

Ridgway Town Council
Regular Meeting Agenda
Wednesday, March 8, 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/84142104891?pwd=dWgzUDVYaFhDck1scE5hRmx4bFB5Zz09>

Meeting ID: 841 4210 4891

Passcode: 891425

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 February 8, 2023.
2. Minutes of the Workshop Meeting on February 13, 2023.
3. Register of Demands for March 2023.

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.

4. Request to use public rights-of-ways for the annual Fete de la Musique on June 25th and Ridgway 1-K on October 7th - Trisha Oakland for Weehawken Creative Arts and The Sherbino.

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

5. Emergency Ordinance No. 01-2023 Extending a Temporary Moratorium on the Acceptance of Applications for Minor Subdivisions, Lot Splits, Replats, Plat Amendments, Multisite Developments, Planned Unit Developments, and Rezoning Applications; and Declaring an Emergency - Town Manager.
6. Emergency Ordinance No. 02-2023 Extending the Expiration Date of the San Miguel Power Association, Inc. Franchise, and Declaring an Emergency - Town Attorney.

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

7. Review and action on request from Alpine Homes-Ridgway, LLC regarding infrastructure work related to the Riverfront Village project - Town Manager.
8. Update and possible action regarding Granular Activated Carbon Water Treatment Project - Town Engineer.
9. Review and action on Intergovernmental Agreement between Town of Ridgway and Ouray County concerning Noxious Weed Management and Control Services - Town Manager.
10. Discussion and direction regarding dedicated revenue source to address housing challenges - Town Manager.
11. Request for authorization of Mayor Clark to sign letters of support for the Home Trust of Ouray County's Congressional Directed Spending Request - Town Manager.
12. Request for authorization of Mayor Clark to sign a letter of support for San Miguel Power Association's planning grant application to the Microgrids for Community Resilience Grant Program - Town Manager.
13. Resolution No. 23-04 Canceling the April Regular Election - Town Clerk.
14. Administer oath of office to Councilors Polly Kroger, Beth Lakin and Russ Meyer - Town Clerk.

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

15. Town Manager's Report.

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 Creative District Creative Advocacy Team - 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, April 5, 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
FEBRUARY 8, 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 were Councilors Grambley, Lakin, Schuyler, Mayor Pro Tem Meyer and Mayor Clark. Councilors Kroger and Thomas were absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of January 11, 2023.
2. Register of Demands for February 2023.
3. Renewal of Brew Pub Liquor License for Colorado Boy Depot.
4. Renewal of Restaurant Liquor License for Lazy Dog Saloon, Bar and Grill.

ACTION:

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

PUBLIC COMMENTS

Val Swarz gave an update from the Ridgway Ouray Community Council Dark Sky Committee, noting a participation request will be made to the Council at the next meeting.

POLICY MATTERS

5. Resolution Authorizing the Exercise of the Town's Eminent Domain Authority to Acquire Real Property for a Recreational Pathway

Joseph Riveria, special counsel with Murray Dahl Associates presented a resolution authorizing the use of eminent domain to start the process to acquire a pathway on Marion Overlook which accesses the secondary school. He explained all pre-requisites to begin the process have been met which include, the property will be for public use; taking of the land is a necessity; good faith efforts have been made to negotiate to purchase the property before eminent domain proceedings.

Speaking from the audience Kuno Vollenweider encouraged the Council to move forward and "plan for the future".

There were questions from the Council and it was noted there were misspellings in the document.

Councilor Schuyler recused himself from the vote explaining he is an adjacent property owner.

ACTION:

Mayor Pro Tem Meyer moved to adopt Resolution No. 23-03 Authorizing the Exercise of the Town's Eminent Domain Authority to Acquire Real Property for a Recreational Pathway, and Councilor Lakin seconded the motion.

With the motion on the floor there were questions to the attorney regarding using the term recreational pathway versus pedestrian. It was explained recreation pathway would encompass use by both bicycles and pedestrians. Attorney Riveria offered to include another clause into the resolution outlining uses as walk, bike and other outdoor pursuits. It was agreed to add the clause and correct typing errors.

After a call for the vote the motion carried with Councilor Schuyler abstaining.

INTRODUCTIONS

6. Introduction of engineering consultant

The Town Manager introduced Engineer Joyce Wong, Principal with Swiftwater Solutions, hired by the Town as Project Manager and Lead Reviewer for development review.

Ms. Wong explained she is working with the outgoing engineer, Joanne Fagan, to gain historical knowledge, and make the transition "as smooth as possible".

PUBLIC REQUESTS AND PRESENTATIONS

7. Presentation regarding tobacco use prevention and control

Carolyn Dressler, MD presented a proposed Tobacco Control Policy and encouraged the Council to take action to require licenses for distributors of tobacco products; allow no more than the current eight distributors and "sunset" licenses and not allow moving locations or selling a business with a license; conducting compliance checks on sales; tax sales; ban the sales of flavored and menthol nicotine; create a "tobacco free generation" by setting an end date to sales.

Dr. Dressler cited of the eight distributors in Town all have failed Stated and Federal compliance checks and have sold to underage persons; annual deaths from tobacco use in the State are 5100 people, 480,000 in the country and 8 million worldwide; 70-89% of youth who smoke use electronic cigarettes with fruit and candy flavors; tobacco use is the "hardest drug to quit" and after long term use can "cause death".

Dr. Richard Gingery spoke in support of the proposal stating "86% of Americans want to see tobacco go away" but tobacco companies have strong legislative leverage.

The Town Manager was asked to share his experience while working with the Town of Avon when a dedicated tobacco tax was taken to the voters. He explained it was a "challenging process", "took a long time" with numerous public hearings and "substantial public engagement" and "major time commitment" from staff.

SPEAKING FROM THE AUDIENCE:

Teens that Care, a part of the Communities that Care coalition, presented a theatrical reading of how teens are influenced to smoke tobacco.

Kuno Vollenweider stated the concept is “applaudable” but he does not feel it is appropriate for the Town to regulate personal choices.

There was a comment from a member of the audience that his wife died from lung cancer after trying to quit tobacco use “over and over” and yet could not stop.

Tanner Kingsley explained the County Public Health Department can be a resource for any materials that may be needed.

Chris Fostic with Project Sunset noted many items that have been found to be harmful and dangerous to public health have been “taken off the market”, yet tobacco has been “left unchallenged”.

There were questions from Council to staff.

Consensus of the Council was to direct staff to research the issue and start a public discussion and participation process.

PUBLIC HEARINGS

8. Application for Amended Plat of Lot 15, Parkside Subdivision; Addresses: 702 ,704 and 706 N. Laura St

Staff Report dated 2-3-23 from Contractual Planner TJ Dlubac presenting an application for amended plat from Habitat for Humanity.

Planner Dlubac presented the application from Habitat for Humanity for plat amendment of Lot 15 in Parkside Subdivision. He explained the property was approved to construct a triplex unit and the owner is now requesting subdivision to allow the sell of the individual units. The Planning Commission approved set back variances on 1-10-23 and recommended approval of the plat amendment to the Town Council.

Amanda Gerhardt with Habitat for Humanity of the San Juans explained the deed restrictions which will be imposed under the organizations regulations, and the mechanisms which are used to keep the affordable housing in place.

There were questions from the Town Council.

ACTION:

Councilor Schuyler moved to approve the amended plat of Lot 15 Parkside Subdivision finding that the criteria set forth in Section 7-4-5 and 7-4-10 of the Ridgway Municipal Code have been met with the following condition: address all comments in the Planning Review Comment Letter dated January 6, 2023. Mayor Pro Tem Meyer seconded. On a call for the vote the motion carried unanimously.

9. Application for Final Plat for Vista Park Commons PUD Lots 30-34 of Ridgway Land Company Subdivision

Staff Report dated 2-3-23 from Contractual Planner TJ Dlubac presenting an application for final plat for Vista Park Commons PUD.

Planner Dlubac presented a request for approval of the Final Plat for the Vista Park Commons PUD Subdivision, filed by applicant Vista Park Development, LLC. He reported the Preliminary Plat was approved by Council on 8-14-19. The request is to subdivide five lots located within Ridgway Land Company Subdivision into 23 lots with 23 dwelling units in 21 buildings; two duplexes and some common space. Most public infrastructure has been installed except sidewalk, walkways and parking, he explained. The remaining items will be placed into a Subdivision Improvement Agreement and will be bonded until completed. The preliminary plat and PUD approved a variety of conditions and variances including lot size, setbacks, landscaping, deed restrictions, parking. On 10-25-22 the Planning Commission recommended the Council approve the final plat with conditions. Since that time staff has worked with the applicants and resolved all the conditions. Staff is now recommending approval with two new conditions.

Attorney for the applicant David Reed, explained the applicant is in agreement with the conditions being proposed, noting they are “working on resolving all outstanding conditions”.

ACTION:

Councilor Schuyler moved to approve the Vista Park Commons PUD Subdivision Final Plat and PUD finding that the criteria set forth in Ridgway Municipal Code Sections 7-4-5(C)(8)(b) have been met with the following conditions: the Subdivision Improvement Agreement for Vista Park Commons PUD shall be approved by the Ridgway Town Council prior to the Final Plat and PUD being recorded with the Ouray County Clerk and Records Office; the applicant shall address all outstanding review comments in the Comment Letter dated January 20, 2023 and submit the necessary documentation for review prior to the final plat and PUD being recorded with the Ouray County Clerk and Records Office. Councilor Mayor Pro Tem Meyer seconded, and the motion was unanimously carried.

POLICY MATTERS (continued)

10. Subdivision Improvements Agreement with Vista Park Commons PUD

The Town Attorney presented a draft Subdivision Improvements Agreement with Vista Park Development which addresses installation of infrastructure. The developer will present a \$214,500 letter of credit which shall be held until completion of the eight outstanding items, which are to be completed within an established time frame.

Attorney for the applicant, David Reed, explained the applicant is in agreement with the terms of the agreement and it's exhibit, and will be issuing a revocable letter of credit.

ACTION:

Moved by Mayor Pro Tem Meyers, seconded by Councilor Grambley and unanimously carried to approve the Subdivision Improvements Agreement for Vista Park Commons with Exhibit A and all grammar errors corrected.

11. Ridgway Area Chamber of Commerce presentation on marketing and promotion activities

Staff Report from the Town Manager dated 2-2-23 presenting the Ridgway Area of Commerce proposed 2023 lodging tax budget and 2022 annual report.

Ashley Perkins, representative for the Chamber of Commerce, reported the organization had new board members in 2022; hired a marketing and promotions contractor; was the number

one google source when looking for information on Ridgway; sought out grant opportunities and participated in local events.

12. Expenditure of budgeted funds and enter into a contract to purchase a fleet vehicle for the Public Works Department

Town Manager Staff Report dated 2-2-23 requesting authorization to purchase a used 2019 Ford F-250 XL truck.

Manager Neill explained the budget contains \$50,000 to purchase a new vehicle for the public works department, and staff has located a vehicle for \$32,500. The Town Procurement Policy states any purchases in excess of \$25,000 must be approved by Council. The vehicle purchase will be funded from the water and sewer funds.

ACTION:

Mayor Pro Tem Meyer moved to authorize staff to expend budgeted funds and enter into a contract to purchase a fleet vehicle for the Public Works Department at a total sales price of \$32,500. Councilor Schuyler seconded the motion, which carried unanimously.

13. Participation in the Mountain Towns 2030 Solutions Project

Staff Report dated 2-2-23 from the Town Manager presenting a background on the Mountain Towns 2030 Solutions Project.

Councilor Schuyler noted the collaborative program with participating communities is working towards many of the goals of the Town and Sustainability Committee. EcoAction Partners is spearheading regional participation, and he noted, if the Town is not able to participate at that level he recommended participating individually to allow joining in on monthly collaborative work sessions and accessing research materials.

There was discussion by the Council and staff was directed to contact EcoAction Partners regarding regional participation.

ACTION:

Moved by Councilor Schuyler and seconded by Mayor Pro Tem Meyer to explore participation in the Mountain Towns Solution Project with a financial contribution not to exceed \$1500. The motion carried unanimously.

MISCELLANEOUS REPORTS

The Mayor reported six letters of interest where received for the opening on the Planning Commission, and announced the appointment of Pam Foyster.

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

Councilor Schuyler presented an update on grant opportunities for micro-grid projects.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

RIDGWAY TOWN COUNCIL

MINUTES OF WORKSHOP

FEBRUARY 15, 2023

The Town Council convened for a workshop meeting at 6:00 p.m. in the Ridgway Community Center at 201 N. Railroad Street. The meeting was held both in person and via Zoom Meeting, a virtual meeting portal, pursuant to the Town's Electronic Participation Policy.

The Council was present in its entirety with Councilors Grambley, Kroger, Lakin, Schuyler, Thomas, Mayor Pro Tem Meyer and Mayor Clark in attendance.

Town Clerk's Notice of Budget Workshop Meeting dated February 2, 2023.

The Council received a Staff Report from the Town Manager dated February 10th presenting a background and options to create a dedicated revenue source to address affordable housing challenges.

Through a PowerPoint presentation the Town Manager presented an overview of potential revenue sources which included increases to sales tax, property tax, lodging tax; creation of impact fees, inclusionary zoning in-lieu of fee and a short term rental tax. He gave a broad overview of the Town's tax portfolio. He explained staff is recommending creation of a short term rental tax as short term rental has reduced the affordable housing supply by removing units which were previously occupied by residents. Rentals would be subject to the short term rental tax in addition to the existing lodging tax. If implemented the projected annual revenue from the new tax would be between 2% and 8%, and produce \$15,190 to \$60,760. Manager Neill noted if a tax option is pursued, staff will need to prepare resolutions creating ballot language as it relates to the Taxpayer Bill of Rights.

There was discussion by the Council regarding other revenue sources such as a speculative real estate tax or unoccupied home tax. There was discussion how the funds would be allocated.

Speaking from the audience, Andrea Sokolowski with the Home Trust of Ouray County, and Ouray County Commissioner and member of the Home Trust board, Jake Niece, spoke in support of implementing a dedicated revenue source. Ms. Sokolowski presented findings on the projected number of affordable housing units needed for rentals and home ownership over the next ten years. Commissioner Niece presented an update on state legislation and activities in other jurisdictions as it relates to dedicated revenue.

There was discussion by the Council.

The Town Manager summarized the direction given to staff research a vacant home or second homeowner tax, a short term rental tax in the ten to fifteen percent range, lodging tax increase of five percent and modifying how proceeds would be earmarked; enacting of an in-lieu of fee.

There was further discussion by the Council.

The meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

Town of Ridgway
Register of Demands
March 2023

| Name | Memo | Account | Paid Amount |
|---|-------------------|------------------------------------|-------------|
| USABlueBook | | Alpine-Operating Account | |
| | nitric acid | 932WOO · Supplies & Materials | -60.12 |
| | connector & probe | 932WOO · Supplies & Materials | -129.43 |
| TOTAL | | | -189.55 |
| True Value | | Alpine-Operating Account | |
| | | 632GO2 · Supplies & Materials | -55.14 |
| | | 732POO · Supplies & Materials | -7.64 |
| | | 732PO1 · Supplies - c cntr/t hall | -5.03 |
| | | 832GO3 · Equipment & Supplies | -10.88 |
| | | 932SOO · Supplies & Materials | -55.12 |
| | | 932WOO · Supplies & Materials | -414.89 |
| TOTAL | | | -548.70 |
| Black Hills Energy-Hartwell Park | | Alpine-Operating Account | |
| | | 742POO · Utilities | -98.64 |
| TOTAL | | | -98.64 |
| Black Hills Energy-Lift Station | | Alpine-Operating Account | |
| | | 942SOO · Utilities | -28.89 |
| TOTAL | | | -28.89 |
| Black Hills Energy-Town Hall | | Alpine-Operating Account | |
| | | 742PO1 · Utilities - c cntr/t hall | -119.76 |
| | | 842GO3 · Utilities | -119.75 |
| | | 542GOO · Utilities | -119.75 |
| TOTAL | | | -359.26 |
| Black Hills Energy-Broadband | | Alpine-Operating Account | |
| | | 783PO1 · Broadband Station | -14.89 |
| TOTAL | | | -14.89 |
| Black Hills Energy-PW Building | | Alpine-Operating Account | |
| | | 742POO · Utilities | -149.71 |
| | | 642GO2 · Utilities | -149.70 |
| | | 942SOO · Utilities | -149.70 |
| | | 942WOO · Utilities | -149.70 |
| TOTAL | | | -598.81 |
| Black Hills Energy-PW Office | | Alpine-Operating Account | |
| | | 642GO2 · Utilities | -35.08 |
| | | 942SOO · Utilities | -35.08 |
| | | 942WOO · Utilities | -35.08 |
| TOTAL | | | -105.24 |

Town of Ridgway
Register of Demands
March 2023

| Name | Memo | Account | Paid Amount |
|---------------------------------------|------------------------|---------------------------------------|-------------|
| Ouray County Road & Bridge | | Alpine-Operating Account | |
| | 1/23/23-2/12/23 | 560GOO · Gas & Oil | -155.18 |
| | 1/23/23-2/12/23 | 660GO2 · Gas & Oil | -674.40 |
| | 1/23/23-2/12/23 | 760POO · Gas & Oil | -230.41 |
| | 1/23/23-2/12/23 | 960WOO · Gas & Oil | -592.15 |
| | 1/23/23-2/12/23 | 960SOO · Gas & Oil | -352.85 |
| | 1/23/23-2/12/23 | 860GO3 · Gas & Oil | -808.35 |
| TOTAL | | | -2,813.34 |
| Amerigas | | Alpine-Operating Account | |
| | propane - wtr plant | 942WOO · Utilities | -2,769.44 |
| TOTAL | | | -2,769.44 |
| Ridgway Area Chamber of Com... | | Alpine-Operating Account | |
| | receipts - Jan 2023 | 529GOO · Tourism Promotion | -4,120.11 |
| TOTAL | | | -4,120.11 |
| Federal Express | | Alpine-Operating Account | |
| | | 990WOO · Testing - water | -94.38 |
| TOTAL | | | -94.38 |
| Clear Networx, LLC | | Alpine-Operating Account | |
| | Mar 2023 | 543GOO · Telephone | -56.00 |
| | Mar 2023 | 643GO2 · Telephone | -56.00 |
| | Mar 2023 | 843GO3 · Telephone | -61.00 |
| | Mar 2023 | 943WOO · Telephone | -56.00 |
| | Mar 2023 | 943SOO · Telephone | -56.00 |
| | Mar 2023 | 530GOO · Computer | -50.00 |
| | Mar 2023 | 630GO2 · Computer | -50.00 |
| | Mar 2023 | 730POO · Computer | -50.00 |
| | Mar 2023 | 830GO3 · Computer | -50.00 |
| | Mar 2023 | 930WOO · Computer | -50.00 |
| | Mar 2023 | 930SOO · Computer | -50.00 |
| | Mar 2023 | 930WOO · Computer | -50.00 |
| | Mar 2023 | 930SOO · Computer | -25.00 |
| | Mar 2023 | 630GO2 · Computer | -25.00 |
| | Mar 2023 | 843GO3 · Telephone | -55.00 |
| TOTAL | | | -740.00 |
| Swiftwater Solutions, LLC | | Alpine-Operating Account | |
| | dev. review - Jan 2023 | 519GOO · Contractual Services | -675.00 |
| TOTAL | | | -675.00 |
| Artspace Projects Inc. | | Alpine-Operating Account | |
| | insurance - Jan 2023 | 778PO1 · Space to Create Meeting Room | -107.96 |
| TOTAL | | | -107.96 |

Town of Ridgway
Register of Demands
March 2023

| Name | Memo | Account | Paid Amount |
|--|-------------------------------------|--|-------------|
| George Gardner Scholarship F... | | Alpine-Operating Account | |
| | | 5115GO1 · George Gardner Scholarship... | -1,000.00 |
| TOTAL | | | -1,000.00 |
| Copy Cats | | Alpine-Operating Account | |
| | PC nameplate | 546GOO · Council/PC - Materials/Equip... | -15.00 |
| TOTAL | | | -15.00 |
| Region 10 | | Alpine-Operating Account | |
| | | 5075GO1 · Region 10 | -1,394.00 |
| TOTAL | | | -1,394.00 |
| Southwestern Systems Inc. | | Alpine-Operating Account | |
| | jet sewer lines | 978SOO · Bio-Solids Removal | -1,232.00 |
| TOTAL | | | -1,232.00 |
| Voyager Youth Program | | Alpine-Operating Account | |
| | | 5025GO1 · Voyager Program | -9,000.00 |
| TOTAL | | | -9,000.00 |
| Honnen Equipment Company | | Alpine-Operating Account | |
| | 1/25-2/21 loader | 662GO2 · SnowRemoval Equip&Services | -4,692.00 |
| TOTAL | | | -4,692.00 |
| Mesa County HDR Laboratory | | Alpine-Operating Account | |
| | | 990WOO · Testing - water | -20.00 |
| | | 990WOO · Testing - water | -20.00 |
| TOTAL | | | -40.00 |
| Superior Fire Protection | | Alpine-Operating Account | |
| | fire extinguisher annual inspection | 731PO1 · Maint & Repairs - c cntr/t hall | -149.00 |
| | fire extinguisher annual inspection | 931WOO · Maintenance & Repairs | -167.00 |
| | fire extinguisher annual inspection | 931SOO · Maintenance & Repairs | -52.00 |
| | fire extinguisher annual inspection | 631GO2 · Maintenance & Repairs | -52.00 |
| | fire extinguisher annual inspection | 832GO3 · Equipment & Supplies | -58.00 |
| TOTAL | | | -478.00 |
| Hartman Brothers Inc | | Alpine-Operating Account | |
| | cylinder lease renewal | 661GO2 · Vehicle & Equip Maint & Repair | -48.00 |
| | cylinder lease renewal | 961SOO · Vehicle & Equip Maint & Repair | -48.00 |
| | cylinder lease renewal | 961WOO · Vehicle & Equip Maint & Repair | -48.00 |
| TOTAL | | | -144.00 |

Town of Ridgway
Register of Demands
March 2023

| Name | Memo | Account | Paid Amount |
|-------------------------------|-----------------------|--|-------------|
| Pickin' Productions | | Alpine-Operating Account | |
| | promoter - payment #1 | 781POO · Events & Festivals | -6,000.00 |
| TOTAL | | | -6,000.00 |
| Kim's Housekeeping LLC | | Alpine-Operating Account | |
| | Feb 2023 | 779POO · Janitorial Service - parks | -1,134.00 |
| | Feb 2023 | 779PO1 · Janitorial Services - cntr/thal | -378.00 |
| | Feb 2023 | 545GOO · Janitorial Services | -378.00 |
| | cleaning - Feb 2023 | 778PO1 · Space to Create Meeting Room | -210.00 |
| TOTAL | | | -2,100.00 |

AGENDA ITEM #4



Application for Special Event Permit

| | |
|---|---|
| Applicant Name: <u>Neihawken & The Sherbino</u> | Contact Person: <u>Trisha Oakland</u> |
| Applicant Phone: <u>970 318 0150</u> | Contact Phone: <u>970 318 0150</u> |
| Applicant Email: <u>trisha@sherbino.org</u> | Event Date: <u>June 25 2023</u> |
| Event Name: <u>Ridgway Fete de la Musique</u> | Event Time: <u>Setup 1pm - 3:45 / event 4-9</u> |
| Type of Event: <u>Live Music Festival</u> | # Attendees: <u>1000</u> <u>Cleanup 9-10</u> |

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

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> Hartwell Park | <input checked="" type="checkbox"/> Hartwell Park Stage | <input type="checkbox"/> Athletic Park |
| <input type="checkbox"/> Cottonwood Park | <input type="checkbox"/> Dennis Weaver Memorial Park | <input type="checkbox"/> Concession Area (Athletic Park) |
| <input type="checkbox"/> Rollans Park | <input checked="" type="checkbox"/> Right-of-Way (specify below) | <input type="checkbox"/> Community Center |
| <input type="checkbox"/> Other (specify): | | |

For use of Rights-of-Ways (streets, alleys, sidewalks) specify the exact location(s):

We Request to close streets as follows:

Clinton from Laura to just before Lena with crossing guards at
Cora from the alleyway next to Rocky Mtn Jewelry to Frederick
Charles St. from Cora to Lena

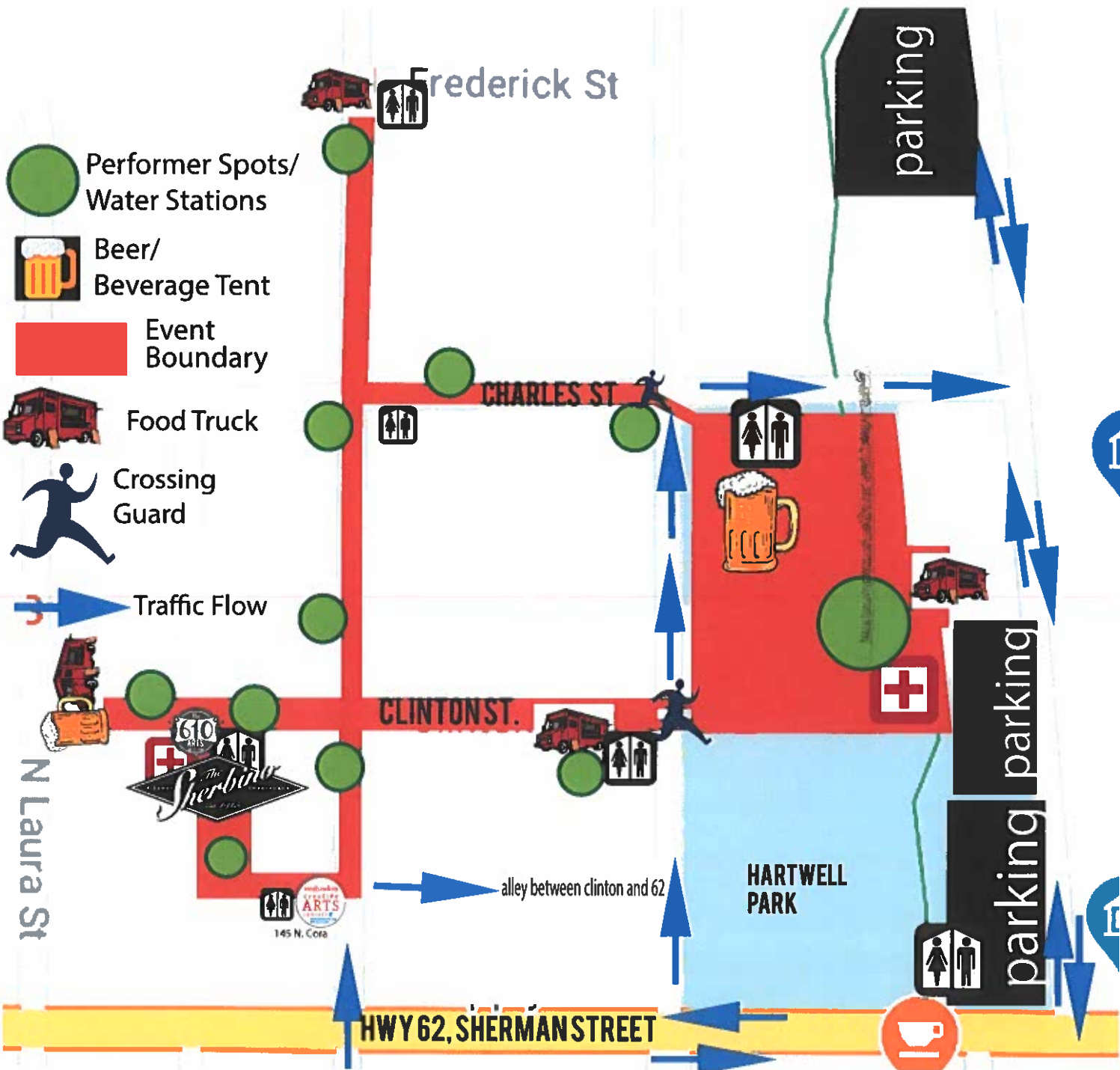
Describe in detail the proposed use and activity for the park, facility and/or right-of-way:

fete de la musique is a day to celebrate community, music
& Summer! Live music is offered by local & Regional musicians
from all ~~over Ridgway~~ genres all over Ridgway. Beverage stations, Food
trucks, FREE to attend.

Event Type (check all that apply):

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

(Food & Drink)





Application for Special Event Permit

| | | | |
|------------------|--------------------------|-----------------|----------------|
| Applicant Name: | Webbawken Creative Arts | Contact Person: | Trisha Galland |
| Applicant Phone: | 970-318-0150 | Contact Phone: | same |
| Applicant Email: | trisha@webbawkenarts.org | Event Date: | 10-7-23 |
| Event Name: | Ridgway 1K | Event Time: | 12:30 - 2:30 |
| Type of Event: | fun run/walk | # Attendees: | 175 |

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

| | | |
|---|--|--|
| <input checked="" type="checkbox"/> Hartwell Park | <input checked="" type="checkbox"/> Hartwell Park Stage | <input type="checkbox"/> Athletic Park |
| <input type="checkbox"/> Cottonwood Park | <input type="checkbox"/> Dennis Weaver Memorial Park | <input type="checkbox"/> Concession Area (Athletic Park) |
| <input type="checkbox"/> Rollans Park | <input checked="" type="checkbox"/> Right-of-Way (specify below) | <input type="checkbox"/> Community Center |
| <input type="checkbox"/> Other (specify): | | |

For use of Rights-of-Ways (streets, alleys, sidewalks) specify the exact location(s):

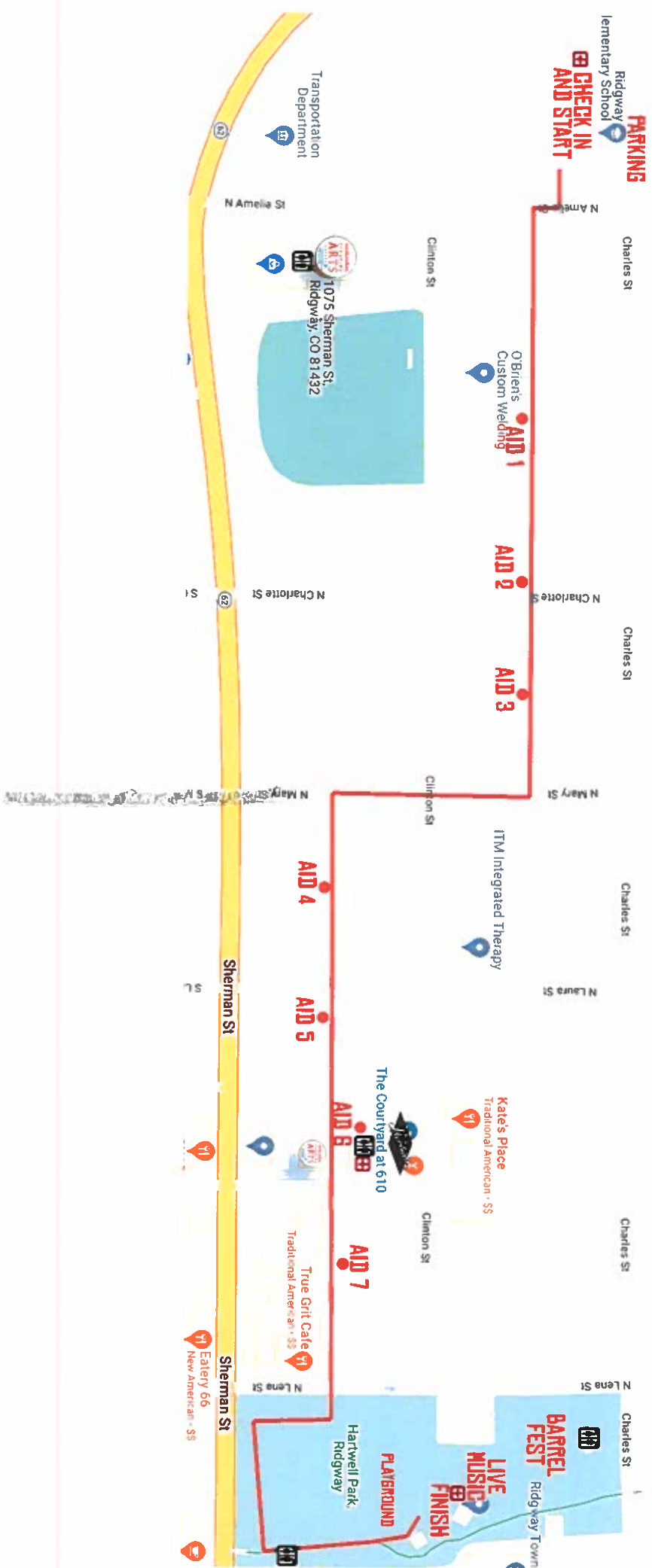
Begin at RES parking lot, cross Amelia, down alley between Charles & Clinton to Mary St. - go south on Mary thru intersection to alley between Clinton & Sherman, continue down alley to Lena, use Lena St crosswalk to go to park

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

One hour fun run/walk

Event Type (check all that apply):

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



AGENDA ITEM #5



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: March 2, 2023
Agenda Topic: **Emergency Ordinance No. 01-2023 Extending a Temporary Moratorium on the Acceptance of Applications of Minor Subdivisions, Lot Splits, Replats, Plat Amendments, Multisite Developments, Planned Unit Developments, and Rezoning Applications; and Declaring an Emergency**

ACTION BEFORE COUNCIL:

Council is asked to review and adopt *Emergency Ordinance No. 01-2023 Extending a Temporary Moratorium on the Acceptance of Applications of Minor Subdivisions, Lot Splits, Replats, Plat Amendments, Multisite Developments, Planned Unit Developments, and Rezoning Applications; and Declaring an Emergency.*

BACKGROUND:

In July of 2022, Town staff expressed concerns to Council about the overwhelming and unprecedented number of development applications the Town had in the review queue, which was placing a strain on the resources of Town staff. As a result, and on August 10, 2022, the Town Council adopted Emergency Ordinance No. 01-2022, which imposed a temporary moratorium on the acceptance of applications for minor subdivisions, lot splits, replats, plat amendments, multisite developments, planned unit developments, and rezoning applications, and declared an emergency.

Since the temporary moratorium went into effect, Town staff and consultants, have been diligently pursuing the steps necessary to update the Town's Zoning and Subdivision regulations (i.e., RMC Chapter 7) in ways that would address the concerns expressed last summer, as well as the issues that led to the adoption of the temporary moratorium. In a project kick-off meeting held on September 22, 2022 with the Planning Commission, Town staff and consultants presented their preferred approach to providing updates to RMC Chapter 7 "Planning and Zoning" and sought input from Planning Commissioners. The primary objectives of updating the Town's Zoning and Subdivision Regulations were identified as follows:

- Clarify the zoning and subdivision review process.
- Remove contradictions and duplication between Code sections.
- Create a system that can easily be updated to adapt to changing trends and needs.

To reach these objectives, the Town's planning consulting firm, CPS, provided a scope of work that included:

- Update land use application submittal, review, and approval procedures.
- Evaluate ancillary sections of the RMC to ensure there are no contradictions.
- Draft updates to RMC Chapter 7 addressing the three objectives.
- Provide the Town with a graphics illustrating the application process.
- Develop internal guidelines for staff to use to process applications.
- Identify standards and best practices for the Planning Commission and Town Council to consider addressing in the future.



Below is a list of all meetings and discussions that have been held to advance the updates to RMC Chapter 7:

| | |
|--|--------------------|
| Project Kick-Off with PC | September 22, 2022 |
| Ridgway Development Review Team Meeting | November 4, 2022 |
| Update to PC | November 29, 2022 |
| Ridgway Development Review Team Meeting | December 8, 2022 |
| Scenarios Workshop with PC and Development Community | January 10, 2023 |
| Project Check-In Meeting with Town Manager | January 27, 2023 |
| Updated Draft Revisions presented to PC | January 31, 2023 |
| All Sections within Chapter 7 provided to PC | February 28, 2023 |

Emergency Ordinance No. 01-2022 states that the temporary moratorium “shall automatically terminate upon the adoption of an updated RMC Chapter 7 of the Town of Ridgway Municipal Code, or March 31, 2023, unless terminated earlier by the Town Council or extended in its duration by enactment of another Ordinance by the Town Council.” Given that more work is needed to advance the proposed updates to RMC Chapter 7 through the required adoption process and to accomplish the goals set forth in Emergency Ordinance No. 01-2022, staff recommends that Council adopt a four month extension of the moratorium. The proposed new termination date is July 31, 2023. This extension would accommodate the following schedule that staff is proposing to finalize the updates to RMC Chapter 7:

| | |
|---|----------------|
| Development Review Process Overview presented to PC | March 28, 2023 |
| Chapter 7 Updates presented to TC in Work Session | April 12, 2023 |
| Ordinance presented to PC for Recommendation to TC | April 25, 2023 |
| First Reading/Introduction of Ordinance to TC | May 10, 2023 |
| Second Reading/Public Hearing of Ordinance to TC | June 14, 2023 |
| Public Meeting with Development Community to present Proposed Updates to Chapter 7 and Overview of Development Review Process | TBD |
| Effective Date of Ordinance/Code Changes | July 14, 2023 |

RECOMMENDED MOTION:

“I move to adopt Emergency Ordinance No. 01-2023 Extending a Temporary Moratorium on the Acceptance of Applications of Minor Subdivisions, Lot Splits, Replats, Plat Amendments, Multisite Developments, Planned Unit Developments, and Rezoning Applications; and Declaring an Emergency.”

ATTACHMENT:

Emergency Ordinance No. 01-2023

**TOWN OF RIDGWAY, COLORADO
EMERGENCY ORDINANCE NO. 01-2023**

**AN EMERGENCY ORDINANCE OF THE TOWN OF
RIDGWAY, COLORADO EXTENDING A TEMPORARY
MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS
FOR MINOR SUBDIVISIONS, LOT SPLITS, REPLATS, PLAT
AMENDMENTS, MULTISITE DEVELOPMENTS, PLANNED
UNIT DEVELOPMENTS, REZONING APPLICATIONS; AND
DECLARING AN EMERGENCY**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter; and

WHEREAS, Article 3-8 of the Ridgway Charter allows for the adoption of an emergency ordinance when the Town Council determines that the ordinance is necessary to the immediate preservation of the public peace, health and safety and includes such a declaration within the ordinance and is adopted by the affirmative vote of six members of the Town Council; and

WHEREAS, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule and police powers of the Town, the Town Council has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health and welfare of the Town, promote the prosperity, order, comfort, and convenience of its inhabitants; and

WHEREAS, on August 10, 2022, the Town Council adopted Emergency Ordinance No. 01-2022, which imposed a temporary moratorium on the acceptance of applications for minor subdivisions, lot splits, replats, plat amendments, multisite developments, planned unit developments, rezoning applications; and, declaring an emergency; and

WHEREAS, Section 2 of Emergency Ordinance No. 01-2022 states that the temporary moratorium “shall automatically terminate upon the adoption of an updated Chapter 7 of the Town of Ridgway Municipal Code, or March 31, 2023, unless terminated earlier by the Town Council or extended in its duration by enactment of another Ordinance by the Town Council”; and

WHEREAS, since the adoption of Emergency Ordinance No. 01-2022, the Town Council, Planning Commission, Town staff, and Town consultants, have been duly and efficiently pursuing the steps necessary to update the Town’s Zoning and Subdivision regulations in an effort to address the concerns expressed in Emergency Ordinance No. 01-2022, and the issues that led to the adoption of such moratorium; and

WHEREAS, the Town Council believes and finds that all of the issues, concerns, and reasoning set forth in Emergency Ordinance No. 01-2022 that were the basis of the moratorium are still applicable, and incorporates herein by this reference the findings set forth in Emergency Ordinance No. 01-2022, and further finds that in order to complete the work necessary to accomplish the goals set forth in Emergency Ordinance No. 01-2022, a brief extension of the moratorium is necessary for the health, peace, safety, and general wellbeing of the residents and visitors of Ridgway.

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

Section 1. Pursuant to Section 2 of Emergency Ordinance No. 01-2022, said Ordinance and the moratorium established in said ordinance is hereby extended for a period of four months and, therefore, Emergency Ordinance No. 01-2022, shall terminate on July 31, 2023.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AS AN EMERGENCY on March 8, 2023, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

John Clark, Mayor

Pam Kraft, Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

AGENDA ITEM #6

**TOWN OF RIDGWAY, COLORADO
EMERGENCY ORDINANCE NO. 02-2023**

**AN EMERGENCY ORDINANCE OF THE TOWN OF
RIDGWAY, COLORADO EXTENDING THE EXPIRATION
DATE OF THE SAN MIGUEL POWER ASSOCIATION, INC.
FRANCHISE, AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town's Home Rule Charter; and

WHEREAS, Article 3-8 of the Ridgway Charter allows for the adoption of an emergency ordinance when the Town Council determines that the ordinance is necessary to the immediate preservation of the public peace, health and safety and includes such a declaration within the ordinance and is adopted by the affirmative vote of six members of the Town Council; and

WHEREAS, the existing San Miguel Power Association, Inc. (“SMPA”) Franchise Agreement granted by Ordinance No. 08-01 (the “Franchise Agreement”), expires on April 9, 2023; and

WHEREAS, although significant progress has been made on a renewal of the Franchise Agreement, the Parties believe that additional time is needed to address some specific provisions in a renewed Franchise Agreement; and

WHEREAS, the failure to have a legally binding Franchise Agreement regulating the use and occupancy of public streets and rights of way within the Town of Ridgway could adversely impact public property warranting an emergency ordinance to extend the terms of the existing Franchise Agreement;

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

Section 1.

The expiration date of the Franchise Agreement granted by Ordinance No. 08-01 is hereby extended to June 9, 2023, to allow time to negotiate and adopt a new franchise ordinance.

Section 2.

The Town Council hereby finds that this ordinance is necessary to the immediate preservation of the public property, health, peace and safety.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED AS
AN EMERGENCY** on March 8, 2023, at Ridgway Town Hall, located at 201 N. Railroad Street,
Ridgway, Colorado

TOWN OF RIDGWAY

ATTEST

By: _____
John Clark
Mayor

Pam Kraft
Town Clerk

APPROVED AS TO FORM:

Bo James Nerlin, Town Attorney

**ACCEPTANCE BY SAN MIGUEL POWER ASSOCIATION, INC. OF
ORDINANCE No. _____**

WHEREAS, the Town Council of the Town of Ridgway, Colorado, did on
_____, 2023, pass and approve Ordinance No. _____, a copy of which is
attached hereto.

NOW, THEREFORE, in consideration of the premises and in pursuance of the provisions
of said Ordinance, San Miguel Power Association, Inc. hereby accepts the terms and conditions of
said Ordinance.

IN WITNESS WHEREOF, San Miguel Power Association, Inc. has caused its corporate
name to be hereunto subscribed by the President of its Board of Directors as of
_____, 2023.

SAN MIGUEL POWER ASSOCIATION, INC.

ATTEST:

By: _____

Rube Fellicelli, President

Dave Alexander, Secretary

AGENDA ITEM #7



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: March 7, 2023
Agenda Topic: **Review and action on request from Alpine Homes-Ridgway, LLC regarding infrastructure work related to the Riverfront Village project**

ACTION BEFORE COUNCIL:

Council is asked to consider a request by the developer of the Riverfront Village project to deviate from Ridgway Municipal Code requirements.

BACKGROUND:

In January 2023, the developer of the Riverfront Village project submitted a request letter to Town staff concerning various elements of the infrastructure work related to the Riverfront Village project. That request letter is appended to this memo as Attachment A. Staff's response letter, which is attached to this memo at Attachment B, took the position that some of the items listed in the developer's request letter will need to be properly completed before a Final Plat application, accompanied by a Subdivision Improvements Agreement (SIA) guaranteeing construction of all other necessary improvements and as-builts, can be considered by the Town Council. In the last few days, the developer has submitted another request, appended to this memo as Attachment C, for the Town to allow for a Final Plat application to be submitted and considered by the Town Council prior to the required electricity improvements being completed. The development team is experiencing supply chain issues as it relates to the delivery of the transformers, which were ordered in July 2022. If Council were to approve the request, the required electricity improvements would need to be memorialized in the SIA. This would deviate from RMC Section 7-4-6(B)(1) as it states that, *"No final plat shall be approved or recorded until the subdivider has properly completed, and the Town has approved, the street base, lights and traffic control devices, and water, sewer, electricity, gas, telephone, and drainage system as adequate to serve each lot..."*

ATTACHMENTS:

Attachment A – Developer SIA Request dated January 20, 2023
Attachment B – Staff Response Letter dated February 8, 2023
Attachment C – Developer Request Email dated March 3, 2023



Preston Neill
201 North Railroad Street
Ridgway Colorado, 81432

20 January 2023

Preston,

In our recent meetings with the Town, we have been discussing the timing and status of the completion of certain elements of the site infrastructure work stated on Exhibit B/Development Agreement, which elements were generated from the Ridgway Town code and would be elements of the infrastructure work that would be installed as a pre-condition to the recordation of the Final Plat. We also understand that the code allows for an owner to propose and the Town to review and approve the use of Subdivision Improvement Agreement (SIA) that would be executed by the owner and the Town simultaneously with the final plat. The SIA would allow for the completion of certain of the site infrastructure work contemplated on Exhibit B/Development Agreement and the Ridgway code at a stipulated time after the plat recordation. The SIA would include the provision of a mutually agreeable security element (such as a bond) to insure the timely completion of those elements of the site infrastructure work after final plat recordation.

We are currently envisioning that a bulk of the Exhibit B/Development Agreement Site Infrastructure work would be completed on or about March 1, 2023, except for the items noted in this letter, which we would like to incorporate in an SIA. We would like to target that date for recording the plat and the SIA. That would also be the time that we would begin vertical construction of the project, assuming that the Town has issued a building permit for that work.

We are requesting that the Town authorize the Owner to use an SIA covering the remaining items noted below.

A copy of Exhibit B is attached. The following is a status update of the Exhibit B/Development Agreement Site Infrastructure:

Item 1 will be completed by March 1.

Item 2, 3 and 4 is generally completed, provided that underground utilities will be ongoing at approximately 90% complete as of the March 1st date. Material will be in the ground, but final testing and town/state inspections will be ongoing. At the end of January we hope to tie in the sewer and water lines. Then will be working on service lines in February.

Item 5. **Electricity, telephone and CATV.** *Transformers and conductors will not be installed due to supply chain timing. SMPA has received payment from Owner. All conduits will be in place for Telephone and CATV for 3rd party installation at the time buildings are dried in.*

Item 6. **Streets within and adjacent to the subdivision as necessary to provide access to each lot. Existing streets maintained by the Town for public use shall be improved by the subdivider to the extent necessary to provide access to abutting lots and to provide proper drainage, grade, and sidewalk grade. Streets shall be paved in circumstances where required by Town street specifications. Streets shall be dedicated to the Town.** *In the town preconstruction meeting it was agreed that paving would not need to be in place although the class 6 road base will be completed. FCI would like to install temporary roads consisting of aggregate base course for use during construction to be able to get equipment around the project and control dirt leaving the project. Final roadways to be completed following vertical construction.*

ATTACHMENT A

Item 7. **Street signs, stop signs, or similar traffic central devices.** *It is the contractor's practical concern for signage to be installed ahead of the vertical construction due to potential obstacles of construction activity and susceptibility to damage. We request a delay in the sequence of all signage installation.*

Item 8. **A storm drainage system.** *Storm drainage system will not be completed at this time. This project relies on sheet drainage across the site to drywells. Sheet drainage will not function correctly until the entire site is complete, including final grading, asphalt, grass, and drywell construction. FCI will leave construction storm water management BMPs in place until project is complete and will remain in compliance with the state stormwater regulations per the state stormwater permit.*

Item 9. **Street lights.** *All underground electrical and light posts would otherwise be completed for plat approval, but the installation of these items appear to the owner to be premature and could get damaged during the construction of buildings. We request a delay in the sequence of all fixture installation.*

Item 10. **Curb and gutter shall be provided along paved streets and where required by Town specifications. Concrete sidewalk shall be provided along all abutting streets except when the Planning Commission and Town Council determine that sidewalk is necessary on only one side of a local street because of the shortness of the street, unusual topographical factors or other circumstances which alleviate the need for such sidewalk. In those cases where the proper grade of the sidewalk cannot be determined, the Planning Commission and Town Council may authorize the execution and recording of an agreement on forms provided by the Town to join in an improvement district to install the sidewalk at such time as sidewalk construction becomes feasible instead of immediate construction.**

In pre-construction meeting with Town it was discussed whether this would be needed for plat approval. It is a practical concern that sidewalk and curb and gutter if installed this early will most likely be damaged during construction. These items typically are completed as the buildings are being completed along with final grading prior to landscaping. We request a delay in the sequence of all site concrete installation.

Item 11. **Public Trail.** **Public trail easements shall be provided and constructed as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time, and including the Uncompahgre RiverWay Trail. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway.**

Falling into the same category and concern as no. 10 above, it is a concern that completing the riverwalk prior to vertical construction is a concern for damage due to the construction of the adjacent structures. We request a delay in the sequence of the concrete river trail and retaining wall installation

If acceptable, we will work on an SIA, that would include a list of items to be completed, estimated completion times, estimated completion costs and proposed collateral.

This concludes our request.

Regards,

Jim Kehoe on behalf of Alpine Homes LLC, Ridgway CO



Exhibit B
(Schedule of Infrastructure Improvements)

1. Survey monuments.
2. A sewer collection system connected to the Town's sewage system shall be required and dedicated to the Town.
3. A domestic water distribution system connected to the Town's system and dedicated to the Town.
4. A fire prevention system.
5. Electricity, telephone and CATV.
6. Streets within and adjacent to the subdivision as necessary to provide access to each lot. Existing streets maintained by the Town for public use shall be improved by the subdivider to the extent necessary to provide access to abutting lots and to provide proper drainage, grade and sidewalk grade. Streets shall be paved in circumstances where required by Town street specifications. Streets shall be dedicated to the Town.
7. Street signs, stop signs or similar traffic control devices.
8. A storm drainage system.
9. Street lights.
10. Curb and gutter shall be provided along paved streets and where required by Town specifications. Concrete sidewalk shall be provided along all abutting streets except when the Planning Commission and Town Council determine that sidewalk is necessary on only one side of a local street because of the shortness of the street, unusual topographical factors or other circumstances which alleviate the need for such sidewalk. In those cases where the proper grade of the sidewalk cannot be determined, the Planning Commission and Town Council may authorize the execution and recording of an agreement on forms provided by the Town to join in an improvement district to install the sidewalk at such time as sidewalk construction becomes feasible instead of immediate construction.
11. Public trail easements shall be provided and constructed as described in the Town's Land Use Plan or Parks and Trails Map, as amended from time to time, and including the Uncompahgre RiverWay Trail. The Town may waive this requirement if the property at issue has existing trail easements dedicated to the Town of Ridgway.

ATTACHMENT B



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

February 8, 2023

Jim Kehoe
1521 Easy Rider Lane #102
Boulder, CO 80304

SENT VIA E-MAIL: jim@keostudioworks.com

RE: Riverfront Village Final Plat/SIA Request

Dear Jim,

I am writing in response to your request letter dated January 20, 2023, concerning various elements of the infrastructure work related to the Riverfront Village project. We appreciate the time you took to provide updates on the required improvements as identified in Section 7-4-6(A) of the Ridgway Municipal Code ("RMC"), and we're impressed to hear that the bulk of the required infrastructure work will be completed in March 2023.

Of the items listed in your request letter, which correspond to the improvements list in RMC 7-4-6(A), items 5, 7, 8 and 9 give our staff team pause. RMC Section 7-4-6(B)(1) is quite clear that, *"No final plat shall be approved or recorded until the subdivider has properly completed, and the Town has approved, the street base, **lights and traffic control devices**, and water, sewer, **electricity**, gas, telephone, and **drainage system** as adequate to serve each lot..."* This is a provision that the Town has always held all developments to as they have made their way through the Town's subdivision procedure. Staff does not support your requested deviations from RMC requirements in items 5, 7, 8 and 9. Staff takes the position that these items will need to be properly completed before a Final Plat application, accompanied by a Subdivision Improvements Agreement ("SIA") guaranteeing construction of all other necessary improvements and as-builts, can be considered by the Ridgway Town Council.

We recognize and appreciate the hard work your team has put forth to move the Riverfront Village project forward, and we are willing to consider an SIA that conforms to the Town Code. Town staff will continue to be available and attentive to your team as you navigate the remaining phases of the Town's subdivision procedure.

Sincerely,

Preston Neill
Ridgway Town Manager

ATTACHMENT C

From: Joel Cantor <joel@cantorpartners.com>
Sent: Friday, March 3, 2023 2:51 PM
To: Preston Neill <pneill@town.ridgway.co.us>
Cc: Matt Aupperle <maupperle@fciol.com>; Jonathan Morgan <jmorgan@fciol.com>; Jake Cantor <jake@cantorpartners.com>; Glenn Becker <glenn@cantorpartners.com>
Subject: Fwd: San Miguel Power Assn Check (attached)

Hi Preston:

FCI met with Western Gravel which has replaced their superintendent with a new person to move the project along quicker. It appears we will, pending the town's review, have all the items required for the preliminary plat completed in May. The only item holding us up is the transformers which we ordered back in July 2022 and paid in full \$287,000 (see attached check) to the utility which says they won't have them in until October or maybe later. We cannot just sit with a staffed-up trailer cost \$70k per month in general conditions while we wait for transformers that we paid for already. I am asking if you can waive this contingency as we already paid for them in full and waiting will damage the project and drive up dramatically the cost of the units or kill the project entirely. I understand that the town wants to ensure developers finish what they've promised, but this is not the case here. If you click on our website you can see we are not a small group and are not capital constrained. Bank of America has committed to funding the build once we go vertical and keeps asking when we are starting. I would gladly get you a letter from BofA showing they committed to fund this project. Funding isn't the issue, it's the utility holding up the job for items we ordered early on, paid in full, and don't need the transformers as we frame-up the buildings.

Let me know what you need from us to get this squared away.

Have a nice weekend.

Joel

Joel A. Cantor
CEO | [Cantor Real Estate Funds LP](#)

AGENDA ITEM #8

AGENDA ITEM #9



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: March 2, 2023
Agenda Topic: **Review and action on Intergovernmental Agreement between Town of Ridgway and Ouray County concerning Noxious Weed Management and Control Services**

SUMMARY:

Council is asked to review and take action on the attached Intergovernmental Agreement (IGA) between Ouray County and Town of Ridgway concerning Noxious Weed Management and Control Services. The term of the IGA is the 2023 calendar year. If approved, the County would be retained by the Town to continue the services of conducting surveys of noxious weeds on all Town property, making recommendations as to appropriate treatment, and then conducting treatments including application of herbicide treatments as approved by the Town, in locations determined by both the Town and the County.

BACKGROUND:

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

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

In April 2022, the Town Council approved an IGA Concerning Noxious Weed Management and Control Services for the 2022 calendar year. It specified a similar scope of work and payment terms as the one attached to this staff report.

Staff met with Julie several times last summer to identify focus areas and agree upon herbicide application protocols for the identified areas. This included a meeting with members of the Uncompahgre Watershed Partnership to discuss weed infestations on Town property in close proximity to the Uncompahgre River. Staff intends to conduct similar meetings during the upcoming spring and summer months.

FINANCIAL IMPLICATIONS:

The attached Intergovernmental Agreement has been drafted with a not-to-exceed amount of \$3,000.00. This amount was budgeted for in the 2023 Annual Budget.



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

RECOMMENDED MOTION:

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

ATTACHMENT:

Intergovernmental Agreement

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

THIS INTERGOVERNMENTAL AGREEMENT, (the “IGA”) is made and entered into this ____ day of _____, 2023 (the “Effective Date”) by and between the **COUNTY OF OURAY, COLORADO**, acting by and through the Board of County Commissioners (the “County”); and **TOWN OF RIDGWAY, COLORADO** (the “TOWN”).

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

SECTION I DESCRIPTION OF WORK

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

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

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

The Town shall be responsible for providing proper public notice regarding the application of herbicide in the Town. Any appropriate physical posting on site should occur no less than two (2) days in advance, and may be provided by either the Town or the County. Representatives for the Town and County are:

Town:
Preston Neill, Town Manager, or designee
201 North Railroad Street

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

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

SECTION II PAYMENT

The County shall be compensated by Town at a rate of \$85.00 per hour for UTV, ATV or Truck use and for two technicians; and \$65.00 per hour for the County Representative's time spent on the annual survey work; plus the costs of all materials and herbicides, not to exceed a total of three thousand dollars (\$3,000.00) for services requested on public properties per year.

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

SECTION III TERM

This IGA shall be effective as of the Effective Date and shall terminate on December 30, 2023 unless otherwise extended by the mutual written agreement of the parties. Unless otherwise provided in any agreement to extend this IGA, all terms of this IGA shall continue to govern and control the relationship of the parties for the duration of any such extension. This Agreement may administratively renew for additional subsequent annual 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 on or before December 15 of each calendar year beginning in calendar year 2023. 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, and Town Manager may also submit an annual renewal to that Parties' governing body for approval.

SECTION IV TARGETED FLORA

County and Town agree that a survey will be performed by County when feasible in spring or early summer 2023 at which time targeted flora will be identified based on the State and County noxious weed lists.

SECTION V RELATIONSHIP OF PARTIES

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

SECTION VI LIABILITY

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

SECTION VII NON-ASSIGNABILITY

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

SECTION VIII EFFECT OF AGREEMENT

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

SECTION IX AMENDMENTS

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

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

SECTION X LICENSE

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

SECTION XI FORCE MAJEURE

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

SECTION XII PROPERTY OWNERS

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

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

BOARD OF OURAY COUNTY COMMISSIONERS

Jake Niece, BOCC Chair

ATTEST:

Harlan Thompson, Deputy Clerk of the Board

Town of Ridgway

By: _____
John Clark, Mayor

ATTEST:

Pam Kraft, Town Clerk

AGENDA ITEM #10



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: March 3, 2023
Agenda Topic: **Dedicated revenue source to address housing challenges**

INTRODUCTION:

The intent of this work session is for Council to continue discussing and evaluating strategies for a dedicated revenue source for affordable housing. Council has traditionally appropriated General Fund dollars in line item 535GOO to put toward affordable housing initiatives, but a dedicated stream is ideal for the long-term. The Town has had a long-standing goal, which is memorialized as Action COM-1e in the Town of Ridgway Master Plan, to evaluate mechanisms or strategies for a dedicated revenue source for affordable housing.

Council met in a Workshop on February 15th to discuss possible funding mechanisms and consider whether to place any ballot questions before the electorate. To check out the staff report from that workshop, which includes a list of potential revenue sources that range from targeted fees to broad taxes, click [HERE](#). The direction provided by Council on February 15th was as follows:

1. Research taxes in other communities that impact residential properties that are not being used as a primary residence or rental (i.e., second home tax or vacant home tax). This included looking into the efforts made by Crested Butte on their “community housing tax” proposal.
2. Look into revenue impact of a short-term rental tax at rates between 9% and 15%.
3. Look into revenue impact of an increased lodging tax at rates between 4% and 7%.
4. Further explore an Inclusionary Zoning Fee-in-Lieu that would allow developers looking to construct market-rate housing developments to either provide on-site affordable units or pay fees in lieu thereof.

SECOND HOME/VACANT HOME/SPECULATION TAX:

Crested Butte, CO

In 2021, the Town of Crested Butte issued a ballot question to voters regarding a \$2,500 “Community Housing Tax” on second homes not occupied at least six consecutive months a year along with undeveloped residential lots. It was proposed that the \$2,500 fee could be increased each year, via Town Council approval, based on the Consumer Price Index. The projected revenue from the Community Housing Tax was \$1,112,500. Voters rejected the proposal.



Avon, CO

In late 2019 and early 2020, the Avon Town Council held several discussions regarding an empty homes fee. The Town of Avon's Community Housing Plan, which was published in 2018, identifies that 45% of all dwelling units in Avon are not occupied by year-round residents. This was just one of several motivations for the discussion about imposing a vacancy tax. Ultimately, the discussion was tabled.

Staff was unable to locate any other communities in Colorado that have an existing second home/vacant home tax. Staff utilized a finance listserv and reached out to DOLA and CML to gather information on existing second home/vacant home taxes around the state, but no information was provided. CML and DOLA asked staff to contact them if anything was found.

Vancouver, BC

In Vancouver, British Columbia, homeowners are required to submit a declaration each year to determine if their property is subject to the City of Vancouver's Empty Home Tax. The Empty Home Tax, which was enacted in 2016, applies to residential units that aren't primary residences and aren't occupied at least six months out of the year. Properties deemed or declared empty in the 2022 reference year are subject to a tax of 3% of the property's 2022 assessed taxable value. The tax rate for the 2023 reference year is 5%.

Oakland, CA

In 2018, voters in Oakland, CA, approved a ballot measure enacting the Oakland Vacant Property Tax. The annual tax ranges from \$3,000 to \$6,000 on vacant property. A property is considered vacant if it is in use less than 50 days in a calendar year, and not subject to any of the specific exemptions. The special tax rates are shown below:

| Property Type | 2021 Special Tax Rate |
|---|-------------------------------------|
| Residential | \$6,000 per parcel |
| Condominium, duplex, or townhome unit under separate ownership | \$3,000 per vacant residential unit |
| Nonresidential | \$6,000 per parcel |
| Parcel with ground floor commercial activity allowed but vacant | \$3,000 per parcel |
| Undeveloped | \$6,000 per parcel |

The allowable exemptions for qualified owners and properties are:

- Very Low Income
- Financial Hardship
- Demonstrable Hardship Unrelated to Personal Finances
- Exceptional Specific Circumstances
- Active Construction



- Building Permit Application
- Low Income Senior
- Disabled Owner
- Non-profit Organization
- Substantially Complete Application for Planning

San Francisco, CA

In 2022, voters in San Francisco, CA, approved a ballot measure enacting a vacancy tax that will take effect on January 1, 2024. Property owners with at least three units that have been vacant for more than 182 days (six months) will be taxed between \$2,500 and \$5,000 per empty unit. Single-family homes are exempt from the vacancy tax, as are duplexes.

SHORT-TERM RENTAL TAX:

A short-term rental tax, if enacted, would require owners of properties that are short-term rented to remit the short-term rental tax amount, as well as the existing lodging tax amount. Based on looking at 2022 reported revenues, a short-term rental tax between 2% and 15% would generate the following amounts per year:

| Tax percentage | Projected annual revenue |
|----------------|--------------------------|
| 2% | \$15,189.55 |
| 3% | \$22,784.33 |
| 4% | \$30,379.11 |
| 5% | \$37,973.89 |
| 6% | \$45,568.66 |
| 7% | \$53,163.44 |
| 8% | \$60,758.22 |
| 9% | \$68,353.00 |
| 10% | \$75,947.77 |
| 11% | \$83,542.55 |
| 12% | \$91,137.33 |
| 13% | \$98,732.11 |
| 14% | \$106,326.88 |
| 15% | \$113,921.66 |

LODGING TAX:

In November 2015, the Ridgway electorate approved a ballot question changing the Town's Lodging Tax rate from \$2 per room per night to 3.5 percent per room per night. In addition, voters agreed that "up to 70% of the proceeds of the Lodging Tax be used for tourism promotion and economic development and the remainder be used for expenses attributable to tourism and growth."



If Council were to pursue asking voters to increase the Town's Lodging Tax rate, it would also be necessary to ask voters to approve modifying how the proceeds are earmarked. For example, 70% of the proceeds could remain going toward tourism promotion and economic development while the remaining 30% could be used for affordable housing/to address housing challenges. Based on the above example, and in looking at 2022 reported revenues, a Lodging Tax increase between 4% and 7% would generate the following amounts per year:

| Tax percentage | Projected annual revenue | 70% (tourism promotion) | 30% (affordable housing) |
|----------------|--------------------------|-------------------------|--------------------------|
| 4% | \$168,524.41 | \$117,967.09 | \$50,557.32 |
| 5% | \$210,655.51 | \$147,458.86 | \$63,196.65 |
| 6% | \$252,786.61 | \$176,950.63 | \$75,835.98 |
| 7% | \$294,917.71 | \$206,442.40 | \$88,475.31 |

INCLUSIONARY ZONING FEE-IN-LIEU:

Inclusionary zoning or inclusionary housing ordinances are requirements to include income-restricted housing in new developments. The Town does not currently have any inclusionary zoning components within the Ridgway Municipal Code. However, it has been a policy for many years now that a minimum of 10% of housing units shall be deed restricted. Most inclusionary zoning or inclusionary housing ordinances allow developers to pay a fee-in lieu of construction of the affordable (income restricted) units and fee revenues are typically dedicated to an affordable housing trust fund.

Each jurisdiction must determine how to set their fee level. There are several common approaches, but no single right formula. A key factor that shapes the decision about which formula to use is whether a jurisdiction wants to encourage on-site performance or collect the revenue to leverage other sources of funding and to build funds to do things like construct affordable units off site. The higher the fee, the higher the chance that developers will choose to build units on site.

As mentioned above, there are a variety of approaches or methods for calculating the in-lieu fee. One method, known as the "affordability gap method", bases the in-lieu fee on the typical difference in price, or rent, between market rate and affordable units. For example, if a typical market rate home sold for \$400,000 and the affordable price was \$300,000, the fee would be \$100,000. Another method, known as the "production costs method", bases the in-lieu fee on the average amount that the public has historically invested to produce each additional off-site affordable unit. For example, if it generally cost \$300,000 to build a new unit and qualified low-income buyers could generally afford \$250,000, then the fee would be \$50,000.

Town staff and consultants are continuing to advance the proposed updates to RMC Chapter 7. Though it won't be codified with bulk of the RMC Chapter 7 updates, a section on affordable housing with inclusionary zoning and incentive components has been proposed and evaluated by the



Planning Commission. It will be prioritized for further review and consideration once the process for updating the Town's zoning and subdivision concludes this summer. Therefore, staff recommends that Council provide direction to further evaluate and propose a fee-in-lieu as part of the process to modify and propose the new affordable housing and inclusionary zoning regulations.

DIRECTION REQUESTED:

Staff is requesting direction from Council on how to proceed with this initiative.

AGENDA ITEM #11



March 8, 2023

Senator Michael Bennet
Cesar E. Chavez Memorial Building
1244 Speer Boulevard
Denver, CO 80204

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

Dear Senator Bennet,

On behalf of the Ridgway Town Council, I am writing to express our support of the Ridgway Childcare Facility and Affordable Rentals Project at 660 Sherman Street, Ridgway, Colorado 81432 proposed by the Home Trust of Ouray County. Specifically, we ask that your office grant the Home Trust's Congressionally Directed Spending Request of \$1,197,525 for conceptual design, tap fees, and repayment of the DOLA Operation Turnkey acquisition loan so that the Home Trust can bring this much needed project to fruition.

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

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

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

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

Sincerely,

Mayor John Clark
On behalf of the Ridgway Town Council



March 8, 2023

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

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

Dear Senator Hickenlooper,

On behalf of the Ridgway Town Council, I am writing to express our support of the Ridgway Childcare Facility and Affordable Rentals Project at 660 Sherman Street, Ridgway, Colorado 81432 proposed by the Home Trust of Ouray County. Specifically, we ask that your office grant the Home Trust's Congressionally Directed Spending Request of \$1,197,525 for conceptual design, tap fees, and repayment of the DOLA Operation Turnkey acquisition loan so that the Home Trust can bring this much needed project to fruition.

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

Sincerely,

Mayor John Clark
On Behalf of the Ridgway Town Council

AGENDA ITEM #12



March 8, 2023

Microgrids for Community Resilience Planning Grant Program
Colorado Department of Local Affairs
1313 Sherman Street, Room 521
Denver, CO 80203

To Whom it may Concern,

On behalf of the Ridgway Town Council, I am writing to express the Town of Ridgway's support of San Miguel Power Association (SMPA) and their efforts to apply for Microgrids for Community Resilience funding. We have been appraised of and have reviewed the objectives of this application and wish to partner in exploring the potential for one or more Community Solar Microgrids for Resilience that could be located on Town of Ridgway property.

The Town of Ridgway, Colorado, is located in Ouray County in the foothills of the San Juan Mountains at an elevation of 6,985 ft. We are a remote and rural community with a population of approximately 1,200 residents. The Town contains a number of key anchor institutions such as our Fire Department, Town Marshal's Office, Town Administration and Public Service buildings, Water and Sewer Treatment Facilities, local Medical Clinic, and Elementary and Secondary Schools, along with dozens of stores and restaurants. We are also home to one of SMPA's headquarter offices.

Sustainability and resiliency are key goals identified in the Town of Ridgway Master Plan. The Town has established a number of strategic objectives related to the reduction of locally produced greenhouse gasses through increasing use of renewable energy and emerging technologies and practices. The Town of Ridgway will greatly benefit from both the power delivery resiliency and the locally produced solar energy afforded by the implementation of a Town-sited microgrid system. We expect the planning grant, if awarded, will allow us to further pursue the appropriate locations for a solar array and storage/microgrid controls, and allow us to work through other feasibility issues concerning system development, land leasing, and equitable distribution of the renewable solar energy, with some portion dedicated to our Low to Moderate Income constituents.

We greatly appreciate your consideration of SMPA's application for the planning grant on behalf of the Town of Ridgway.

Sincerely,

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



COLORADO
Department of Local Affairs
Division of Local Government

MICROGRIDS FOR COMMUNITY RESILIENCE (MCR) GRANT PROGRAM

Town of Ridgway

Microgrid for Community Resilience



SMPA partnered with San Miguel County to help them implement Microgrids for “Mission Critical” Load Resiliency

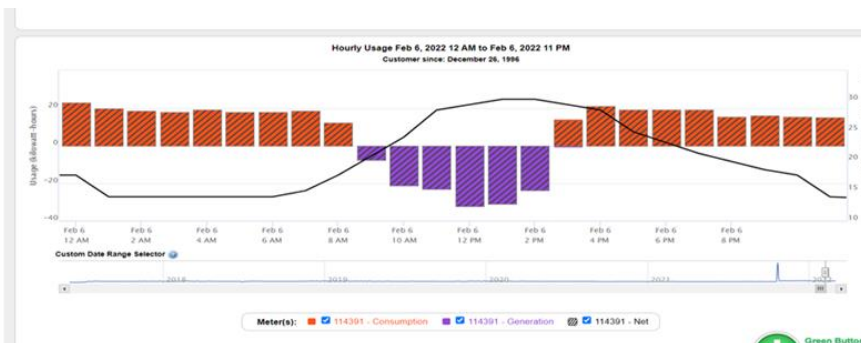


SMPA assisted SMC in 2020 in applying for a Department of Local Affairs (DOLA) \$1.1M grant that included two Solar PV / Energy Storage Microgrid Systems for two different Sheriff Office locations



The **Microgrids** included:

- Battery systems designed to provide redundant backup power to “Mission Critical” loads in case of building generator failures or fuel supply issues
- Solar systems that produce > 50% of the building annual electric use - lowering bills through Net Metering
- Batteries can be recharged by solar for extended outage coverage during longer duration natural disasters, etc.



“ Mission Critical Loads”

Emergency Operations Center (EOC) and Training Center

- Dayroom Lighting / plug outlets
- Control Room with Fire and Police Dispatch
- IT server / radio rooms
- *Protective Custody / locks*



Colorado State DOLA Grant Funding Opportunity

Microgrids for Community Resilience

Funding under HB22-1013



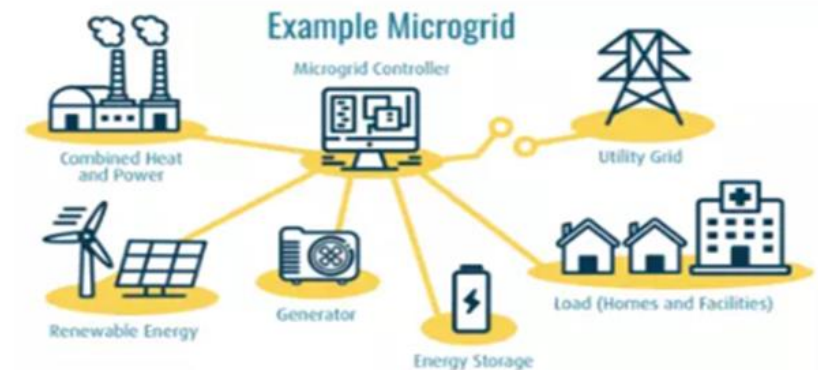
SMIPA presented the success of the SMC microgrids in support of Colorado State House Bill 22-1013.

The Bill provides funding for new microgrid development targeting Rural Communities.

Only Electric Cooperative Associations and Municipally-owned Utilities and their Community Partners are eligible to apply.

Program Summary

The Microgrids for Community Resilience (MCR) grant program is designed to build community resilience regarding electric grid disruptions through the development of microgrids. A microgrid is defined as a group of interconnected electric loads and distributed energy resources with clearly defined electrical boundaries that can function as a single, controllable entity with respect to the electric grid. Therefore, a microgrid can be connected to or disconnected from the electric grid to enable it to operate either in “grid-connected mode” or in “island mode”.

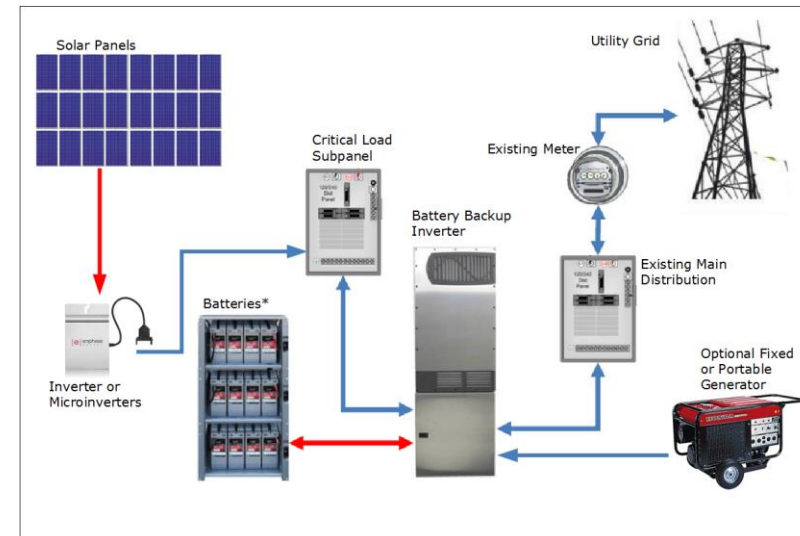


Resiliency and Microgrids



Microgrids include multiple power generating sources with local energy storage that can “island from the grid” during a power outage.

A Microgrid can be used to support individual buildings, residences, critical circuits within a facility, and even whole communities.



Example of a critical load microgrid for home or commercial buildings

What Funding is available through this DOLA MCR Grant Program ?

- There are two MCR Grant opportunities that SMPA can apply for (the submitting entity) in partnership with our Community Member Partners (that is you reading this) .
- The largest of the two is a Construction Grant, which provides significant funding for the implementation of the microgrid hardware.

Year 1 funding applications for implementation/construction grants are expected to open in Spring 2023 and remain open for three months. Grants will be available on the DOLA Grants Portal. Any unused funding will roll over into Year 2

- Total appropriated: \$1,295,261 from CO + \$ 4-5 M from Federal Block Grants
- Applications should not exceed the following maximum awards: \$1,005,000 / per project
- There is a 33% match requirement (this is the amount provided to implement the microgrid and provided by each SMPA partner). *A future budget consideration.*
- It appears that other Federal, State and private funding (e.g., the Direct Pay former ITC = 30% of project cost) may be considered as part of that match requirement.

What makes a microgrid project eligible for this Grant

- Must be designated as a Rural Community – all our communities qualify ✓
- Must experience significant risk due to at least one of the following:
 1. Extreme weather / climate threats and vulnerabilities ✓
 2. Socioeconomic/environmental justice risk and vulnerabilities ?
 3. Infrastructure risk and vulnerabilities ?
- Proposed microgrid must center around strengthening resilience to Community-based anchor institutions and/or essential community infrastructure:
 - **Schools**, libraries, hospitals or **health care facilities**, **law enforcement**, **emergency medical service providers**, public safety agencies, **government offices**, community organizations that support marginalized communities, other critical community service facilities.
- Proposed projects that have higher reliance on non-fossil-fuel-based generation will be prioritized (microgrid should include a solar system...)



What size or scale microgrid can be considered?

- Large whole community backup power such as we are looking at for the Town's of Rico and Ophir and Ridgway
- Whole building microgrid- power systems that can provide backup to an entire facility. Usually, a generator is best suited to do this as it would require a very large battery / solar system, however, project(s)/plans that have a higher reliance *on non-fossil-fuel-based generation will be prioritized.*
- Microgrid as backup for a Resilience Hub or Emergency Shelter - *such as being planned for Space to Create*
- Most applicable to many of our anchor institutions would be a microgrid that powers only the “mission critical” electric circuits within a facility. This is often used in conjunction with or in support of an existing generator. *The microgrids for the SMC Sheriff offices as an example.*

The Planning Grant is the first opportunity step

Funding

- The following reflects only HB22-1013 funding that is appropriated for Year 1¹ (awards made in CY 2023). Any unused funding will roll over into Year 2.
 - \$399,000 is appropriated for this cycle.
- Applications should not exceed the maximum award of \$36,000.
 - At least 25% local match is required
 - In kind contributions are not eligible as match for planning grants
- Project funding must be spent and closed out ahead of the HB22-1013 program's expiration by June 30th, 2026.
- DOLA will provide an award or denial letter in May 2023.

The Planning Grant is the first opportunity step

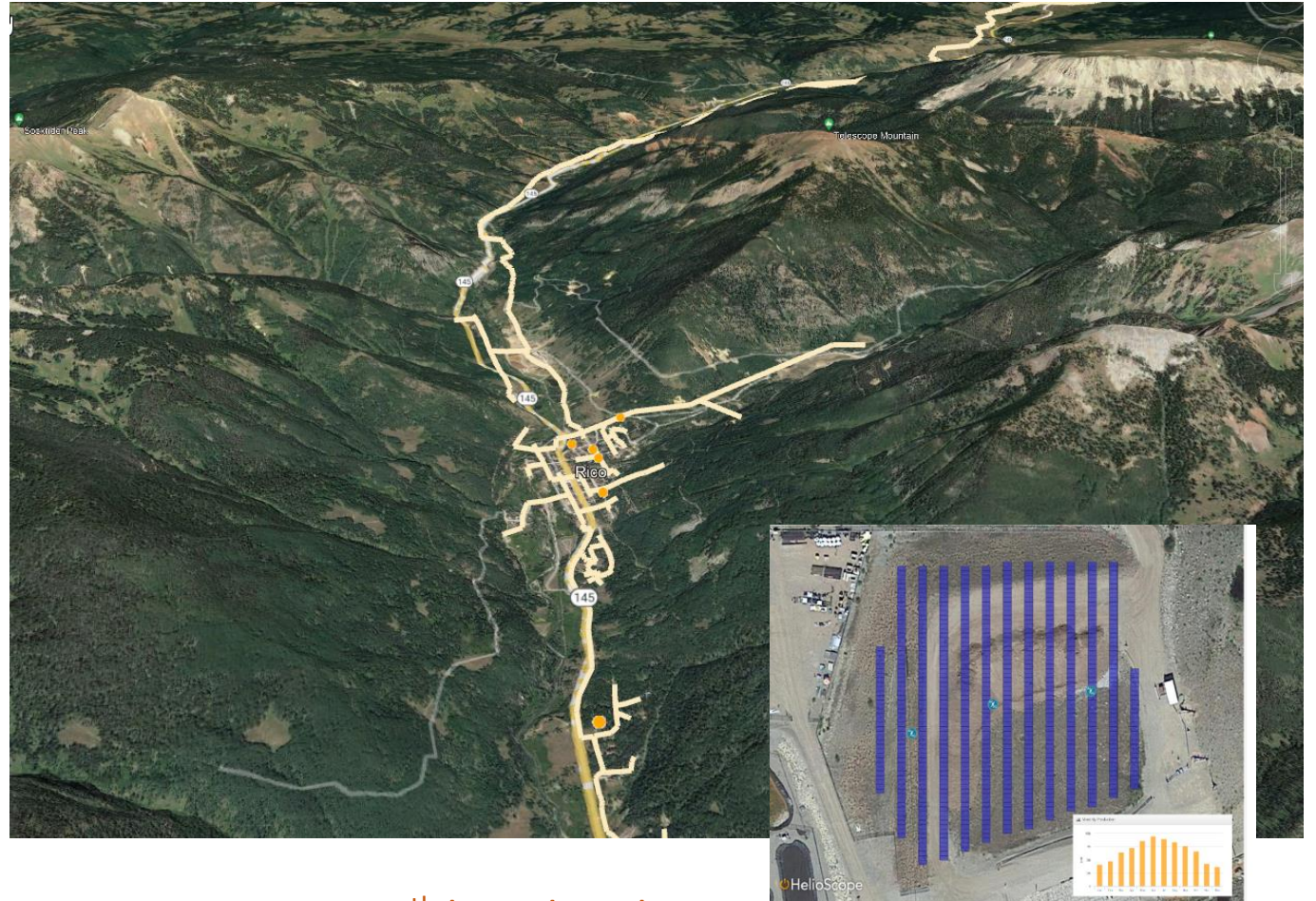
- This round of Planning Grant Funding requires a hard cost match up to **\$9,000**.
- SMPA has budgeted this amount to match for the planning grants for four specific projects that have been identified as close to “shovel ready”. SMPA will develop, fund, and own these projects should the planning process prove them feasible.
 - 1. Microgrid for Resiliency for the Town of Rico – Extreme Weather / Fire mitigation/ Anchor Institutions**
 - Community Solar with minimum 4-hr battery back up for average Town peak load
 - 2. Microgrid for Resiliency for the Town of Ophir- Extreme weather / Avalanche prone**
 - Community Solar with minimum 6-hr battery back up for average Town peak load
 - 3. Microgrid for Resiliency for Community Solar Gardens located in Ridgway – Extreme Weather/ Anchor Institutions / LMI (Income Qualified participation)**
 - Community Solar with minimum 4-hr battery back up for average load at point of interconnect
 - 4. Small microgrid systems for “mission critical communication loads” for the two SMPA offices**
 - Solar system and batteries at each location intended to provide redundant backup in case of generator failure or fuel supply loss

Planning Grant for the Town of Rico Microgrid for Resiliency

Rico is at the end of an SMPA radial feeder. This means power is delivered from only one direction

Example System Characteristics

- 4-hour battery bank = approximately 1.2 MWh
- 300 kW Solar system will provide 1.2 MWh of daily battery recharge
- Double battery bank – 2.4 MWh can provide 2x battery back up to Rico loads
- Discharge daily solar of 1.2 MWh at night and generate significant Demand Charge savings from Tri-State. Savings help reduce SMPA operating costs helping to fund the increased Resiliency - Backup solution no longer just an expense
- Solar plus larger battery now provides double or more backup coverage to Rico while buying down the cost of the battery-only backup resiliency solution



Last outage on Jan 18th lasted 3.5 hrs

Planning Grant for the Town of Ophir Microgrid for Resiliency

Ophir – like Rico is at the end of an SMPA radial feeder. No other line feeds the Town

Example System Characteristics

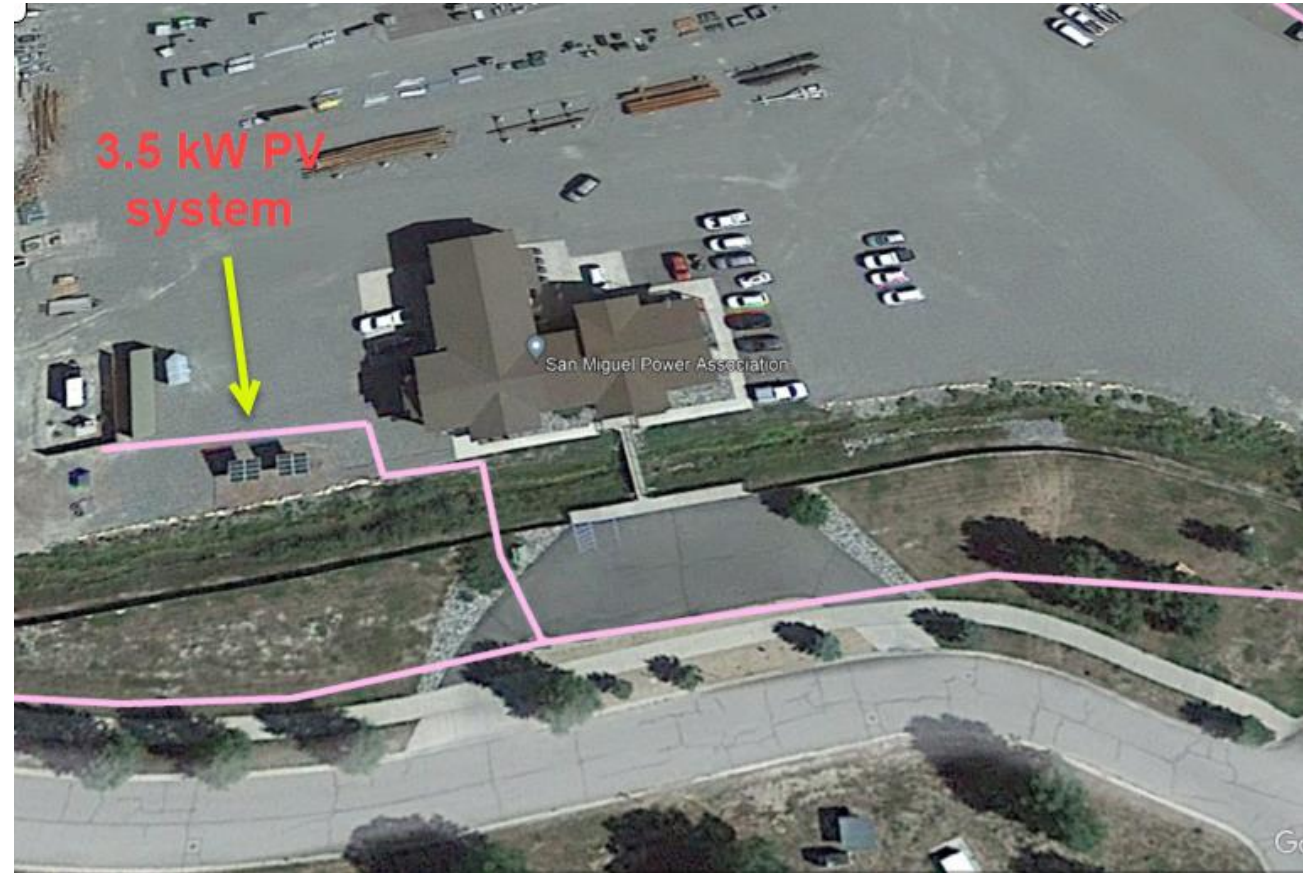
- 4-hour battery bank = approximately 1.2 MWh
- 200 kW Solar system will provide 800 KWh of daily battery recharge
- Double battery bank – 1.6 MWh can provide 2x battery back up to Ophir loads
- Discharge daily solar of 800 kWh at night and generate significant Demand Charge savings from Tri-State. Savings help reduce SMPA operating costs helping to fund the increased Resiliency - Backup solution no longer just an expense
- Solar plus larger battery now provides double or more backup coverage to Ophir while buying down the cost of the battery-only backup resiliency solution



Last outage on Jan 18th lasted 3.5 hrs due to an avalanche

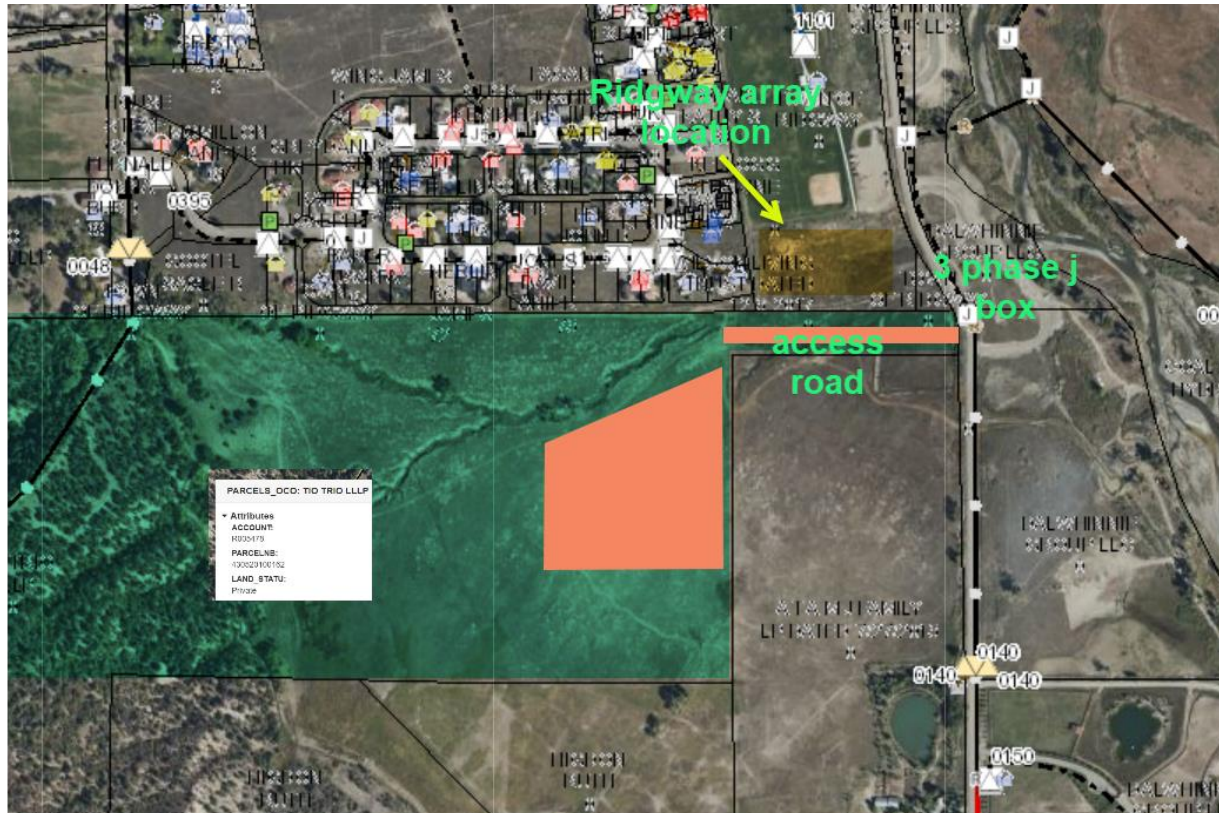
Planning Grant for the SMPA Critical Communication Resiliency

- Exploring 2 potential microgrids to provide redundant back up to our facility generators
- 4-8- hour + battery bank for resiliency to ensure power to our critical communications for 14,000 members:
 - IT server room- internet outreach
 - Phone systems- call in capability to report outages
 - Radio Communications – dispatch to our services linemen crews
- Interface with existing solar system in Ridgway, explore new solar carport system for Nucla Office
- Double battery bank –2x for solar peak shifting
- Microgrid laboratory to explore features and rate implications (like TOU)
- *Similar to microgrids for the SMC Sheriff offices*



Planning Grant for the Town of Ridgway Microgrid for Resiliency

Exploring 3 potential sites (two options on Town owned property and one privately held parcel) for Solar Garden Microgrids to serve the Ridgway community with a portion dedicated **to LMI** households



Two possible locations on Town of Ridgway owned property

Possible System Characteristics

- 4- hour + battery bank to provide backup power for community circuits at point of interconnect. Double battery bank –2x for solar peak shifting
- Solar array output can be secured for **Ridgway residents** who participate in **Totally Green Program**. Possible use for future Net Zero for new construction offset



➡ South Soccer Field Site

- 345 kW PV/ 2 MWh storage
- Can power ~75 homes annually
- Backup circuits TBD

Green Street Park ➡

- 366 kW PV / 2 MWh Storage
- Can power ~75 homes annually
- Backup circuits TBD



Possible System Characteristics

- 4- hour + battery bank to provide backup power for community circuits at point of interconnect. Double battery bank –2x for solar peak shifting
- Solar array output can be secured for **all SMPA** residents who participate in Totally Green Program. Possible use for Net Zero for new construction offset



- 1000 kW (1 MW) PV
- 5 MWh storage
- Can power ~225 homes annually
- Backup circuits TBD
- Will require Ouray County Special Use Permit



Planning Grant for the Town of Ridgway Microgrid for Resiliency

Planning grant will cover basic feasibility study tasks including

- Site location down select (1 or both Town properties)
 - Storage sizing based on historic electric load
 - Solar array sizing based on battery sizing or larger
 - Permit exploration
 - Environmental issues
 - Utility interconnect issues/costs
 - Budgetary System costing
 - RFP drafting
 - No Town of Ridgway matching cost required
- ***What is needed for planning grant submission?***
 - letter of support for planning grant submission
 - ***What will be needed in the future to proceed with Construction Grant application?***
 - Town approval for one or both sites
 - Land lease agreement
 - Possible commitment to solar array output for exclusivity?



SMPA suggestions for next MCR funding rounds

SMPA encourages our Community Partners to identify possible future microgrid applications that they would own and plan to budget for matching funds for the next round of planning grant submissions – likely in **2024**.

1. Budget for possible planning grant – up to \$9k
2. Budget for possible 2024/2025 construction grant with 33% matching requirement

Types of Eligible Planning Projects

All applications must propose planning for microgrid resources that increase the community's resilience regarding interruptions to the electric grid that can be caused by severe weather or natural disaster events. Through this funding opportunity, applicants may pursue the following eligible activities.

Engineering, planning, pro forma, or feasibility/scoping studies that:

- Have an associated implementation/action plan, which creates a roadmap for utilities/communities
- Establish one or more community's potential for microgrid projects, including scale, size, and cost
- Evaluate existing infrastructure risks and vulnerability and develop recommendations to integrate resiliency into forthcoming microgrid-related projects
- Integrate and incorporate supplemental plans, such as:
 - Vulnerability assessments (socioeconomic, infrastructure, climate/extreme weather)

SMPA encourages our communities to explore a Resilience Hub?

Weathering Climate Disasters with Resilience Hubs

In the face of worsening extreme weather, cities are creating resilience hubs to provide communities with numerous health, economic, and environmental benefits.

Making Communities Safer

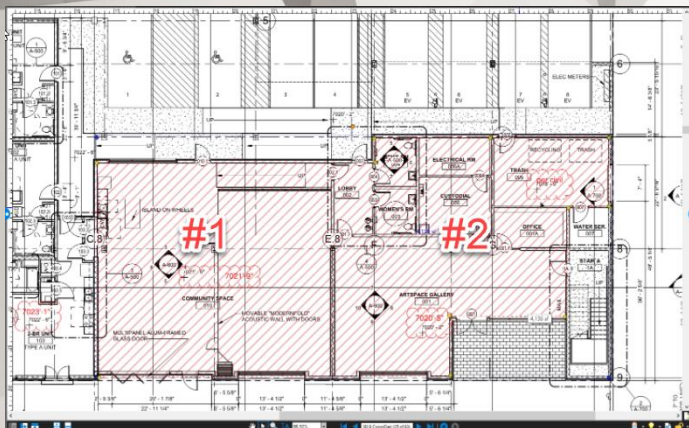
Cities are on the frontlines of many unique challenges in a world with more frequent and severe extreme weather and grid outages. Resilience hubs are one way for cities to tangibly protect all residents with community-focused solutions that support a safer, more sustainable, and more connected future. With these lessons and new federal funding opportunities, communities can proactively plan and deploy resilience hubs to protect their communities before the next disaster strikes.

https://rmi.org/weathering-climate-disasters-with-resilience-hubs/?utm_medium=email&utm_source=spark&utm_content=spark&utm_campaign=2022_10_27&utm_term=button

What Are Resilience Hubs and What Can They Do?

Resilience hubs are physical, community-serving facilities that support residents, distribute needed resources, reduce carbon pollution, and enhance quality of life. Resilience hubs offer local governments a powerful means of supporting vulnerable populations before, during, and after an extreme weather event or other disasters, while simultaneously empowering and shifting resources directly to those communities. Depending on the needs of the communities where hubs are located, they can support resilience across five foundational areas – ensuring reliable power, coordinating communication, providing dependable facilities, managing operations, and offering valuable services and programming.





Town of Ridgway

Resilience Hub at Space to Create

- Add solar and battery storage to the Space to Create **Ridgway Community Center**
- Would enable limited emergency power for extended power outages in the case of severe weather or other natural disasters – building residents could use too
- Building is prewired for this addition
- This type of solar/storage system is now commonly referred to as a Microgrid – and as such opens the door to **multiple** possible new Grant opportunity funding sources
- No planning grant funds necessary, will apply for construction grant and other Federal Grants

Pending microgrid for Telluride School District/Resilience Hub

The Telluride School district received a DOLA grant for \$750k to install solar and battery storage on two school building meters.

Funding was made available through HB21-1253 to local government proposed projects to support the development and construction of renewable and clean energy infrastructure in all areas of the state especially in communities in which renewable and clean energy infrastructure is sparse and with consideration to geographical diversity in these awards. This \$5 million Initiative supported infrastructure implementation projects in the renewable and clean energy field to help reach Colorado’s 2040 100% renewable energy goal.



376 kW - PV
250 kWh storage

HB21-1253 Renewable and Clean Energy Initiative Awards

| Grantee | Award | Match |
|-------------------------------|-------------|-------------|
| City of Fountain Green Power | \$1,350,000 | \$2,268,967 |
| Town of Lyons Solar Farm | \$1,000,000 | \$ 400,015 |
| Telluride R-1 School District | \$ 500,000 | \$1,943,889 |
| Craig Regional Solar Utility | \$ 450,000 | \$ 900,000 |
| Pitkin County Micro Grid | \$1,700,000 | \$1,270,000 |
| TOTAL | \$5,000,000 | \$6,782,871 |

This microgrid project includes solar for load offset and batteries for both resiliency and self-consumption/demand charge reduction. The project economics depends on the savings afforded by the batteries being able to shift delivery of the daytime solar and clip peak demand. The batteries then serve as back up for critical loads during a power outage. This system architecture is becoming quite common, and our policies enable the approach.

THANK YOU.



A Touchstone Energy[®] Cooperative 

AGENDA ITEM #13

RESOLUTION NO. 23-04

**RESOLUTION OF THE TOWN OF RIDGWAY, COLORADO
CANCELING THE APRIL REGULAR ELECTION**

WHEREAS, the only matter before the voters at the April 4, 2023 regular election is election of three Councilors; and

WHEREAS, there were three vacant seats for Councilors and three nomination petitions were received by the legal filing deadline of February 17, 2023; and

WHEREAS, regulations pertaining to cancellation of an election are provided for in CRS 31-10-507 and Subsection 4-1-2(A) of the Ridgway Municipal Code, which states 'if the only matter before the voters at any election is the election of persons to office and if, at the close of business on the 33rd day before the election, there are not more candidates than offices to be filed at such election, including candidates filing Affidavits of Intent, the Town Clerk shall cancel the election and by resolution declare the candidates elected'.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO that the Council hereby accepts the Town Clerks cancellation of the regular election slated for April 4, 2023 and acknowledges that the Clerk has published and posted notice of said cancellation, and deemed the candidates elected.

APPROVED AND ADOPTED this 8th day of March, 2023.

By: _____
John I. Clark, Mayor

ATTEST:

Pam Kraft, MMC, Town Clerk

AGENDA ITEM #14

AGENDA ITEM #15