

TOWN COUNCIL OF RIDGWAY
MINUTES OF REGULAR MEETING

OCTOBER 9, 2019

CALL TO ORDER

The Mayor called the meeting to order at 5:30 p.m. at the Ridgway Community Center, 201 North 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 requested the Town Council enter into a closed session pursuant to Colorado Revised Statutes 24-6-402(b) for the purpose of receiving legal advice regarding Tony Girard vs. The Town of Ridgway; and Colorado Revised Statutes 24-6-402 (4) (e) for matters that may be subject to negotiations regarding the Interim Marshal position.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilor 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 6:00 p.m.

The regular meeting began at 6:05 p.m.

INTRODUCTIONS AND PRESENTATIONS

Town Manager Coates introduced Deputy Marshal Jeffrey Pickle and recommended that he be removed from probation and placement as a full time employee.

ACTION:

Councilor Hunter moved to remove Deputy Jeffrey Pickle from probationary status to full time employment. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

The Town Manager also introduced Interim Marshal Shane Schmalz and recommended that he be removed from interim status and be promoted to the Town Marshal.

ACTION:

Councilor Lakin moved to approve the promotion of Shane Schmalz from interim status to Town Marshal. Councilor Austin seconded the motion and it carried unanimously.

CONSENT AGENDA

1. Minutes of the Regular Meeting of September 11, 2019.
2. Minutes of the Special Meeting on September 18, 2019.

3. Minutes of the Budget Workshop Meeting of September 18, 2019
4. Register of Demands for October 2019.
5. Renewal of beer and wine liquor license for Mo Money LLC, (Panny's).
6. Request for water leak adjustment for Account 2350.0.

ACTION:

It was moved by Mayor Pro Tem Johnson, seconded by Councilor Cheek and unanimously carried to approve the consent calendar.

PUBLIC COMMENTS

May Collier expressed her concerns regarding the crosswalk at the intersection of Amelia and Sherman Streets. She explained that many parents and children have nearly been hit by motorists while the crosswalk lights are flashing. She said the motorists disregard the crosswalk attendant and the patrol car presence and requested that a traffic control sign be placed further up the road west of Amelia Street. The Council requested staff discuss the matter with the Marshal's office and contact the Colorado Department of Transportation (CDOT) regarding the signage.

PUBLIC REQUESTS AND PRESENTATIONS

7. Update on Ouray County broadband efforts

Michelle Neese, Executive Director of Region 10 gave a brief overview about provision and distribution of affordable regional broadband by using existing assets, providers and local electric companies. This was obtained through an eight million dollar grant from the Department of Local Affairs. County Administrator, Connie Hunt explained fiber optic services and redundancy have been created from Montrose to Ridgway and Telluride for public health services. Jeff Hawkins, Information Technology Manager for Ouray County reviewed overcoming project challenges through collaboration with Region10. Project challenges were lack of capacity, redundancy, un-served areas, and no incumbent provider. County Commissioner Ben Tisdale explained allocation for State and Federal funding and project phasing. Ms. Hunt noted the project, which is underway will cost \$2.7 million, and over \$1.8 million has been received in contributions.

8. Ridgway Area Chamber of Commerce Quarterly Update

Hilary Lewkowitz, Marketing Director for the Ridgway Chamber reported Board President, Colin Lacy stepped down and Tim Patterson will serve as the interim President until January. She reported that another \$10,000 grant was received from the Colorado Tourism Office. The grant money will be used to promote off-season economic opportunities and marketing in Ridgway and Ouray County through a partnership with the Ouray County Tourism Office. Lewkowitz reported that a \$25,000 grant has been received to promote the Creative Corridor; the Master Plan for the Chamber and Visitor's Center is completed; they are working on a grant to provide signage for promoting the downtown businesses, and county wide assets; the 2020 Visitor Guide should be out for publication in January; and four scholarships were awarded from the annual golf tournament.

PUBLIC HEARINGS

9. Preliminary Plat; Location; southwest corner of Sherman/Hwy 62 and South Railroad, Legal Address: S 16 T: 45 R: 8 N1/2SW1/4; Address: TBD Railroad/Hwy 23; Zone: Historic Business; Applicant and Owners: Ridgway Cohousing, LLC

Staff Report dated October 4, 2019 presenting recommendation from the Planning Commission to approve with conditions the Preliminary Plat for TBD South Railroad Street and Highway 62, prepared by the Town Planner.

Town Planner's Notice of Public Hearing dated September 27, 2019.

Town Planner Shay Coburn reviewed the Site Plan for the project explaining the applicant submitted plat revisions required by the Planning Commission prior to the Council meeting. Coburn reviewed the list requiring Town Council's approval which included: Town Engineer's review for the recent revisions submitted, deferral of a required sidewalk along Parcel A until the Railroad Street alignment is resolved, deferring installation of the phone service lines until after final plat, an extension on the 90-day time requirement to meet the conditions of the preliminary plat; and an extension to obtain the permit for the culvert and utility work in the floodplain. The Town Planner explained that the Applicants will enter into a Subdivision Improvements Agreement if needed and recommended approval of the application.

John Baskfield, architect for the project said a grass-roots group developed the co-housing concept for the project which focuses on common spaces, shared resources and support. The project uses energy efficient construction and will also use rain gardens for landscaping and to retain storm water that will be disbursed throughout the grounds. Mr. Baskfield noted they will also improve the alley way between the parcel and Alpine Bank and that will assist in pedestrian traffic flowing from Cottonwood Park.

The Town Council discussed the application with Mr. Baskfield.

Mayor Clark opened the hearing for public comment.

Michael Cox spoke in favor of the project and suggested a round-a-bout for traffic control at the proposed Railroad alignment intersection.

Mayor Clark closed the hearing for public comment.

The Council discussed the application with staff. The Town Planner explained the floodplain permit process which could take up to 2 years to complete. She also noted the storm water drain installation will require an encroachment across Highway 62. A State permit is required and that may also take longer than the 90 day requirement in the Town regulations.

ACTION:

Councilor Lakin moved to approve the Preliminary Plat for Ridgway Co Housing LLC subject to all the conditions in the Staff Report dated October 4, 2019, including the Town Engineer's review; a two year extension is approved in order to obtain the necessary permits with the Town and United States Army Core of Engineers; a 6 month extension is approved to obtain the

permit for highway access regarding the storm water drain; and deferral for the sidewalk installation requirement along Parcel A is approved until the final plat discussion. Councilor Hunter seconded the motion and it carried unanimously.

10. 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

The Town Planner explained the ordinance allows flexibility for multi-business buildings and for business with more than one building on a lot.

The Mayor opened the hearing for public comment and there was none.

ACTION:

Mayor Pro Tem Johnson moved to adopt Ordinance 2019-07, An Ordinance of the Town of Ridgway, Colorado Replacing Section 7-3-12(J) of the Ridgway Municipal Code Section 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. Councilor Lakin seconded the motion and it carried unanimously.

11. Adoption of Emergency Ordinance of the Town of Ridgway, Colorado Amending the Ridgway Municipal Code Section 9-1-17 Adjusting Water Service Rates

Memorandum dated October 7, 2019 regarding the Water Rates Emergency Ordinance from the Town Manager.

The Town Manager reviewed the memorandum which provided revenue projections for various base rates and overage costs scenarios as requested by the Town Council at the September regular meeting. She commented the rates will affect every building in town.

The Town Council asked questions and discussed the scenarios with the Town Manager.

Mayor Clark opened the hearing for public comment.

Torbin Hollenbeck spoke in favor of the proposed ordinance.

Bob Collins said “the rates can be tweaked more to bring the rate down, but the new ordinance is better than the old ordinance.”

Mike Cox asked if the Community Garden rates were considered. The Public Works services Administrator explained the Community Garden receives the same rate as a single family residence.

The Deputy Clerk read a memorandum regarding the water rates discussion from resident Barthold Lichtenbelt dated October 9, 2019. The memorandum stated Mr. Lichtenbelt supports water conservation, stated the base rate of \$10.40 per 1000 gallons is too high, and asked for the rate to be reduced. Lichtenbelt also requested the Town Council investigate options to lower cost and ensure that there is sufficient long-term water supply.

Mayor Clark closed the hearing for public comment.

The Town Council discussed the matter and requested staff to investigate the use of grey water for summer watering as time permits, realizing this proposed change will also prompt drafting an ordinance.

ACTION:

Councilor Lakin moved to approve Ordinance 2019-08: An Emergency Ordinance of the Town Of Ridgway, Colorado Amending the Ridgway Municipal Code Section 9-1-17 Adjusting Water Service Rates, and with the edit that the Ridgway Schools effective date will be changed to 11-1-2019. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

POLICY MATTERS

12. Request to submit site application to Colorado Department of Public Health and Education (CDPHE) for lift station at the Preserve PUD

Ms. Coates explained a proposed lift station is required with this development and must be approved by the State of Colorado. She further explained the application for the lift station must be approved by Ouray County, the Town of Ridgway and requested the Council's approval as well.

ACTION:

Councilor Cheek moved to approve the request for site application to CDPHE for lift station at Preserve PUD. Councilor Lakin seconded the motion and it carried unanimously.

13. Second Amendment to 2002 Ouray County Ridgway Land Use Intergovernmental Agreement, amending the Urban Growth Management Area

Amendment No. 2 To Intergovernmental Agreement Between the Town of Ridgway and Ouray County; Future Land Use Map-Town of Ridgway.

Town Planner Coburn presented the proposed amendment to the agreement and explained the urban growth boundaries have not been updated since 2007. The Land Use Map and Growth Management Area on the map are the only updates in the amendment and would need to be approved by the Town and Ouray County she concluded.

The Mayor requested public comment.

County Planning Commissioner Sheelagh Williams commented that the Area of Influence on the map did not change. Planner Coburn explained the Area of Influence on the map does not change unless the Town boundary changes.

The Mayor closed the opportunity for public comment.

ACTION:

Councilor Hunter moved to approve the proposed Second Amendment to 2002 Ouray County Ridgway Land Use IGA, amending the Urban Growth Management Area. Mayor Pro Tem Johnson seconded the motion and it carried unanimously.

14. Railroad Street temporary access agreement

Town Attorney Bo Nerlin presented a six month temporary access agreement between the Railroad Museum, Ranch History Museum and property owner Eco Properties. He explained the proposed agreement replaces the month-to-month agreement for the three points of access at the lot and will expire in April 2020.

Mayor Clark requested public comment and there was none.

ACTION:

Mayor Pro Tem Johnson moved to approve the six-month agreement with the Railroad Museum, Ranch History Museum and Echo Properties for temporary access to Railroad Street. Councilor Austin seconded the motion and it carried unanimously.

15. Resolution Updating Specified Clerk's Fees

The Town Manager explained the resolution is to reconcile certain Town fees with the Colorado Open Records Act for established maximum fees.

The Mayor requested public comment public comment and there was none.

ACTION:

Councilor Lakin moved to approve Resolution No. 19-10 A Resolution Of The Town Council Of The Town Of Ridgway Updating Specified Clerk's Fees. Councilor Cheek seconded the motion and it carried unanimously.

16. Resolution in Support Of Proposition CC On The November 5, 2019 Statewide Election Ballot, A Measure To Allow The State To Invest Revenue Collected Beyond Current State Limits For State And Local Transportation Projects As Well As K-12 Education And Higher Education

Manager Coates presented the resolution and noted that the Colorado Municipal League has taken a position of support. She asked the Town Council to consider support it as well.

The Mayor requested public comment public comment and there was none.

ACTION:

Councilor Hunter moved to approve Resolution No. 19-11 A Resolution Of The Town Of Ridgway In Support Of Proposition CC On The November 5, 2019 Statewide Election Ballot, A Measure To Allow The State To Invest Revenue Collected Beyond Current State Limits For State And Local Transportation Projects As Well As K-12 Education And Higher Education. Councilor Cheek seconded the motion and it carried unanimously.

17. Resolution 19-12 A Resolution in Support of Proposition DD, which will authorize sports betting with master licenses held only by those entities licensed to conduct limited gaming within the three host cities, and requires local voter approval in the three host cities.

The Town Manager commented that the resolution will assist in funding the State Water Plan.

ACTION:

Councilor Meyer moved to approve Resolution 19-12; A Resolution in Support of Proposition DD, Which Will Authorize Sports Betting with Master Licenses Held Only By Those Entities Licensed to Conduct Limited Gaming Within the Three Host Cities, and Requires Local Voter Approval in the Three Host Cities. Councilor Hunter seconded the motion and it carried unanimously.

18. Request to approve change to Ridgway Chautauqua Society (RCS) 2019 Revocable Special Event Permit for alcohol sales at the Ridgway Concert Series

Memorandum dated October 7, 2019 presenting background and analysis, prepared by the Town Manager.

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

Staff reviewed the financials for the 2019 Concert Series as requested by the Town Council at the September regular meeting. Manager Coates explained the Concert Series used to pay for itself when the Town operated the alcohol tent, and now the event is a direct cost to the Town of approximately \$16,000. She recommended the Town reduce the RCS vendor fee by 10% for only 2019 because the Town already significantly subsidizes the Concert Series, and the goal is for the Town not to continue subsidizing it. Ms. Coates noted the Town supports the Concert Series and suggested Council look at any request on its own merit next year, after the series is finished.

SPEAKING FROM THE AUDIENCE:

Sheelagh Williams, RSC Board Member said she felt the sales were reduced primarily because of attendance; crowds were smaller, there was a conflict with the 4th of July show and bad weather at the last show caused most of the crowd to leave early.

ACTION:

Councilor Meyer moved to approve a 10% reduction for the Ridgway Chautauqua Society's vendor fee for the 2019 Concert Series, with the commitment that a reduction for next year will be reviewed after the Concert Series is finished. Councilor Hunter seconded the motion and it carried unanimously.

Councilors Cheek, Austin and Mayor Clark returned to sit with the Council.

The Council paused for a break at 8:50 p.m. and resumed at 8:55 p.m.

19. Introduction of draft 2020 budget

The Town Manager introduced the draft budget and noted the expenditures pending projections.

20. Request to submit comment letter to the Public Utilities Commission expressing support for the efforts to have Tri-State eliminate their 5% cap on renewables

Memorandum to the Colorado Public Utilities Commission dated October 10, 2019, from the Ridgway Town Council regarding Tri-State Generation and Transmission Rulemaking Docket 19R-0408E; Notice of Proposed Rulemaking, Decision No. C19-0651, Adopted July 25, 2019.

Mayor Clark presented the letter to the Colorado Public Utilities Commission “requesting that Tri-State Generation be subject to the same regulations as other electric utilities in Colorado, which will help Tri-State move toward increasing the use of renewable generated electricity and decreasing the cost of power in Colorado,” and asked the Council for comment and approval.

There were no questions or comments from the Council.

ACTION:

Councilor Meyer moved to approve sending the letter regarding Tri-State Generation and Transmission Rulemaking Docket 19R-0408E to the Colorado Public Utilities Commission. Mayor Pro Tem Johnson seconded the motion which carried unanimously.

21. Discussion of the Town Council Adopt a Highway Initiative

Mayor John Clark updated the Council about participating in the Initiative. He submitted a request to adopting mile markers 15.5 thru 18 on Highway 550 and the designation is pending approval from the Colorado Department of Transportation.

22. Discussion of a Prohibition on the Use of Vaping Devices

Mayor Clark sparked the discussion due to recent vaping crises. Tanner Kingery, Ouray County Public Health Deputy Director provided information about what other communities in Colorado are doing such as limiting the smoking age, banning flavored vaping products, and tax increases on tobacco products.

The Town Council discussed types of preventative measures that could be put in place.

SPEAKING FROM THE AUDIENCE:

Business owner Aaron Strength commented there is misinformation circulating in the media and that he has not seen under age or multiple pack purchase transactions through his business. Mr. Strength said he is concerned about under age users because black market vaping products are the primary cause of related vaping deaths and would like to find a solution to prevent the “unofficial channels” from circulating in the schools.

The Council asked staff to investigate regulations and licensing requirements as time permits.

MANAGER’S UPDATE

Manager Coates reported on the progress of the Tri-County Water Conservancy Agreement and the results of the tax credit application for Space to Create.

The Town Council asked questions regarding the Planning Commission Report.

COUNCIL REPORTS

Mayor Clark advised the Council of the candidate interview schedule for the Town Manager position. The Council discussed proposed members for the stakeholder list.

Councilor Lakin reported on Colorado Municipal League's (CML) recent State legislative actions about repealing single use plastics. Lakin will forward an email from the CML Policy Committee containing a link to the Council so they can send letters of support to CML.

ADJOURNMENT

The Mayor adjourned the meeting at 9:35 p.m.

Respectfully Submitted,

Karen Christian, Deputy Clerk