

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING

JULY 8, 2009

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 Councillors Hebert, Hunter, Hynes, Johnson, Weaver, Mayor Pro Tem Clark and Mayor Willits in attendance.

CONSENT AGENDA

1. Minutes of the Regular Meeting of June 10, 2009.
2. Minutes of Workshop Meeting of June 17, 2009.
3. Register of Demands for July 2009.
4. Placement of banners in Heritage and Hartwell Parks for Annual Ridgway Arts and Crafts Rendezvous to be held on August 8th and 9th.
5. Resolution Amending Procurement Policy and Providing Local Preference Provision.
6. Renewal of liquor store license for High Spirits.
7. Grant agreement with the Colorado Water Conservation Board for feasibility study of water storage and collection improvements.
8. Renewal of 3.2 beer liquor license for Ridgway Shell.
9. Renewal of 3.2 beer liquor license for Ridgway Conaco.

ACTION:

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

PUBLIC COMMENTS

David Patterson noted a private company is using the parking area in front of his residence on S. Lena Street as "an interface for staging with clients".

The Town Council asked staff to speak to the company regarding the use.

PUBLIC REQUESTS AND PRESENTATIONS

10. Update on Second Chance Humane Society

Kelly Goodin, Director of the Second Chance Humane Society, thanked the Council for continued support of the organization. She introduced other members of the association

and presented a slide presentation containing the vision, mission statement and history of the organization, which was founded in January 1994; programs and services including the spay/neuter program; financial assistance (for the service area encompassing both Ouray and San Miguel Counties); volunteer program; foster care program (no pets are turned away); feral cat program (successful control of feral cat colonies in Town over the past ten years); community education; pet placement and counseling programs; mobile adoption program; special events and fundraisers; and the shelter, with a capacity for 15 dogs and 30 cats (in 2008 331 animals were taken in, and 238 adopted). Financial statistics were presented by the board treasurer, balance sheet assets of \$550,000; 2009 budget with income of \$327,949 with 63% of the revenues from the thrift store; expenses of \$324,130 60% of which is animal care.

There was discussion between the Council and Humane Society representatives, and questions from the audience and Council.

11. Request for participation in multi-regional housing needs assessment with San Miguel County

Shirley Greve with the San Miguel County Regional Housing Authority asked if the Town was interested in participating in a regional housing needs assessment. She noted there would be no financial contribution by the Town, only staff time of approximately eight hours a month to compile Town data for the survey. The County and City of Ouray will also be invited to participate she noted.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Hunter seconding to direct staff to pursue participation in the multi-regional housing needs assessment with the San Miguel County Regional Housing Authority and authorize the Mayor to sign any documentation. The motion carried unanimously.

12. Drainage problems from neighboring property on S. Lena Street

David Patterson expressed concerns with the drainage from the condominium building adjacent to his home on S. Lena Street. He noted that due to a lack of maintenance and poor installation of the roof drains, they were ineffective in handling the volume of water created by rains over the last few months, and the basement of his home has been flooded. He further stated he has spoken with the property owners and they have not agreed to remedy the situation. He explained the Town had required the installation of the drainage to mitigate any impacts on his property, along with a drainage swell between the building and the north property line. The swell was not constructed, and the area has been landscaped and is being irrigated, and he contended this has also lead to the flooding on his property. Mr. Patterson also expressed concerns regarding the discharge of storm water upon the Lena Street pavement and specifically the likelihood that water will freeze during winter months and create ice.

There was discussion between the Council, staff and Mr. Patterson. It was agreed the swell was to be constructed and the area was not intended to be landscaped. It was noted if the roof gutter system is not inadequate and it is just not being maintained to catch and channel the water away from the adjacent property, this should be done. The Council directed the Building Inspector to ensure that all requirements of building approval have been addressed, and the Town Engineer to review the storm drainage unto to the street.

PUBLIC HEARINGS

13. Adoption of Ordinance Amending Regulation Provisions Applicable to the Keeping of Poultry Within the Town

Town Manager Clifton explained the ordinance being presented for adoption contains all amendments requested by Council at the last meeting, including set back requirements. He noted the ordinance prohibits the keeping of roosters, and limits hens to six.

The Mayor opened the public hearing for comments.

David Patterson spoke in favor of keeping roosters and not limiting the number of chickens. He asked the Council to consider allowing the keeping of one rooster per residence.

Chris Coates explained he was a neighbor, "six to eight feet from a Ridgway chicken colony" and the rooster "crowed at all hours of the night". He likened the experience to "having a dog kennel eight feet from your window".

Rebecca Crozier stated "roosters are annoying". She noted roosters are needed "for more chickens, not for eggs". She stated "a rooster is consistently annoying every minute of the day".

Rich Durnam stated he made his comments at the last meeting and he agreed with the ordinance as drafted.

Jack Petruccelli stated "the ordinance is well written and should be approved as written".

Shauna Tewksbury stated "I think the ordinance is well written as it is" "I agree there does need to be a limit to the number of chickens".

David Patterson asked the Council to reconsider the number of chickens to be kept at 24, and that persons currently keeping poultry be "grandfathered in". He noted "people enjoy keeping poultry" and suggested "the item be tabled" to allow the Council to "get more education on chickens".

There was discussion by the Council pertaining to changing the number of hens from six to ten.

Jack Petruccelli noted "last month there was lengthy debate regarding the number of chickens" and it was researched by staff, and the Council agreed to limit the number to six. He stated "my comments agreeing to the ordinance was based on that".

Mana Crozier stated "you need to stand firm in what you agreed to at the last meeting and move forward with this".

Rebecca Crozier spoke in support of limiting hens to six.

Rich Durnam also spoken in support of limiting the number of chickens to six. He stated "all these issues have been discussed".

Chris Coates agreed "Council should pass it as it is".

ACTION:

Mayor Pro Tem Clark moved, with Councillor Hebert seconding the motion to adopt the ordinance regarding keeping of poultry in town limits with the addition of language to address set backs and enclosures, as written. There was discussion with the motion on the floor. The Mayor called for the vote and it carried unanimously.

The Council took a recess at 7:35 p.m. and reconvened at 7:55 p.m.

14. Application for transfer of restaurant liquor license from Siam to Thai Paradise, 146 N. Cora Street, applicant: Thai Paradise LLC., shareholders: Kulanee Monthaven and Saowapa Forbes

Staff Report dated 6-25-09 from the Town Clerk presenting an application for a transfer of restaurant liquor license from Thai Paradise LLC, shareholders Kulanee Monthaven and Saowapa Forbes, doing business as Thai Paradise at 146 N. Cora Street. Town Clerks Notice of Public Hearing dated 6-19-09.

The Town Clerk reported notice of the hearing was posted and published, and the premises posted. All requirements of license application have been met, all fees paid, and all forms received. One of the background checks has been received from the Colorado Bureau of Investigation, the other is pending. She recommended any approval should be made contingent upon a clear background check.

ACTION:

Councilmember Weaver moved, with a second by Councillor Hynes to approve the transfer of restaurant liquor license for Thai Paradise, contingent upon background check. The motion carried unanimously

15. Application for transfer of restaurant liquor license for the Oriental Chinese Restaurant, 565 Sherman Street, applicant: Guang Zhen Pan

Staff Report dated 6-25-09 from the Town Clerk presenting an application for a transfer of restaurant liquor license from Guang Zhen Pan, doing business as Oriental Chinese Restaurant at 565 Sherman Street. Town Clerks Notice of Public Hearing dated 6-25-09.

The Town Clerk reported notice of the hearing was posted and published, and the premises posted. All requirements of license application have been met, all fees paid, and all forms received. A clear background check has been received from the Colorado Bureau of Investigation.

ACTION:

On a motion by Councilmember Hebert with a second by Mayor Pro Tem Clark the motion to approve the transfer of restaurant liquor license for the Oriental Chinese Restaurant carried unanimously.

LAND USE ISSUES

16. Adoption of county-wide housing action plan

Planner Jen Coates explained the preparation of the county-wide housing action plan was a culmination of six months of meetings, planning and research conducted under a county awarded grant from the Department of Local Affairs (DOLA). She noted the final plan was presented to the public last month and is in front of the Council for adoption.

There was discussion between the Council and Ms. Coates and she presented the 12 strategies for the action plan.

ACTION:

It was moved by Mayor Pro Tem Clark to adopt the county wide housing action plan. The motion was seconded by Councilmember Weaver and carried unanimously.

POLICY MATTERS

17. Introduction of ordinance regarding subdivision regulation procedures

Manager Clifton presented an ordinance for introduction which, he noted, refined amendments to subdivision procedures enacted earlier in the year. He presented the proposed changes and there was discussion between Council and staff.

ACTION:

Councilmember Hebert moved, with Councillor Johnson seconding to introduce Ordinance No. 09-06 amending subdivision regulation procedures. The motion carried unanimously.

18. Introduction of ordinance declaring certain piles of dirt, sand, mulch, compost, gravel and the like to be a nuisance

The Town Manager explained the proposed draft ordinance was prepared at the request of the Council and treat piles of organics over two cubic yards on properties as a nuisance, and also establishes a number of exemptions.

ACTION:

Mayor Pro Tem Clark moved to introduce the Ordinance Declaring Certain Piles of Dirt, Sand, Mulch, Compost, Gravel and the Like to be a Nuisance. Councillor Hynes seconded the motion and after a call for the vote it carried unanimously.

19. Update on the Highway 62 sidewalk and pedestrian crossing

Manager Clifton explained staff has engaged in numerous discussions with the Colorado Department of Transportation (CDOT) regarding the sidewalk and pedestrian crossing on Highway 62. CDOT is requiring approval of a license agreement for the project; staff is requesting granting of an easement to San Miguel Power to relocate a guide wire on to Town property; and staff is seeking approval of signage for the pedestrian crossing. He explained an island will be placed in the center of the street and the signs will be equipped with solar powered flashing strobes that are pedestrian activated.

There was discussion between Council and staff.

ACTION:

It was moved by Councillor Hebert with a second by Councillor Weaver to approve the license contract with the Colorado Department of Transportation. The motion carried unanimously.

ACTION:

On a motion by Mayor Pro Tem Clark with a second by Councillor Johnson the motion to approve the easement to relocated the guide wire on Town property on the south side of Highway 62 carried unanimously.

STAFF REPORTS

Public Works Director Joanne Fagan presented the quarterly report from the Public Works Department. She updated the Council on upgrades to the trail system in the Athletic Park and installation of the drainage system. She noted the Town has applied for stimulus funds to replace the water service lines throughout Town, and is number 21 on the approval list, but only 19 projects are being funded. She suggested the Town seek approval to use the approved DOLA Energy Impact Funds set aside for installation of a lift station on the east side of the river, for replacement of the water service lines. The Council agreed.

ADJOURNMENT

The Mayor adjourned the meeting at 9:15 p.m. to a workshop meeting on Wednesday, July 15, 2009, at 5:30 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk