

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 11, 2017

CALL TO ORDER

The Mayor called the meeting to order at 5:30 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. The Council was present in its entirety with Councilors Austin, Hawse, Hunter, Williams, Young, Mayor Pro Tem Johnson and Mayor Clark in attendance.

EXECUTIVE SESSION

The Town Attorney requested an executive session pursuant to CRS 24-6-402(b) and (e) for conference with the Town Attorney for the purpose of receiving legal advice and to discuss matters subject to negotiations.

ACTION:

It was moved by Councilor Hunter, seconded by Mayor Pro Tem Johnson and unanimously carried to enter into closed session.

The Council entered into executive session at 5:30 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 6:05 p.m.

CONSENT AGENDA

1. Register of Demands for October 2017.
2. Renewal of Restaurant Liquor License for Taco Del Gnar.
3. Change of manager for the Ouray County Fairgrounds liquor license.

ACTION:

It was moved by Councilor Hunter and seconded by Mayor Pro Tem Johnson to approve the consent agenda. The motion carried unanimously.

PUBLIC REQUESTS AND PRESENTATIONS

4. Update from the Juvenile Diversion Program

Wendy Crank, Director of the Juvenile Diversion Program explained the program and services have been offered regionally for 27 years within San Miguel and Ouray Counties. She presented statistics for the past four years, and noted in 2017 Ouray County had 14 participants, seven of them receiving services within the Town. She explained the program provides intervention, counseling and education program, noting "we have a 93% success rate because we get involved early". Children are referred through law enforcement agencies, schools and parents. Some other programs which are offered include school lunches, after prom party and drug prevention presentations.

5. Update on the Ouray County Soccer Association

Representing the Ouray County Soccer Association Dalton Carver and Jon Kornblu addressed the Council regarding the program. It was noted in addition to the Executive Director performing program and administrative duties, a Building Operations Manager has been retained. They reported some of the soccer fields in the regional park have experienced groundwater drainage issues this year, which have at times, rendered them unusable. There was discussion regarding the Town's monitoring and tracking of ground water over the past ten years.

6. Request for proposed changes to existing Marijuana regulations in the Municipal Code

Kimah McCarty presented the Council with a draft ordinance, and asked them to consider adopting it. The document would amend the Municipal Code to state buildings which house licensed marijuana businesses must be located at least 1000 feet from a school, bus stop, alcohol or drug treatment facility, principal campus or college, university or seminary, or child care, day care or youth facility. She noted if amended the "Praise Him Youth Center" would fall under the provisions, and there are currently a number of existing marijuana dispensaries within the area which would need to be "grandfathered".

SPEAKING FROM THE AUDIENCE

Victoria Hearst, Executive Director of Praise Him Ministries and the Christian Youth Center, noted current regulations state places "where marijuana products are marketed and sold" can not be within 1000 feet of a school, and the proposed ordinance would apply the same regulation to "youth centers".

Bart Scalla spoke in support of adopting the proposed amendment to the Municipal Code.

Michael Cox spoke in support of the concept and had questions pertaining to grandfathering from the regulations.

The Town Attorney answered questions from the Council. There were comments by the Council and the Town Attorney was directed to review the proposed ordinance and staff was directed to prepare a report on potential impacts.

ACTION:

Councilmember Hunter moved to direct staff and the Town Attorney to look at the proposed amendment for possible introduction at the next meeting. Mayor Pro Tem Johnson seconded the motion which carried unanimously.

7. Proposed program to eliminate the dispensing of plastic bags by retail establishments

Students Indigo Krois and Maizy Gordon presented a proposal to eliminate the dispensing of plastic bags by retail businesses in Town. They explained their committee, called "Bag It" plans to have informational meetings and gather signatures on petitions, and then present the petitions to the Council with a request to enact an ordinance. They stated the reason for the legislation is "plastic bags are horrible for our environment" and stated their desire for the Town to "help with this cause" and noted "our Town makes a difference".

PUBLIC HEARINGS

8. Application for restaurant liquor license for Four Corners Restaurant, at 304 South Lena Street on Lot 112C within the Chipeta Solar Springs Resort; Applicant: J. Jesus Ayvar Castro

Staff Report from the Town Clerk dated 10-6-17 presenting an application from J. Jesus Ayvar Castro, locally known as Chuy, to hold a restaurant liquor license as an individual, for the Four Corners Restaurant within the Chipeta Solar Springs Resort.

The Town Clerk explained the premises are located within a resort complex which currently holds a license with an optional premises license attached to it. At last months meeting the Council approved a modification to the optional premises license to remove the restaurant from the existing license, to allow it to be licensed separately. Mr. Castro has entered into a lease with the property owners and holders of that license, Jack and Patsy Young, to license the restaurant and upstairs open deck bar. She noted all requirements of state law have been met, including receipt of a cleared background check.

SPEAKING FROM THE AUDIENCE

Mr. Castro addressed the Council pertaining to his plans for operation of the restaurant.

Kimah McCarty addressed the professionalism of Mr. Castro and stated “I can’t imagine any problems” with issuing the liquor license.

ACTION:

Councilmember Hunter moved to approve the restaurant liquor license application from J. Jesus Ayvar Castro for a restaurant liquor license for Four Corners Restaurant at 304 South Lena Street Councilor Austin seconded, and the motion carried unanimously.

POLICY MATTERS

9. Introduction of Ordinance Amending Chapter 9 of the Municipal Code to Provide for Mandatory Animal-resistant Trash Containers for all Properties within the Town

Town Manager Coates presented a draft ordinance, and letters from Krista Stewart and John Mitchell regarding mandatory animal resistant trash containers. She noted the ordinance was prepared at the request of the Council, to require all residential trash receptacles and business dumpsters, be animal resistant.

Staff answered questions from the audience. There was discussion by the Council regarding the elimination of weeds and yard waste and placement in non-animal resistant containers.

SPEAKING FROM THE AUDIENCE

Kuno Vollenweider spoke in opposition to requiring residences to use animal resistant containers, noting the use should only be required in “public places”.

There were questions from Guthery Castle, Andy Michelich and Erin Sidelman.

Krista Stewart stated she agrees with Mr. Vollenweider’s comments.

There was discussion by the Council and staff was directed to amend the draft ordinance to state yard waste and trimmings can be placed in containers which are not animal resistant; and present the ordinance for introduction at the next meeting.

10. Introduction of an Ordinance Setting a Town-wide Speed Limit at 15 miles per hour, Except State Highways and North Railroad, and Setting an Effective Date of Nov 11, 2017

The Town Manager reported at the previous meeting the Council agreed to reduce the speed limit on Town streets to 15 miles per hour. The Town Charter requires the change to be accomplished through adoption of an ordinance, and she presented a draft document for Council consideration. She noted the regulations would go into affect in mid December, which would allow staff to begin an educational outreach program and install new signage.

There were questions from the audience from Kuno Vollenweider and Krista Stewart.

There was discussion by the Council. The Town Manager explained North Railroad is a collector street, and the recommendation from staff is to not reduce the speed from the current 25 miles per hour.

SPEAKING FROM THE AUDIENCE

Guthery Castle spoke in support of retaining the current speed limit of 20 miles per hour.

Kuno Vollenweider supported reducing the speed limit to 15 miles per hour.

ACTION:

Moved by Mayor Pro Tem Johnson to introduce the Ordinance Setting a Town-wide Speed Limit at 15 miles per hour, Except State Highways and North Railroad, and Setting an Effective Date of Nov 11, 2017, the motion was seconded by Councilmember Young. The motion carried with Councilors Austin and Hunter voting in opposition.

11. Recommendation from the Parks Committee to submit a Great Outdoors Colorado (GOCO) grant application for development of Green Street Park

Manager Coates reported the Parks Committee is requesting the Council adopt a Resolution approving an application for a Local Park and Outdoor Recreation Grant from Great Outdoors Colorado (GOCO) in an amount up to \$350,000. The grant application must be submitted by the end of October and would require in-kind services from the Town and a cash match of \$10,000, she noted. In-kind would include use of Town equipment and labor for access, grading, site preparation, parking area and installation of utilities.

ACTION:

Moved by Councilor Young, seconded by Mayor Pro Tem Johnson to apply for grant funding in the amount of \$350,000 from GOCO and adopt Resolution No. 17-05 Supporting the Grant Application for a Local Parks and Outdoor Recreation Grant from the State Board of the Great Outdoors Colorado Trust Fund and the completion of the Green Street Park. After a call for the vote, the motion carried unanimously.

12. Deviation to the Procurement Policy to enter into an agreement with ArtSpace for predevelopment of the Space to Create Project

Memorandum dated 10-5-17 from the Town Attorney presenting background on deviation from the Town Procurement Policy.

Attorney Nerlin addressed the Council regarding previous direction to ascertain if the Town could deviate from the procurement policy for pre-development services for the Space to Create Project, since there is only one company with the ability to perform the services, ArtSpace.

The Town Attorney explained based on governmental authority, the Town has the authority to adopt a Procurement Policy and to deviate from it, if it can be established that solicitation of competitive bids is impractical and unlikely to result in competitive purchasing; there is a situation involving highly specialized skills or services; purchase is from another government entity or made cooperatively with other units of government. He stated staff's opinion is selecting ArtSpace without a competitive bid process meets those requirements, as they are a "nonprofit real estate developer specializing in creating, owning and operating affordable spaces for artists and creative businesses, and are the nation's leading developer of arts facilities and live/work housing".

There was discussion by the Council and it was agreed to proceed with ArtSpace as the sole source contractor for the Ridgway Space to Create predevelopment process.

13. Resolution Adopting a Supplemental Budget for the 2017 Budget Year

The Town Manager explained at the September 20th budget workshop the Council discussed appropriating funds for the Space to Create Project property purchase using grant funds and \$125,000 in Town funds, and an additional \$15,000 for title, survey and legal fees for the closing. She presented a resolution to adopt a supplemental budget to expend the funds.

ACTION:

Councilmember Hunter moved to approve Resolution No. 17-03 Adopting a Supplemental Budget and Appropriating Supplemental Sums of Money from the General Fund in the Amount and for the Purpose as Set Forth Below, for the 2017 Budget Year. Mayor Pro Tem Johnson seconded the motion which carried unanimously.

14. Resolution Adopting Rules of Conduct for Council Meetings and the General Business of the Town

Attorney Nerlin presented a resolution based on Council direction at the September meeting. He noted at the meeting Council asked the draft document be amended to establish setting the agenda as a collaborative process between the Mayor and staff.

ACTION:

It was moved by Councilor Hunter, seconded by Mayor Pro Tem Johnson and unanimously carried to approve Resolution No. 17-04 Adopting Rules of Conduct for Council Meetings and the General Business of the Town.

Councilmember Austin left the meeting at 8:30 p.m.

15. Appointment of Interim Municipal Court Judge

The Town Manager explained last month the Council was notified that Judge Jackson would be stepping down as County Judge, leaving a vacancy in the Municipal Judge position. She explained John Fleming has agreed to be the Town's interim judge, and will be holding court tomorrow, noting it should be the only day his services will be needed. She recommended the Council appoint John Fleming Municipal Judge, pursuant to the Town's Charter.

ACTION:

Councilor Hunter moved to appoint John Fleming as Interim Municipal Court Judge, pursuant to Article 7 of the Town's Home Rule Charter. Mayor Pro Tem Johnson seconded and the motion carried unanimously.

MANAGERS REPORT

Manager Coates presented an update on the recent three day Community Builder's Housing Institute attended by members of the Council and staff.

COUNCIL REPORTS

Councilmember Hunter reported on the proposed study of the Upper Uncompahgre River, and noted it is possible the Town will be asked to contribute funds.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk