

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
NOVEMBER 8, 2017

CALL TO ORDER

The Mayor called the meeting to order at 5:35 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance Councilors Austin, Hunter, Williams, Mayor Pro Tem Johnson and Mayor Clark. Councilmembers Hawse and Young were absent.

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 5:35 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of September 13, 2017.
2. Minutes of the Regular Meeting of October 11, 2017.
3. Minutes of Budget Workshop on September 20, 2017.
4. Minutes of the Workshop on October 3, 2017.
5. Minutes of Budget Workshop October 11, 2017.
6. Minutes of Workshop Meeting on October 18, 2017.
7. Minutes of Workshop Meeting of October 25, 2017.
8. Register of Demands for November 2017.
9. Renewal of Restaurant Liquor License for Land and Ocean.

ACTION:

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

## PUBLIC REQUESTS AND PRESENTATIONS

10. Presentation from Public Art Ridgway Colorado (PARC) of the winning art piece from the annual Ridgway Plein Air Event

On behalf of the board for Public Art Ridgway Colorado (PARC), Rick Weaver presented the winning art piece from the Ridgway Plein Air Event to be placed in the permanent collection at Town Hall. Mr. Weaver explained PARC holds the annual event the first Saturday in October in Weaver Park, this years participation was highest with 27 adults and five students. He introduced the winning artist, Lisa Ellison, noting this is the first oil painting to be placed in the collection.

## PUBLIC HEARINGS

11. Adoption of Ordinance No. 17-07 Setting a Town Wide Speed Limit at 15 Miles Per Hour Except State Highways and North Railroad Street

Town Manager Coates explained if adopted, the proposed ordinance will allow staff thirty days to implement changes, including placement of new speed limit signs and conducting an outreach program.

There was no one from the audience wishing to speak in support or opposition.

There were comments and discussion by the Council.

## ACTION:

Moved by Mayor Pro Tem Johnson to adopt 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 Williams. The vote was split with Councilors Austin and Hunter voting in opposition, and the Mayor was called to break the tie. With the Mayor voting in support, the motion passed with three votes in favor, two opposed.

## POLICY MATTERS

12. Introduction of an Ordinance Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District

Staff Reported dated 10-25-17 from the Town Manager presenting background and substantive changes to the draft ordinance from the previous seven meetings. Letter from the Law Offices of Thomas Kennedy dated 11-8-17 on behalf of property owners requesting set back from river be established at 25 feet. Email dated 11-8-17 from Robyn Cascade in favor of the ordinance as written.

The Town Manager reported on the changes to the ordinance since it's inception in June, encompassing the definitions, maps, setbacks, conditional uses, exemptions, commercial design guidelines, public access, subdivision, storm water drainage, parking and loading requirements and ecological survey. She noted "all aspects of the ordinance have been modified".

**SPEAKING FROM THE AUDIENCE:**

Attorney Mike Hockersmith speaking on behalf of property owner Dee Dee Decker, presented the Council with a Memorandum prepared in conjunction with Attorney Andy Mueller, representing property owner Jack Petruccelli. Mr. Hockersmith explained the document recommendations revisions to the 10-25-17 draft ordinance. He noted "we are not challenging the concept of the UROD (Uncompahgre River Overlay District) we are supporting the creation of the UROD with its existing exemptions". He asked that the ordinance be amended to include dedicated trails along the river where designated on applicable Town maps; adding an exception to the conditional use permit requirement for buildings at least ten feet away from the high water mark for lots three acres in size or smaller created prior to 1-1-2002, and the set back on said lots be ten feet. He explained both the Decker and Petruccelli properties "went through Town subdivision process and Army Corp of Engineers Federal 440 Permitting and received approval". "We ask Council to recognize there are significant differences with our clients parcels" he stated.

Kuno Vollenweider stated "I think the Town should acquire" "river right of way" and "purchase the property for public access" and "recreation areas" for "public benefit".

Dave Jones supported the proposed ordinance "and protection of the river corridor".

Judy Chamberlin agreed with the comments made by Mr. Jones.

Joan Chismire expressed concerns with variances as stated in the draft document and noted "future administration may have different ideas".

Andy Mueller noted the proposed changes presented by Mr. Hockersmith are "an attempt by landowners to reach a compromise that doesn't involve litigation" by excluding "pre-existing subdivision approvals given by the Town". He stated the ordinance "makes sense to FD properties", but it has a "disproportionate impact on these small parcels".

Kimah McCarty spoke in support of "protecting the river corridor".

Linda Ingo asked if staff conducted a "study of the percentages of rivers protected" "within the entire municipal limits" in other jurisdictions, and questioned "taking the entire length". She stated "Ridgway is trying to control the entire river and the entire limit" and asked "if this is an over reaching ordinance".

Andrew Coburn read a statement in support of the ordinance which included benefits to flora and fauna, the "river will remain dynamic", control "flood damage in the future", "retains long term recreation benefits of the river" and is "proactive".

Tom McKenney agreed with Mr. Coburn's statements and noted the "ordinance is in keeping" with the master plan.

Sandy and Tom Hennessey agreed with Mr. Coburn's statements and spoke in support of the ordinance "and moving ahead with it", noting we are "sensitive to property owners", but it would be "short sighted to think of it as a temporary asset".

Glen Pauls spoke in support of a 25 foot set back, not 75 foot.

Laura Haggert stated "we will live on our property" and expressed concerns with having public access across the property.

Kuno Vollenweider asked “why do we want to hurt those who have vested interests”.

There were comments by the Council. There was discussion between Council and staff.

The Council directed staff to look at Section 7-3-9.6(D)(2)(a) regarding public access easement requirements and proportionality; allowing for existing trails to be used in lieu of new trail easements if they meet the requirements of the ordinance, allowing for flexibility in trail easement locations if it is not clearly stated in the current ordinance; conditional use requirement for clarity in what may be required; research any existing approvals from property owners regarding building envelopes and any development rights; and present a revised ordinance at the December meeting.

The Council took at recess at 7:50 pm and reconvened the meeting at 8:00 p.m.

13. Introduction of an Ordinance Amending Zoning Regulations Applicable to Licensed Marijuana Businesses within the Town

Manager Coates explained the proposed ordinance amending zoning regulations applicable to licensed marijuana businesses, was proposed by a member of the public to change set backs in land use regulations. At the previous meeting staff was asked to draft an ordinance with the exclusion of the proposal to include bus stops. She presented a map depicting 1000 and 500 foot setbacks from schools and day care and youth facilities, and there was discussion by the Council.

SPEAKING FROM THE AUDIENCE:

Kimah McCarthy spoke in support of the proposed ordinance.

Victoria Hearst stated “my concern is the safety of children” noting “a 500 foot set back would still protect our children”.

Kuno Vollenweider stated “I think this is geared towards one particular facility”; “I think we need to make sure businesses have the ability to move around”. He expressed opposition to the ordinance noting it is “signaling out marijuana business” within specific locations “in our small town”.

There were comments by the Council.

ACTION:

Councilmember Hunter moved to introduce the Ordinance Amending Zoning Regulations Applicable to Licensed Marijuana Businesses within the Town with the following changes, remove school bus stop and all references to it, change the set back for youth facility and day care to 500 feet. Mayor Pro Tem Johnson seconded the motion.

With the motion on the floor the Town Manager noted current regulations establish a 1000 foot set back for residential child care facilities, and suggested to assist staff, all child care facilities be either 500 or 1000 feet. There was discussion by the Council. Councilor Hunter amended the motion to include child care facility to also have a 500 foot set back, Mayor Pro Tem Johnson seconded the motion. On a call for the vote, the motion passed unanimously.

14. Introduction of an Ordinance Amending Chapter 9 of the Ridgway Municipal Code to Provide for Mandatory Animal-resistant Trash Containers

The Town Manager reported staff was asked at the October meeting to revise the draft mandatory animal resistant trash container ordinance, and add an exemption to allow use of non-animal resistance containers for yard waste and trimmings,.

SPEAKING FROM THE AUDIENCE:

Kuno Vollenweider questioned if constructing an animal resistance area to house refuse containers, would also require the use of animal resistance containers.

The Town Manager noted if construction meets the intent of the ordinance, staff can make a determination if containers must be animal resistant.

ACTION:

It was moved by Councilor Austin, seconded by Mayor Pro Tem Johnson and unanimously carried to introduce the Ordinance Amending Chapter 9 of the Ridgway Municipal Code to Provide for Mandatory Animal-resistant Trash Containers.

15. Introduction of an Ordinance Amending Chapter 7 Section 7-3-13(H) to Provide for Commercial Telecommunication Antenna or Towers up to 40 Feet in Height on Town Owned Property in the "I-2" Light Industrial 2 Zone District

Town Attorney Nerlin explained the Town would like to have the ability to install an antenna to allow internet providers to deliver services within Town. The proposed ordinance allows installation in the I-2 Zone, noting the proposed location is on Town owned property located in the zone.

ACTION:

Moved by Councilor Hunter, seconded by Councilmember Williams to introduce the Ordinance Amending Chapter 7 Section 7-3-13(H) to Provide for Commercial Telecommunication Antenna or Towers up to 40 Feet in Height on Town Owned Property in the "I-2" Light Industrial 2 Zone District. After a call for the vote, the motion carried unanimously.

16. Appointment of Municipal Court Judge and Administrative Hearing Officer for the Town

The Town Attorney reported Zach Martin has been appointed Ouray County Judge by the Governors Office. Historically the County Judge also serves as Municipal Judge, noting Municipal Court is held once a month from noon to 1:00 p.m. to adjudicate violations to the Municipal Code. Additionally, he noted, under Title 2 of the Municipal Code, the Judge serves as Administrative Hearing Officer for the Town.

Mr. Martin introduced himself and stated "I would be happy to do the job if you would like to appoint me".

ACTION:

Mayor Pro Tem Johnson moved to appoint Zach Martin as Municipal Court Judge and Administrative Hearing Officer. Councilor Hunter seconded and the motion carried unanimously.

17. Conversion to MUNIRevs paperless filing program for sales tax licensing and collections beginning in January of 2018

The Town Clerk explained the Town will be converting sales tax licensing and collections from the Clerks Office to a third party consultant, MUNIRevs, beginning in January of 2018. As part of the conversion process to the paperless filing program, staff is requesting extension of the application deadline for renewal of sales tax licenses expiring on December 31, 2017 as prescribed in Ridgway Municipal Code Section 3-2-3, to February 28, 2018. She noted this will allow for filing a license renewal online, and receiving the license through the MUNIRevs System.

ACTION:

Moved by Mayor Pro Tem Johnson to approve the conversion to MUNIRevs for sales tax licensing and collections, and grant an extension of the deadline for renewal of sales tax licenses expiring on December 31<sup>st</sup> to February 28, 2018. Councilmember Hunter seconded the motion, which after a call for the vote, carried unanimously.

18. Participation in the Bobcat Annual Trade Program

Town Engineer Joanne Fagan reported Bobcat Corporation has a municipal program in which Bobcat equipment can be traded, and for a \$3000 fee, a new current year model will be issued in exchange.

ACTION:

Councilmember Hunter moved, with a second by Mayor Pro Tem Johnson, to participate in the annual Bobcat Trade Program. The motion carried unanimously.

19. Discussion regarding sign regulations and placement of banners on the Hartwell Park banner poles

The Town Manager explained the Municipal Code allows staff to administratively approve the placement of banners for approved civic events, and also prohibits placement of off-premises signs, which would preclude any activity not held on Town property. Banner poles were installed two years ago in Hartwell Park, and to assist during the RAMP Project all banners were accepted for display, even those which did not comply with Town regulations. After completion of the project staff began to enforce the code provisions, which does not allow the display of a banner for an event that is not Town endorsed or sponsored, or is held by another organization and not located on Town property.

The Town Attorney explained last year the Council directed staff to review content and revise the sign code regulations based on current supreme court decisions, and apologized this has not been done.

There was discussion between the Council and staff regarding non-profit based organizations. The Town Attorney suggested staff prepare a definition of a civic event and present it to the Council for further discussion, the Council agreed.

ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk