the ballot title.

3. The Town Clerk, as well as the appropriate officers and employees of the Town, are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution. Among other matters, the Town Clerk shall enter into a contract with the Ouray County Clerk for the conduct of the coordinated election.

4. If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such ballot issue, the Town acting through the Council shall be authorized to proceed with the necessary action to amend the lodging tax by ordinance and expend tax revenues, in accordance with the ballot issue which has been so approved. Any authority to increase taxes and amend the tax ordinance, if conferred by the results of the election, shall be deemed and considered a continuing authority at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

5. All actions not inconsistent with the provisions of this Resolution, heretofore taken by the members of the Town Council and the officers and employees of the Town, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.

6. All prior acts, orders or resolutions, or parts thereof, by the Town in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

7. If any section, paragraph, clause, or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

8. This Resolution shall take effect immediately upon its passage.

ADOPTED AND APPROVED this _____ day of August 2023.

John Clark, Mayor

ATTEST:

Pam Kraft, Town Clerk

EXHIBIT A

BALLOT ISSUE ____:

SHALL THE TOWN OF RIDGWAY LODGING TAX BE INCREASED BY \$110,000.00 ANNUALLY, BEGINNING IN 2024, WHICH WILL BE THE FIRST FULL FISCAL YEAR OF THE INCREASE, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, BY INCREASING THE RATE OF THE TOWN'S LODGING TAX TWO AND A HALF PERCENT (2.5%), FOR A TOTAL LODGING TAX OF SIX PERCENT (6%), WITH UP TO 50% OF THE PROCEEDS OF THE LODGING TAX TO BE USED FOR TOURISM PROMOTION AND ECONOMIC DEVELOPMENT AND THE REMAINDER TO BE USED FOR THE DEVELOPMENT, OPERATION, MAINTENANCE OF, AND ANY OTHER ACTION(S) BY THE TOWN OR IN PARTNERSHIP, TO PROVIDE WORKFORCE SUPPORT THAT INCLUDES AFFORDABLE AND WORKFORCE HOUSING AND CHILDHOOD CARE AND EDUCATION, AND FUND PROGRAM(S) TO FACILITATE HOMEOWNERSHIP, AND OTHER ACTION(S) AND PROGRAM(S) NOT INCONSISTENT WITH THESE PURPOSES, EXCEPT THAT NO VENDOR PROCESSING FEE SHALL APPLY TO THE TAX INCREASE, AND SHALL THE REVENUES GENERATED BY SUCH TAX INCREASE AND PROCEEDS BE COLLECTED AND SPENT BY THE TOWN AS A VOTER APPROVED REVENUE CHANGE, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AND SHALL THE RIDGWAY TOWN COUNCIL BE AUTHORIZED TO ADOPT AN ORDINANCE IMPLEMENTING SUCH INCREASE AND USE OF THE PROCEEDS IN SUBSTANTIAL CONFORMITY HEREWITH?

AGENDA ITEM #8



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: August 1, 2023
Agenda Topic: **Review and action on Intergovernmental Agreement between Town of Ridgway, City of Ouray, and Ouray County for Proposition 123 Affordable Housing Commitments**

ACTION BEFORE COUNCIL:

Council is asked to take action on the attached Intergovernmental Agreement (IGA) concerning Proposition 123 affordable housing commitments.

SUMMARY:

Several hundred million dollars for affordable housing are starting to become available due to the enactment of Proposition 123 by Colorado's voters in 2022. This funding is being overseen by the Department of Local Affairs and the Governor's Office of Economic Development and International Trade, and may be granted or loaned to the following types of organizations:

- Non-profits
- Community land trusts
- Private entities
- Local governments

Organizations are only eligible for this funding if their project or program take place in cities or counties that have committed to increasing their affordable housing stock above a baseline amount. Local Government Affordable Housing Commitments must be filed with the Division of Housing (DOH) to receive funding made available by Proposition 123. Municipalities make commitments on behalf of the entirety of their jurisdiction, while counties are responsible only for unincorporated areas. Entities will be ineligible for Proposition 123 funding if their project is located in, or program operates within, a municipality or unincorporated area of a county that has not filed, or is out of compliance with, their commitment -- even if the entity is otherwise eligible.

The Town of Ridgway submitted a Proposition 123 Affordable Housing Commitment on July 26, 2023, and it was accepted.

Once an interested local government has determined its baseline amount of affordable housing units, it can then plan its commitment to increase that number by 3% each year for a 3-year period ending on December 31, 2026. DOH and its partners will be working with any interested local government to submit its commitment no later than the deadline established in Proposition 123, which is November 1, 2023. Funding programs will be available sooner than the November 1st deadline, which is why DOH is encouraging local governments to commit as soon as possible.



Municipalities and counties can enter into written agreements to take partial credit for increases in affordable housing if the sum of the total units credited to the local governments does not exceed the total number of units produced through the collaboration. The attached IGA is intended to establish a regional partnership that will allow each jurisdiction to receive partial credit towards respective growth requirements.

The Town of Ridgway's baseline amount of affordable housing is 109, which means over a three-year cycle, we need a total of 10 units to be newly constructed or converted to affordable housing within our locality. Local governments that do not accomplish their goal to increase affordable housing become ineligible for funding originating from the State Affordable Housing fund for one year.

RECOMMENDED MOTION:

"I move to approve the Intergovernmental Agreement between Town of Ridgway, City of Ouray, and Ouray County for Proposition 123 Affordable Housing Commitments."

ATTACHMENT:

Intergovernmental Agreement

**INTERGOVERNMENTAL AGREEMENT BETWEEN
TOWN OF RIDGWAY, CITY OF OURAY, AND OURAY COUNTY FOR
PROPOSITION 123 AFFORDABLE HOUSING COMMITMENTS**

THIS AGREEMENT is entered into effective this ____ day of _____, 2023, by and between: the Town of Ridgway, Colorado (Ridgway); and the City of Ouray, Colorado (Ouray), both of which are home rule municipalities within Ouray County, Colorado; and Ouray County, Colorado (County), a statutory county in the State of Colorado, (collectively the Parties or individually the Party).

Purpose of Agreement

- A. Article XIV, Section 18(2)(A) of the Colorado Constitution, and C.R.S. 29-20-101 C.R.S., et seq. enable the Parties to enter into Intergovernmental Agreements (IGA) and authorizes each of the Parties to perform the functions described herein, as provided in C.R.S. 29-20-105.
- B. Intergovernmental Agreements that provide functions or services, including the sharing of costs of such services or functions, by political subdivisions of the State of Colorado, are specifically authorized by C.R.S. 29-1-203 and encouraged in order that the inhabitants of such political subdivisions may thereby secure high quality governmental services.
- C. Proposition 123, which was approved by the Colorado voters in 2022, created new affordable housing programs and funding sources, such as grants and loans to local governments and nonprofit affordable housing developers through the creation of the State Affordable Housing Fund using 0.1% of state income tax revenue.
- D. Local governments that seek additional affordable housing funding from these programs must commit, by November 1, 2023, to increasing the number of affordable housing units within the local government's jurisdictional boundaries by 3% annually, and expedite development approvals for affordable housing projects, as conditions for funding pursuant to House Bill 23-1304, codified at C.R.S. 29-32-105.
- E. C.R.S. 29-32-105(1) specifically requires the governing body of a local government (municipality or county) to first determine its own baseline number of affordable housing units, by referencing the 2017-2021 American Community Survey (ACS) published by the U.S. Census Bureau, or the current version of the Comprehensive Housing Affordability Strategies (CHAS) estimates published by the U.S. Department of Housing and Urban Development. Funding is then available for the combined number of newly constructed affordable housing units and existing units converted to affordable housing, within any territorial boundaries of the local government, that are increased by three percent each year over the baseline number of affordable housing units. These requirements only apply to the unincorporated area of a county, or the territorial boundaries of an individual municipality, unless otherwise agreed through collaboration among local governments pursuant to C.R.S. 29-32-105(3)(d)(II).
- F. C.R.S. 29-32-105(3)(d)(II) further provides, "Regional partnership is encouraged. Local governments . . . may enter into written agreements . . . that allow each jurisdiction to receive partial credit towards the local government's growth requirements for the purpose of calculating whether the local government . . . has met the requirements of subsection (1) of this section. The sum of the total units credited to the local governments . . . shall not exceed the number of units produced through the collaboration."
- G. The Parties recognize the need for fiscal, policy, legal, and administrative benefits for entering into this Agreement for purposes of affordable housing commitments pursuant to House Bill 23-1304 and House and Proposition 12, and hereby want to memorialize such understanding herein, due to: (1) the limited initial supply of affordable housing within their jurisdictions; (2) the need to pool total initial baseline and housing increase numbers among all Parties with the potential for upcoming affordable housing projects that may occur sporadically as specific projects come online;

(3) increasing development pressures coupled with a severe lack of affordable housing for the local workforce and local community; and (4) the benefits of collaborative pooling of any available fiscal, legal, policy, and administrative expertise and resources among the Parties in furtherance of mutually beneficial affordable housing objectives.

In consideration of the covenants and conditions contained herein, the Parties agree as follows.

1. **Affordable Housing Commitments.** The Parties each intend to file a commitment, with the Department of Local Affairs, pursuant to C.R.S. 29-32-105, specifying how each Party will increase a combination of its newly constructed affordable housing units and its existing units converted to affordable housing over its determined baseline number of affordable housing units by 3% each year. The Department of Local Affairs is currently interpreting this requirement to mean a total increase of 9% for the initial 3-year compliance tracking period, per <https://engagedola.org/prop-123>. Each commitment filed shall be the individual responsibility of each Party. The Parties intend to submit a copy of this Agreement, once executed, attached to each individual commitment filed, for consideration and compliance tracking by the Department of Local Affairs.
2. **Calculation of Affordable Housing Baseline and Increases.** If each Party files a commitment pursuant to Section 1 herein, the Parties agree to use the sum of the total area of the unincorporated County, and the territorial boundaries of the incorporated City of Ouray, and the territorial boundaries of the incorporated Town of Ridgway, in order to determine both a baseline for affordable housing and any increases thereto. Credits for increases in affordable housing above the baseline and subsequent years, for purposes of eligibility for funding under Proposition 123, shall be shared proportionally among all Parties, pursuant to C.R.S. 29-32-105(3)(d)(II).
3. **Financial Responsibilities.** The financial responsibilities for the Parties shall be as follows:
 - a. The Parties agree to collaborate in good faith, for purposes of affordable housing financing and grant funding opportunities, pursuant to Proposition 123 and House Bill 23-1304.
 - b. Within each Party's sole discretion, any Party may individually seek grants for affordable housing opportunities, and each Party individually support financing opportunities for qualifying developers, or the Parties may work together in concert of such efforts.
 - c. Fiscal reporting, budgeting, and the filing of affordable housing commitments shall be committed to the individual discretion of each Party. No provision of this Agreement shall be construed as a fiscal obligation of any Party beyond the current fiscal year.
4. **Fast-Track Approval.** Each Party shall be individually responsible for the initiation and approval of any "fast-track" development process for affordable housing funding opportunities, pursuant to C.R.S. 29-32-105(2). According to <https://engagedola.org/prop-123>, the Department of Local Affairs has specified, "As an interested local government works to package its commitment and file it with DOH by November 1, 2023, it does not have to include verification of a 'fast-track approval process' in this initial commitment. This will be a requirement in future commitments starting with the one due by November 1, 2026."
5. **Term-Withdrawal.** The term and withdrawal provisions applicable to this Agreement are as follows:
 - a. The initial effective date shall be the date when the last Party signs this Agreement.
 - b. This Agreement shall be for an initial term of the remainder of the calendar year of 2023 and the following three (3) calendar years of 2024, 2025, and 2026. Specifically, this Agreement shall commence as of the effective date, and shall be effective for an initial term through and including December 31, 2026.

- c. This Agreement may administratively renew for additional subsequent three-calendar-year terms, subject to the appropriation and availability of funding, and subject to the agreement of the Parties to additional annual renewal(s). The County Administrator shall provide notice of requested annual renewal(s) to the City Administrator and Town Manager on or before December 15, 2026, and subsequent periods if additional renewals are desired. The approval, including any terms and conditions of any such renewal(s) by both all Parties, shall be secured in writing, and authorized on behalf of the Parties by the County Administrator, City Administrator, and Town Manager. As part of any annual renewal, the Parties shall specify any mutually-agreed upon modifications to this Agreement necessary to accomplish the Services identified herein, including any updated financial requirements. At their discretion, the County Administrator, City Administrator, and Town Manager may also submit an annual renewal to that Parties' governing body for approval.
 - d. Any Party may withdraw from participation in this agreement at any time by providing written notice to the other Parties, at least thirty (30) days prior to the desired date of withdrawal.
 - e. Notwithstanding the three-year term of this agreement, given the ability of any Party to opt out, participation in this Agreement shall not constitute a multiyear fiscal obligation.
6. **Governmental Immunity and Insurance.** The Parties retain governmental immunity to the maximum extent permissible under the Colorado Governmental Immunity Act, 24-10-101, et seq., C.R.S., and other applicable law. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes and other applicable law.
7. **Amendments.** This agreement shall not be modified or amended in any manner except by written instrument executed by the Parties.
8. **Waiver.** The waiver of any breach of any of the provisions of this agreement, by either Party, shall not constitute a continuing waiver of any subsequent breach by that Party, either of the same, or of another provision of this agreement.
9. **Severability.** Invalidation of any of the provisions of this agreement, or of any paragraph, sentence, clause, phrase, or word herein, or the application thereof, in any given circumstance, shall not affect the validity of the remainder of this Agreement.
10. **No Third-Party Beneficiaries.** Nothing expressed or implied in this agreement is intended or shall be construed to confer upon, or to give any person other than the Parties hereto, any right, remedy or claim, under or by reason of this agreement.
11. **Entire Agreement.** This agreement contains the entire and only agreement between the Parties, no oral statements or representations regarding this matter that are not contained in this agreement shall be of any force or effect between the Parties.
12. **Governing Law.** This agreement shall be governed by the laws of the State of Colorado, both as to interpretation and performance. The courts of the State of Colorado shall have exclusive jurisdiction to resolve any disputes arising out of this agreement and venue shall be in Ouray County, Colorado.
13. **Dispute Resolution.** In the event a disagreement or dispute arises between the Parties, the Parties shall attempt to confer and resolve the matter informally in good faith, and then the matter shall be submitted to mediation. The mediation shall be conducted by one mediator selected by the Parties who will share the costs equally.

14. **Assignment.** No Party shall assign any responsibilities nor delegate any duties arising under this agreement without the prior written consent of all the Parties.

15. **Approval and Ratification.** This Agreement may be executed in counterparts, electronically or otherwise, which shall be fully binding upon the Parties.

IN WITNESS WHEREOF, the Parties have executed this agreement effective the date first above written.

TOWN OF RIDGWAY:

John Clark, Mayor

Date Signed: _____

Attest:

Pam Kraft, Town Clerk

CITY OF OURAY:


Ethan Funk, Mayor

Date Signed: _____

Attest:

Melissa Drake, City Clerk

OURAY COUNTY:



Chair, Board of County Commissioners

Print Name: JAKENIECE

Date Signed: 8/1/2023




Harve Harris, Deputy Clerk

AGENDA ITEM #9



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Shane Schmalz, Town Marshal
Date: August 2, 2023
Agenda Topic: **Review and action on Marshal's Office Overtime Policy**

ACTION BEFORE COUNCIL:

Council is asked to take action on the attached Marshal's Office Overtime Policy and direct staff to proceed with the reclassification of the deputies within the Marshal's Office to non-exempt, eligible for overtime.

BACKGROUND:

Section 13(b)(20) of the Fair Labor Standards Act (FLSA) provides an overtime exemption to law enforcement or fire protection employees of a public agency that employs less than five employees during the workweek in law enforcement or fire protection activities. Over the years, the Town of Ridgway has adhered to this exemption as it relates to the Ridgway Marshal's Office.

To ensure compliance with FLSA going forward, staff is recommending that the Town waive the overtime exemption and reclassify the deputies within the Marshal's Office to non-exempt, eligible for overtime. Recently, the Town discovered a period of non-compliance with this provision and has made attempts to find remedies to ensure compliance with the overtime exemption. For more information on that, click [HERE](#) to read an article from the August 3-9, 2023 edition of the Ouray County Plaindealer.

In addition to spending a considerable amount of time gathering the data and other information necessary to move forward with this reclassification proposal, staff has explored other alternatives including taking with the Ouray County Sheriff's Office about contracting for coverage and exploring independent contractor agreements with officers. Those avenues were deemed unviable.

Currently, the Marshal's Office consists of four employees. However, Deputy Rachael Esters will soon transition from a part-time position to a full-time position within the Marshal's Office and we are actively searching for someone who is Colorado P.O.S.T. certified to fill the part-time role. If successful in finding someone to fill that role, it will put the Marshal's Office at five employees, making the Marshal's Office ineligible for the overtime exemption.

Adopting the attached policy and proceeding with reclassification would bring the Ridgway Marshal's Office in line with the large majority of police departments around the state of Colorado. The policy lays out that deputies would be subject to overtime after 86 hours in a two-week pay period. Hours 81 to 86 would be paid at the regular time rate. Hour 87 and above would be paid at time and one-half of the deputies' standard hourly rate (i.e., overtime rate). All



overtime would be subject to review unless there was prior approval, or in instances of emergent circumstances. Deputies would be required to fill out timesheets at the end of each pay period that would be reviewed and approved by the Marshal, or his/her designee, before submitting to payroll. To keep overtime expenditures at minimum, deputies would be offered flex time in lieu of paid overtime. The Marshal, in a department head/administrator role, would remain exempt from overtime.

Based on statistical data obtained since 2020, callouts are expected to be the most common cause of overtime. The next most common cause is anticipated to be shift coverage for paid time off, training, court appearances, events, and critical incidents. Callouts for 2020 through 2023 are as follows:

- 2020 17 call outs (estimate based on call log. Department transitioned to new crime management system in 2020.)
- 2021 26 call outs, 18 hours on-scene
- 2022 19 call outs, 24 hours on-scene
- 2023 9 call outs through July 25, 9.5 hours on-scene

The hours listed above reflect on-scene time only and does not reflect drive time to and from calls. Within those hours, there are instances of multiple calls while an officer was already out responding to a call.

FINANCIAL IMPLICATIONS:

Staff contacted the following police departments to get a sense of what their overtime budgets looks like each year:

Mountain Village PD – This department has eight sworn officers and budgets approximately \$45,000 per year for overtime.

Ouray PD – This department has five sworn officers and does not have a budget line item devoted specifically to overtime. Officers are subject to overtime after 86 hours in a two-week pay period, similar to what is described in the attached policy. According to the City of Ouray, no overtime has been paid since 2019 when the department was understaffed.

Fowler PD – This department has four sworn officers and has a \$7,000 overtime budget.



Yuma PD – This department has eight sworn officers and has an overtime budget of \$14,000. According to the chief of police, in the last three years, the city has not spent more than \$7,000 in a single year on overtime.

Pinpointing an amount for the Town to anticipate for overtime pay for the remainder of 2023 is difficult as we cannot refer to timesheets for hours worked compared to the proposed 86 hours in 14 days pay period. Staff believes earmarking \$10,000 for overtime for the remainder of 2023 would be a good starting point and would be comparable to the examples provided above.

STAFF RECOMMENDATION:

To ensure compliance with FLSA going forward and to fall in line with the large majority of police departments around the state of Colorado, staff is recommending that the Town waive the overtime exemption and reclassify the deputies within the Marshal's Office to non-exempt, eligible for overtime.

RECOMMENDED MOTION:

"I move to adopt the Marshal's Office Overtime Policy and direct staff to proceed with the reclassification of the deputies within the Marshal's Office to non-exempt, eligible for overtime."

ATTACHMENT:

Marshal's Office Overtime Policy



Chapter 28: Marshal's Office Overtime Policy

Purpose:

The purpose of this policy is to provide a structure for monitoring, managing, and controlling the use of personnel Overtime.

POLICY:

All personnel of this agency must be mindful of and exercise fiscal responsibility in the use of public funds and resources. Overtime pay requires particular attention because it constitutes a sizeable expenditure of agency revenue that is provided at premium rates. Without adequate controls, unplanned expenditures can create budget overruns and divert resources from key operational areas. Therefore, it is the policy of this agency to effectively manage the use of overtime and that of each employee to use overtime in a responsible manner and judicious manner.

DEFINITIONS:

Overtime: Work performed more than 86 hours in a 14 day pay period or as otherwise established by state law.

Fair Labor Standards Act (FLSA) (29) U.S.C. 207 (a): Federal law regulating wages and work hours to include provisions for overtime pay.

PROCEDURES:

A. General Provisions

1. This agency conforms to the overtime provisions of FLSA and applicable state laws. Personnel shall refer to this agency's personnel pay policy, FLSA policy and labor agreements for details on exempt and non-exempt positions circumstances in which overtime pay may be granted, rates of payments for all overtime that qualifies for payment at the premium rate and related matters.
2. Whenever reasonably possible, paid overtime will be used in lieu of unpaid compensatory time off.

B. Reporting, Recording and Analysis

1. All overtime shall be approved for payment by the designated supervisor. The category of overtime work performed shall be completed and forwarded to Marshal for review and approval.
 - a. Paid overtime and unpaid compensatory time will be recorded separately.
 - b. Overtime expenditures shall be broken down separately based on categories based on type such as (call out, type of call, agency assist, or other functions). Individual categories will be recorded and checked monthly.
 - c. Overtime funds expended under federal or state grant programs, or special events will be separated from the general budget.



MARSHAL'S OFFICE

PO Box 10 | 201 N. Railroad Street | Ridgway, Colorado 81432 | 970.626.5196 | www.town.ridgway.co.us

2. The designated entity shall maintain overtime records and provide individual and summary data of overtime worked monthly to the Marshal.
3. Unusual or questionable overtime will be evaluated, and corrective actions will be taken.
 - a. Expenditure of overtime at a rate that could exceed or negatively affect the agency's budget will be evaluated and adjusted. Unless in the case of a critical incident or unforeseen circumstances.
- C. Overtime Management
 1. No task or function shall be performed on overtime by agency personnel that could otherwise be performed during regular work hours.
 2. Supervisors shall establish and hold personnel responsible for level of performance during standard work hours that minimizes the need for overtime and/or need for additional personnel.
 3. Only overtime required to meet vital service demands of the department shall be authorized.
 4. All overtime must receive advance authorization unless unreasonable due to emergency circumstances.
 - a. The Marshal or Senior Deputy in the absence of the Marshal will be responsible for authorizing and managing overtime.
 - b. The Marshal must approve overtime requests designed to fill on-going personnel vacancies or meet an unusually high yet unforeseen workload.
 - c. The Marshal shall take measures and issue directives where reasonably possible to reduce or limit the demand for overtime.
 - d. Non-emergency service requests received near end shift can be moved to next shift or in the case of on call can be held and passed to next shift.
 - e. The Marshal can authorize the use of part-time officers in the event there are uncovered shifts, or situations that would otherwise require overtime.
 - f. In the event where overtime is required due to (arrest, scene security, agency assists, or other large-scale event) staffing should be held to a safe minimum to perform tasks required.
 - g. Ensure that agency overtime policy, rules and regulations and the particulars of any labor agreement are consistently adhered to by agency personnel as they relate to overtime for court appearances, standby, travel time, training, holiday leave, vacations, and related matters.
 - h. Unpaid compensatory time is another option available upon agreement of Marshal and affected employee/employees. Unpaid compensatory rates will be the same as paid overtime rates per employee agreements.

AGENDA ITEM #10



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Shane Schmalz, Town Marshal
Date: August 2, 2023
Agenda Topic: **Discussion and action regarding changing the fifth deputy position from part-time to full-time**

ACTION BEFORE COUNCIL:

Council is asked to consider changing the fifth deputy position from regular, part-time to regular, full-time.

BACKGROUND:

Currently, the Marshal's Office consists of four employees. On September 1, 2023, Deputy Rachael Esters will transition from a part-time position to a full-time position within the Marshal's Office. This will leave the budgeted part-time position vacant. With four full-time officers, scheduling and shift coverage works well until instances of paid time off, training, or other unexpected shift changes. This then requires the part-time deputy to cover the shifts or requires a split shift by a deputy or marshal. A split shift requires an officer to cover 24 hours and work 10 out of the 24 hours.

The part-time deputy position has traditionally been difficult to fill. Earlier this year when attempting to fill the part-time position, the Town spent over \$1,000 to advertise the position, which resulted in one inquiry. With our competitive pay structure, benefits, and the high desirability of our community, staff believes we would have a greater chance of hiring a full-time deputy rather than a part-time deputy.

Increasing staffing in the Marshal's Office would allow the marshal to better address administrative tasks and data tracking. The increase in staffing would afford the marshal the ability to flex schedules and cover shifts, thereby decreasing the potential for incurring overtime costs. Finally, another full-time deputy would mitigate the potential for burnout among the deputies and marshal.

With the influx of development comes an increase in calls for service. Our local economy remains heavily dependent on tourism and the data shows that during the times of year where we see more tourists, the need for law enforcement services increases. Calls for service have been steadily increasing dating back to 2020. Calls for service range from animal problems to unattended deaths to traffic contacts and don't include medicals, fire-related incidents, or self-initiated activity. The figures below are the total calls for service over the last several years:

2020 – 1,214 calls for service

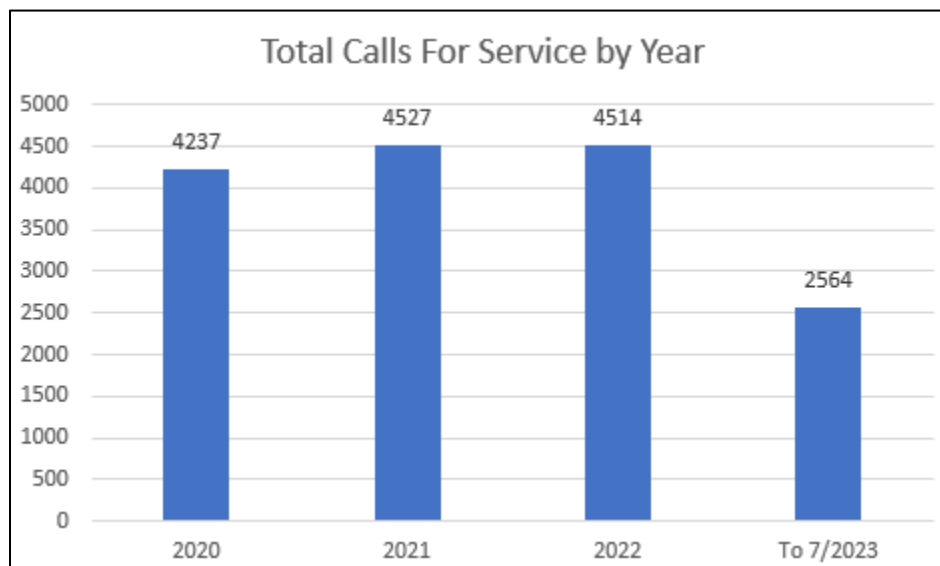


2021 – 1,339 calls for service

2022 – 1,471 calls for service

2023 – 701 calls for service through July 15, 2023

Our regional data specialist put together the graph below that depicts the total calls for service AND self-initiated activity over the last several years. 2023 is on course to go over 5,000 total calls.



FINANCIAL IMPLICATIONS:

The annual cost of a part-time deputy is around \$60,055. This is based on \$40 per hour, 24 hours per week, partial benefits and other associated costs. Hiring a new, full-time deputy at an entry level hourly rate of \$27.10 to \$30.03 (based on the Town's Step Structure) would amount to between \$56,337 and \$62,461 per year, plus benefits. This does not include costs for equipment and phone. We have a patrol car and all other equipment to put a successful candidate into field training.

Staff feels that the General Fund can accommodate this increase in FY 2023 and feels comfortable moving forward with the change to this position.

STAFF RECOMMENDATION:

Staff is recommending that the regular, part-time deputy position be changed to a regular, full-time position.

PROPOSED MOTION:

"I move to change the regular, part-time deputy position to a regular, full-time deputy position, effective immediately."

AGENDA ITEM #11



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MEMO

To: Ridgway Workforce & Housing Committee
From: Ross Valdez, Impact Development Services
Date: August 9, 2023
Re: Wetterhorn Homes Ridgway – Open Application Process
Attachments: Not Applicable

Background

Wetterhorn Homes Ridgway continues to work with families throughout the homebuyer process before the anticipated move-in day in mid-October. Rural Homes hosted a Set Day on July 25th and invited community members and partners to witness a significant milestone of the construction process. Rural Homes also plans to host several buyer informational sessions to educate first-time homebuyers and to stay connected during the process. Wetterhorn Homes Ridgway continues to advertise the availability of the three remaining homes (highlighted in Figure 1 below). Marketing efforts include ads in the Plaindealer as well as direct messaging to families that have demonstrated interest in the project in the past. During the current phase of home sales, only applicants that do not require an exception are able to apply.

Figure 1

Lot	Addresses	Home Type, Bedrooms and Description	Home Price
1	414 Laura Street	Antero - 2 Bedroom, 1.5 Bath - 1,024 square feet	\$ 339,000
2	683 Frederick Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet	\$ 385,000
3	671 Frededick Street	Antero - 2 Bedroom, 1.5 Bath - 1,024 square feet	\$ 275,000
4	669 Frederick Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet - large lot	\$ 399,000
5	436 Laura Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet - with garage	\$ 439,000
6	438 Laura Street	Torrey - 3 bedroom, 3 bath - 1,600 square feet - with garage	\$ 459,000
7	448 Laura Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet - with garage	\$ 439,000
8	450 Laura Street	Torrey - 3 bedroom, 3 bath - 1,600 square feet - with garage	\$ 459,000
9	464 Laura Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet - with garage	\$ 439,000
10	466 Laura Street	Torrey - 3 bedroom, 3 bath - 1,600 square feet - with garage	\$ 459,000
11	486 Laura Street	Antero - 2 Bedroom, 1.5 Bath - 1,024 square feet	\$ 339,000
12	684 Otto Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet	\$ 385,000
13	672 Otto Street	Antero - 2 Bedroom, 1.5 Bath - 1,024 square feet	\$ 275,000
14	670 Otto Street	Shavano - 2 Bedroom + 1 flexbedroom, 3 bath - 1,216 square feet	\$ 369,000

Continued Sale of Remaining Homes

After nearly two months of open applications to those that do not require an exception, starting August 15, 2023, homes will become available to applicants that require an exception. The remaining three homes (Lot 7, Lot 9, and Lot 12) will continue to be offered on a first-come, first-served basis.

Interested applicants must meet the eligibility criteria, submit a complete application, and be prequalified for a mortgage. Applicants needing an exception may apply and must submit an exception request to receive an exception from the Ridgway Workforce & Housing Committee before being



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qualified to purchase. Similar to the lottery, exception requests will need to be heard by the Ridgway Workforce & Housing Committee at a public meeting. Should applicants submit exception requests after August 15, requests will be compiled and presented at a hearing in mid-September.

Impact Development Services (IDS) will continue to accept and review applications until the remaining homes are purchased.

Construction Timeline

Rural Homes expects the neighborhood to be completed with final inspections and certificates of occupancy in place in October 2023. Closings and move-ins will occur as soon as possible after the homes are completed.

End of Memorandum

AGENDA ITEM #12

AGENDA ITEM #13

AGENDA ITEM #14



2024 Fiscal Year Budget Preparation Schedule

Date	Description	Responsible Parties
August 14 – September 13, 2023	Meetings with Town staff: <ul style="list-style-type: none">• Strategic Plan• Town-wide initiatives• Levels of service• Fees• Goals and objectives• Personnel requests• Capital Outlay requests• Line-item justifications	Preston, Pam
October 11, 2023	Draft 2024 Fiscal Year Budget Submitted to Council	Preston, Pam
October 21, 2023 9:00 a.m. – 2:00 p.m.	Budget Retreat: <ul style="list-style-type: none">• Introduction of Draft 2024 Fiscal Year Budget• Introduction of Draft 2024 Strategic Plan Outcomes: <ul style="list-style-type: none">• Council direction for revisions• Council direction for Capital Improvement Projects• Council direction for revenue projections• Council requests for additional information, analysis or options	Council, Preston, Pam, Joanne
November 8, 2023	Council Budget Hearing: <ul style="list-style-type: none">• Staff Presentation of 2024 Fiscal Year Proposed Budget• Presentation of 2024 Strategic Plan• Follow-up on any Council directions or requests• Council discussion and public comment	Council, Preston, Pam
November 16, 2023	Council Budget Workshop: <ul style="list-style-type: none">• Overview of 2024 Fiscal Year Proposed Budget• Follow-up on any Council directions or requests• Council discussion and public comment	Council, Preston, Pam
December 13, 2023	Council Budget Hearing: <ul style="list-style-type: none">• Adoption of 2024 Fiscal Year Budget, including Capital Projects Plan and 2024 Strategic Plan• Approval of Resolution Certifying Mill Levy	Council, Preston, Pam