

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 11, 2010

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. Members in attendance were Councillors Durnan, Hebert, Hunter, Johnson, Weaver and Mayor Willits. Mayor Pro Tem Clark was absent.

CONSENT AGENDA

1. Minutes of Regular Meeting of July 14, 2010.
2. Minutes of Workshop Meeting of July 20, 2010.
3. Register of Demands for August 2010.
4. Ratify reappointment of Joanne Fagan as Town representative to the Gunnison Valley Transportation Round Table.
5. Resolution Approving Submittal of Mini-Grant Application to Great Outdoors Colorado.
6. Request for water leak adjustment – Meter #1890.0/Juell and Markey.
7. Request for water leak adjustment – Meter #6560.0/Carlson.

ACTION:

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

PRESENTATIONS

The Mayor presented public works employee Randy Barnes with a certificate of appreciation and gift certificates in honor of 30 years of service to the Town.

The Mayor acknowledged public works employee Dan Bartashius for 22 years of Town service and presented him with gift certificates to local businesses.

PUBLIC REQUESTS AND PRESENTATIONS

8. Presentation and overview of Painted Sky Resource Conservation and Development Council

Mike Drake, Executive Director of Painted Sky Resource Conservation and Development Council, presented the Council with the organizations newsletter for summer of 2010. He explained the Development Council is a 501.3c non-profit organization and serves Delta, Montrose, Gunnison, Ouray and parts of San Miguel and Hinsdale Counties by addressing resource conservation and economic development needs. The organization offers technical assistance programs for existing businesses and start up ventures. There are eight resource conservation and development councils operating within the state.

Mr. Drake answered questions from the Council.

The Council noted Mr. Drake was asked to make a presentation after receiving a request for membership dues at the previous meeting. It was agreed the Town should pay annual dues to support the efforts of the organization.

ACTION:

Councillor Hebert moved to pay dues of \$50 for 2010 to Painted Sky Resource Conservation and Development Council. Councillor Johnson seconded and it carried unanimously.

9. Recap of the 2010 Pickin' In The Park free summer concert series

The Town Clerk presented a financial overview of revenues and expenditures pertaining to the free summer concert series held in July. Last years series was funded from the fiscal year budget and four concerts were provided. She explained this years concert series, which included three nights of venues, was completed funded from community donations. Receipts of \$30,262 were received from the following sources: major sponsors, \$7,000; private donations of \$3,220; fund raisers \$5,606; t-shirt sales of \$2,617; beer sales at concerts \$9,544; raffle tickets and tips for beer \$2,074. Additionally, in-kind business sponsors of approximately \$6,780 and donations for the raffles. Expenditures totaled \$23,481.

Rob Miller with Pickin' Productions, the production company responsible for retaining performers for the concerts, explained he strives to hire a mixture of bands to "please everyone". He noted the excess revenues raised this year could have provided a fourth concert, and suggested the Council consider four performances next year. He explained a number of expenditures were cut back this year, one of which was advertising. He suggested next year the Town consider printing brochures advertising the events and sponsors. He encouraged identifying major sponsorships early in the year to meet magazine advertising deadlines. He requested permission to begin pursuing performers to commit to next years series.

The Council agreed the series should be pursued for next year and discussed during preparation of the annual operating budget. It was further agreed the concert committee should present recommendations at another meeting.

PUBLIC HEARINGS

10. Application for liquor license change of location from The White Horse Saloon, to relocate from 484 Palomino Trail to 604 Clinton Street; applicant White Horse LLC, shareholder Lori Howard

Staff reported dated 7-22-10 from the Town Clerk presenting an application from White Horse LLC requesting a change of location for tavern liquor license from 484 Palomino Trail to 604 Clinton Street. Town Clerk's Notice of Public Hearing dated 7-20-10.

The Town Clerk explained the White Horse Saloon is requesting a change of location to the historic Sherbino Theater at 604 Clinton Street. She noted the application includes licensing an area on the sidewalk in front of the building.

The Town Clerk presented a letter of opposition dated 8-10-10 from Claire Martinez stating "the area is already saturated with alcohol related businesses" and expressing concerns with traffic and parking. The Town Clerk noted the local authority can consider undue

concentration for only the type of license applied for. She reported there is another tavern license in the neighbor, held by CUPS on North Lena Street. Additionally, the premises in question, the Sherbino Theater, is currently licensed and also holds a tavern license.

Abby Dix explained she is an adjacent property owner and expressed concerns with sound mitigation, hours of operation and smoking and consuming alcohol on the sidewalk.

The Town Clerk presented the Council with the state statutes which govern the local licensing authority on applications for a change of location. These include location to a school and desires of adult inhabitants of the neighborhood.

Applicant Lori Howard addressed the Council and answered questions. There was discussion between the applicant and Ms. Dix. There was discussion by the Council.

The Town Attorney requested an executive session pursuant to state statute 24-6-402(4)(b) for conference with the Town Attorney for the purpose of receiving legal advise.

ACTION:

It was moved by Councillor Hebert to enter into closed session. The motion was seconded by Councillor Weaver and carried unanimously.

The Council entered into executive session at 6:45 pm with the Town Attorney, Town Clerk and Interim Manager. The Council reconvened into open session at 7:05 pm.

The Town Attorney suggested the hearing be continued to Monday, August 23rd to allow the parties time to present evidence to assist the Council in reaching a decision.

ACTION:

Moved by Councillor Hunter and seconded by Councillor Johnson to continue the hearing to an adjourned meeting on August 23rd at 5:30 p.m. The motion carried unanimously.

POLICY MATTERS

11. Update on noxious weed removal program

Interim Manager Jen Coates presented a document outlining current noxious weed control efforts throughout the Town and adjacent to the community water reservoir. She summarized weed eradication efforts, the location and types of weeds.

Public Works Director Joanne Fagan reported “we’ve been losing ground steadily over the last few years” noting there are “acres of weeds” and staff is spending many hours during the summer on weed eradication during a time that is otherwise extremely busy. She suggested that the efforts be concentrated at the end of the growing season when other responsibilities are not as pressing.

Ouray County Weed Manager Ron Mabry stated “it’s out of control”, “literally the whole Town’s infested” and “it’s almost too late” to address the spotted knapweed infestation along the river corridor. He stated the weeds are “a half mile solid down the river”. He explained once the weeds have bloomed spraying is not effective, and “there is no way” to hand pull. “Mowing just spreads seeds, and that’s the primary control method the Town

has been using for years". He stated, "spraying is the only way to get it under control" noting, "it's at a critical level".

Speaking from the audience Rod Fitzhugh noted areas along Cottonwood Park where construction was undertaken were not reseeded and "is now completely overtaken by weeds".

Interim Manager Coates explained staff is preparing an integrated weed management plan and will be working with Mr. Mabry on short and long term goals and plans.

Mr. Mabry suggested an application of the herbicide Milestone along the river corridor noting "a fall application would be more effective" as "we now have a whole new seed stock". On a question from the Council he explained the herbicide would be applied at six to seven ounces to the acre.

There was consensus to continue the discussion to the next regular meeting.

PUBLIC COMMENTS

Rod Fitzhugh commented regarding recent litigation pertaining to enforcement of regulations. He encouraged "consistent approaches to enactment and enforcement of ordinances" with a "focus on the general welfare and social and health of the community, rather than the need of individuals".

The Council took a recess at 7:50 pm and reconvened the meeting at 8:10 pm

POLICY MATTERS (continued)

12. Intergovernmental Agreement with Ridgway School District for maintenance of athletic fields

The Interim Manager explained last year the Town entered into an Intergovernmental Agreement with Ridgway School District to assist in maintenance of the school athletic fields. Last year the district paid \$13 an hour for Town parks staff to maintain the fields for ten hours a week from May to October. The proposed agreement requires reimbursement of \$16 an hour for the number of actual hours worked. She noted this does not include equipment depreciation.

ACTION:

It was moved by Councilmember Hebert and seconded by Councillor Weaver to approve the IGA between the Town and Ridgway School District for maintenance of playing fields.

13. Introduction of ordinance amending accessory dwelling unit provisions

The Town Attorney presented a draft ordinance requested at the previous meeting. The proposed changes would increase accessory dwelling unit sizes to 800 square feet. He noted the ordinance also corrects cross referencing to land use, water and sewer regulations.

ACTION:

Councillor Hebert moved to introduce the Ordinance Amending Accessory Dwelling Unit Provisions to Allow Accessory Dwelling Units up to 800 Square Feet in Floor Area and to Update Accessory Dwelling Unit Cross References in the Town Code. Councilmember Johnson seconded and the motion carried unanimously.

14. Request for pedestrian sign at Cora and Otto and update on traffic control study

The Interim Manager explained staff has received a request to install a pedestrian crossing sign at the corner of Cora and Otto Streets. She noted staff has prepared an inventory of signs throughout Town, and the Town Engineer is preparing a comprehensive vehicular and traffic flow study.

There was discussion between Council and staff. It was agreed to place a pedestrian stop sign at the corner.

STAFF REPORTS

Interim Manager Coates presented an update on the proposed widening of Highway 62 by the Colorado Department of Transportation (CDOT). She explained staff met with representatives from CDOT and they are proposing to install 14 foot drive lanes, a 14 foot turn land, 4 foot bike lane and landscape planters along a 7 foot sidewalk. No parking would be allowed along the highway. This plan deviates from the Historic Business District Streetscape prepared by consultants on behalf of the Town in 2006. Staff expressed these concerns along with Council concerns the three lanes not run the full length of Town. There was discussion between Council and staff and it was suggested CDOT be asked to consider not placing a continuous turn lane, and install designated turn areas instead.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into an executive session to discuss matters subject to negotiation with respect to land development agreements, nuisance and ordinance enforcement and legal issues pertaining to water right agreements and medical marijuana regulations pursuant to State Statute Provisions 24-6-402(4)(b)&(e) to confer with the Town Attorney and receive legal advise, and a position relative to negotiations.

ACTION:

Councillor Johnson moved to go into closed session. Councilmember Durnan seconded. The motion carried unanimously.

The Council entered into a closed session at 9:10 p.m. with the Town Attorney, Interim Manager and Public Works Director.

The Council reconvened to open session at 10:15 p.m.

ADJOURNMENT

The Mayor adjourned the meeting at 10:15 p.m. to an adjourned continued meeting on August 23rd at 5:30 pm.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk