

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 13, 2019

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. The Council was present in its entirety with Councilors Austin, Heffernan, E. Hunter, N. Hunter, Malone, Mayor Pro Tem Johnson and Mayor Clark in attendance.

EXECUTIVE SESSION

The Town Attorney requested entering into a closed session pursuant to Colorado Revised Statutes 24-6-402(b) and (e) for conference with the Town Attorney for the purpose of receiving legal advice regarding Council actions, and to discuss matters subject to negotiations regarding public property, water rights and water supply.

ACTION:

It was moved by Councilor E. Hunter, seconded by Councilor N. Hunter 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 6:05 p.m.

The regular meeting began at 6:10 p.m.

CONSENT AGENDA

1. Minutes of the Regular Meeting of January 9, 2019.
2. Minutes of the Special Meeting held January 30, 2019.
3. Register of Demands for February 2019.
4. Request for water leak adjustment for 512 Marion Overlook, Account No. 6330.2.
5. Renewal of brew pub liquor license for Colorado Boy Depot.

ACTION:

It was moved by Councilor E. Hunter and seconded by Councilmember Austin to approve the consent agenda. The motion carried unanimously.

ACKNOWLEDGMENTS AND INTRODUCTIONS

The Mayor congratulated Wanda Taylor on 20 years of service to the Town.

STAFF REPORT

Marshal Stroup presented a 2018 update on the Marshals Department.

## PUBLIC COMMENTS

Vicki Hawse asked that removal of refuse containers from Cottonwood Park not be done on the pedestrian pathway, but accomplished from Moffat Street, to ensure compaction of the path.

## PUBLIC REQUESTS AND PRESENTATIONS

### 6. Requests to renew lease agreement with SWIRL, dba Ridgway Community Garden, and construct a canopy shade structure at Green Street Park

Agnieszka Preszlowska, representing the Ridgway Community Garden, reported the community organization “broke ground” last year to start construction of the garden in Green Street Park. A wildlife fence was installed, and the Town installed a water tap and placed a parking area. This year 25 raised beds will be installed, after being fabricated by the secondary school students, along with a storage shed, compost bins, picnic table, bike area, and a shade canopy; it is hoped that trees can be planted in the fall. She explained all funds have been acquired for construction costs, maintenance and operations of the garden, and requested an extension of the operating agreement for another three years. Additionally, she noted the organization would like to construct a permanent shade structure with a 2x2 tubular steel frame, supported by cement piers. The 14x24 foot canopy will attach to this frame, and be removed in the winter months.

There were questions from the Council.

#### ACTION:

It was moved by Councilor E. Hunter, seconded by Mayor Pro Tem Johnson and unanimously carried to approve extension of the agreement with Ridgway Community Garden for three years effective the 17<sup>th</sup> day of February 2019.

#### ACTION:

Councilor Austin moved, with Mayor Pro Tem Johnson seconding to approve construction of a shade structure with details to be approved by staff. With the motion on the floor there were questions from the Council. On a call for the vote the motion carried unanimously.

### 7. Update from the Ridgway Dark Sky Committee

Val Szwarc, chair of the Ridgway Dark Sky Committee presented a power point presentation, and reported on status of the dark sky initiative taken on by the committee last year to obtain the designation as a Dark Sky Community. He noted the Council approved the concept at the April meeting, based on an idea “generated in February at a grass roots level”. He reported that criteria of the International Dark Skies Association (IDA) needs to be satisfied to obtain the designation. Last year the committee accomplished a number of the items including letters of support, public outreach and educational events; and prepared a “comprehensive update to the Town’s lighting regulations” which was submitted to staff. He reported the committee nominated the Town in May of last year for status, and are “grandfathered” under the guidelines which were in place at that time. Since then the guidelines have been updated and are more stringent. He noted if the committee “keeps moving forward” the “grandfathered” status will remain in place, and as such have planned public outreach activities for this year, and with the Town’s approval of the proposed lighting regulations, hope to submit an application to IDA in the fall of this year.

There were questions from the Council and discussion. The Mayor noted the updated regulations coincide with the Town updating the Master Plan.

**SPEAKING FROM THE AUDIENCE:**

Rob Datsko spoke in support of “moving the process forward.”

Rory Clemens stated he is was “very proud of the process” and has placed a monitoring meter at his home, and the reading identifies Ridgway as “one of the darkest places in the US, rating 3<sup>rd</sup> “.

Howard Greene noted the Town’s lighting regulations have been in place since “the 90’s” and are “already very compliant with IDA”, and “it won’t take alot of time”, “it is just a matter of codifying”.

There was consensus of the Council to direct staff to write a letter to the IDA stating the Town is pursuing the designation, at the same time preparing an update to its comprehensive plan. The letter is to state support for the designation, and the Town working on fulfilling requirements to obtain the certification. It was further agreed to prioritize the issue so it is before the Planning Commission within the next few months, so the “opportunity is not missed to operate” under the grandfathered guidelines.

**8. Presentation of San Miguel Power Association new customer care app**

Terry Skyler representing San Miguel Power Association presented a “full software platform” “Smart Hub” which allows users a member portal to access and manage accounts and track hourly “load data”. He encouraged members to sign up to use the program, and noted if using solar panels, the program identifies when the panels are generating power, versus using it.

**9. Requests to renew contract for marketing services, and for distribution of partial proceeds from 2019 lodging tax revenues**

Ridgway Area Chamber of Commerce Board President Colin Lacy presented a renewal contract for receipt of 2019 lodging taxes. He noted this year the Chamber transitioned to “a full staff led, board advised, organization”.

**ACTION:**

Mayor Pro Tem Johnson moved to approve the Marketing Contract for 2019 with the Ridgway Area Chamber of Commerce. Councilor E. Hunter seconded, and the motion carried unanimously.

**10. Update on the Ridgway Library expansion project, and request to waive building permit fees**

Stephanie Lyons, Ridgway Library District Board President, explained she was before the Council in April to report the current facility constructed in 2004 is “at capacity, the mill levy closed out, and the building is paid off”. She explained the district has \$450,000 in reserves for the expansion so “we don’t have to go back to the voters”. Additionally 82 local donors have donated \$400,000 and the district is also pursuing grant funds for the 1.25 million dollar project.

Ms. Lyons reported staff has estimated building permit fees would be \$3,600 for plan review and \$5,600 for permitting. She requested the Town waive the fees, which can be used as partnership in grant applications, noting “the library has become a corner stone for the Town”.

There was discussion by the Council.

#### ACTION:

Moved by Councilmember Heffernan to waive the building permit and plan review fees for the library not to exceed \$10,000. Councilor N. Hunter seconded the motion, which carried unanimously.

#### LAND USE MATTERS

##### 11. Request to release Subdivision Improvements and Lien Agreements for Trail Town Subdivision

Staff Report dated 2-6-19 from Planner Coburn presenting a request from Trail Town Partners LLC to release Subdivision Improvements and Lien Agreement recorded on 10-05-15 at Reception Number 214991 and amended as the First Amendment to the Subdivision Improvements and Lien Agreement recorded on 3-15-17 at Reception Number 218140 for Trail Town Condominiums and Subdivision of Lot 26-A; and Subdivision Improvements and Lien Agreement recorded on 07-19-12 and amended on 02-08-17 at reception number 218141 and recorded on 03-15-17 for Trailtown Subdivision Lot 26-B.

Planner Coburn reviewed the items outlined in the staff report, and presented a background on the request which has been reviewed by staff. She noted some of the improvements have not been completed as outlined in the agreements, some time frames have expired, and presented items securing the improvements. There were questions from the Council as the report was being presented.

John Peters representing Trail Town Partners, LLC presented a history of the subdivision, and improvements which have been made.

There was discussion by the Council, and it was noted the changes presented by Mr. Peters don't meet the recorded subdivision improvements agreement. The Council reviewed each item that is currently incomplete with Mr. Peters and made decisions pertaining to each.

Manager Coates noted amendments as directed by the Council will be made to each agreement and presented at the next meeting for approval. She requested the Council establish a method of security and a new date for completion. The Council agreed to July 1, 2019 with the same security.

The Council took a recess at 8:25 p.m. and reconvened the meeting at 8:30 p.m.

#### POLICY MATTERS

##### 12. Adoption of the Ridgway Emergency Operations Plan

The Town Manager presented a draft Emergency Operations Plan which was prepared by Glenn Boyd, Ouray County Emergency Manager, under an agreement from the prior year. She noted the plan was prepared under a base template and is a “good tool if there is an emergency”, but there is “more work to do”. Council agreed to adopt the plan as it is written, and allow staff to work on it as time permits.

ACTION:

Councilor N. Hunter moved to adopt the Ridgway Emergency Operations Plan, Councilmember E. Hunter seconded, and the motion carried unanimously.

13. Discussion pertaining to snow removal

Mayor Clark reported citizens have been voicing concerns regarding snow removal, noting he established an opportunity on the agenda for the audience to present concerns. No one from the audience wished to address the Council.

There was discussion by the Council. Public Works Services Administrator Chase Jones presented an update on snow removal.

14. Resolution Amending Ordinance 2018-07, Which Prohibits the Use of Certain Plastic Bags in the Town of Ridgway, to Change the Implementation Date from March 1, 2019 to June 1, 2019

The Town Attorney presented a resolution to formalize discussion the Council had at the previous meeting regarding extending the time frame for implementation of prohibiting the use of certain plastic bags in Town.

ACTION:

It was moved by Councilor N. Hunter, seconded by Councilor E. Hunter and unanimously carried to adopt Resolution No. 2019-01 Amending Ordinance 2018-07, Which Prohibits the Use of Certain Plastic Bags in the Town of Ridgway, to Change the Implementation Date from March 1, 2019 to June 1, 2019.

15. Follow up discussion regarding ordinance banning certain plastic bags

Mayor Clark presented an update on Council outreach to businesses regarding implementation of the ban on use of certain plastic bags. There was discussion by the Council. The Town Attorney presented an update on legislation at the state level.

16. Introduction of an Ordinance Amending Section 2-1-4 of the Ridgway Municipal Code Regarding Compensation to Members of the Ridgway Town Council

Mayor Clark noted during budget discussions the Council agreed to increase the stipend for new members of the Council, and the proposed ordinance will amend the municipal code.

ACTION:

Councilor N. Hunter moved to introduce the Ordinance Amending Section 2-1-4 of the Ridgway Municipal Code Regarding Compensation to Members of the Ridgway Town Council. Councilmember E. Hunter seconded the motion which carried unanimously.

17. Award of Contract and Professional Services Agreement with Colorado Code Consultants LLC, for Ridgway Building Code Review and Update

The Town Manager reported Colorado Code Consultants, a firm which reviews and advises on updates to building code regulations, is working with communities on the Western Slope.

She recommended the Council form a task force to work with the consultants for professional guidance on proposed amendments to the building code.

There was discussion by the Council.

ACTION:

Moved by Councilmember E. Hunter, seconded by Mayor Pro Tem Johnson to award the contract to Colorado Code Consultants LLC, for review and updates to the building codes. On a call for the vote the motion carried unanimously.

18. Resolution Adopting a Policy Concerning the Destruction, Disposal and Protection of Records Containing Personal Identifying Information

Town Attorney Nerlin reported based on a change in Colorado law, his company has created a policy for municipalities to adopt in accordance with the 2018 law, pertaining to how personal information is collected, held and disposed of.

ACTION:

Mayor Pro Tem Johnson moved to adopt Resolution 2019-02 Adopting a Policy Concerning the Destruction, Disposal and Protection of Records Containing Personal Identifying Information. Councilor Austin seconded the motion which carried unanimously.

19. Adoption of Title VI Plan for the Town of Ridgway, as a sub recipient of the Colorado Department of Transportation (CDOT) Federal Highway Administration (FHWA) funding, regarding compliance and reporting under the Civil Rights Act of 1964

Manager Coates explained the Town receives funding from the Federal Highway Administration through the Colorado Department of Transportation (CDOT). A new requirement has been enacted and the Town is obligated to comply, and presented the document known as the Title VI Plan.

ACTION:

Moved by Councilor Heffernan, seconded by Councilmember N. Hunter and unanimously carried to adopt Title VI Plan for the Town of Ridgway, as a sub recipient of the Colorado Department of Transportation (CDOT) Federal Highway Administration (FHWA) funding, regarding compliance and reporting under the Civil Rights Act of 1964.

20. Resolution of Support for House Bill (HB) 19-113

The Mayor reported a bill supported by the Council last year pertaining to the Colorado Mine and Reclamation Act has been reintroduced in the House, and asked for Council's continued support.

ACTION:

Councilor Austin moved to approve the Resolution in Support of HB 19-113 to Amend the Colorado Mine Land Reclamation Act. Councilmember E. Hunter seconded, and the motion carried unanimously.

## TOWN MANAGERS REPORT

Manager Coates reported on the master plan update; current advertisements for bids and a job opening; and the need to rebuild the Yates Lift Station this year.

## EXECUTIVE SESSION

The Town Attorney requested entering into a closed session pursuant to Colorado Revised Statutes 24-6-402(b), (e) and (g) for conference with the Town Attorney for the purpose of receiving legal advice regarding Council actions, to discuss matters subject to negotiations, and personnel matters.

### ACTION:

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

Councilor Malone left the meeting at 9:15 p.m.

The Council entered into executive session at 9:15 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 10:20 p.m.

### ACTION:

Mayor Pro Tem Johnson moved to award Jennifer Coates a 3% merit salary increase. Councilor N. Hunter seconded and the motion carried unanimously.

## ADJOURNMENT

The meeting adjourned at 10:20 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk