

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING

JUNE 10, 2009

CALL TO ORDER

The Mayor called the meeting to order at 5:40 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance were Councillors Hunter, Hynes, Johnson, Weaver, Mayor Pro Tem Clark and Mayor Willits. Councillor Hebert was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of May 13, 2009.
2. Register of Demands for June 2009.
3. Renewal of tavern liquor license for CUPS.
4. Renewal of hotel/restaurant liquor license with optional premises for Chipeta Sun Lodge.
5. Renewal of beer and wine liquor license for Panny's Pizza and Treats.

ACTION:

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

6. Intergovernmental Agreement with Ridgway School District regarding temporary maintenance of playing fields.

(Note: this item was pulled from the consent agenda for separate discussion)

There was discussion regarding the agreement providing maintenance for school district playing fields. The question of compensating for employee overhead and equipment use was broached. The Town Manager estimated the contract, which can be terminated at any time, will require ten hours a week of a parks employees time. The reimbursement of \$13 an hour probably does not cover employee overhead and equipment maintenance and repairs, he confirmed.

The Council agreed the agreement will assist the district and "should be done as a goodwill gesture", yet next year the district should consider maintaining the fields in-house, or another contract should be prepared which covers hard costs such as employee overhead, and use of equipment.

ACTION:

Councilmember Hunter moved, with Mayor Pro Tem Clark seconding to approve the Intergovernmental Agreement with the Ridgway School District. The motion carried unanimously.

## DEPARTMENTAL REPORTS

### 7. Quarterly report from the Town Clerk/Treasurer Department

Staff Report dated June 4, 2009 from the Town Clerk presenting actual to budget amounts from January 1<sup>st</sup> to May 31<sup>st</sup> and lodging tax receipts for 2008.

The Town Clerk explained actual to budget comparisons for the period of January 1 to May 31, compared to the same period last year, show percentages received and expended are similar between the time periods. Sales tax receipts for the year are 30.2%; last year the same period was 33.5%. General fund expenditures last year were at 37.3% and this year are 33.7%. She noted that no new water and sewer taps have been sold. Active water taps at the beginning of 2004 were 468 and in 2009, 572.

The Clerk's Department employees are all currently undertaking cross training, she noted. She reported lodging tax receipts for 2008 where not all received until recently due to delinquent payments. The receipts were down from 2007 and yet higher than 2006. The Colorado Department of Revenue has eliminated the vendor fee for sales tax remittance effective July 1<sup>st</sup> she reported. Many municipalities are beginning to follow suit. The Town allows a deduction of .0233 of the tax collected and due, which in the current budget year would total approximately \$15,000.

## PUBLIC REQUESTS AND PRESENTATIONS

### 8. Report on recent parking lot sale held in Town parking lot and request for use in September

On behalf of Ridgway Ouray Community Council (ROCC), Sheelagh Williams thanked the Council for use of the parking lot off Railroad Street to conduct the semi-annual ROCC parking lot sale. She noted the recent event was "very successful", and more vendors participated than in previous years. She requested use of the lot again on September 12<sup>th</sup> to hold the fall sale. She noted that local businesses will be contacted and asked to consider conducting an outdoor business sale "as an opportunity to enhance the day".

There was a question about the electronic recycling program which was held in conjunction with the sale last spring. She explained if not enough pieces of used equipment are collected during the program, ROCC must pay the difference to hold the recycling event, and this occurred last spring. She noted the non-profit group is seeking to secure grant funding to subsidize another event. The Mayor suggested perhaps the Town could assist in sharing any unforeseen costs to hold the event next spring.

#### ACTION:

Councilmember Johnson moved, with Councillor Hynes seconding to approve the September 12<sup>th</sup> use of the parking lot for the ROCC parking lot sale. The motion carried unanimously.

### 9. Formation of annual Ride the Red bike ride from Ridgway to the summit of Red Mountain Pass

Letter from Debbie Wheeler presenting a proposal from the Red Mountain Pass Association (RMPA), a Chapter of Colorado Mountain Club (CMC) for support in the formation of an annual road bike from Town to the summit of Red Mountain Pass. The 50 mile, 4,000 foot vertical gain ride will be held on August 30<sup>th</sup> as an annual fundraiser for RMPA.

Ms. Wheeler addressed the Council and explained she is the fundraising chair for RMPA, a 5013c non-profit organization formed to support the non-motorized winter use of Red Mountain Pass. The organization is pursuing the formation of a sponsored round trip bicycle road ride from Ridgway to Red Mountain Pass. It is planned to be held the last weekend in August, the day after the annual Sneffels Half-Marathon. The ride will be staged and begin in Town Park at 7:00 am, and the first year will be offered to the first 200 registered participants. CMC has approved underwriting the event insurance. The Board of County Commissioner have given support, and the Ouray City Council is currently considering all details which the community would have to provide, such as traffic management. Additionally, support is being sought from the two local Chamber of Commerce's. She will then approach the Colorado Department of Transportation and request partial closure of Highway 550 for the five hour event.

**ACTION:**

On a motion by Mayor Pro Tem Clark with a second by Councilmember Weaver the motion to approve the Ride to Red bike ride carried unanimously.

10. Request for support to help educate private property owners on the use of herbicides

Letter dated 5-27-09 from Jean McDonnell requesting support to educate the public on the use of herbicides for weed removal.

Ms. McDonnell explained she is chemically sensitive and two recent unmarked sprayings of herbicides on commercial properties caused her to "become very ill". She explained "I want my dilemma to help to create a greener Ridgway". She asked for Council support to "urge private citizens and businesses to use non-toxic products which are safe for people, dogs, children, birds and the rivers". She noted these "safe products" can be obtained locally and by ordering directly from the company. She stated "I consider this an ethical issue with private citizens, a moral movement regarding personal responsibility" and suggested an educational process regarding the use of alternative products, such as the preparation of a letter to property owners.

There was discussion between Council, staff and Ms. McDonnell. Council directed staff to prepare a letter or flyer to distribute to residents; and a draft resolution which would reiterate the one adopted in 2003 stating the Town's position to not use toxic herbicides on Town property and encouraging other property owners to follow suit.

11. Request for funding to support the activities of Americrops VISTA working with the Uncompahgre Watershed Planning Partnership

Letter dated 5-27-09 from Andrew Madison with the Americorps - Volunteers in Service to America (VISTA) explaining he is working with the Uncompahgre Watershed Planning Partnership (UWPP) to develop a comprehensive watershed plan. The mission of UWPP and VISTA is to improve riparian health and find solutions to issues created by pollution from naturally occurring and mining related heavy metals.

Mr. Madison addressed the Council explaining he is working locally with the support of ROCC, and additional funding is needed to support VISTA's activities. He requested financial support in the amount of \$500 for expenditures, supplies and equipment. On a question by the Council he explained he is helping to gather stakeholders of adjacent river

property owners and users, and "bring together a diverse group of participants to create a common consensus of uses of the watershed". He is currently compiling water quality data for planning purposes, and "building the organizations ability to handle problems within the watershed".

**ACTION:**

Mayor Pro Tem Clark moved to expend \$500 to support VISTA working with the watershed coalition. Councillor Johnson seconded the motion and after a call for the vote it carried unanimously.

**PUBLIC HEARINGS**

12. Application for brew pub liquor license, Colorado Boy Pub and Brewery, 602 Clinton Street, applicant: Colorado Boy Brewing Company Inc., shareholders: Tom and Sandy Hennessey

Staff Report dated 6-2-09 from the Town Clerk presenting an application for a brew pub liquor license from Colorado Boy Brewing Company Inc., shareholders Tom and Sandy Hennessey, doing business as Colorado Boy Pub & Brewery at 602 Clinton Street. Town Clerks Notice of Public Hearing dated 5-11-09.

Mayor Willits stepped down due to a conflict of interest and turned the gavel over to the Mayor Pro Tem.

The Town Clerk explained the applicants are seeking a change of license type from brewery to a brew pub which will allow, in addition to the brewing and serving of beer permitted under the current license, the ability to serve food and wine. The application before the Council includes licensing the premise to encompass five feet of the sidewalk facing unto Clinton and Cora Streets. This public right-of-way is ten feet in width and will allow for the five feet requested for placement of tables and chairs, she noted.

She 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.

Speaking from the audience, Rich Durnam spoke in support of the application and "other businesses of the same type opening in that area of Town", noting "it is becoming a center of good activity in the Town".

**ACTION:**

Councillor Hunter moved, with a second by Councilmember Weaver to approve the brew pub liquor license for Colorado Boy Pub and Brewery. The motion carried unanimously

Mayor Willits returned to sit with the Council and took possession of the gavel.

The Council took a recess at 6:55 pm and reconvened the meeting at 7:05 pm.

**LAND USE ISSUES**

13. Planning Commission recommendation to approve the final plat for RiverSage PUD Filing 1

Staff Report dated 6-9-09 from the Town Planner presenting a recommendation from the Planning Commission to approve the final plat of RiverSage PUD Phase 1 along with related documents including two revocable permits to utilize 24 square feet of property for location and maintenance of mailboxes and another for 50 square feet for installing and maintaining an identification sign.

Councillor Weaver stepped down due to a conflict of interest.

Planner Coates presented the recommendation regarding the 20 lot residential subdivision, RiverSage PUD, to approve the final plat for Filing 1, which consists of eight residential lots. She reported staff is finalizing the Subdivision Improvements Agreement (SIA); excise development taxes have been paid and the subdivisions roadways are completed. She noted completion of the pedestrian bridge is secured in the SIA allowing a two year time frame for construction.

**ACTION:**

It was moved by Councilmember Johnson with a second by Councillor Hynes to approve the final plat for Filing 1 of RiverSage PUD, and approve the two revocable use permits. The motion carried unanimously.

Gerry Weaver thanked the Council and expressed gratitude for the Town's assistance in bringing the project, and construction of the Dennis Weaver Memorial Park, to fruition. She stated "I have great confidence that the Town will love the park the way we do".

Councillor Weaver took his seat with the Council.

14. Expiration of continuation to allow performance of conditions for approval of final plat for Ridgway Hot Springs PUD

Planner Coates reported the Town has received a request from the developer of Ridgway Hot Springs for another six month extension to meet the conditions of final plat. She explained on 2-15-08 the Council approved the final plat with conditions. The applicant could not meet the conditions, and requested and was granted, a 90 day extension, then another 90 day extension, and a six month extension in November of 2008.

There was discussion and questions and comments from the audience.

**ACTION:**

It was moved by Councilmember Hunter to approve the extension with the condition that staff draft an agreement which states outstanding debts will be paid before any subsequent extensions will be granted. The motion was seconded by Mayor Pro Tem Clark and carried unanimously.

15. Draft plan for County-wide Affordable Housing

The Town Planner reported the county wide affordable housing plan has been presented in final draft form. The document is a result of five months of preparation by a county wide task force and was presented to the public last week. She asked the Council if there were any questions or comments on the document.

The Council thanked Planner Coates for all of her work on the document preparation, and it was noted the plan is "well crafted and well thought-out".

## POLICY MATTERS

### 16. Introduction of ordinance regarding keeping of poultry in town limits

Mayor Willits explained over the last two months he has received several complaints regarding the keeping of roosters in Town. As a result of the last complaint, he asked staff to prepare an ordinance for discussion prohibiting roosters.

Town Manager Clifton explained staff has contacted communities within the western slope and compiled a detailed summary of regulations regarding the keeping of poultry, along with a few cities on the eastern slope of the state. He noted communities in which regulations do occur, usually prohibit roosters and have placed a maximum on the number of hens that may be kept. Other restrictions pertain to enclosures, setbacks and zoning. The draft ordinance limits the maximum number of hens to six, prohibits roosters and requires enclosures be kept clean with no odors at anytime.

Councillor Johnson suggested including a set back from property lines.

Speaking from the audience:

Janet Smith spoke in favor of the use noting she has roosters and chickens and suggested the Town declare itself a "right to farm town" and "have a board that reviews nuisances on a formal basis".

Andy Mueller stated "the Council needs to address public health and the ordinance does that". He noted "there needs to be a balance between raising eggs and noise, odors and hazards".

Rich Durnam agreed with the proposed ordinance noting the number should be limited. He suggested basing the number of chickens on the number of persons in the household, with a maximum allowable number. He agreed to set back requirements from neighboring properties. He suggested that the ordinance should also address enclosures, and the butchering of birds.

Shauna Tewksbury stated she feels it is "prudent to address the number of chickens".

Jack Petruccelli questioned the selling of eggs versus raising for private use.

There was discussion and the Council agreed the draft ordinance should contain enclosures must be fully enclosed; include set backs from adjacent properties; that roosters should be prohibited and chickens limited to six per household.

## ACTION:

Mayor Pro Tem Clark moved, with Councillor Hunter seconding the motion to introduce the ordinance regarding keeping of poultry in town limits with the addition of language to address set backs and enclosures. The motion carried unanimously.

### STAFF REPORTS

The Town Manager reported the grant for the second phase of the Athletic Park includes completion of recreation paths. Staff has received a quote from the company that installed the paved paths in the first phase of the project. The quote is under \$20,000, which pursuant to the Town's procurement policy, does not require a formal bid process. He stated staff would like to pursue execution of the contract administratively and report back to the Council on the outcome. The Council agreed.

Planner Coates presented updates on recent meetings.

Councillor Weaver noted the George Gardner Memorial Trail will be installed in RiverSage PUD this weekend.

### ADJOURNMENT

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

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk