

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 13, 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. In attendance Councilors Austin, Hawse, Williams, Young, Mayor Pro Tem Johnson and Mayor Clark. Councilmember Hunter was 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 Young, 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 6:00 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of November 8, 2017.
2. Minutes of Budget Workshop on November 15, 2017.
3. Minutes of the Workshop on December 6, 2017.
4. Register of Demands for December 2017.
5. Renewal of Tavern Liquor License for Ouray County Fairgrounds.
6. Request for water leak adjustment, Meter #5630.0/Willits.
7. Renewal of Restaurant Liquor License for Adobe Inn.

ACTION:

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

INTRODUCTIONS

The Town Manager introduced Paul Plasha with Mountain States Lighting contractor and manufacturer for the lighting installed within the RAMP Project. She thanked him for technical expertise and advise throughout the project.

Town Manager Coates reported the probationary employment period for Marshal Tammy Stroup has ended, and she recommended placing Marshal Stroup into full time employment status. The Council agreed and welcomed the new Town Marshal.

PUBLIC COMMENTS

Jorge Anchondo addressed the Council on behalf of the Ridgway Ouray Community Council and District 3 of Indivisible, and requested adoption of a proclamation endorsing International Day of the Migrant. He read the proclamation and asked the Council to authorize the Mayor to sign the document.

ACTION:

Mayor Pro Tem Johnson moved to approve the proclamation declaring December 18, 2017 as International Day of the Migrant. Councilor Young seconded and the motion carried unanimously.

Gutherie Castle reported the bike lanes and sidewalks along the east portion of Highway 62 have accumulations of gravel and cinders that are hazardous to bikers and pedestrians.

There was discussion by the Council and staff noted maintenance is performed by the State Highway Department. Staff was directed to contact the Colorado Department of Transportation regarding cleaning the areas.

PUBLIC REQUESTS AND PRESENTATIONS

8. Request to continue trimming or removal of a cottonwood tree in Hartwell Park

Memorandum from the Town Manager dated 12-7-17 presenting background and a request from Century Link to continue trimming or remove a tree in Hartwell Park.

Manager Coates explained the tree is located in the southwest corner of Hartwell Park and over the years Century Link has trimmed the top of the large cottonwood tree as it obstructs line of site for a redundancy tower. She reported the Town commissioned a tree inventory in 2016 in which the tree was valued at \$5000, and comments note continued cropping of the top of the tree will affect its longevity.

Dennis Collange, Regional Manager with Century Link which maintains a facility on Clinton Street, explained the corporation operates a redundancy service tower which is affixed to the top of the facility. The radio frequency provides a backup for 911 services and a dial tone in case of power failure. For a number of years a tree has grown in Hartwell Park which inhibit the passive reflectors which are in line with the City of Ouray. He noted the top of the tree needs trimming every two years, and will need to be trimmed again in the spring. Staff has advised the company the tree may not be strong enough to survive another topping, and Mr. Collange offered to compensate the Town \$5000 for removal of the tree by an arborist, and purchase another tree.

There was a question from the Council regarding moving the tower and antennae. Mr. Collange explained it would cost "millions to move the tower".

Speaking from the audience Gene Ulrich asked "is it a microwave tower" and Mr. Collange said he did not know; Mr. Ulrich asked if it transmits all the time and Mr. Collange replied "yes".

There was discussion by the Council.

ACTION:

Councilmember Young moved, with a second by Mayor Pro Tem Johnson to remove the cottonwood tree in Town Park at the request of Century Link, who shall pay for the removal and compensation of the tree. The motion carried with Councilor Austin voting in opposition.

9. Presentation of the Ridgway Area Chamber of Commerce 2017 Year End Lodging Tax Report

Letter dated 12-8-17 from Chamber Board President Colin Lacy presenting the 2017 year end lodging tax report.

Mr. Lacy addressed the Council and presented the year end report noting “foundational assets addressed in 2017 were the website, visitor centers and staffing”. He reported the organization budgeted lodging tax revenues and expenditures at \$63,000 based on receipt of \$42,000 in lodging tax receipts from the Town, and a surplus of \$21,000 received in 2016; \$53,089 has been expended this year from the receipts. He noted the “majority of projects are performed between January and June” and this year included online and print media in the San Juan Skyways publication and 2017 Visitors Guide in collaboration with the Ouray Chamber; expanding new platforms in social media; redesign of the weekly E-Blast; development of five marketing themes; upgrades and new investments in the visitors center which resulted in a 10% increase in visitors, of approximately 6,046 visits, and merchandise and materials sales up by 40%; participation in Ride the Rockies event; radio advertising.

Mr. Lacy introduced Peri Gore the new Chamber Manager, who has over 25 years of travel and hospitality management experience. He noted staffing now includes “partners and consultants, local professionals” including a new accounting firm. He explained in 2018 the Board wishes to begin policy discussions with the Town to develop partnerships for project collaboration; continue to collaborate with the Ouray Chamber for the visitors guide; develop itineraries for marketing to visitors; and numerous upgrades to the website.

POLICY MATTERS

10. Agreement with ArtSpace for predevelopment of the Space to Create Project, and approval to sole source predevelopment work

Manager Coates presented a professional services agreement for predevelopment of the Ridgway Space to Create project between the Town and ArtSpace. Funding of \$650,000 for this phase of the project is being received from State agencies and foundations. The next step in the process is a predevelopment study which will lead up to construction she noted. The process will involve design, engineering, architecture, defining scope and size of the project, and will be completed in 2019 with completed designs and financial pro-forma. She stated the Town wishes to enter into the agreement with ArtSpace, a non-profit entity which has been working with the Town on establishing the project, noting the organization has demonstrated success in developing and completing these types of projects. She reported the Council has discussed sole sourcing the project, as ArtSpace can provide services which are not available from another entity.

ACTION:

Moved by Mayor Pro Tem Johnson to enter into a sole source provider agreement with ArtSpace for predevelopment services for the Space to Create project. Councilmember Austin seconded the motion, which after a call for the vote, carried unanimously.

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

Manager Coates presented a draft ordinance creating a river overlay district, and a red lined version of the draft presented at the previous meeting depicting changes contained in the new version. She reviewed the changes made to the document by staff after the November public hearing, which added a whereas clause regarding river access for the public; a cross reference to the conditional use section; update performance standards to address public access and trail requirements to accommodate proportionality of the development and consideration of any existing trail easements; allow for consideration of existing trail easements to meet the trail easement requirement within the subdivision regulations; add to conditional uses special consideration to not deprive reasonable use; and clarification of the 25 and 75 foot setbacks in the submittal requirements for the ecological characterization study.

SPEAKING FROM THE AUDIENCE:

Eric Jacobsen explained he is one of the owners of The Preserve Subdivision which is comprised of 25 lots, 17 of which are river front. He stated the development would be impacted by the proposed regulations, as the 75 foot set back from the high water mark would affect the river front lots and render them unbuildable. He noted “most utilities are in, not water taps or paving” and the land and infrastructure is valued at “2.6 million”, “with \$600,000 in river restoration”. He stated the “impacts”, “come as a huge expense to me”, noting the supreme court “has ruled” on “a good faith investment”.

Attorney Steve Johnson, representing Ridgway River Development LLC of which Mr. Jacobsen is a principal, explained the development received preliminary plat approval for 32 units in 2006. “Due to the recession in 2008” the developers “moth balled the project”. He asked that the development be “excluded from the scope of the ordinance”, and noted adoption of the regulations could be considered “a regulatory taking”. He requested the Council consider exempting the “previously platted properties” and “allow a variance to the 75 foot set back”. He stated the developers “will petition for a PUD approval” and “reinstate this development”.

Linda Ingo suggested the Town has demonstrated “poor stewardship of the river” and is “not taking care of public river access” and stated the requirement for public access is creating “real injustices”, “to property owners along the river”.

Kelly Ryan stated “now is easier than in the future to create a project of this sort”; “I urge you to have foresight and continue on”.

Dave Jones supported the comments made by Ms. Ryan.

The Town Attorney noted staff can prepare a report on the variance and conditional use processes contained in the proposed regulations and report at the next meeting. The Town Manager clarified the overlay map; stewardship of the river and references in the ordinance to high water mark and partially constructed subdivisions.

The Town Clerk read into the record a letter from support received from Randy and Jen Parker and the Mayor read a letter of support from Robin Cascade.

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

ACTION:

Mayor Pro Tem Johnson moved to introduce the Ordinance Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District, and direct staff and the Town Attorney to clarify the variance process. Councilmember Williams seconded the motion and it carried unanimously.

12. Application for a highway access permit at South Railroad Street

Staff Report dated 12-7-17 from the Town Manager presenting background and request to apply for Highway 62 access from South Railroad Street.

The Town Manager requested approval to apply for a highway access permit for South Railroad Street to enter on to Highway 62. She explained there have been discussions with the Council and Planning Commission pertaining to a proposed development at “the old railroad property”. The development would include the realignment of North and South Railroad Streets, an endeavor that Council’s have discussed for many years. A highway access permit would be needed from the Colorado Department of Transportation (CDOT) if the subdivision is approved, and if it is not the permit would lapse.

There were questions from the Council. The Manager explained the current South Railroad Street would remain open to traffic, some additional parking spaces added, it would be linked to the new street and will probably have a limited ingress and egress to the highway.

ACTION:

Moved by Councilor Young, seconded by Councilor Austin and unanimously carried to apply for a CDOT access permit for highway access at South Railroad Street.

13. Discussion regarding sign regulations and placement of banners in Hartwell Park

Memorandum dated 12-8-17 from the Town Attorney regarding the use of the Hartwell Park banner poles.

Town Attorney Nerlin reported at the previous meeting the Council directed staff to address regulations for use of the banner poles in Hartwell Park. He discussed the proposed guidelines with the Council which included definition of a civic event; and limiting use of the poles to one week. He suggested working with staff to develop an application form and the Council agreed.

14. Adoption of the 2018 Capital Improvement Plans

The Town Manager noted the Town Charter requires development of a Capital Improvement Plan and presented the 2018 Capital Outlay Plan; the Five and Ten Year Capital Improvement Plans.

She reported at the time of voter approval of the construction bond for the RAMP Project, the Council committed fifty percent of the capital improvement funds to repayment. Beginning in 2018 the Town will be responsible for the full bond repayments, without supplementing from the property tax levy, which will reduce the amount of funds available for other capital improvements.

ACTION:

Mayor Pro Tem Johnson moved, with Councilor Young seconding, to adopt the 2018 Capital Improvement Plans, the motion carried unanimously.

15. Adoption of the 2018 Strategic Plan

Manager Coates explained in 2009 the Town began the process of taking the nine goals established by the Community, and applying staff goals and projects for the upcoming year. She noted these projects are not usually specifically funded in the budget, but require staff time and resources.

ACTION:

Councilor Austin moved to adopt the Town of Ridgway Strategic Plan including the goals associated with this plan, Mayor Pro Tem Johnson seconded, and the motion carried unanimously.

The Council took at recess at 7:50 pm and reconvened the meeting at 7:55 p.m.

PUBLIC HEARINGS

16. Adoption of an Ordinance Amending Zoning Regulations Applicable to Licensed Marijuana Businesses within the Town

Town Clerk's Notice of Public Hearing dated 11-9-17. Letters of opposition received 12-7-17 from Rocky Mountain Cannabis and 12-12-17 from Knifer Law.

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 amend the draft ordinance and exclude the proposal to include bus stops and establish a set back of 500 feet from day care and youth facilities. She noted the agenda packet contains a map depicting 500 and 1000 foot setbacks from existing facilities to youth centers and schools.

Mayor Clark opened the public hearing and asked if anyone from the audience wished to address the Council.

SPEAKING FROM THE AUDIENCE:

Kimah McCarthy spoke in support of the proposed ordinance, explaining she "helped to introduce the proposal" to include youth facilities into the existing set back regulations for marijuana sales. She noted adoption of the ordinance as presented "will not impact the existing marijuana shops" which are located in a special area of Town zoned for sales, adding "they will be grandfathered in".

Wendy Crank with the Juvenile Diversion Program supported the ordinance.

Lisa Thompson with Voyager supported adoption of the ordinance.

Vickie Hughes, Youth Director for Praise Him Ministries, supported ordinance adoption.

Casey Haskell with Rocky Mountain Cannabis noted "anything more restrictive will restrict" existing businesses from changing locations, and if "any new facilities are built" moving into them would be prohibitive.

Dennis Shafter with ACME Healing Center questioned if the proposed 500 foot set back will impact the existing business from a change of ownership.

Attorney Cody Knifer spoke in opposition to the ordinance noting the ordinance will “limit business growth” and “hurt residents through loss of future jobs and sales tax contributions”.

Ned Bosworth stated “I don’t see a need for this” ordinance; “I think this is a self serving attempt to affect the industry in the the long term”; “I am not in favor of this ordinance”.

Victoria Hearst stated “this is about protecting children”, “it is not about putting anyone out of business”, “it is about children’s safety”, “protecting families and kids, that’s why we are doing this”.

Child care provider Vicki Hughes noted “these are the same kids coming from school” and there are “protections from schools in place”.

Aaron Strength, with Fiddlers Green, stated “there is no need to amend this ordinance”, “if all licenses are given out, which they are”, “the only purpose is to restrict future businesses in Town”. He stated the proposal is “stifling the industry”.

Beverly Strength with Crazy B’s Smoke Shop stated the businesses are already “restricted” by where they can be located, “the 500 feet limit on businesses that are already restricted” will hurt businesses further “due to limited location placements”.

Mayor Clark closed the public hearing.

There were comments and discussion by the Council. The consensus was not to approve the ordinance. The Mayor called for a motion, and there was none.

17. Request for Change of Location on the Restaurant Liquor License for Eatery 66, relocating to 520 Sherman Street; Applicant: Eatery 66, LLC, Officers Spencer and Katherine Graves

Town Clerk’s Notice of Public Hearing dated 11-6-17. Staff Report dated 11-30-17 from the Town Clerk presenting an application for a change of location for the restaurant liquor license for Eatery 66.

The Town Clerk presented a request to amend the Restaurant Liquor License for Eatery 66, held by Spencer and Katie Graves. She reported the request is to relocate the license from 566 Sherman Street to operate a restaurant at 520 Sherman Street. The original license was approved by the Town Council in May of 2015, and the establishment has had no State infractions or violations, she noted. State law requires a public hearing before the local jurisdiction for change of location permit, and the notice of public hearing has been posted, published and the premises posted.

The Mayor opened the public hearing.

SPEAKING FROM THE AUDIENCE:

Priscilla Peters spoke in support of the applicants and the application.

The Mayor closed the public hearing.

ACTION:

Councilor Young moved to grant the liquor license to Eatery 66 to relocated to 520 Sherman Street. Councilmember Hawse seconded the motion which carried unanimously.

18. Adoption of an Ordinance to Provide for Mandatory Animal-resistant Trash Containers for all Properties within the Town

Town Clerk's Notice of Public Hearing dated 11-9-17. Memorandum from the Town Manager dated 12-8-17 presenting background and recommendation.

The Town Manager reported staff is requesting the ordinance not be adopted until the spring. She noted the current five year waste and recycling contract will expire at the end of May 2018, and implementation of the ordinance at this time will create challenges to administer. She recommended adoption of the ordinance be discussed after a new contract is awarded, noting requests for proposal will include the use of animal resistant containers. Manager Coates suggested until the next discussion the Marshal's Department, which is now fully staffed, begin enforcement of current regulations which state refuse containers are not to be placed on the street until the day of refuse collection.

The Mayor opened the public hearing for comments.

SPEAKING FROM THE AUDIENCE:

Priscilla Peters spoke in opposition to the ordinance and asked the Council to "keep in mind", "elders, struggling families and one person households". She noted "the cost is extremely high", "the size of the can being proposed can't be moved" and operated by elderly and handicapped persons, "and the fines were really over the top".

Donna Green agreed with Ms. Peters comments.

The Mayor closed the public hearing. There were comments by the Council, it was agreed to not adopt the ordinance at this time; to determine the lowest cost for containers; provide education to the community regarding the need; address commercial dumpsters. Staff was directed to address the types and costs of containers and report back at another meeting; begin enforcement of the regulation pertaining to placement of refuse containers only on collection days; begin an educational component.

The Town Manager summarized Council direction, the ordinance should comport to the new refuse collection contract, require animal resistant containers for residential, commercial and industrial (including construction), provide the lowest cost container and service, containers to be the smallest size available for ease of use and latching.

19. Adoption 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 Clerk's Notice of Public Hearing dated 11-9-17.

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

There was no one from the audience wishing to address the proposed ordinance.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Austin to adopt 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.

20. Adoption of the 2018 Fiscal Year Budget and Property Tax Levy for 2018 and Setting a Mill Levy

Town Clerk's Notice of Public Hearing dated 10-16-17.

The Town Clerk presented two resolutions adopting the 2018 Fiscal Year Budget and approving the expenditure of funds, and a resolution setting the property tax mill levy for 2018. She noted the Town will not be levying a mill levy for repayment of the RAMP Bond this year. Mayor Clark noted the Town will be covering the obligation of the bond with receipts from the capital improvement tax.

The Mayor opened the public hearing, with no one wishing to address Council, the hearing was closed.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilor Hawse to approve the Resolution Adopting a Budget for the Calendar Year Beginning on the First Day of January, 2018 and Ending on the Last Day of December, 2018, the motion carried unanimously.

ACTION:

Mayor Pro Tem Johnson moved to adopt Resolution 17-06 Appropriating Sums of Money to the Various Funds in the Amount and for the Purpose as Set Forth Below, for the 2018 Budget Year. Councilor Young seconded and the motion carried unanimously.

ACTION:

Councilmember Young moved, Mayor Pro Tem Johnson seconded to approve the Resolution Adopting the Property Tax Levy for the Year 2018 for Certification to the Ouray County Commissioners. On a call for the vote, the motion carried unanimously.

TOWN MANAGERS REPORT

Manager Coates reported the electric vehicle charging station has been installed in the parking lot south of Town Hall, and will be operational by the end of the week. She discussed scheduling Council workshops for 2018; the Town hosting the Tri-Agency Dinner with the County and City in January; Council meeting jointing with the Planning Commission at the end of January to discuss preparations for the development of the comprehensive plan.

The Town Manager reported staff is recommending limited public use of the community center due to conflicting uses with Town meetings. She suggested public use be limited to Friday evenings, and all day on Saturday and Sunday. The Council agreed.

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 Mayor Pro Tem Johnson, seconded by Councilor Young and unanimously carried to enter into closed session.

The Council entered into executive session at 9:25 p.m. with the Town Attorney, Town Manager and Town Engineer.

The Council reconvened to open session at 9:45 p.m.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk