

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING

DECEMBER 9, 2009

CALL TO ORDER

The Mayor Pro Tem called the meeting to order at 5:30 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance were Councillors Hebert, Hunter, Hynes, Johnson, Weaver and Mayor Pro Tem Clark. Mayor Willits was not present for the roll call.

CONSENT AGENDA

1. Minutes of the Regular Meeting of November 11, 2009.
2. Register of Demands for December 2009.
3. Ratify revocable permit to John and Debbie VerStratete to stage construction materials in public right-of-way, outside of the roadway, on North Cora Street.

ACTION:

It was moved by Councilmember Johnson and seconded by Councillor Hebert to approve the consent agenda. The motion carried unanimously.

PUBLIC REQUESTS AND PRESENTATIONS

4. Request to schedule workshop for Economic Development Presentation with Delta Area Economic Development

Judy Snelling, representing the Ridgway Area Chamber of Commerce, explained during a recent board retreat the Chamber received a presentation on economic development from Deana Sheriff, the Director of the Delta Area Economic Development. She inquired if the Council would be interested in also having a presentation at a workshop meeting.

The Council agreed to attend a community forum in January or February, directing Councillor Weaver, Council liaison to the Chamber Board, to notify staff of the meeting date.

5. Update on proposed green building regulations

Building Inspector, Bill Behan, presented an update on the point based green building codes system presented to Council in August. He explained the codes have not worked in surrounding jurisdictions, which have now adopted a prescriptive energy code and green building standards in place of the point based system. Staff has reviewed goals and objectives of the green building codes which include sustainability, inexpensive building costs, efficient structures and incentives for energy conservation. He reported staff has been working with The New Community Coalition, a non-profit organization in San Miguel County, which has developed a prescriptive energy code and green building standard, which has been adopted by the other jurisdictions. Currently a committee of local builders and architects is working with staff to tailor the new code, which will be presented to the Council at the January meeting.

6. Request to sponsor the 7th Annual Balloon Festival

Letter from Gary Woods requesting sponsor participation in the 7th annual Balloon Festival to be held May 7 - 9, 2010.

Mayor Willits entered the meeting at 5:45 p.m.

Mr. Woods addressed the Council explaining the Town has sponsored the balloon festival for the past six years, and allowed use of Hartwell Park for the Friday night community event. He asked for continued support in the amount of \$600.

ACTION:

Moved by Councillor Hebert to commit \$600 out of the 2009 budget to sponsor a balloon for the 2010 Balloon Festival and allow use of Hartwell Park. Councillor Johnson seconded the motion which carried unanimously.

Mayor Pro Tem Clark turned the gavel over to Mayor Willits.

PUBLIC HEARINGS

7. Application for transfer of restaurant liquor license, Smyth's Pub and Chophouse, 257 Sherman Street, Suite C; applicant: Chez What LLC, shareholders: Peter and Cara O'Brien

Staff Report dated 11-25-09 from the Town Clerk presenting an application for transfer of ownership of restaurant liquor license from River's End Bar and Grill at 257 Sherman Street, to Chez What LLC. Town Clerk's Notice of Public Hearing dated 11-25-09.

The Town Clerk explained the LLC shareholders, Peter and Cara O'Brien, will operate the business as Smyth's Pub and Chophouse. If approved, a temporary operating license will be issued until receipt of the new license from the state licensing authority. She noted that all requirements of license application have been met, but findings of the background check have not been received from the Colorado Bureau of Investigation. She suggested, if approved, the approval be made contingent upon receipt of clear findings.

ACTION:

Councillor Hunter moved, Councilmember Weaver seconding to approve the application for transfer of liquor license with the condition of receipt of a clear background check, and approve the temporary operating license. The motion carried unanimously.

8. Adoption of Ordinance Amending the Official Zoning Map by Rezoning a Parcel of Land Currently Owned and Operated by the Colorado Department of Transportation from "FD" Future Development to "GC" General Commercial District

Town Manager Greg Clifton reported the draft ordinance will update zoning on the parcel at the corner of Amelia and Highway 62 to general commercial, and will additionally restrict the property to government uses only.

ACTION:

It was moved by Councillor Hebert to adopt the Ordinance Amending the Official Zoning Map by Rezoning a Parcel of Land Currently Owned and Operated by the Colorado Department of

Transportation from "FD" Future Development to "GC" General Commercial District.
Councilmember Hynes seconded and the motion carried unanimously.

9. Adoption of Ordinance Amending Sign Regulations

The Town Clerk noted the proposed ordinance, requested by the Council, will allow administrative staff to approve placement of civic event banners in Town parks.

ACTION:

Councillor Hebert moved, with Mayor Pro Tem Clark seconding to adopt Ordinance No. 09-12 Amending Sign Regulations. The motion carried unanimously.

10. Adoption of the Town of Ridgway Fiscal Year 2010 Budget and setting the Mill Levy for Fiscal Year 2010

The Town Clerk/Treasurer presented three resolutions pertaining to adoption of the 2010 fiscal year budget, appropriating funds and levying property taxes for the year 2010.

The Council took a recess at 6:05 p.m. and reconvened the meeting at 6:20 p.m.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Johnson seconding the motion to adopt Resolution No. 09-07 Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January, 2010 and Ending on the Last Day of December, 2010. The motion carried unanimously.

ACTION:

Mayor Pro Tem Clark moved to approve Resolution No. 09-08 Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amount and for the Purpose as set Forth Below, for the 2010 Budget Year. Councilmember Hunter seconded the motion and it carried unanimously.

ACTION:

Councillor Johnson moved, with Mayor Pro Tem Clark seconding the motion to adopt Resolution No. 09-09 Levying General Property Taxes for the Year 2010, to Help Defray the Costs of Government for the 2010 Budget Year. The motion carried unanimously.

11. Adoption of Ridgway General Improvement District #1 Fiscal Year 2010 Budget and setting Mill Levy for Fiscal Year 2010

The Town Council acting in its capacity as Board of Directors of Ridgway General Improvement District #1, received from the District Treasurer, two resolutions adopting the 2010 fiscal year budget and setting mill levy property taxes for 2010.

The Town Manager noted the long term objective is to dissolve the improvement district and the mill levy will be set with a temporary reduction, and no property taxes will be collected in 2010.

The Board took the following actions:

Moved by Director Hebert and seconded by Director Clark to adopt the Resolution of Ridgway General Improvement District #1, Ridgway, Colorado, Levying General Property Taxes for the Year 2010, to Help Defray the Costs of the District for the 2010 Budget Year. The motion carried unanimously.

Director Hebert moved to adopt the Resolution of the Ridgway General Improvement District #1, Ridgway, Colorado, Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2010 and Ending on the Last Day of December 2010. Director Johnson seconded and it carried unanimously.

LAND USE ISSUES

12. Expiration of final plat for Ridgway Hot Springs

The Town Manager reported the continuation of timeframe to meet conditions of final plat for Ridgway Hot Springs PUD expire this month. In conversations with the new property owner, Kaatz Investments, they have stated they will not move forward with the application for planned unit development as submitted by the previous property owner. Additionally, the property soon will be listed for sale.

Speaking from the audience Tom McKenney asked if there was a way to encumber the property to collect the outstanding fees due to the Town.

There was discussion by the Council and the Town Attorney stated he would need time to review the matters. Council asked that staff research a legal way to obtain the outstanding funds.

POLICY MATTERS

13. Resolution amending personnel regulations as they pertain to medical insurance

The Town Clerk explained due to budget constraints reductions have been made to work schedules for a few full time employees. To continue health insurance coverage, the insurance carrier requires the Town amend the personnel regulations to allow continuation of health insurance benefits during times of temporary furloughs and reduced work hours.

ACTION:

Councillor Hunter moved to adopt Resolution No. 09-10 Amending Personnel Regulation as they Pertain to Medical Insurance Benefits. Councillor Johnson seconded. After a call for the vote the motion carried unanimously.

14. Resolution adopting a municipal court fine schedule

Town Manager Clifton presented an updated Municipal Court Fine Schedule and suggested the Council adopt the fees by resolution.

ACTION:

Moved by Councilmember Hebert and seconded by Mayor Pro Tem Clark to adopt Resolution 09-13 Adopting a Municipal Court Fine Schedule. After the call for vote, the motion carried unanimously.

15. Resolution adopting an administrative policy pertaining to use of computers and electronic file retention

The Town Manager presented an administrative policy regarding the use of computers and electronic file retention.

ACTION:

Councillor Hunter moved to adopt Resolution No. 09-12 pertaining to the use of computers and electronic file retention. Mayor Pro Tem Clark seconded and the motion carried unanimously.

16. Resolution adopting an administrative policy pertaining to winter excavation in public rights of ways

Public Works Director Joanne Fagan explained last winter excavation in streets during winter months, when roads are frozen, created numerous problems. The proposed ordinance would not allow excavation in public rights of way, except under emergency circumstances, between November 15th and March 15th.

ACTION:

It was moved by Mayor Pro Tem Clark to adopt Resolution No. 09-11 establishing a policy pertaining to winter excavation in rights of ways, seconded by Councillor Johnson, and carried unanimously.

17. Introduction of ordinance amending traffic regulations and adopting by reference the 2003 Edition of the "Model Traffic Code for Colorado"

Manager Clifton noted updating the Model Traffic Code was discussed at the previous meeting. Adoption will bring the Town in conformance with neighboring jurisdictions, all operating under the 2003 Edition of the Model Traffic Code. The Town currently operates under the 1997, outdated, edition.

ACTION:

Councilmember Hebert moved, and Mayor Pro Tem Clark seconded, to introduce Ordinance No. 01-2010 adopting by reference the 2003 Edition of the Model Traffic Code. The motion carried unanimously.

18. Award of tri-annual contract for computer technical assistance

The Town Manager reported a three year contract for computer technical assistance will expire the end of the month. Staff has published a request for proposals and bid opening is slated for next week. A committee comprised of staff members will review the bids and he requested approval to award the contract prior to the next meeting, at which time the contract will be ratified. Mayor Pro Tem Clark asked to also sit on the reviewing committee.

ACTION:

Moved by Councillor Hunter to authorize the committee to award the contract for computer technical assistance before the next Council meeting. Mayor Pro Tem Clark seconded the motion which carried unanimously.

19. Ballot question for Chamber of Commerce

Manager Clifton distributed three draft ballot questions pertaining to a request from the Chamber of Commerce to present the voters with a question if all proceeds from lodging tax should be designated for marketing and tourism promotion. He explained in 2002 the voters approved an allocation of 50% towards tourism promotion. If approved by the voters in April of 2010 the Council would have the authority to change the municipal code and reallocate the tax.

There was discussion and the Council agreed upon the third draft question which offered more background information.

20. Discussion pertaining to Temporary Signage Task Force

The Town Manager referenced a working paper received by the Council regarding the Temporary Signage Task Force. He explained the Council ratified task force met on November 3rd with two members of staff, two members of Council, two business owners, and two members of the Chamber. The second meeting was held on November 16th, and he noted, sparsely attended. A number of suggested changes to the sign regulations were discussed. Changing the unpermitted sign area on a building from 10 square feet to 16 square feet, allowing wheeled signs for display on sidewalks, and not including flyers and posters in the allowable signage calculations.

There was discussion between Council and staff. It was agreed that more input was needed from the business community before any changes should be made. Staff was directed to prepare a draft ordinance for further discussion by the Task Force.

21. Discussion regarding scheduled Regional Housing Authority workshop

Planner Jen Coates explained the Regional Housing Authority has not received funding allocations from any of the participating jurisdictions for 2010. The committee has agreed to meet and discuss how to realize action items during the next year with a lack of funding. The members have invited elected officials to attend the meeting and offer ideas and direction for the board. The meeting will be held on January 14th at 5:30 p.m. she noted.

There was discussion by Council and staff and it was agreed as many members of the Council that are available, will attend the workshop.

22. Schedule for 2010 Workshop meetings

The Town Manager presented a list of workshop topics to be discussed at the bi-monthly workshop meetings in the upcoming year.

STAFF REPORTS

The Manager reported Great Outdoors Colorado has approved grant funding for construction of a gazebo in the Athletic Park.

Councillor Weaver presented an update on the Ridgway Area Chamber of Commerce meetings.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into a closed session subject to State Statute Provisions 24-6-402(4)(a)(b)(c)(e) to confer with the Town Attorney for legal advise, for matters subject to confidentiality and to determine matters subject to enforcement. He noted the item to be discussed will be code enforcement matters and issues relative to Redcliff Condominium drainage.

ACTION:

Mayor Pro Tem Clark moved to go into executive session. Councilmember Johnson seconded and the motion carried unanimously.

The Council entered into closed session at 8:25 pm with the Town Attorney and Town Manager.

The Council reconvened to open session at 9:10 p.m.

ADJOURNMENT

The Mayor adjourned the meeting at 9:10 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk