

RIDGWAY TOWN COUNCIL

MINUTES OF ADJOURNED REGULAR MEETING

SEPTEMBER 14, 2010

The Council convened for an adjourned meeting at 6:05 pm in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. Members in attendance were Councillors Hebert, Hunter, Johnson, Weaver and Mayor Pro Tem Clark. Councilmember Durnan was absent and Mayor Willits was not present for the roll call.

Town Clerk's Notice of Adjourned Meeting dated 9-9-10.

1. Application for transfer of tavern liquor license from Sherbino Theater to White Horse Saloon; Location: 604 Clinton Street; Applicant: The White Horse LLC, shareholder: Lori Howard

Staff Report dated 9-9-10 from the Town Clerk presenting an application for transfer of tavern liquor license from the Sherbino Theater to the White Horse Saloon. Town Clerk's Notice of Public Hearing dated 9-1-10. Letter of Support dated 9-14-10 from Josephine Scoville.

The Town Clerk explained the applicant, The White Horse LLC, shareholder Lori Howard, currently holds a liquor license for the White Horse Saloon. The license must be surrendered as a condition of approval for transfer. The applicant is requesting issuance of a temporary operation license, which would remain in effect until receipt of the permanent license from the state. The Clerk stated a background investigation was conducted in September of 2008 for the previous license. The State Liquor Licensing Division has advised that a check conducted within the past two years can be used for transfer of ownership. She reported the investigation did not disclose any adverse information.

The Town Attorney explained when determining whether to permit the transfer of license statutes limit the local authority's discretion to consideration of the applicant's moral character.

The Mayor Pro Tem opened the public hearing.

SPEAKING FROM THE FLOOR:

Bob Roberts spoke in support of the transfer of license.

Lawrence Carlock noted the business provides much needed employment opportunities and spoke in support of the transfer.

Phyllis Harvey stated she and her husband Mark are "very much in support" of the application.

Business owner Ed Folga noted Clinton Street "needs more restaurants and night clubs" as retail stores do not do well in the area. He stated Ms. Howard's "moral character is not in question here".

Kathy McElman explained she owns an apartment building at Cora and Clinton and she has lost a long term renter due to the loss of "residential atmosphere". She stated she is aware that the historic business district is for mixed uses, but expressed concerns with incidents during the past weekend with patrons double parking in the street; parking in

the vacant lot; drinking in the back of trucks and throwing empty beer cans in the street. She stated "I am not opposed to the business", noting the Sherbino Theater was used for "completely different purposes" than the proposed bar.

Scott Desgrange spoke in the support of the transfer and stated "it is not fair to hold a business owner responsible" for what people do "outside of the establishment" and "what goes on beyond their doors".

Patty Masker explained she is a 42 year resident of the area, and has been the manager of the White Horse Saloon since Ms. Howard opened the business two years ago. She reported the business "has never had a problem" and patrons are "sent out if they have to much to drink". She noted patrons range in age from 21 to 85 and travel from outside the area to visit the establishment.

Ellen Roper explained she is a musician and has worked for Ms. Howard for a few years. She spoke to Ms. Howard's moral character and noted "I have watched her and all the employees and they step in and make sure all liquor laws are enforced".

Debbie Slafter stated "Lori is great at what she does", "alot of people are drawn (into the businesses) because of Lori, she is a great person".

Shauna Tewksbury explained she lives on Laura Street near the premises. She stated she supports the business but has concerns with hours of operation; noise from patrons "partying outside"; and patrons bringing dogs that are left outside of the bar and allowed to "roam the streets and bark".

Restaurant and bar owner Tammie Tuttle stated "I am definitely in support" noting it allows a diverse place for citizens to frequent and stated "I am thrilled to have it in the downtown", noting "it helps all downtown businesses". "Lori runs a tight ship" and enforcing what people do outside the establishment is for the police department not the business owner" she said "the Town needs to do their part, it is not her responsibility".

Lisa Davitian stated Ms. Howard "is adamant about not letting someone out the door with liquor".

Shannon McCarty, license holder for the Sherbino Theater, explained she has come to know Ms. Howard and stated "I am impressed with her level of integrity". "I am in total support of her and can speak to her moral character" she said.

Jim Nolan stated "we've known Lori for along time", "she is a fine lady with good work ethics".

Mayor Pro Tem Clark closed the public hearing. He noted the hearing is to consider the moral character of the applicant. He stated commercial endeavors close to residential areas can create problems, and encouraged neighbors to communicate concerns directly to Ms. Howard so issues can be "worked out among neighbors".

There was discussion by the Council.

The Town Attorney noted liquor licenses have been revoked due to neighborhood nuisances and stated "it is incumbent upon the licensee to control patrons nuisance activities" as it "can come back on them". The applicant and law enforcement have to "work hand in hand" he said.

Applicant Lori Howard addressed the Council and explained her previous license included an outside area. She stated "I have not tolerance for drinking outside the premises", "it's my livelihood on the line and I take it very seriously".

ACTION:

Councillor Hebert moved to approve the request for transfer of liquor license and issuance of temporary permit. Councillor Hunter seconded and the motion carried unanimously.

Mayor Willits entered the meeting at 7:00 pm.

2. Discussion regarding the fairgrounds sewer lift station capital project

Public Works Director Fagan reported on the capital improvement project to install a sewer lift station at the fairgrounds. She noted project included installation of a force main along Highway 62 to Railroad Street but the Colorado Department of Transportation (CDOT) would not issue a road easement because the proposed highway expansion will include storm drain in the area. To relocate the force mail line would increase project costs by fifty percent she explained. Bids to install a portion of the line to reach Liddell Drive were received and came in within the budget. She reported she has asked the Department to consider allowing installation of the remainder of the service line, from Liddell to Railroad Street, during the storm drain project, which should occur in three years. She requested Council approve awarding the contract for installation of the force main line to the lowest bidder, contingent upon receiving easements and approvals from CDOT.

ACTION:

It was moved by Councillor Hebert and seconded by Councilmember Johnson to allow staff to award the bid and install the force main. The motion carried unanimously.

3. Discussion regarding Favorite Road.com Day

Councillor Weaver reported the Chamber of Commerce is considering participating in a community event sponsored by the Asphalt Association to celebrate Highway 62. The nationwide media event would be promoted on the Association's website. The Chamber is considering holding it in the spring in conjunction with the Balloon Festival, she noted.

4. 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 regarding acquisition of property interests; confer with the Town Attorney for purposes of receiving legal advice; matters subject to attorney/client privilege and matters subject to negotiation to discuss issues relative to General Improvement District #1; easements and public property.

ACTION:

Councillor Hunter moved to go into executive session. Councilmember Johnson seconded and the motion carried unanimously.

The Council entered into closed session at 7:20 pm with the Town Attorney, Town Clerk, Public Works Director and Interim Town Manager.

The Council reconvened to open session at 8:25 pm There was discussion regarding noxious weed eradication around the waste water treatment plant and the Council agreed to work with the County Weed Manager and authorize the application of an herbicide for weed eradication.

The Mayor Pro Tem adjourned the meeting at 8:30 pm.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk