

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 9, 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, Hawse, William, Young, Mayor Pro Tem Johnson and Mayor Clark. Councilor Hunter was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of July 12, 2017.
2. Minutes of Workshop Meeting of July 19, 2017.
3. Minutes of Joint Workshop Meeting with the Planning Commission on July 25, 2017.
4. Register of Demands for August 2017.
5. Renewal of Tavern Liquor License for Provisions.

ACTION:

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

EMPLOYEE RECOGNITION

The Mayor recognized Danny Powers for 20 years of service to the Town maintaining the Town parks. He noted that Mr. Powers has been an “ambassador of the Town” welcoming visitors and available at all hours to assist organizations holding events. He noted it was Mr. Powers drive for environmental friendly products that caused the Town to change it’s policy and only use organic products on landscaping and vegetation.

PUBLIC REQUESTS AND PRESENTATIONS

6. Update on use of second quarter lodging tax funds by the Chamber of Commerce

Letter dated 8-4-17 from the Ridgway Area Chamber of Commerce presenting the second quarter lodging tax report and profit and loss statement from January through July.

President of the Ridgway Area Chamber of Commerce, Colin Lacy, presented highlights from the second quarter lodging tax report. He noted focus has been on upgrades to the visitors center; content development of the website; hiring of a new Membership and Operations Manager and adding eight staff, consultants and partners to create a new operational team. He explained projects have included creating a one to three day itinerary of interactive sites displaying “things to do”; map displays on the website and continued advertising in the San Juan Skyways and GoColorado.com publications.

POLICY MATTERS

7. Recommendation from the Town Manager to remove Shay Coburn from probationary status and designate as a full-time employee

Town Manager Jen Coates recommended removing Shay Coburn from probationary status and designating her as a full-time employee and the Town Planner effective August 7th.

ACTION:

Mayor Pro Tem Johnson moved to accept the recommendation of the Town Manager and remove Shay Coburn from probational status and make her a full time employee. Councilmember Hawse seconded and the motion carried unanimously.

8. Introduction of an Ordinance Amending the Official Zoning Map to Provide for the Uncompahgre River Overlay District and creating River Corridor Development Regulations

Staff Report from the Town Manager and Planner dated 8-4-17 presenting clarifications and answering questions from the previous meeting regarding the draft river corridor ordinance and providing a list of communities with model buffer regulation ordinances.

The Town Manager explained in follow up to discussion at the previous meeting regarding a draft river corridor ordinance, staff has drafted a revised ordinance based on the comments and discussion. She noted the proposed regulations were drafted to address a goal of the 2011 Land Use Plan to reconnect the river corridor.

Planner Shay Coburn presented a review of the draft ordinance, and a list addressing questions presented at the previous meeting. She reported the ordinance proposes overlaying the district upon existing zoning, and use of the river buffer area as defined in the Land Use Plan, and presented a map identifying all affected parcels.

Planner Coburn noted there were a number of changes in the proposed ordinance from the prior meeting which includes no longer contains requirements for a conditional use permit, uses are permitted unless otherwise prohibited; land use activity will trigger the regulations; if the property is already developed and built upon it is exempted; identifying map will be adopted with the ordinance; the underlining zoning district still applies; adds no disturbance of the riparian areas; set backs of a minimum 50 feet from top of bank or 25 feet from the riparian area, whichever is greater; property within the overlay must provide public access; a list of prohibited uses in the district; design guideline and standards from the Commercial Design Guideline adopted in 2014 encompassing site planning, parking, mass, scale, architectural design, screening and buffers; variance process to all performance standards based on practical difficult and unnecessary hardship; and simplifies the development process.

SPEAKING FROM THE AUDIENCE:

Dee Dee Decker, property owner along the river, explained her property encompasses three acres of wetlands and "flood land" and "there is property which could be buildable" which "would be affected by the ordinance". She stated "I feel like you are taking away the future value of this property" and "I think this needs further discussion".

Paul Hora with San Miguel Power Association stated the organization supports the intent of the ordinance, but has concerns with the overlay as it "runs over our entire property" and "as

the region is growing we have plans to develop on our property". He noted "we are concerned and would like more time to explore options".

Glen Pauls stated "I own 80 acres of property on both sides of the river" and asked for "meetings with land owners to discuss" "prior to preparing an ordinance". He noted "what you are asking for here is way above what is required now."

Jack Petrucci, property owner along the corridor, stated the ordinance will require landowners "to go through a process of environmental impact fees and studies" to "determine if you can purchase to build". He stated "a buyer won't understand until they do through the process", which "devalues the process and makes it virtually impossible".

Attorney Michael Hockersmith stated "this will affect property rights" and "property owners". "I urge you to table this today" and "have workshops and talk about this." He noted "this has unintended consequences" it is a "fallacy of one size fits all".

Diane Pauls noted residential property owners are not required to "give permission for people to walk through their private property" and suggested it was unfair to require that of the river properties.

Attorney Andy Mueller, speaking on behalf of Jack Petrucci, stated "as written" the ordinance will "cause them to be unable to sell their property." He expressed concerns with the "definition of wetlands" and asked "throw out this ordinance", "invite people to find something that works".

Jack Petrucci noted "if this ordinance was passed the Rollans Park would not have happened".

Attorney Bob Thomas explained he is representing a property owner with a 16.7 acre parcel and "the entire property is included in the corridor." The "owners are proposing at this time to make a community asset" of the parcel and allow it to be used by the Railroad Museum and Ranch History Museum. He stated "we're close to finalizing those plans", "our concern is" "how will this impact our beneficiaries, the museums and the public who will benefit by it". He asked the Council to "table and set up for work sessions" so we can "know if we can move forward with our plans". He noted the "riparian use as defined now could prohibit plans for the Railroad Museum" noting the "donation" is "to set up these museums in perpetuity". "We are not sure we can do what we want to do" Mr. Thomas stated, "we would need time to review the ordinance", "to see if we can meet the design standards".

Karl Schaffer, President of the Ridgway Railroad Museum stated the property is an "opportunity for the museum" to "improve our ability for education". He explained the plan is to "build a half mile of track and run the 1882 steam trains". He noted "200 feet of river front is on the 16.7 acres of property", "we need to know if we can do what we need to do", "we're putting a lot of effort into this".

Craig Jackman explained "my parcel is included in the the overlay" and "from my property it is 18 to 20 feet above the river". He noted "I have a half acre, or 22,000 feet", which "is not in the river, not in the river bank and not in the floodplain". "I have calculated that 72 square feet of my 22,000 square feet is impacted". The proposed ordinance would "reduce the lot coverage in the historic district lot from 100 percent coverage" and "include the entire parcel when 90% is not in the river zone". He expressed concerns with the "riparian definition".

Marge Phelps explained she is a real estate agent representing a parcel along the river and "this changes everything". She stated it is "not fair to people who spent a lot of money".

Laura Hagert noted she owns property on the river “we welcome people on our land”, “we encourage wildlife”, “this would impact us immensely” and “this could be a detriment to us”.

Speaking as a resident Tanya Ishikawa spoke in favor of “protecting the values of the river for all the community” and stated “I think the Town is doing something good approaching this issue”.

Guthrie Castle spoke in “support of the concept of the ordinance encasing public use along the river way” and noted the “part of the ordinance that makes the property owner pay for public use”, “the public should pay for that”.

Tom Hillhouse suggested the Town “adopt a procedure that any zoning change require notifying property owners”.

There were comments and discussion by the Council.

The Town Manager asked to clarify what had been said, and noted staff tried to respond to the feedback from the last meeting and prepared changes to the draft ordinance. She explained the document was created based on the Land Use Plan, incorporates those regulations, and staff researched regulations adopted by other Colorado communities for corridor protection. The designation of the river core is in the Land Use Plan; and large parcels still have all parts of existing code requirements to meet. She explained a firm was hired after the last meeting to prepare the map to allow property owners to determine how the overlay may affect their property. That document was delivered yesterday, not providing the ability to distribute it prior to the meeting. Nothing in the ordinance tries to minimize public and private partnerships, nor precludes or prohibits it, she stated.

The Planner noted the definition of riparian was taken from the United States Department of Agriculture, Natural Resources Conservation Services. She commented staff looks forward to community suggestions and specific concerns to help develop the ordinance.

There was discussion by the Council and consensus was to not introduce the ordinance and schedule workshops to continue discussions and receive public input. It was noted the draft ordinance would be a “starting point to move forward from”. The Council agreed to a workshop meeting on August 23rd at 6:00 pm, and directed staff to prepare answers to questions that were presented during the discussion.

The Council took a recess at 7:55 pm and reconvened the meeting at 8:05 pm.

9. Introduction of an Ordinance Entering into an Agreement to Purchase Property at Block 28, Lots 6-10 in the Town of Ridgway

Manager Coates explained in 2016 the Town entered into an option to purchase from Peter Decker Lots 6, 7, 8, 9 and 10 of Block 28 for the Space to Create project. The Town has received a grant of \$125,000 and budgeted the remaining \$125,000 to purchase the property, which is currently being leased for use as public parking. She presented a Contract to Buy and Sell Real Estate, noting the agreement includes a provision if the project is not implemented there is an option to repurchase. The ordinance approves entering into the contract to purchase, she noted.

ACTION:

Moved by Mayor Pro Tem Johnson to introduce the Ordinance Entering into an Agreement to Purchase Property at Block 28, Lots 6-10 in the Town of Ridgway, the motion was seconded by Councilmember Young and unanimously carried.

10. Discussion regarding traffic calming devices and speed limits on Town streets

Staff Report dated 8-3-17 from the Town Manager presenting staff recommendations and phased approaches to traffic calming and speed control.

The Town Manager reported at the previous meeting the Council directed staff to prepare options for traffic calming devices and speed control, including lowering the speed limit. Staff met to discuss the concerns of the community and Council, and the staff report includes recommendation and phased approaches delineating proposed changes, costs and projected staff time.

Council and staff reviewed the document which included reducing the speed limit to 15 mph on all Town streets except N. Railroad; staff perform outreach on the reduced speed before installing signs and enforcing; purchase new speed limit signs and install in high traffic and speeding locations to judge effects; reach out to organizations currently driving trucks on streets that prohibit large truck traffic; purchase four weighted base signs to place in the middle of streets to slow traffic. Manager Coates noted this would be the first phase and the cost would be \$2,500, staff will observe results and if needed implement the second phase.

The Council agreed with the recommendation, implementation of phase one and monitoring and evaluating effectiveness of the program.

11. Discussion regarding bear resistance refuse bins

Memo from staff dated 8-4-17 presenting information on wildlife resistant trash bins and other options to deter attracting and retaining bears.

Manager Coates reported the Council has previously discussed implementing a mandatory bear resistant refuse policy. The current refuse collection provider was asked to research obtaining bear resistant refuse containers. At that time it was noted the five year refuse collection contract expires in May, and the program must be opened to the public bid process, and would impact the project. The price quoted for a 68 gallon container is \$235 she noted, and commercial refuse collection is not regulated under the current statutes.

There was discussion by the Council pertaining to education; short term rentals and commercial dumpsters.

Kelly Crane with the Colorado Division of Wildlife (DOW), explained she oversees Ouray and San Miguel Counties and has worked with other jurisdictions on implementing regulations requiring bear resistant refuse containers. She stated "it's a people problem and easy to solve if people want to do it".

There was discussion by the Council and staff regarding current regulations which state refuse is not to be placed curbside until the morning of pickup. Consensus of the Council was to direct staff to research ordinances in effect in other communities and prepare a draft ordinance requiring bear resistant containers for residences and commercial dumpsters must be latched properly; expend up to \$2500 for bear resistant containers to place in parks; discuss during the budget process the need for a full time Code Enforcement Officer; obtain stickers from the

DOW for use on residential cans that are placed out the night before collection; begin an outreach and education process to residential and commercial users; schedule further discussion on the next agenda.

12. Submission of grant application for Victim's Assistance In Law Enforcement

Memo dated 8-3-17 from the Town Manager presenting a request to apply to the Colorado Department of Public Safety for a grant that will provide for victim's rights services in Ouray County.

The Town Manager reported Marshal Stroup has been meeting with Ouray County and the City of Ouray to discuss applying jointly for a victims rights service program grant, which would provide full funding for a victim assistance position which will serve all three jurisdictions. The position would be completely funded at \$42,000 and the Town would need to place expenditures and revenues in the Fiscal Year 2018 budget, she noted.

ACTION

Moved by Mayor Pro Tem Johnson, seconded by Councilor Austin to approve the submittal of the grant application to the State of Colorado Department of Public Safety for victims assistance, after a call for the vote, the motion carried unanimously.

13. Memorandum of Understanding with Ouray County regarding annexation

The Town Attorney presented a Memorandum of Understanding (MOU) with Ouray County pertaining to annexing county property off Mall Road. He explained at a workshop meeting held a number of months prior, both parties agreed to proceed with the annexation process through the use of a MOU. He noted he has reviewed the document and recommended Council approval, noting it is a non-binding document.

ACTION:

It was moved by Councilor Young, seconded by Mayor Pro Tem Johnson and unanimously carried to enter into the MOU with Ouray County for annexation and development of property at 111 Mall Road.

14. Agreement with R Ving Accessibility Group Inc., dba Peak Access, to perform ADA audits for local businesses

The Town Manager presented a Professional Services Agreement with R Ving Accessibility Group to perform Americans with Disability's Act (ADA) audits for local businesses. She noted the company doing business as Peak Access has agreed to conduct the ADA audits the Council discussed and budgeted for in 2017. The Town will provide grants to businesses to have an audit performed to identify any challenges to handicapped persons do to non-compliance with ADA access requirements. These \$500 grants will allow a business to have the inspection and identification performed, so that retrofits can be made to meet the federal ADA accessibility regulations. She noted the contract amount would be up to \$2,500 and also include reimbursement of mileage, lodging and meal, not to exceed \$400 for the three to four days needed to perform the business audits.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilor Young and unanimously carried to enter into a contract with R Ving Accessibility Group Inc to perform ADA audits.

15. Submittal of grant request to the Boettcher Foundation for predevelopment phase of the Space to Create project

Manager Coates explained at a recent workshop the Council discussed applying for grant funds to complete the pre-development phase of the Space for Create project. She recommended the Council approve staff making application for grant funds from the Boettcher Foundation.

ACTION:

Councilor Young moved to approve applying for a grant with the Boettcher Foundation. Councilor Hawse seconded and the motion carried unanimously.

MANAGERS REPORT

Manager Coates reported the Town has been awarded the \$6,400 Charge Ahead CO grant award for installation of an electric vehicle charging station. The Town has budgeted \$2,000 towards the \$8,000 project. Grant funds are available for use until June of 2018.

The final highway paving for the RAMP project will be done in the next few weeks, and the Town is planning a community celebration of the project on August 26th.

The Town Manager updated Council on dates for budget workshops, joint workshops with the Planning Commission and another with the City of Ouray and Board of County Commissioners; and reported the new website created by staff through formatting from the State Internet Authority, is operational.

Councilor Young left the meeting at 10:05 p.m.

ATTORNEYS REPORT

The Town Attorney requested an executive session pursuant to CRS 24-6-402(b), (e) and (f) for conference with the Town Attorney for the purpose of receiving legal advice, to discuss matters subject to negotiations and personnel matters.

ACTION:

Moved by Mayor Pro Tem Johnson, seconded by Councilmember Hawse and unanimously carried to enter into closed session.

The Council entered into executive session at 10:10 p.m. with the Town Attorney and Town Manager.

Councilor Hawse left the meeting at 11:05 p.m.

The Council reconvened back into open session at 11:35 p.m.

The Council discussed the Town Manager's salary. Councilor Williams suggested all members of the Council should be present to discuss a salary adjustment. It was agreed the full Council was present for the Manager's performance evaluation and was in agreement with a salary adjustment to the midpoint range of the 2016 salary survey.

ACTION:

Mayor Pro Tem Johnson moved to increase the Town Managers salary after the 2017 performance review to \$98,781 annually, to be paid retroactive to January 1, 2017. The motion was seconded by Councilor Austin, and on a call for the vote the motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 11:40 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk