

RIDGWAY TOWN COUNCIL
MINUTES OF SPECIAL MEETING
JUNE 9, 2010

The Council convened for a special meeting at 4:30 pm at Rollans Park, Highway 62 (Sherman Street), Ridgway, Colorado. Members in attendance were Councillors Durnan, Hunter, Weaver, Mayor Pro Tem Clark and Mayor Willits. Councilmembers Hebert and Johnson were absent.

Town Clerk's Notice of Special Meeting dated 6-4-10.

The Council met with staff, Ourary County Weed Manager Ron Mabry, and members of the public to view and discuss knapweed growth and removal efforts along the river cooridor.

The meeting adjourned at 5:10 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JUNE 9, 2010

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

CONSENT AGENDA

1. Minutes of the Regular Meeting of May 12, 2010.
2. Register of Demands for June 2010.
3. Renewal of restaurant liquor license for Thai Paradise.
4. Renewal of restaurant liquor license for Galloping Goose Bakery and Cafe.

ACTION:

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

PUBIC COMMENTS

Catlin Switzer introduced herself as the new Executive Director to the Ridgway Area Chamber of Commerce. She presented her background and explained she will be addressing regional business development on behalf of the Chamber, as well as promoting the Town.

PUBLIC REQUESTS AND PRESENTATIONS

5. Update on weed eradication along river corridor

Mayor Willits explained prior to the meeting the Council held a special meeting along the river corridor to meet with Ouray County Weed Manager Ron Mabry, and citizen Kimah McCarty. Ms. McCarty has organized a community weed removal project to hand pull knapweed along the corridor and wished Council to tour the area. He explained the Council had given the public until June 15th to remove the weeds by hand pulling, before the Town would consider applying an herbicide to the noxious weeds. He stated "it appears to me there is still a lot of work to do down there".

Kimah McCarty addressed the Council proposing the use of "mechanical means" to cut the weeds to prevent seeding, and in the fall "recultivate with good species". She requested permission to continue engaging community support and approval to hand pull or cut noxious weeks, from the pedestrian bridge to Weaver Park.

There was discussion by Council regarding which areas should be maintained by community volunteers. The Council agreed to include the area on both sides of the river from the pedestrian bridge to the Ergen property to allow an experimental area for hand pulling of weeds. It was further agreed the project will conclude in September at which time Mr. Mabry, Councillor Durnan and Mayor Willits will report to the Council on the outcome and if results are not shown, the property may be treated with herbicides.

LAND USE ISSUES

6. Request for encroachment permit to pour concrete pad and utilize Town right-of-way at S. Lena Street for deliveries at Mountain Market

Staff Report from Town Planner Jen Coates presenting a Planning Commission recommendation to approve an encroachment permit for Block 38, Lots 5-12 (known as Mountain Market) to utilize approximately 28x12 square feet of the eastern aspect of the South Lena Street right-of-way for the purpose of accommodating a concrete pad and partial sidewalk to receive deliveries and accommodate pedestrians, pursuant to a site plan dated 5-20-10. Letter of opposition dated 6-8-10 from David Patterson requesting the Town require all commercial deliveries be made from alleyways.

Planner Coates explained in April of 2008 the Planning Commission discussed expansion of the market. Items addressed included parking limitations, loading areas, Town streetscape plans and deliveries off of Lena Street. She noted deliveries are being made off the street, and problems have been encountered due to the weight of trucks on the gravel parking area. The property owners are proposing to install a concrete pad to eliminate this problem and provide easier unloading, the proposed site will partially encroach into the Town right-of-way.

Architect Doug Macfarlane addressed the Council on behalf of the property owners, Darin and Valerie Hill. He explained the pad is needed to expedite and allow for easier deliveries into the market. He stated installation of the concrete pad and a portion of the sidewalk will be the first step in implementing the approved site plan. The plan includes agreement of the owners to donate property for the Town's streetscape plan for installation of a sidewalk and public parking. He noted a drainage plan has been prepared which will be executed in conjunction with construction of the concrete pad.

There was discussion between the Council and Mr. Macfarlane regarding installation of the proposed sidewalk.

ACTION:

It was moved by Mayor Pro Tem Clark to approve the request to install a concrete slab on S. Lena Street and approve the encroachment permit. Councillor Johnson seconded and it carried unanimously.

PUBLIC COMMENTS

Janet Smith requested the Council "reverse the ordinance outlawing roosters" and limiting the number of chickens which can be kept, or "grandfather" her business. She stated she has a list of 281 people "who support me having a rooster in Town".

There was discussion between the Council and Ms. Smith.

PUBLIC REQUESTS AND PRESENTATIONS (continued)

7. Results of Ridgway Ouray Community Council electronics recycling program

Sheelagh Williams reported on the electronics recycling program held during the recent Ridgway Ouray Community Council (ROCC) parking lot sale. She explained the program was very successful not only in keeping dangerous lead, plastic, glass and metals from the landfill, but financially, and there would be no need for the Town to contribute. She noted the organization is considering holding the event every other year.

On behalf of ROCC, Ms. Williams presented a \$250 donation from funds raised at the parking lot sale, to support the Town's free summer concert series.

PUBLIC HEARINGS

8. Ordinance Amending Town Zoning and Licensing Regulations to Replace the Moratorium on Medical Marijuana Dispensaries

Town Attorney John Kappa presented a draft ordinance which would lift the current moratorium on medical marijuana dispensaries. He noted at the previous meeting Council discussed limiting zoning to the industrial district, and agreed to continue the discussion. He explained the ordinance will designate the Town Council as the licensing authority. The regulations are based upon state legislation, which also imposes a one year moratorium on new dispensaries effective July 1st to allow time to prepare a licensing program.

There was discussion between the Council and Town Attorney regarding the state regulations.

Jeanne Robertson spoke in support of immediately lifting the moratorium and implementing licensing procedures prior to July 1st. She also requested the Council consider allowing dispensaries in the Historic Business District.

There was discussion between the Council and Attorney regarding ways to develop a local licensing process prior to July 1st. Mr. Kappa noted the proposed ordinance will not become effective until 30 days after adoption. To approve a dispensary in Town prior to the state imposed moratorium on July 1, the Town moratorium must be lifted immediately. This would require adoption of the ordinance as an emergency measure, and a unanimous vote of the Council. Also local licensing policies would need to be developed and implemented, he noted.

The Council discussed allowable zoning designations for dispensaries.

Speaking from the audience Shari Braund supported allowing the use in the Historic Business District.

The Council agreed to include the commercial zoning district from Liddell Street to the east.

ACTION:

Councillor Johnson moved to adopt Ordinance 7-2010 Amending Town Zoning and Licensing Regulations to Replace the Moratorium on Medical Marijuana Dispensaries with the amendment to add general commercial zoning east of Liddell Street extended. The motion was seconded by Councillor Hunter and it carried unanimously.

There was discussion between the Council and Town Attorney regarding immediately lifting the moratorium on delivery services. Mr. Kappa suggested the Council lift the moratorium to allow patients within the Town to be serviced by a business or operation continuing pursuant to the provisions of the state regulations.

ACTION:

Mayor Pro Tem Clark moved to amend the ordinance to include 'provided further the moratorium on deliveries to registered patients by businesses operating pursuant to CRS 12-43.3-103(1) is lifted immediately'. Councillor Hunter seconded the motion and after a call for the vote it carried unanimously.

LAND USE ISSUES (continued)

9. Request for revocable sign permit over right-of-way at 640 Sherman Street

Planner Coates presented an application from Sheri Braund to install a sign advertising skin care services over the right-of-way at 640 Sherman Street. She reported two revocable permits have been issued at the location, but this application is for installation on the second story of the building.

There was discussion between the Council, staff and applicant. The Council recommended staff consider requiring a master sign plan for the building.

ACTION:

Mayor Pro Tem Clark moved to approve the revocable sign permit for skin care services at 640 Sherman Street. Councillor Johnson seconded. The motion carried unanimously.

POLICY MATTERS

10. Request from County Weed Manager for contribution towards the Ridgway Ouray Cooperative Weed Project Grant Award

Interim Manager Jen Coates explained during previous discussions with the County Weed Manager, the Council approved participation in a grant application for weed removal. The grant has been awarded and requires the Town participate with a \$6000 cash, or in-kind match, and enter into an intergovernmental agreement. Staff is proposing a contribution of in-kind services, she reported.

There was discussion between the Council and Weed Manager, Ron Mabry, regarding the grant and intergovernmental agreement. It was agreed the agreement will be drafted by the County Attorney and forwarded to the Town Attorney for review.

ACTION:

Moved by Mayor Pro Tem Clark, seconded by Councillor Johnson and unanimously carried to approve the concept of an intergovernmental agreement with Ouray County for weed management.

The Council took a recess at 8:50 p.m. and reconvened the meeting at 9:10 p.m.

11. Proposed program to address removal and recycling of junk cars from private property

Building Inspector Bill Behan presented a program to dispose of junk cars on private property. He explained there is a curriculum offered through a public radio program which will haul cars, boats and recreational vehicles at no expense to the owner. The vehicles are either placed in an auction, or crushed for recycling. He suggested citizens be invited to participate in the program which could be administered by the Town. He reported there are sixty-five junk cars located on private property within the Town, some which have not been moved in forty years.

There was discussion and the Council agreed the Town Attorney should draft a letter to send to affected owners and directed staff to run a press release.

PUBLIC HEARINGS (continued)

12. Ordinance Amending Town Subdivision Regulations to Provide Revisions for the Expiration of Preliminary Plats

The Town Attorney explained the proposed ordinance will establish provisions to extend preliminary plat approvals.

ACTION:

Moved by Councillor Johnson and seconded by Mayor Pro Tem Clark to adopt Ordinance 6-2010 Amending Town Subdivision Regulations to Provide Revisions for the Expiration of Preliminary Plats. After a call for the vote the motion carried unanimously.

13. Ordinance Correcting a Clerical Error to Specify Proper Codification of Leash Law Provisions Applicable to Dogs to Allow Voice Control Under Certain Circumstances

The Town Attorney presented an ordinance to correct an error referencing the wrong section in the adopting ordinance establishing leash law provisions.

ACTION:

Councilmember Hunter moved to adopt Ordinance 5-2010 Correcting a Clerical Error to Specify Proper Codification of Leash Law Provisions Applicable to Dogs to Allow Voice Control Under Certain Circumstances. The motion was seconded by Councillor Durnan and carried unanimously.

LAND USE ISSUES (continued)

14. Recommendation from Planning Commission to approve request for two year extension of preliminary plat for River Park, Ridgway Business Park, Filing 3

Planner Coates presented a recommendation from the Planning Commission to approve an extension of preliminary plat for River Park PUD, Filing 3. She explained the subdivision is located on N. Laura Street, adjacent to the existing industrial park. The plat was approved ten years ago and has received two amendments. The property owner filed the request based upon economic hardships. The Commission is recommending the Council allow a two year extension.

ACTION:

Mayor Pro Tem Clark moved to approve the request for two year extension of Preliminary Plat for River Park, Ridgway Business Park, Filing 3. The motion was seconded by Councillor Johnson and carried unanimously.

POLICY MATTERS (continued)

15. Donation from Bob and Donna Greene for gazebo project in Athletic Park

The Town Clerk reported Donna and Bob Greene have offered to purchase a picnic table for the new gazebo that is being constructed in the Athletic Park.

There was discussion, and the Council accepted the donation.

16. Appointment of members to Planning Commission

Mayor Willits announced the appointments of Brian Scranton and Jim Nowak to the Planning Commission.

STAFF REPORTS

The Public Works Director announced the Town has been awarded the Phase III grant from the Colorado Department of Transportation for the pedestrian crossing at Highway 550 and sidewalk along Palomino Trail. She reported the application of the grant for Phase IV has been filed and decisions on funding should be made within the next few months. She noted funds are distributed in three year cycles, and the application was written requesting funding at the end of the cycle.

COUNCIL COMMITTEE REPORTS

Mayor Willits reported the Fairgrounds Committee is preparing an update to the master plan.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into an executive session to discuss easement negotiations pursuant to State Statute Provisions 24-6-402(4)(a),(b),(c)&(e) to confer with the Town Attorney and receive legal advise, discuss property acquisition, matters subject to attorney-client communication and a position relative to negotiations.

ACTION:

Mayor Pro Tem Clark moved to go into closed session. Councilmember Johnson seconded. The motion carried unanimously.

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

The Council reconvened to open session at 10:35 p.m.

ACTION:

Mayor Pro Tem Clark moved, with Councillor Durnan seconding the motion to approve expenditure of \$11,000 to purchase an easement for water line across Lot 222, RiverPark Subdivision, it carried unanimously.

ADJOURNMENT

The Mayor adjourned the meeting at 10:35 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk