

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING

MAY 13, 2009

OATH OF OFFICE

The Town Clerk administered the oath of office to recently elected Councillor Paul Hebert.

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. 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 April 8, 2009.
2. Register of Demands for May 2009.
3. Request for water leak adjustment, Account #3890.0/Southwest Spirit Antiques.
4. Request for sewer leak adjustment, Account #3880.0/Ridgway Leasing.
5. Resolution adopting a Red Flag Policy and Identity Theft Program.

ACTION:

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

DEPARTMENTAL REPORTS

6. Quarterly report from the Community Development Department

Building Inspector Bill Behan presented a graph of building permits and valuations as of May 15<sup>th</sup> which included issuance of four residential, one of which was a single family residence, and 3 commercial permits. He noted he is still working with permit holders from 2007 and 2008 and is currently updating documents and forms for submittal packets and inspections.

Planner Jen Coates reported on current subdivisions. RiverSage is under construction; Ridgway Hot Springs is seeking another six month extension on final plat approval; The Preserve's preliminary plat has expired, and their representative has stated that due to the state of the economy and slow real estate sales, the project will be temporary closed down. She noted staff is working with the developer to ensure adequate health, safety and welfare issues are addressed. The Planning Commission is preparing ideas on preparation of a survey which will be used to update the Land Use Element of the Comprehensive Plan. She also presented updates on affordable housing, the lighting committee, and zoning map.

## PUBLIC REQUESTS AND PRESENTATIONS

### 7. Update on the Uncompahgre RiverWay Trail System

Chip Marlow explained the Uncompahgre RiverWay Trail System recently received a grant for \$25,000 which provided for the completion of the trail system through the Weaver Easement. After ten years of being in use, concrete was laid on this last segment of the trail last fall. The grant also allowed for construction of a rest area at the top of the hill, and includes a bench and interpretive sign. At the request of the Manager, he presented a background on the trail system, explaining the first grant for the project was used in 1994 to install the trail from Town Park to the Bureau of Land Management day use site. A progression of grants and awards over the years allowed the installation of the eight foot wide trail from Town Park to the Dallas Day Use Area at Ridgway State Park. Over \$700,000 in grants and awards have been received, most of which were a fifty-fifty match, he noted.

Town Manager Greg Clifton stated due to Mr. Marlow's continued volunteered involvement, the trail system "is maintained and in a good state of condition".

Members of the Uncompahgre RiverWay Board of Directors explained the concept began in 1987 with a vision to construct a trail system from Montrose to Ouray. They thanked Mr. Marlow "for his continued support and dedication" and stated "he's special to us all".

The Mayor presented Mr. Marlow with a plaque of appreciation, and the Council thanked him, and expressed appreciation for all he has done for the community.

### 8. Update regarding KVNF Public Radio and the annual Pickin' In The Park music series

Sally Kane, Executive Director of KVNF Public Radio, thanked the Town for its continued contribution to the station. She presented the Town Clerk with a donation received during fund raising towards tree planting within the Town. She introduced Rob Miller, from Pickin' Productions, who is organizing the second Pickin' In the Park free summer concert series, which are held in Ridgway and Paonia Town Parks. She noted that this year the venue will increase from three concerts in each municipality, to four.

Mr. Miller addressed the Council noting the four concerts in Ridgway will be held the last four Thursdays in July. This includes a twelve piece band, Aphrodesia, from San Francisco, performing afro-beat music; with an african drumming and dance group from Paonia to open. The next week will feature The Wiyo's, jug band stylists from Brooklyn, with Russ Chapman opening. July 23<sup>rd</sup> Carrie Rodriguez performs with a rock and roll band, and the opening act will be the local band, Fall Baby. The final show will be Sweet Sunny South, bluegrass from Paonia, and opening will be local musician David Sneed. The sister series in Paonia will be held the four Thursdays in August with Elan Jewel; Feist; Town Mountain; and Casey Dresent headlining. He noted advertising of the events will include presentations in 12 glossy magazines in surrounding areas, from Crested Butte to Utah.

There was discussion about providing a shuttle system between the communities for the concert series. Ms. Kane also noted that KVNF will be doing live broadcasts of the concerts.

9. Update on the Neighbor to Neighbor Program

Donna Wiskeman thanked the Council for supporting the Neighbor to Neighbor Program, and noted this years contribution helped to purchase a new handicap senior van. She explained the program serves senior citizens and homebound and disabled persons over 18 years of age. The program, which began in 2006, is staffed by 70 volunteers and one paid employee that oversees coordinating seniors. Services include providing transportation in the senior van, or in volunteers private vehicles; a senior lunch every month at the Ouray Community Center; taking participants shopping; providing meals on wheels five days a week (which has been provided by Mountain Market, even years before the program began); handyman services to perform home repairs; assistance with paying monthly bills and special event programs.

10. Request to offer carriage rides for special events on Town streets

Written request from Lezah and Tim Saunders, owners and operators of Ouray Mule Carriage Company to provide carriage rides "for special events such as weddings and other one-time social gatherings". Locations for events will be different for each event, and exact routes would be difficult to provide. The request was to grant use of Town streets for specific events and when established with customers, a route would be provided to the Town.

There was discussion and it was noted the need for a special events permit is warranted to allow commercial enterprise use on public rights-of-way.

ACTION:

Councilmember Hebert moved, with a second by Councillor Johnson to approve use of Town streets for Ouray Mule and Carriage Company. The motion carried unanimously.

11. Request from business owners to close off N. Lena Street in front of the boardwalk for a street dance on Sunday, June 21<sup>st</sup>

Business owner Jeanne Robertson, explained the three business owners along the boardwalk on N. Lena Street would like to promote business by holding a free street dance, with live music, on June 21<sup>st</sup>. She requested permission to close the street between 5 p.m. and 9 p.m.

There was discussion and it was noted the business owners should ensure there is sufficient signage to direct vehicle owners to parking areas.

ACTION:

It was moved by Mayor Pro Tem Clark to approve the closure of N. Lena for a street dance on June 21<sup>st</sup> and direct staff to work with the business owners to work out details. The motion was seconded by Councilmember Hynes, and carried unanimously.

## PUBLIC HEARINGS

### 12. Application for restaurant liquor license for the Galloping Goose Cafe

Staff Report dated April 22, 2009 from the Town Clerk presenting an application for a restaurant liquor license from Lisa Lockhart, Charles Lockhart and Shirley Slater doing business as The Galloping Goose Bakery and Cafe Inc. at 153 Highway 550.

The Town Clerk announced that the premises were posted and notice published in accordance with state statutes. All requirements of the license application have been met, all fees paid, and all forms received. Background checks were conducted by the Colorado Department of Revenue, and clear findings were received. These premises have been previously licensed, she noted.

#### ACTION:

It was moved by Mayor Pro Tem Clark with a second by Councilmember Johnson to approve the restaurant liquor license for the Galloping Goose Cafe, conditional on all details being met. The motion carried unanimously.

### 13. Application for transfer of tavern liquor license for The Independence Cafe

Staff Report dated April 24, 2009 from the Town Clerk presenting an application for transfer of ownership of tavern liquor license for The Independence Cafe, at 555 Clinton Street. The new business owner, Randy Gregory, is requesting transfer of license from John Metcalf, and will operate the business as Randy's Independence Cafe.

The Town Clerk reported the premises were posted and notice published in accordance with state statutes. All requirements of the license application have been met, all fees paid, and all forms received. Additionally, a background check was conducted by the Colorado Department of Revenue, and clear findings were received, she noted.

The Clerk explained the premises to be licensed will also include the area on the sidewalk, under the awning, facing unto Clinton. Pursuant to the Municipal Code, the tables and chairs can be on the sidewalk without an encroachment permit, as long as the furniture does not impede or obstruct normal pedestrian traffic.

There was discussion and the Town Attorney suggested the use of a permit to authorize use of the sidewalk when alcohol is being served. The form could provide indemnity provisions, delineate the premises and parameters of use.

#### ACTION:

Mayor Pro Tem Clark moved, with Councillor Hunter seconding to approve application for transfer of tavern liquor license for The Independence Cafe to Randy's Independence Cafe, the applicant is to apply for a permit for use of Town property to use the sidewalk outside the cafe. The motion carried unanimously.

There was discussion pertaining to the use of sidewalks for serving alcohol. The Council agreed that staff should prepare a permit form and create standards for use, including a minimum of four feet of unimpeded area on sidewalks.

14. Ordinance Providing Procedures for Collection of Delinquent Charges

Town Attorney John Kappa noted the ordinance was introduced at the last meeting. The code revisions provide for collecting delinquent charges on building regulations.

ACTION:

On a motion by Councilmember Hunter with a second by Councilmember Weaver the motion to adopt Ordinance No. 09-03 Providing Procedures for Collection of Delinquent Charges carried unanimously.

15. Ordinance Amending Subdivision Regulation Provisions Applicable to Notice to the Owners of Severed Mineral Rights to Conform to Changes in State Law

The Town Attorney stated the ordinance is being presented for second reading and provides notice to owners of severed mineral rights. Changes in state law require notice during subdivision procedures be made only once, and current regulations require notice in both preliminary and final plan applications.

ACTION:

Councillor Hunter moved, with a second by Mayor Pro Tem Clark to adopt Ordinance No. 09-04 Amending Subdivision Regulation Provisions Applicable to Notice to Owners of Severed Mineral Rights to Conform to Changes in State Law. The motion carried unanimously

POLICY MATTERS

16. Presentation of final Strategic Plan, three year performance objectives, and one year action plans

Town Manager Clifton distributed the final Strategic Plan. He explained the final document will also contain the process, a background summary and photos. It includes a vision statement, community values, an organizational mission statement, and ten strategic goals with three year performance objectives, and a one year detailed action plan for the deliverable product. The document will be a living planning document that will be reviewed every year during the budget planning process, and will be used to target capital projects for the next year and formulate action plans in line with the community visions. He asked the Council to consider formal adoption of the document.

Mayor Willits commended the Town Manager on the plan stating "you did a stellar job".

ACTION:

Mayor Pro Tem Clark moved to formally adopt the strategic plan. Councillor Hunter seconded the motion and after a call for the vote it carried unanimously.

17. Ordinance pertaining to subdivision regulations

The Town Attorney announced that while incorporating changes to the ordinance amending subdivision regulations from meetings with staff, he is identifying more areas that need refinement. He noted a major area is the procedures for final plat are not consistent with the provisions pertaining to submittal before the Planning Commission. He asked if

Council has any items to be addressed, while continuing to prepare the revisions. Councillor Hebert asked for a procedure pertaining to collection of unpaid fees during review processes. Mayor Pro Tem Clark noted the Commission should not receive submittals until they are complete.

18. Expiration of continuation to allow performance of conditions of approval of final plat for the Ridgway Hot Springs

Planner Coates explained applicant Adam Dubrof has requested another six month extension for conditions of final plat for Ridgway Hot Springs Subdivision. The Town Attorney suggested the Council continue the item to the next meeting to allow a conference in closed session to discuss the request.

ACTION:

Mayor Pro Tem Clark moved, with Councilmember Johnson seconding to continue the matter to the next Council meeting. The motion carried unanimously.

19. Request for sponsorship of Ridgway River Festival

Email dated May 4, 2009 from Deidra Krois, Vice President of local non-profit group Mosaic Community Project, requesting the Town consider sponsorship of the second annual Ridgway River Festival to be held adjacent to Rollans Park on June 27, 2009.

ACTION:

On a motion by Mayor Pro Tem Clark with a second by Councillor Weaver, the motion to sponsor the Ridgway River Festival in the amount of \$200 carried unanimously.

The Council took a recess at 7:35 p.m. and reconvened the meeting at 7:50 p.m.

20. Notification from Montrose County that the contract for communication services will be terminated effective December 31, 2009

Letter dated March 27, 2009 from Montrose County Sheriffs Office, notifying the Town that pursuant to a contract for communication services dated November 15, 2004, notice is being served that the contract and service will be terminated effective December 31, 2009.

The Town Manager reported he is meeting with neighboring jurisdictions and will be having on-going discussions with the Montrose County Sheriff's Office regarding revisiting the terms of the contract. He noted there are currently no other alternatives for emergency dispatch services other than State Highway Patrol.

21. Update on tax credit affordable housing

Email dated April 20, 2009 from Lisa Drayton submitting an update on timeframes for the tax credit affordable rental housing project which was discussed with the Council a few months earlier.

The Town Planner noted Ms. Drayton has stated the project is still moving forward, but due to the recent economic downtown, equity pricing has dropped and also investors willingness to purchase credits for small rural projects.

22. Placement of banners for annual Ridgway River Festival

Letter dated April 29, 2009 from Mosaic Community Project requesting placement of banners for the annual Ridgway River Festival to be held on June 27<sup>th</sup>.

The Town Clerk explained the request is for placement of a banner in Town Park, and also Rollans Park. The non-profit group is requesting the Council consider allowing the banner in Rollans Park to be hung from the pedestrian bridge across the river, instead of on the park designation sign.

There was discussion and the Council agreed to the request to place the banner across the bridge.

The Town Clerk noted Town events this summer, Love Your Valley Festival on June 13<sup>th</sup> and the Pickin' In the Park Summer Concert Series in July, will also need approval to hang banners in Town Park. The Council agreed to placement of the banners.

ACTION:

Mayor Pro Tem Clark moved, with a second by Councilmember Johnson, to approve these request for banners. The motion carried unanimously.

23. Request to use the parking area off of Railroad Street for the annual Ridgway Arts and Crafts Show on August 8<sup>th</sup> and 9<sup>th</sup>

The Town Clerk reported Ridgway Community Pride has requested use of the parking area off Railroad Street for the annual Arts and Crafts Show in Town Park, on August 8 and 9.

ACTION:

Moved by Councillor Hebert seconded by Councillor Weaver and unanimously carried to allow the use of the parking lot for the Arts and Crafts Festival.

24. Request from Old West Builders for sign encroachment over boardwalk on N. Lena Street

Email dated May 8, 2009 from Old West Builders requesting installation of a business location sign over the boardwalk, and Town right-of-way, at 133 N. Lena.

The Town Clerk noted the metal sign which will measure one by four feet, will be no more than five feet from the building and not less than ten feet above the boardwalk.

ACTION:

It was moved by Councillor Weaver and seconded by Mayor Pro Tem Clark to issue a revocable encroachment permit to Old West Builders for a sign over the boardwalk. The motion carried unanimously.

25. Proposal to install irrigation infrastructure in Cottonwood Park

The Town Manager explained the Council budgeted funds for a non-potable water irrigation system in Cottonwood Park to water the lawn and irrigate the tree stock planted last year. He noted this is not a manicured park setting, but the irrigation system will keep the

grounds from drying out in the middle of the summer. He presented three proposals for the system, noting they are all present different types of systems and alternative ways of installation. Staff will need to further compare them to determine which will provide the best coverage. The lowest bid was from LB Landscapes for \$11,300 and the budgeted amount is \$10,000. He suggested the line item for purchase of tree stock could be reduced to cover the cost difference, as the irrigation water is necessary to keep the trees healthy.

There was discussion and Director Fagan noted the available water pressure will not meet the demands of some of the systems being proposed. There was further discussion about installation of the lines, and Council agreed the system should be placed down the middle of the park, not on the side. Consensus was to allow staff to negotiate with the bidders and determine which system will perform best in the area.

#### ACTION:

Mayor Pro Tem Clark moved, with Councillor Weaver seconding the motion to instruct staff to negotiate a contract for the best irrigation system in an amount not to exceed \$14,000. The motion carried unanimously.

#### STAFF REPORTS

The Town Manager noted he and Councillor Hebert attended the Colorado Municipal League District Meeting today. The Town Attorney reported on the Intergovernmental Agreement with the Delta County Regional Housing Authority.

It was noted the next regular scheduled workshop is May 20<sup>th</sup>. The Council agreed to reschedule the meeting.

#### EXECUTIVE SESSION

At the request of the Town Attorney, the Council entered into a closed session on a motion by Mayor Pro Tem Clark, seconded by Councillor Hebert and carried unanimously to enter into executive session pursuant to State Statute 24-6-402(4)(b)(c)(e) to confer with the Town Attorney and receive legal advise on matters subject to negotiations. The Council entered into closed session at 8:55 p.m. with the Town Attorney, Manager, Planner and Engineer.

The Council convened from closed session at 9:10 p.m.

#### ADJOURNMENT

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

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk