

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING

MAY 12, 2010

CALL TO ORDER

The Mayor Pro Tem called the meeting to order at 5:35 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance were Councillors Durnan, Hebert, Hunter, Johnson, Weaver and Mayor Pro Tem Clark. Mayor Willits was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of April 14, 2010.
2. Minutes of the Special Meeting of April 28, 2010.
3. Register of Demands for May 2010.
4. Approve displaying Ridgway River Festival banner for one week prior to event on the pedestrian bridge at Rollans Park.
5. Waive building permit fee for remodel at the Chamber of Commerce Visitors Center building, which is leased from the Town.
6. Ratify contractual services agreement with Rusty Weaver for maintenance of Dennis Weaver Memorial Park during the summer of 2010.
7. Ratify agreement with Southwest Conservation Corp for services from the Ouray/Ridgway Community Corps for summer of 2010.

ACTION:

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

INTRODUCTIONS

Town Manager Clifton introduced Kathryn Sellers with the Masters Law Firm. He explained she is providing outside legal counsel for the Town, and assisting on municipal prosecution matters.

PUBLIC REQUESTS AND PRESENTATIONS

8. Presentation pertaining to recycling options offered by San Juan Uncompahgre Natural Resource Recovery (S.U.N.R.I.S.E.) Inc.

Jonathan Greenspan, owner of S.U.N.R.I.S.E. recycling services addressed the Council on recycling options provided by his company. He stated "the future of recycling" is in an "evolution process" as recycling is becoming "resource recovery," and is moving towards "zero waste" by diverting waste from landfills. He explained the company's solid waste program, and the assembly line system used to compost recycled materials for reuse. He

addressed questions from the Council pertaining to recycling of plastic and paper items and explained changes in these industries.

Manager Clifton noted presentation of bids received for refuse and recycling contractual services is on the agenda later in the meeting. Only one bid was received, that being from the current service providers, Bruin Waste Management and S.U.N.R.I.S.E. The bid proposal contains an option to increase the type of materials which can be recycled.

Mr. Greenspan addressed the types of materials which can be added to the Town's recycling program.

9. Drainage at Redcliff Condominiums

David Patterson inquired into the status of communication between the Town and the homeowners association of Redcliff Condominiums adjacent to his home on S. Lena Street. He stated "as you know I have sustained damage to my house" due to drainage from the adjacent structure. He also referenced improper drainage from the sidewalk between the properties.

The Town Manager explained the complaint has been addressed as a public nuisance. It is recurring in nature, as the drainage problems are tied to storm events, and the Town is unable to take enforcement action.

A representative from the Redcliff Condominium Association stated "we have answered the Town's letter" and noted the "drop in the sidewalk is where the Town water line goes under the sidewalk to the property".

Mr. Patterson requested the Town retain the services of a mediator to help address the situation.

Town Attorney John Kappa suggested the parties "get together and resolve the issue".

There was discussion between the Council, Town Attorney and Mr. Patterson.

The Council encouraged Mr. Patterson to speak with his neighbors to remedy issues.

10. Request for extension of time for weed pulling program along the river corridor

Kimah McCarty requested extension of time for the hand pulling of knapweed along the river corridor, which was discussed at the Council's previous meeting. She explained the physical education class from the middle school and the high school outdoor education class can participate until June 1st. She encouraged the Council to rescind the decision to allow the application of the herbicide Milestone to kill the noxious weeds, and only hand pull.

There was discussion between the Council, Ms. McCarty and Ouray County Weed Manager Ron Maybry.

The Council agreed to extend the date to begin application of the herbicide to June 1st and concurred on that date Councillor Hebert and Mayor Pro Tem Clark will meet with Mr. Maybry on the site to determine if the product should be applied.

11. 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 Clerk's Notice of Public Hearing dated 4-15-10.

The Town Attorney explained the proposed ordinance allows for the deferment of excise development tax in three circumstances, and corrects a cross reference in the Municipal Code.

ACTION:

Councillor Hunter moved to adopt 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 Hebert and carried unanimously.

12. 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

Town Clerk's Notice of Public Hearing dated 4-15-10.

Tom McKenney spoke in support of the regulations stating "it's been a long time coming".

Kim Wheels with The New Community Coalition, noted adoption of the regulations by the Town will bring four of the six local jurisdictions into conformance in the use of similar green building and energy codes.

ACTION:

Councillor Hebert moved, with Councillor Weaver seconding the motion to adopt 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.

POLICY MATTERS

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

Town Attorney John Kappa explained in October of 2009 the Town enacted a moratorium on the dispensing of medical marijuana to allow the state legislature time to develop regulations. The senate and house have adopted legislation which establishes licensing similar to liquor licensing, and the proposed draft ordinance "dovetails" with those regulations, he noted. State regulations allow jurisdictions to determine if applications require public hearings, and the ordinance has been drafted with that requirement. Additionally, the state requires a \$5000 bond, and the draft contains a provision that a similar bond must be posted with the Town. He further noted the document also extends the moratorium until the state regulations are adopted. State regulations do not address zoning, though do establish a requirement that dispensaries can not be located within 1000

feet of a school, he noted. The draft ordinance designates the businesses may only be located within the Industrial 1 and 2 zoning districts.

There was discussion between the Council and Town Attorney.

The Council agreed that the provision requiring a \$5000 bond should be removed.

SPEAKING FROM THE AUDIENCE:

David Patterson noted that uses in the industrial zoning “were not envisioned to be store fronts”.

Glen Pauls explained he is the developer of the industrial park and his attorney has stated that federal regulations also apply and may supersede the state. It is possible that due to federal regulations buildings located within a 60 foot radius of a dispensary may encounter problems with acquiring property insurance. He stated “I am worried about future sales of property” as the zoning designation “may discourage buyers”, and also affect current property owners.

Tim Patterson suggested the Council “consider the retail element” of this type of business, and spoke in support of allowing the use in the Historic Business zoning district. He stated “as a business owner, I would want exposure” and asked the Council “to not fault a business owner” by placing the business outside the retail area of Town.

Frank Robertson explained he is representing his wife who has an established business in the Historic Business District and wishes to establish a dispensary adjacent to the existing use. He stated a business of this type is “not an industrial activity, and is not manufacturing, it is a retail business”.

There was discussion between the Council and audience.

The Council agreed to introduce the ordinance and have further discussion regarding zoning at the next meeting.

ACTION:

Councillor Durnan moved to introduce the Ordinance Amending Town Zoning and Licensing Regulations to Replace the Moratorium on Medical Marijuana Dispensaries. The motion was seconded by Councillor Weaver and carried unanimously

The Council took a recess at 7:45 p.m. and reconvened at 7:55 p.m.

14. Review of requests for proposal for refuse and recycling pickup services and award of contract

Mayor Pro Tem Clark noted, as discussed earlier in the meeting, one bid was received for the four year contract for refuse and recycling services, from the current provider Bruin Waste Management. The fee to provide the service will remain the same as it has been over the past four years. An option is contained in the proposal, he noted, to increase the types of items which can be recycled.

It was noted that recycling use may increase due to the ability to recycle more products. Chris Trosper, manager of Bruin Waste, suggested the Town remain with bi-weekly recycling pick up and if volumes increase, discuss changing to a weekly schedule.

The Council agreed with the option for recycling of additional items and to remain on a bi-weekly recycling pick up schedule, unless increased demand warrants further discussion. Staff was directed to prepare a mailing to residents outlining items which can and cannot be recycled, and how they should be placed in containers for pick-up.

ACTION:

It was moved by Councillor Hebert to authorize staff to execute a contract with Bruin Waste Management using option 2 for recycling, understanding there maybe a potential of needing to increase the pick-up to weekly. Councillor Johnson seconded, it carried unanimously.

15. Memorandum of Understanding between the Town and Second Chance Humane Society for mitigation of runoff water from thrift store property

The Town Manager presented a proposed memorandum of understanding from the Second Chance Humane Society, and noted it is not a binding contract and only articulates the intentions of both parties to mitigate rain water run-off from the property located at Railroad and Clinton Streets.

ACTION:

Councillor Hunter moved to approve the Memorandum of Understanding between the Town and Second Chance Human Society. It was seconded by Councillor Johnson and carried unanimously.

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

The Town Attorney explained the draft ordinance was prepared at the request of staff. It provides the ability to extend timeframes from current regulations which terminate a preliminary plat after two years. He noted the draft ordinance will allow staff the flexibility to extend preliminary plats for large developments which have invested in infrastructure and other hard costs, and must temporarily halt development due to financial hardship.

ACTION:

Moved by Councillor Hebert and seconded by Councillor Johnson to introduce Ordinance 6-2010 Amending Town Subdivision Regulations to Provide Revisions for the Expiration of Preliminary Plats. With the motion on the floor there was discussion. After a call for the vote the motion carried with Councillor Weaver abstaining.

17. Request for revocable sign permit from Core Solutions at 640 Sherman Street

Town Planner Jen Coates presented a request from Core Solutions for a revocable sign permit to install business signage over the public right-of-way at 640 Sherman Street.

ACTION:

Councillor Johnson moved to approve the revocable sign permit for Core Solutions at 640 Sherman Street. Councillor Hunter seconded. After a call for the vote the motion carried unanimously.

18. Adoption of Lighting Element to the Comprehensive Development Plan

ACTION:

Councilmember Hunter moved to adopt the Lighting Element as a component of the Comprehensive Development Plan. The motion was seconded by Councillor Johnson and carried unanimously.

19. Introduction of 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 Hebert moved to introduce 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 Hunter and carried unanimously.

20. Discussion regarding appointment of local municipalities representative to the Gunnison Basin Roundtable

Letter from Joanne Fagan dated 5-6-10 volunteering to represent the Town and City of Ouray on the Gunnison Basin Roundtable.

Town Manager Clifton explained state law establishes eight roundtables throughout the state, comprised of members at large and members from counties, water districts, water users and municipalities located within a county. He has been representing the Town and City of Ouray on the Gunnison Basin Roundtable, which meets monthly to discuss statewide and localized actions pertaining to water supply and water availability. He reported with his departure from the Town the position needs to be replaced, and Public Works Director, Joanne Fagan, has volunteered to serve. He noted due to her extensive background with local and state water issues she would be a good candidate for the position, though the appointment must also be approved by the City of Ouray.

ACTION:

Councillor Hebert moved to appoint Joanne Fagan to the Gunnison Valley Roundtable as the Ouray County municipalities representative, contingent upon the decision of the City of Ouray, Councillor Weaver seconded and the motion carried unanimously.

21. Establish discussion topics for the May 19th workshop

Manager Clifton presented proposed discussion topics for the upcoming workshop meeting, which included an incentive program to eradicate and recycle junk cars; outline of water conservation plan; and proposal for private use of untreated water. The Council agreed.

22. Request from Voyager Youth Program for contribution to recent prom night event

The Town Manager presented a written request from The Voyager Youth Program to contribute to the recent high school after prom party.

ACTION:

Moved by Councilmember Johnson, seconded by Councillor Hebert and unanimously carried to donate \$150 to the after prom party.

22. Discussion pertaining to compensation paid to Planning Commissioners

The Town Clerk explained a few years ago, due to increases in the number of development proposals and applications before the Planning Commission, the Council changed the compensation policy for commissioners. She noted there has been a significant decrease in applications before the Commission, and asked if the Council would like to reinstate the original policy whereby commissioners only receive the monthly stipend if the regular meeting is attended.

The Council agreed that members of the Planning Commission should receive a stipend only when the regular meeting is attended.

23. Appointment of Jen Coates as Interim Town Manager effective June 2nd

Mayor Pro Tem Clark noted due to the resignation of the Town Manager, the Council has asked Planner Jen Coates to act as the interim manager until the position is filled.

ACTION:

Moved by Councillor Hunter to appoint to Jen Coates as interim Town Manager effective June 2nd. Councillor Johnson seconded the motion which carried unanimously.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into an executive session to discuss an easement dispute and pending litigation pertaining to nuisance issues, subject to State Statute Provisions 24-6-402(4)(b),(c)&(e) to confer with the Town Attorney and receive legal advise, discuss property acquisition, matters of negotiations and matters subject to attorney-client communications.

ACTION:

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

The Council entered into closed session at 8:55 p.m. with the Town Attorney, Town Manager, Public Works Director, Planner and Attorney Kathryn Sellers.

The Council reconvened to open session at 9:35 p.m.

ADJOURNMENT

The Mayor Pro Tem adjourned the meeting at 9:35 p.m. to a workshop meeting on Wednesday, May 19, 2010 at 5:30 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk