

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 11, 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, Cheek, Hunter, Lakin, Meyer, Mayor Pro Tem Johnson and Mayor Clark in attendance.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into a closed session pursuant to Colorado Revised Statutes (C.R.S.) 24-6-402(b) for the purpose of receiving legal advice regarding Temporary Access at Railroad Street; Reciprocal License Agreement for Access to Railroad Street from Lot A, Park Subdivision and Mitchell Subdivision No. 2, Lot 1; C.R.S. 24-6-402(4)(f) Personnel Matters; and C.R.S. 24-6-402(4)(e)(1) to determine position subject to negotiation regarding retention of consultant for Town Manager hiring.

ACTION:

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

The Council entered into executive session at 5:35 p.m. with the Town Attorney, Town Manager and Marshal Schmalz.

Marshal Schmalz exited the session at 5:45 p.m.

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

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

INTRODUCTIONS AND PRESENTATIONS

The Town Manager introduced Deputy Marshal Ryan Hanson, and recommended removal from probationary status and placement as a full time employee. The Council acknowledged approval and welcomed Deputy Hanson.

CONSENT AGENDA

1. Minutes of the Joint Workshop Meeting with the Planning Commission of August 6, 2019.
2. Minutes of the Workshop Meeting of August 13, 2019.
3. Minutes of the Regular Meeting of August 14, 2019.
4. Minutes of the Budget Retreat Meeting of August 24, 2019.
5. Minutes of the Workshop Meeting of August 28, 2019.
6. Minutes of the Workshop Meeting of September 4, 2019.
7. Register of Demands for September 2019.

8. Request for water leak adjustment, 755 Chipeta Drive, Meter # 1310.2
9. Appointment of Erin Smith to the Parks, Trails and Open Space Committee.

ACTION:

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

PUBLIC COMMENTS

Bob Collins thanked the Town for supporting the Colorado Grand event.

PUBLIC REQUESTS AND PRESENTATIONS

10. Request to proclaim September as Suicide Prevention Awareness Month

Julia Johnson with Tri-County Mental Health Network requested the Council adopt a proclamation declaring September Suicide Prevention Awareness Month. She explained during the month promotion attention will be given to suicide prevention services in the community, and open dialogue regarding seeking mental health services to “erase the stigma”. Ms. Johnson stated suicide is the tenth leading cause of death in the United States.

ACTION:

Mayor Pro Tem Johnson moved to approve proclaiming September as Suicide Prevention Month. Councilor Cheek seconded the motion which carried unanimously.

11. Request to adjust contract regarding vendor fee percentage for concert series

Sue Husch with the Ridgway Chautauqua Society explained the non-profit organization contracts with the Town to administer alcohol sales during the July concert series. The agreement sets a 25% vendor fee on the profit of sales. She explained during the recent series receipts were down half from the previous year, and asked Council to amend the agreement and allow for a 15% vendor fee. She also requested the rate structure be amended for the upcoming year to be based on payment after receiving a specific threshold of net proceeds.

Councilors Austin, Cheek and Mayor Clark recused themselves from the discussion and actions, based on conflict of interests.

There was discussion by the Council and it was agreed to direct staff to negotiate with the Chautauqua Society regarding the requested reduction in 2019, and the structure for next year.

12. Presentation from Eco Action Partners regarding energy use and greenhouse gas inventory

Memorandum dated 9-6-19 from Heather Knox and Kim Wheels presenting an update and presentation from Eco Action Partners.

Energy Specialist Kim Wheels addressed the Council regarding the program, noting it is a collaboration of regional government agencies, businesses and schools to achieve greenhouse gas emissions goals through oversight of the Sneffels Energy Board.

Jake Neice presented programs including the Green Business Certification; Plastic Film Recycling; Greenlights LED bulb sales; and the San Miguel Power Association Income Qualified Weatherization Program.

Ms. Wheels noted other programs include working with schools, community and regional composting. She presented graphs of regional and Town energy use and stated “we are reaching our energy greenhouse gas emissions reduction goals”, noting “climate change is the most important issue addressing us”. She requested the Town continue to participate on the board and requested a contribution of \$6000 in 2020.

Ms. Wheels answered questions from the audience.

13. Presentation from San Miguel Power Association regarding new programs and projects

Alex Shelley with San Miguel Power Association (SMPA) communications division noted electricity has a “lion share of global warming” and the organization is trying to “help people maintain their way of life” and address the “impacts of that”. He reported during a strategic planning process environmental sustainability was addressed, and staff directed to explore power supply options and expansion of energy efficiency. He presented a number of programs enacted by the organization including producing energy through renewable sources; energy efficiency and renewal pools and programs; rebates; net metering; solar array projects; and energy credits for renewable energy use.

Mr. Shelley answered questions from the Council and audience.

14. Support of planning grant for Ridgway Trails Group

Rod Fitzhugh representing the local charter of Colorado Mountain Bike Association, Ridgway Area Trails Group, explained the organization has installed, through community member volunteers, a single track non motorized trail system north of Town. The non-profit organization advocates for construction of mountain bike trails and will be applying to CPW for a planning grant to create a Ouray County wide trail management plan which would identify existing trails and develop plans for new trail systems. The \$45,000 grant requires a 20% matching grant of cash and in-kind donations, and he asked the Council to consider pledging matching funds.

There was discussion by the Council and it was agreed to review the request during the upcoming budget workshop, and directed the Town Manager to prepare a letter of support for the grant application.

ACTION:

Councilor Meyer moved, and Councilmember Cheek seconded to direct preparation of a letter of support for COPMOBA and review the funding request at a later date. On a call for the vote the motion carried unanimously.

POLICY MATTERS

15. Discussion regarding water rates

Memorandum dated 9-6-19 from the Town Manager, Town Engineer and Public Works Admin presenting background, analysis, options and rate scenarios pertaining to water rate structures, and copies of the three ordinances which have been adopted (18-05;18-06; 19-

04). Letters requesting consideration of establishing a residential annual water allotment from Paul Hebert, Shawn McKearnan, Nina Rea, Brian Rea, Meredith Nemirov, Darlene Mann, Bob Mann, Rita Robinson, Nori Francis, Martha McKenney, Ralph Tingey, Paulette Crabb, Jorge Anchondo, Marisa Murphy, Nicole Dow, Suze Gingery, Laurie Greischel, Susan McMurry, Priscilla Peters, Michelle Curry Wright, Deborah Wheeler, Patricia Kennett, Richard Gingery, Steve and Kathleen Bratt. Letters expressing concerns with residential water rates received from Susan Baker, Christine Niles, Martha McKenney and Rod Fitzhugh.

The Town Manager reviewed the memorandum. She explained after a workshop held in August staff had prepared nine scenarios to “ensure solvency of the water fund” and there were discussions at previous meetings regarding the “cost to access, treat and deliver water today and project into the future”. She presented a list of items the Council expressed supported for at the recent workshop held in October, and presented an extensive list of various scenarios for other rates, allocations and penalties for exceeding allocated amounts, for both residential and non-residential water users.

There were comments from the Council.

SPEAKING FROM THE AUDIENCE:

Nina Rea asked Council to consider reducing water rates for residents noting many grow their own food; the survival of trees; and “the beauty of our Town” if rates are increased and “people stop watering”.

Paul Hebert suggested a credit for residential users that “underuse” during the winter months and “allow the use in the two irrigation months”. He noted another effort to address “global warming”, “trees are one of the best things to combat carbon in the atmosphere”. He stated he feels the rate increase will be “working counter to what the Town would like to see” and if the rates raise there will be a “drop in usage” which will produce a “decline in your revenues, which is what you are trying to avoid”.

Ellen Hunter noted she was on the Council when the ordinance was adopted with the purpose “to get people to conserve water” and “make it what it really costs to produce water”, not necessarily reaching a targeted annual dollar amount.

Nori Francis asked for meters that users can read, or that staff read them “bi-monthly” instead of monthly before the bill is received.

Kerry Wilson supported Ms. Francis’s comments and asked that Town look into the use of “grey water” by residents.

Marisa Murphy expressed concerns with current water rates to irrigate the vegetable garden and fruit trees on her property. She stated her use is down 35 to 40 percent from last year, and “there is hundreds of dollars more in cost”. She spoke in support of “creating an annual allotment so it can be used in the summer”. She expressed concerns if the rates increase “we are going to see alot of dead trees” in Town.

Andy Michelich noted there are “many different collective approaches” and encouraged the Council to “take time to look at the structures”.

Tom McKenney stated based on the scenarios presented “in this process there would be winners and losers” and did not support “charging more money to the people who use less water”.

Jean Casolari asked the Council to “consider a unit price for what you use”, and inquired into reserve funds.

Kerry Wilson asked “are we putting a moratorium on growth?” She noted “more education” on ways to water with drip systems “could save trees”.

There were comments from the Council.

SPEAKING FROM THE AUDIENCE:

Rodney Fitzhugh stated “businesses have a way to off set costs by raising the rates they charge” but as a residential user he “can not do that”.

There was discussion by the Council regarding the different scenarios presented in the memorandum and the base rates and water allocations. Consensus was to direct staff to prepare other scenarios based upon Scenario 7, with the base rate between \$47 and 50 the residential base allocation being between 5000 and 6000 gallons and non-residential remaining at 4000 gallons, with overage amounts staggering at \$11, \$13 and \$15; if unable to enact as an emergency ordinance at the next regular meeting, it was noted the changes pertaining to non-residential rates will revert back to the original ordinance the end of October.

16. Introduction of an Ordinance Replacing Section 7-3-12(J) of the Ridgway Municipal Code, to Provide Regulations for Master Sign Plans, and Adding Provisions to the Sign Regulations in Chapter 7-3-12 to reference Master Sign Plan Regulations

Planner Shay Coburn explained earlier in the year the Council repealed the master sign plan and directed the Planning Commission to prepare new regulations. She presented a draft ordinance with Commission recommendations addressing changes to various portions of the Municipal Code. Areas affected would be permits, performance criteria, fees and costs, general regulations, allowable deviations, criteria for approval, review procedure, amendments to approved plans.

There were questions from the Council.

ACTION:

Councilor Lakin moved to introduce the Ordinance Replacing Section 7-3-12(J) of the Ridgway Municipal Code, to Provide Regulations for Master Sign Plans, and Adding Provisions to the Sign Regulations in Chapter 7-3-12 to reference Master Sign Plan Regulations. Mayor Pro Tem Johnson seconded, and the motion carried unanimously.

17. Master Plan Code update process and estimated costs for implementation

Memorandum dated 8-30-19 from the Planning Commission and Planner prioritizing master plan action items.

Planner Coburn noted priority actions to implement the Master Plan which were identified by the Planning Commission relate “specifically to zoning and subdivision code updates”. Items that would first be addressed as amendments to the Municipal Code would include housing, planned unit developments and subdivision regulations. Estimated costs for consulting to implement all changes would be \$46,000.

The Planner requested Council approval to move forward with the process and the Council consented.

18. Award of bid for design and construction oversight for the Athletic Park Pavilion Project

The Town Planner explained five bids were received for design and construction administration of the Athletic Park pavilion which will include storage, shelter, shade and concessions. The company will be retained to provide design, locations, construction documents, bid and award to contractor and some construction oversight. She explained after conducting phone interviews staff is recommending retention of Reynolds, Ash and Associates from Durango. Contract award would be \$24,300 for design and \$14,200 for bid and construction administration.

ACTION:

Mayor Pro Tem Johnson moved, with Councilmember Lakin seconding to award the contract to Reynolds, Ash and Associates for the Athletic Park Pavilion Project. On a call for the vote the motion carried unanimously.

19. Request for approval to submit grant application to Great Outdoors Colorado to partner with Southwest Conservation Corps on Parks and Trails improvements

Chase Jones, Public Works Services Admin reported on the opportunity to apply for grant funds from Great Outdoors Colorado for assignment of a Southwest Conservation Corp team of eight to ten youths aged 14 to 25 to provide two weeks of parks and trails improvements. If awarded, the cost to the Town would be approximately \$500 to provide camping facilities and purchase materials for the project. The Parks Committee is suggesting the project be geared to improvements at Weaver Park.

ACTION:

Moved by Councilmember Hunter to approve submission of a grant application to GOCO for parks and trails improvements. Councilor Cheek seconded the motion which carried unanimously.

20. Colorado Open Records Act Policy

The Town Attorney presented a proposed policy based on 2018 changes to Colorado state laws which "broadened the application of the Colorado Open Records Act". He explained the policy places all provisions into one document, provides the type of submission form for requests of information, and includes notifications and compliance with state law. He noted the policy will also include fees which will be updated by a resolution adopted at the next meeting, and will be added to Section E1 of the policy.

ACTION:

Moved by Councilor Austin, seconded by Councilor Meyer and unanimously carried to adopt the open records policy with the inclusion of fees in Section E1.

21. Discussion regarding vaping regulations

Mayor Clark reported information being reported nationally regarding health hazards of vaping has triggered a number of municipalities to begin enacting legislation banning the use. He asked if the Council had interest in pursuing a ban.

There was discussion by the Council regarding ways to enforce a ban. It was agreed vaping is “a serious health issue” and consensus was the Council will reach out to the community to determine if there is concern, and research a partnership with the school.

22. Retention of consultant for Town Manager hiring process

In follow up to the conversation at a recent workshop Mayor Clark reported there were four potential persons he contacted regarding being an independent contractor to assist in the hiring process of the new manager. Only one candidate, Mark Garcia, has availability to take on the project, he noted.

ACTION:

Councilor Cheek moved to present a consultant agreement to Mark Garcia for the town manager hiring process. Councilor Hunter seconded and on a call for the vote the motion carried unanimously.

23. Broadband infrastructure and sharing

The Town Manager explained the Town is under a 99 year lease with Clearnet Works for shared conduit space in broadband installation lines within specific areas of Town. The company is planning to begin installation of new lines and will be performing excavation work, and has asked if the Town is interested in placing conduit in the trenching. She noted the approximate cost to the Town could be \$150,000 to \$200,000 and the lines could be used to connect the public works facility with Town Hall and/or lease the lines to internet companies.

There was discussion by the Council and it was agreed the investment would be beneficial and staff was directed to presented pricing details at the next meeting.

TOWN MANAGERS REPORT

Manager Coates reported on recent repairs at the water and wastewater treatment plants; and the award of the victim assistance grant for the Marshal's Department.

COUNCIL REPORTS

Mayor Clark noted the Ouray County Historical Museum is requesting a letter of support for a grant application, and the Council agreed the Mayor should prepare a letter.

Councilor Hunter presented an update on the Creative District.

ADJOURNMENT

The meeting adjourned at 10:10 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk