

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING

APRIL 14, 2010

OATHS OF OFFICE

The Town Clerk administered the oath of office to recently elected Councillors John Clark, Rich Durnan, Rick Weaver and Mayor Pat Willits.

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

CONSENT AGENDA

1. Minutes of Regular Meeting of March 10, 2010.
2. Minutes of Adjourned Meeting of March 4, 2010.
3. Minutes of Workshop Meeting of March 17, 2010.
4. Register of Demands for April 2010.
5. Renewal of brew pub liquor license for Colorado Boy Pub and Brewery.
6. Ratify staff approval to place banner in Town Park for Ouray District Child Find Program, for two week period beginning August 11, 2010.
7. Ratify professional services agreement with Bio-Logic to conduct wetlands delineation at fairgrounds wastewater lift station site.
8. Ratify approval for contract with Bridger Construction Services Inc. for construction of gazebo in the Athletic Park.
9. Approve closure of Clinton Street on May 28, 2010 from 6:00 pm to midnight for Town sponsored street party, a fund raising event to support the free concert in the park series.

ACTION:

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

PUBLIC COMMENTS

Judy Snelling addressed the Council and explained at the third meeting of the local economic development group it was agreed the focus should be extended to encompass businesses throughout the county. She reported the annual Colorado Economic Development conference will be held in Montrose from April 28 through 30, and requested Council contribute \$350 to cover registration for a local representative to attend.

There was discussion and the Council agreed to pay the registration fee and ask the City of Ouray and County to participate and share in the cost.

ACTION:

Mayor Pro Tem Clark moved to expend \$350 from the Council Initiatives line item and request the other agencies participate in the registration cost for the Economic Development State Conference. It was seconded by Councillor Johnson and carried unanimously.

Karen Avery explained she is a member of the City of Ouray organizing committee for Ride the Rockies bicycle tour. The organized event, sponsored by the Denver Post, will be stopping and overnighing in Ouray on June 15th. Approximately 3000 people participate in the event and 68% of the participants are residents of the state. "This is a one day push to remind people to come back over here" and "provides excellent marketing of the area" she stated. She noted a shuttle will be provided to transport participants between Ouray and Ridgway.

Representing the Ridgway Area Chamber of Commerce John Lorimer reported the organization is planning improvements to the visitor center building, which is leased from the Town. The lease agreement requires facility improvements be approved by the Council. He requested approval to install a donated 4x6 window on the north side of the building.

ACTION:

Moved by Councillor Hebert, seconded by Mayor Pro Tem Clark to approve the addition of a 4x6 window at the visitor center. With the motion on the floor there was discussion. After a call for the vote the motion carried unanimously.

PUBLIC REQUESTS AND PRESENTATIONS

10. Request for Town representation on the newly formed Ridgway-Ouray Retail Sales Owner Group

Business owner Ed Folga addressed the Council regarding the newly formed Ridgway-Ouray Retail Sales Owner Group. He explained the group was formed based on a nationwide program which encourages residents to shop locally by encouraging spending \$50 in three local businesses every month. He noted the group of business owners is "an educational provider" to educate the consumer that "dollars spent in the county turns around six to seven times and more money stays here instead of going to a big box store". He explained the group is requesting a representative from the Town, City and County participate in the monthly meetings.

The Council expressed support of the groups efforts. Councillor Weaver volunteered to represent the Council.

11. Report on award of grant for multi-regional housing needs assessment with San Miguel County

Shirley Greve with the San Miguel County Regional Housing Authority reported the county has received a \$80,000 grant to perform a multi-regional housing needs assessment with Ouray and San Miguel Counties. She explained Ouray County preformed an assessment in 2006 and it lacked commuter data and residential rental information. The proposed assessment will contain figures related to numbers of daily commuters coming in and out of

the county and amount of rental housing the community can bear. The grant, which was awarded by the Department of Local Affairs with federal funds, will pay the state approved consulting company RRC, to conduct the assessment study. She noted this is the same firm which conducted the 2006 Ouray County study.

PUBLIC HEARINGS

12. Application for restaurant liquor license, Oriental Chinese Restaurant, 565 Sherman Street; Applicant: Ya Bao Xiang

Staff Report dated 3-24-10 from the Town Clerk presenting an application for restaurant liquor license for Oriental Chinese Restaurant at 565 Sherman Street. Town Clerk's Notice of Public Hearing dated 3-24-10.

The Town Clerk explained on 7-8-09 the Council approved an application for transfer of liquor license for the Oriental Chinese Restaurant. In late January the State Liquor Enforcement Division report they were unable to locate issuance of a renewal for 2008, though in 2009 a renewal application was made and they issued a license. She explained on 3-24-10 the division made a determination that the previous license was not valid since it had not been renewed in 2008, and the current application must be approved by the Council as a new license, not a transfer.

ACTION:

Mayor Pro Tem Clark moved with Councilmember Hunter seconding to approve the application for new liquor license for the Oriental Chinese Restaurant. The motion carried unanimously.

POLICY MATTERS

13. Resolution Establishing a Temporary Exemption to Town Policy Relative to Noxious Weed Management

Town Manager Greg Clifton explained at the recent Council workshop Ouray County Weed Manager Ron Mabry addressed the Council regarding the Town's noxious weed control program, and expressed concerns with spotted knapweed along the river corridor. He requested the Council consider a one time exception from the Town policy to use only non-toxic herbicides on Town property, to address the weed invasion along the river. He noted at conclusion of the workshop staff was directed to prepare a resolution allowing a one time exemption for application of a low toxicity herbicide to spotted knapweed located on Town property.

Mr. Mabry addressed the Council and stated knapweed along the river "is exploding and is out of control". He noted programs over the past few years to hand pull the noxious weeds has been unsuccessful, and recommended spot application of the low toxicity herbicide, Milestone, which "is the safest and most effective product we can use along the river edge". He stated it is "the only step to take when the weeds become so invasive and when you deal with this much acreage". He suggested a one time application and then establishment of other forms of weed control. He reported he applied for a \$22,000 grant for weed management in the Town and county, and today received notification it was partially funded at \$12,000.

SPEAKING FROM THE AUDIENCE:

Susan Baker distributed documents to the Council from studies conducted in Great Britain and France, and by the State of New York, pertaining to the effects of the herbicide Milestone. She stated use of the herbicide is banned in these locations and questioned the products ability to safely "break down in water". She noted the study from France states it takes 266 days to breakdown in a wetlands area and stated "it's a fragile eco-system by the river and the wetlands". "I am not saying don't spray, I'm saying let's study this more before we use Milestone" she said.

Danny Powers expressed concerns that riparian plants within the wetlands maybe affected by overspray of the herbicide.

Jean McDonald explained she is registered with the Department of Agriculture for herbicide and pesticide sensitivity. She stated "I have researched this product extensively" and from previous exposure "it is the only product I can go near within 48 hours, others take six weeks". "For me it's a better product, I've never gotten sick from Milestone". She noted "it does not cause cancer or reproductive effects, and applied at low use rate is listed as practically non-toxic to birds, aquatic life, can be used along rivers, and is safe for grazing animals". It "breaks down in the soil, it's not a volatizer in the air". She recommended if used, the product be applied during a period with no forecast of rain for three days, and "absolutely no wind, that is the crucial safety factor". Ms. McDonald stated she recognizes the noxious weeds "must be dealt with" and "if anything has to be sprayed this is the product that should be used", "though I would rather see you hand pull them".

There was discussion between the Council, Mr. Mabry and members of the audience.

Consensus of the Council was to allow citizens until May 15 to organize and perform a hand pulling weed eradication of spotted knapweed along the river, noting it would not be a one time event and would require a commitment for years to come. It was agreed if all the weeds are not removed from the area, it will be sprayed between May 15 and June 1 with Milestone. It was further agreed to add a clause to the proposed resolution pertaining to posting notice in the area prior to application of the product. Manager Clifton suggested a clause at the end of the resolution stating "and subject to advanced notice being posted in areas of application".

ACTION:

Councillor Hebert moved to approve Resolution No. 10-04 with the changes recommended by the Town Manager. The motion was seconded by Mayor Pro Tem Clark and carried unanimously.

The Council took a recess at 7:50 p.m. and reconvened the meeting at 8:05 p.m.

14. Introduction of Ordinance Allowing Deferred Payment of Development Excise Taxes in Certain Circumstances and Revising Requirements for Related Plat Notes, and Correcting an Unrelated Cross Reference

Town Attorney John Kappa noted regulations pertaining to excise development tax on new developments require payment for each unit at the time of filing the plat map. Over the years the Council has waived the requirement and allowed payment at the time of building permit. He explained at the Council's request he has prepared an ordinance which

provides exceptions to the requirement such as deferring payment until building permit, but does not allow waiving of the fee.

ACTION:

Councillor Hunter moved to introduce Ordinance No. 03-2010 Allowing Deferred Payment of Development Excise Taxes in Certain Circumstances and Revising Requirements for Related Plat Notes, and Correcting an Unrelated Cross Reference. The motion was seconded by Councilmember Johnson and carried unanimously.

15. Adoption of Ridgway Comprehensive Plan "Prescriptive Energy Code and Green Building Standard Program for Residential and Commercial Construction"

Planner Jen Coates presented final draft of the prescriptive energy code and green building standards. The document would become an element to the Comprehensive Development Plan, and Appendix A will be implemented through adoption of an ordinance. She noted Council was presented with a draft of the 20 page document several months ago, and the final document contains no significant changes. The code, which was created with input of a community task force, addresses residential, multi-family and commercial construction and will improved energy conservation without significant cost and provides short payback on investments by homeowners.

There was discussion by Council.

ACTION:

Mayor Pro Tem moved to adopt the Prescriptive Energy Code and Green Building Standard Program for Residential and Commercial Construction as a component of the comprehensive development plan. The motion was seconded by Councillor Hebert and carried unanimously.

16. Introduction of Ordinance Amending Town Building Regulations by Adopting Amendments and Supplements to Adopted Codes and Regulations Along With a Green Building Code and Prescriptive Energy Code

Planner Coates presented an ordinance which adopts the prescriptive energy and green building codes. There was discussion between Council and staff.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Weaver seconding the motion to introduce Ordinance No. 4-2010 Amending Town Building Regulations by Adopting Amendments and Supplements to Adopted Codes and Regulations Along With a Green Building Code and Prescriptive Energy Code. The motion carried unanimously.

17. Discussion pertaining to Phase 4 Enhancement Grant from Colorado Department of Transportation

Staff Report from Public Works Director Joanne Fagan dated 4-6-10 presenting six project options which could be used to apply for Phase 4, Colorado Department of Transportation Enhancement grant funds.

Town Manager Clifton explained staff is researching potential projects for Phase 4 Federal Enhancement Grant funds through the Department of Transportation. He noted the Town

has been the recipient of Phase 1 & 2 of these grants, the qualifying criteria of which is installation and construction of sidewalks. Currently a grant for the third phase funding is pending. This grant would provide for installation of a sidewalk to connect the crossing at Highway 550 and sidewalks along Hunter Parkway.

There was discussion between Council and staff. It was agreed to pursue grant funds for the Phase 4 funding for a crosswalk across Highway 62 at Railroad Street.

18. Request for participation in the Colorado Grand Event

Manager Clifton noted the Colorado Grand Automobile Event stops at Hartwell Park during the annual event in September. He presented an email from the organization requesting to stop and receive a prepared lunch in the park. The organization proposed to gift \$5000 to a local non-profit group to prepare and serve the lunch, and award a Ridgway high school student with a \$3500 scholarship.

The Council agreed the Voyager Program should be offered to host the lunch and administer award of the scholarship. Consensus was second choice would be the Mt. Sneffels Educational Foundation.

19. Request from Ouray County Housing Authority for coverage under Town's general liability insurance policy

Planner Coates reported the intergovernmental agreement with the City and County of Ouray, which formed the multi-jurisdictional housing authority, requires the board be covered under a liability insurance policy. Insurance has been researched and is cost prohibitive, as the board has no funding source. She has contacted the Town and City of Ouray's insurance carrier, CIRSA, and they have stated the board could be placed under the policy at no charge to the Town.

ACTION:

Councillor Hebert moved to approve the request for insurance coverage. Mayor Pro Tem Clark seconded. With the motion on the floor there was discussion. The motion was amended by Councillor Hebert to approve the Housing Authority be placed under the Town's general liability policy until a time that funds can be budgeted by the Housing Authority. Mayor Pro Tem Clark seconded and it carried unanimously.

20. Renewal of temporary incentive program for use of solar energy systems

Staff Report from the Town Clerk dated 3-22-10 explaining on 6-11-08 the Council adopted an ordinance creating a temporary incentive program for use of solar energy systems which provides a refund of local sales tax. The incentive terminates on every biennial anniversary date unless renewed by the Council.

The Town Clerk reported during the two year program two residents have applied for a refund. She asked if the Council desired to continue the incentive program.

ACTION:

It was moved by Mayor Pro Tem Clark to reinstate the temporary incentive program, seconded by Councillor Hebert, and unanimously carried.

21. Discussion regarding poll elections versus mail elections

Staff Report dated 4-7-10 from the Town Clerk presenting an analysis of poll and mail elections and voter participation in the annual municipal election held on 4-6-10.

The Town Clerk explained the difference between poll elections, which allow the voter three ways in which to vote, as a early voter by requesting an absentee ballot, a mail-in voter, or by voting at the polling place; and mail elections in which ballots are mailed to all registered voters and there is no polling place on election day. She reported at the recent election 170 voters cast ballots, 131 were received as mail-in, 5 cast as absentee, and 34 persons voted at the polls.

There was discussion between Council and staff.

22. Appointment of Mayor Pro Tem and selection of members for Council representation on committees and commissions

The Mayor explained in conjunction with the annual election the Town Council addresses appointment of the Mayor Pro Tem and representation on boards, committees and commissions.

It was agreed that Councillor Durnan would become a member of the Parks, Trails and Open Space Task Force with Councillors Johnson and Weaver. Mayor Willits will serve as the alternate on the New Community Coalition Advisory Board. Councillor Hunter will replace Mayor Willits on the Joint Planning Board.

ACTION:

Moved by Mayor Pro Tem Clark to appoint Councillor Ellen Hunter to the Joint Planning Board. Councillor Johnson seconded the motion which carried unanimously.

ACTION:

Councillor Hebert moved to retain John Clark as Mayor Pro Tem. Councillor Johnson seconded. After a call for the vote the motion carried unanimously.

STAFF REPORTS

Public Works Director Fagan explained the Wildlife Collision Reduction Project Grant, awarded to Ouray County and which the Town is participating in by providing her services as an engineer, is constructing wildlife game ramps under Highway 550. She reported there may be excess funds at the end of the project and if available, she recommended expenditure to extend the fences from the highway to the Dennis Weaver Memorial Park. The Council agreed.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into a closed session subject to State Statute Provisions 24-6-402(4)(b),(c),(e)&(g) to confer with the Town Attorney for legal advise relative to negotiations and privileged documents for the express reason of discussing enforcement of public nuisances and legal issues relative to medical marijuana regulations.

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 9:50 p.m. with the Town Attorney and Town Manager.

The Council reconvened to open session at 12:05 a.m.

ADJOURNMENT

The Mayor adjourned the meeting at 12:05 a.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk