

RIDGWAY TOWN COUNCIL  
MINUTES OF REGULAR MEETING

OCTOBER 14, 2009

CALL TO ORDER

The Mayor 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, Hynes, Johnson, Weaver, Mayor Pro Tem Clark and Mayor Willits. Councilmember Hunter was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of September 9, 2009.
2. Minutes of Workshop Meeting of September 16, 2009.
3. Minutes of Special Meeting of September 23, 2009.
4. Minutes of Special Meeting of September 30, 2009.
5. Register of Demands for October 2009.
6. Renewal of restaurant liquor license for The True Grit.
7. Request for water and sewer leak adjustment - RiverView Plaza/Account #7440.0.
8. Request for water leak adjustment - Account #3510.0/Johnson & Middleton.
9. Request for water leak adjustment - Account #2490.0/Linscott.
10. Banner in Town Park for annual Ski Swap on October 16 and 17.
11. Banner in Town Park for Mt. Sneffels live/silent auction on October 17.

ACTION:

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

PUBLIC REQUESTS AND PRESENTATIONS

12. Discussion pertaining to Fiscal Year 2010 Intergovernmental Agreement with the County of Ouray

Ouray County Administrator Connie Hunt presented a draft intergovernmental agreement (IGA) between the County and Town for 2010 operational funding requests and the annual Road and Bridge Apportionment. She explained the mutual goals are the same as the 2009 document, and the County has eliminated a request for funding for the fairgrounds, which had been used in prior years to fund capital projects at the facility. The road and bridge apportionment has increased slightly from the current year.

County Commissioner Keith Meinert suggested the future goals contain coordinated regional energy sustainability. He stated the County Health Director “was very impressed” with the Town’s mosquito control efforts acknowledged continued cooperative weed control.

Mayor Willits and Commissioner Meinert presented an update on a grant application to fund a regional sustainability coordinator position, which will include all of Ouray and San Miguel Counties, the Town of Rico, and possibly areas of West Montrose County.

Mayor Pro Tem Clark expressed concerns regarding the Counties recent grant application for stimulus funds to make improvements to County Road 1. He noted the application made reference to the road becoming a by-pass through the Town, and the Council and public were not allowed to comment. He stated many business owners in Town are concerned with the proposal. Commissioner Meinert apologized for the lack of public process noting the application due date was so limited there was not enough time to hold public hearings. He reported the County will holding a meeting regarding the application to gather public input on November 12th at 6:30 pm. Administrator Hunt explained the application required showing public benefit and it was written as an “alternate route”, and a newspaper report called it a “by-pass”. Manager Clifton noted the IGA sets out a provision in which each jurisdiction supports the others grant applications by providing letters of support. The Towns letter for the grant was in support of improvements for a road surfacing and drainage project.

Mayor Willits noted the final IGA will be presented to the Council for approval at the next meeting.

13. Annual update on the San Miguel and Ouray Counties Juvenile Diversion Program

Helene Cassarini, Executive Director of the Juvenile Diversion Program, presented the annual report and request for funding in the upcoming year. She reported on current year statistics and projects for youth offenders in the program.

14. Request that Council consider applying for Tree City USA designation

Chris Chaput introduced himself as a professional arborist and forester in the area. He requested the Council consider applying for Tree City USA designation through the Arbor Day Foundation. He noted two neighboring communities, the Cities of Ouray and Delta, have been awarded the designation. He presented benefits noting long term planning and systemic review of the natural resource, healthy trees, public image of the community, citizen pride and financial assistance with grants for planting efforts. He presented measures to obtain the designation including creating a tree board, developing an ordinance regulating tree maintenance and care, designating \$2 per capita in the annual budget for tree planting and maintenance and observing Arbor Day.

There was discussion by the Council and it was agreed the Town is already meeting the designation requirements and directed staff to pursue developing an ordinance.

15. Request for reimbursement for costs incurred to install culvert in RiverPark Light Industrial

Kuno Vollenweider approached the Council pertaining to a discussion made at the August meeting at which time he requested repayment of a culvert installed in the alley adjacent to his commercial property in the industrial park. He explained staff has offered to reimburse half (\$250) of the amount he requested, and he asked for full reimbursement.

There was discussion between the Council and Mr. Vollenweider. It was agreed by all parties that Mr. Vollenweider would receive \$250 and will keep the culvert, which he may chose to recycle and retain any monies received.

ACTION:

Moved by Mayor Pro Tem Clark, seconded by Councillor Johnson and unanimously carried to authorize payment to Kuno Vollenweider of \$250 and allow him to keep the culvert.

PUBLIC HEARINGS

16. Adoption of ordinance enacting rate changes for water and sewer service

The Town Manager presented an overview of the draft ordinance, noting lengthy prior discussion at the previous meeting, and a workshop meeting several months prior. He noted the draft document contains an error in calculation of the senior water rate, which will be corrected prior to adoption. From an operational standpoint, the water and sewer funds, which are independent enterprise funds, are not sustaining, he stated. Water rates have not been revisited since the 1980's, although the allocation allotments were revised a number of years ago. The revenues must be increased to sustain the utilities, he noted, as they can not be subsidized by the Town's general funds. The funds contained healthy reserves for the last few years, which have been used on major capital improvement projects, and from an operational standpoint revenues from the current rate structures can no longer sustain the funds. Increases are slated in both funds over the next three years, by \$5 per month.

Speaking from the audience Kuno Vollenweider suggested the residential water rate structure be based on consumption. Manager Clifton noted expenditures are based on fixed costs and are not entirely dependent on consumption, and paying solely for amounts used will not cover the base cost of the utility.

ACTION:

Mayor Pro Tem Clark moved, with Councilmember Johnson seconding to adopt Ordinance No. 09-08 Enacting Rate Changes for Water and Sewer Service with the change to senior water rate increasing by \$5 a month. The motion carried unanimously.

LAND USE ISSUES

17. Recommendation for rezoning; Location: Section 17, Township 45, Range 8 part of NE quarter - 1125 Highway 62 at the northwest corner of Amelia Street and Highway 62; Zoned: Future Development; Applicant: Town of Ridgway

Manager Clifton explained the Planning Commission approved a recommendation from staff to rezone the property used by the Colorado Department of Transportation (CDOT) on the corner of Amelia and Highway 62 from Future Development to General Commercial. He explained to effectuate the action, a rezoning ordinance must be adopted by the Council, and this document will be presented at the next meeting.

Mayor Pro Tem Clark reported the Commission asked staff to work with CDOT to mitigate visual impacts and "impress upon them it would be neighborly to cooperate".

POLICY MATTERS

18. Request from Ridgway Area Chamber of Commerce that a question be presented to the voters pertaining to disbursement of lodging taxes

Judy Snelling stated after the recent workshop between the Council and Chamber of Commerce, the Board received a letter from Gary Woods encouraging the formation of an economic development board. The Chamber has agreed to prepare a grant requesting funding from the Governor's Economic Office for monies to hire a facilitator to assist in the establishment and creation of an economic council.

Gary Woods presented his ideas regarding formation of an economic development plan that will work in conjunction with the Town Master Plan, and provide a sustainable economy, and enhance revenues for local businesses. He noted marketing to enhance tourism would also be a viable part of the plan.

There was discussion between the Council and representatives from the Chamber. Mayor Pro Tem Clark noted a well rounded economic development plan should also include diversity and encourage relocation of light industrial business into the Town.

ACTION:

Mayor Pro Tem Clark moved to authorize staff to prepare a letter of support for the Chamber of Commerce grant application for economic development. Councillor Hebert seconded and it carried unanimously.

Mayor Pro Tem Clark reported at the workshop meeting the Chamber Board requested the Council consider preparing a ballot question for the April election regarding reallocation of lodging tax funds, designating all receipts to be used for marketing promotion.

There was consensus to direct staff to prepare a ballot question for the April election.

19. Request from the Ridgway Area Chamber of Commerce to participate in a one page advertisement in the Colorado Vacation Planner

The Town Manager explained the Chamber of Commerce has requested the Town to participate in a two page advertisement in the Colorado Vacation Planner publication. He noted this is the official state planning and vacation guide, which is provided in published and email formats.

There was discussion pertaining to the cooperative effort, and the Council agreed to participate by placing an advertisement on the second page of the publication.

ACTION:

Moved by Mayor Pro Tem Clark, seconded by Councillor Johnson and unanimously carried to participate in the Colorado Vacation Planner ad to not exceed \$750.

20. Formation of task force to review temporary signage regulations and make recommendations to the Town Council

Mayor Pro Tem Clark explained several items were presented by the Chamber of Commerce at the recent workshop, and one item the Council agreed to undertake was

formation of a task force to review regulations pertaining to temporary business signage. He noted the group would work to attempt to create an avenue to allow the business community with a way in which to display temporary advertising.

There was discussion and it was agreed the task force would be comprised of a Councilmember, Planning Commissioner, staff, a resident at large, a Chamber business member and a non-Chamber business member. Ed Folga volunteered to represent the business community at large, Councillor Johnson the Council, Mayor Pro Tem Clark the Council and Planning Commission respectively, and the Town Planner and Manager as staff. Mayor Pro Tem Clark agreed to find a community member and the Chamber of Commerce would send one its members. The first meeting was scheduled for November 3rd.

ACTION:

It was moved by Mayor Pro Tem Clark to authorize formation of a temporary signage task force. Councilmember Weaver seconded and the motion carried unanimously.

The Council took a recess at 8:35 pm and reconvened at 8:55 pm.

21. Proposal to amend municipal code and eliminate need for Council approval for civic event banners in Town Park and place responsibility with Town staff

Mayor Willits suggested the Council consider amending code provisions and authorize administrative staff to approve placement of banners in the Town Park for civic events. The Council agreed.

ACTION:

Councillor Hebert moved to direct staff to draft an ordinance allowing administrative staff to determine if banners can go up in Town Park, when and where. The motion was seconded by Councillor Johnson and carried unanimously.

22. Consideration of dispatch agreement between the Town and Montrose County

The Town Manager presented a contract for dispatch service with Montrose County. He explained the agreement would be subject to annual appropriation, which would allow the Town to opt out of the program if needed. The annual contract amount would be \$17,432. He noted over the past ten years the contract service has been as low as \$14,000 and high as \$22,000.

ACTION:

Moved by Councilmember Johnson and seconded by Councillor Weaver to approve the dispatch service agreement with Montrose County. The Mayor called for the vote and it carried unanimously.

23. Request from Parkside PUD to establish payment schedule for water and sewer tap purchase

The Town Clerk presented an email dated 10-12-09 from Spencer Simmons, owner of Parkside Subdivision requesting ability to make annual payments for water and sewer taps

which have been installed within the subdivision, over a three year period, beginning in December of 2009.

There was discussion and the Town Attorney recommended, if approved, a utility installment agreement be prepared, which would allow the Town to certify delinquent charges to the property tax roles.

**ACTION:**

Mayor Pro Tem Clark moved to approve the request for repayment of water and sewer fees for Parkside Subdivision subject to execution of the appropriate agreement. Councillor Weaver seconded the motion, which carried unanimously.

**24. Request from RB Horsetraders for revocable sign permit to install sign over Town right of way in front of the San Juan Building on Sherman Street**

The Town Clerk presented a drawing from Richard and Brenda Engdahl, owners of RB Horsetraders, requesting a revocable sign permit over the Town right of way on Sherman Street. The Council agreed to the proposed sign subject to a revocable use permit.

**ACTION:**

Moved by Councillor Hebert, seconded by Councillor Hynes and unanimously carried to approve the request from RB Horsetraders for a revocable sign permit over the Town right of way in front of the Silver San Juan Building.

**25. Request to authorize staff to award lowest bid received for Highway 62 pedestrian project, contract to be ratified at next regular meeting**

Public Works Director Joanne Fagan reported bids for installation of the sidewalk along Highway 62 will be opened in two days, and must be awarded within five days to meet grant requirements. She suggested authorizing staff to award the bid to the lowest bidder and Council will ratify at the next regular meeting.

**ACTION:**

Councilmember Hebert moved, Councillor Johnson seconded to authorize staff to receive bids for the Highway 62 pedestrian project, and award to the lowest bidder, unless there is a problem and then come back to the Council. After a call for the vote, the motion carried unanimously.

**STAFF REPORTS**

Councillor Weaver volunteered to become the Town representative to the Chamber of Commerce Board. The Town Manager stated he would be the alternate.

**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 items that would be discussion would be code enforcement matters and issues relative to medical marijuana dispensaries.

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 9:30 pm with the Town Attorney and Town Manager.

The Council reconvened to open session at 10:20 p.m.

The Town Attorney presented a draft emergency ordinance declaring a moratorium on medical marijuana dispensaries. There was discussion and the Council reviewed the document, removed sections of the draft and added language in the ending clause.

ACTION:

Mayor Pro Tem Clark moved to approve the Ordinance Amending Town Zoning Regulations to Declare a Moratorium on Medical Marijuana Dispensaries, and Declaring An Emergency with the removal of the whereas sections 3, 4, 5, 6 and the second paragraph on the second page and adding a clause on the last paragraph on the third page regarding the time frame. The Mayor asked if there was a second, and Councillor Weaver seconded the motion. The Mayor called for the vote and it carried unanimously.

ADJOURNMENT

The Mayor adjourned the meeting at 10:30 p.m. to a workshop meeting on Thursday, October 29, 2009, at 5:30 p.m.

Respectfully Submitted,

Pam Kraft, MMC  
Town Clerk