

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 14, 2011

CALL TO ORDER

The Mayor called the meeting to order at 5:40 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. The Council was present in its entirety with Councillors Durnan, Hunter, Johnson, Kavanaugh, Weaver, Mayor Pro Tem Clark and Mayor Willits in attendance.

CONSENT AGENDA

1. Minutes of the Regular Meeting of November 9, 2011.
2. Minutes of Workshop Meeting of November 16, 2011.
3. Register of Demands for December 2011.
4. Renewal of restaurant liquor license for Colby's Corner.
5. Renewal of restaurant liquor license for Adobe Inn.
6. Renewal of restaurant liquor license for Land and Ocean Restaurant.
7. Temporary easement on Town property to the State of Colorado Department of Transportation for the State Highway 62 Bridge Construction Project.

ACTION:

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

RECOGNITIONS AND PRESENTATIONS

The Mayor recognized the accomplishments of two public works employees that received awards for competitions at the annual Snow and Ice Conference, were they competed against over 250 representatives from municipalities throughout the state. Mike Jenkins placed first place in the tandem axle snowplow truck competition and second place in the backhoe. Jeff Rivera placed third in operation of a tandem axle snowplow.

It was noted this is the third time Mr. Jenkins has placed first in these competitions.

PUBLIC REQUESTS AND PRESENTATIONS

8. Presentation of 2010 Audit

Independent Auditor Pete Blair, with Blair and Associates, presented the Council with the 2010 Annual Audit and reviewed a Management Report document. He reported receipts of actual fund balances in the general fund were \$40,000 higher than budgeted; water fund \$80,000 higher and the sewer fund was down \$8,000. Actual operating revenues compared to budgeted amounts for the general fund were \$1,216,150 actual to \$1,183,284 budgeted;

water fund received \$739,234 and budgeted \$737,600; sewer fund budgeted at \$532,440 and receipts were \$445,054 due to grant receipts not received in the year expended.

Mr. Blair reported a net increase in assets in the general fund of \$171,000; and the water and sewer funds had a net increase of \$102,000. At the end of 2010 the Town held 1.2 million dollars in investments and cash, with \$478,000 in the bank and \$783,000 invested in CSAFE and ColoTrust, investment vehicles established for local governmental entities in the state. He stated "the overall financial situation from 2009 to 2010 is an increase of \$270,000 in assets". "The general fund has a healthy balance, with five months of reserves", "which is more than other Town's". He explained "the Town is in really good financial shape".

9. Presentation of Ridgway Area Chamber of Commerce 2012 Lodging Tax Work Plan

Kari Wage, President of the Ridgway Area Chamber of Commerce, presented a report containing the 2012 Lodging Tax Work Plan; 2011 Year End Marketing and Lodging Tax Report from January through November of 2011 and a 2012 Marketing Plan. She explained the Chamber is continuing to grow with more participating members from the business community and outreach programs to surrounding areas. She requested approval for the Chamber to receive the lodging taxes appropriated for marketing in 2012.

ACTION:

Mayor Pro Tem Clark moved to approve the lodging tax funds for 2012 to the Chamber, Councillor Johnson seconded and the motion carried unanimously.

10. Request for support to delay installation of TWACS meters by San Miguel Power Association

Jean McDonnell requested the Council support a delay in installation of TWACS meters by San Miguel Power Association (SMPA). She noted "there have been enough questions raised" and the process should be "slowed for half a year" to allow the community to study potential health and privacy impacts.

Terry Daly, Operations and Engineering Manager with SMPA made a presentation on the "advanced metering infrastructure system" the association is proposing to install throughout the service area. He explained SMPA, which is a not for profit, community owned co-op association, plans on replacing 13,000 meters in the service area that will automatically send daily information to the office for billing purposes, and will also provide daily use information which can assist users in improving energy use. Additionally the remote meter reading will reduce misread meters, provide consistent billing, and increase power reliability by identifying areas when a power outage occurs, and also provide confirmation of power restoration. The system will provide cost savings to the users, "reduce carbon footprint and air pollution" and eliminate "meter tampering and power theft". The system is a two way automatic communication system (TWACS) and transmits data over the phone lines.

Bill Riley, Engineer with SMPA, explained the TWACS system noting, "no new frequencies are introduced over the power lines" it is "not a radio frequency system or broad band over the lines". It was developed in 1985, meets FCC requirements, is currently used by 350 utility companies and 12 million meters are in use in the world. 37,000 of the meters are installed throughout the Western Slope and have been in use for three years "and no complaints have been received to date". He explained the data information from the meter is transmitted a few times a day to a substation office. The meter is a "power line

communication system, not a broadband power line system” and not what is termed a “smart meter”.

Engineer Sten Vid explained over a year ago he began researching and documenting the effects of the TWACS meter on persons who are affected by “micro-electrical radiation”. He noted he understands this is a small amount of the population, and the “electro magnetic radiation will affect some people, not all”. He sighted the reasons for this is the microwaves are effective “24 hours a day and during sleep”. “Some people have hypersensitivity to the minuscule amounts of radiation from these devices” and he estimated this to be “3-5% are mildly sensitive to these devices” and can experience “headaches, migraines, problems sleeping and depression which can be caused by other causes so they are not detected back to this use”. He suggested “pay attention in the area and see if people start experiencing sleep disorders”. He noted if a person chooses not to have a meter installed “it can still affect persons sensitive to electronics as it comes in from the outside and neighboring buildings”.

Jean McDonnel explained “I am an electrically sensitive person” and the documentation SMPA has regarding the product “were generated in the utility sector and no spec’s are given on the emission levels or the range”. She expressed concerns regarding the unknown emission levels and lack of independent research; that “any efficiency has not proven itself”; privacy issues regarding individual use; and the \$25 monthly opt out fee being charged to persons who wish to not use the system. She stated requiring a monthly fee of \$25 to not use the meter is “unfair to the disabled and people who can’t afford it”. She noted though only 7% of the population is affected “my doctor says I will have a problem and will not be able to stay in my home and my community” if the meters are installed. She suggested that a “postcard automatic system” could be installed in place of the TWACS, which allows the user to call in the number displayed on the meter.

SPEAKING FROM THE AUDIENCE:

Trudy Geils explained she is an electronically sensitive person and expressed concerns that the meters will “make me sick” and she will have to move.

Gary Hanson noted that SMPA has presented “facts and valid data”.

Tom McKenney had questions regarding the frequency of the meter readings, and asked “for electronically sensitive people, how much is too much”.

Christopher Blair proposed the meters be placed in “outlining areas and don’t put them in Town so that it doesn’t concentrate electrical pollution”. He supported waiting six months before installation to “find out real answers and then decide”.

Susan Maybak stated she is opposed to any upgrade that may impact health “for something not fully studied yet” and supported a “moratorium”.

Susan Baker questioned if the meter could be turned off at night and if “opting out” from service will prevent the signal from entering the home.

Joe Ryan expressed concern with “having another communication listening device installed into every home that goes back to a central location”.

There were questions from the Council.

The Council took a recess at 7:25 p.m. due to a medical emergency in the audience. The meeting reconvened at 7:40 p.m.

Questions from the Council continued.

There were comments from the Council. Consensus was to direct staff to draft a letter for Council review, requesting SMPA reconsider the fee for users to opt out from having a TWACS meter installed on their property; to seriously reconsider other opt-out options on behalf of what is best for the community and provide a more affordable option. Also that potential privacy issues in the future be studied so information does not leave the meter that can be shared with other parties.

11. Request from Ouray County Housing Authority for nomination of at-large member to the board

Town Manager Jen Coates explained a vacancy exists for an at-large member on the Ouray County Housing Authority board. The Multi-Jurisdiction Agreement with Ouray County and the City of Ouray requires the jurisdictions be solicited for suggestions of potential replacements for at-large members.

The Council agreed to defer the decision to the board.

PUBLIC HEARINGS

12. Application for restaurant liquor license at 520 Sherman Street for 520 Burgers; applicant: 520 Burgers LLC; shareholder: Catherine Sarmiento

Town Clerk's Notice of Public Hearing dated 11-2-11. Staff Report from the Town Clerk dated 11-21-11 presenting an application for restaurant liquor license from 520 Burgers LLC to license the premises at 520 Sherman Street.

The Town Clerk explained the shareholder in 520 Burgers LLC, Catherine Sarmiento is seeking a restaurant liquor license for 520 Burgers. The licensed premises will encompass an outdoor patio to the north and east sides of the building. She reported all requirements of the license application have been met, all fees paid and all forms received, and the background check from the Colorado Bureau of Investigation has been received and is clear.

ACTION:

Councilmember Johnson moved to approve the restaurant liquor license for 520 Burgers. Councillor Hunter seconded and the motion carried unanimously.

13. Adoption of the Town of Ridgway Fiscal Year 2012 Budget and Setting the Mill Levy for Fiscal Year 2012

The Town Clerk/Treasurer presented the 2012 Fiscal Year Budget and asked the Council to consider resolutions adopting the budget for each fund, appropriating monies from the various funds and levying general property taxes for 2012.

ACTION:

Moved by Mayor Pro Tem Clark, seconded by Councillor Weaver and unanimously carried to adopt Resolution No. 11-10 Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget for the Calendar Year Beginning on the First Day of January 2012 and ending on the Last Day of December 2012.

ACTION:

Councillor Johnson moved to adopt Resolution No. 11-11 Appropriating Sums of Money to the Various Funds and Spending Agencies, in the Amount and for the Purpose as Set Forth Below, for the 2012 Budget Year. Mayor Pro Tem Clark seconded and it carried unanimously.

ACTION:

On a motion by Councillor Hunter and a second by Councillor Durnan to adopt Resolution No. 11-12 Levying General Property Taxes for the Year 2012, to Help Defray the Costs of Government for the 2012 Budget Year the motion carried unanimously after a call for the vote.

POLICY MATTERS

14. Request for approval to submit grant application for the Colorado River District 2012 Water Resource Grant Program

Public Works Director Joanne Fagan explained the Colorado River District has grants available to the ten counties located within the area the district serves. She suggested the Town apply for the 2012 grant funding to assist in the design of upgrades to Lake Ottonawanda. The application, which is due in January, would be for a grant request between \$25,000 and \$50,000 and requires a fifty percent match. She noted the grant funds would be used for a geo-technical report and completion of the endangered species portion of the environmental report. Engineering services she would perform, would be the Town's match to the grant.

ACTION:

It was moved by Mayor Pro Tem Clark and seconded by Councillor Hunter to approve the grant application. The motion carried unanimously.

15. Update on 2011 Mosquito Abatement Program

Manager Coates explained each year the Town prepares a report for Ouray County on the efforts and results of the annual mosquito abatement program. The Council reviewed the report and map, and the Manager explained the major problem area was located north of Town adjacent to, and at, Ridgway Reservoir. Plans for the new year include meeting with state park representatives in early spring to collaborate on abatement efforts.

STAFF AND COUNCIL REPORTS

The Town Manager reported Tyler Schultz with Arborist Services, met with the Parks Committee and presented observations and finding regarding the aging tree population in Town. A tree inventory will be prepared and identify future maintenance and replanting.

Councillor Durnan noted this will include community outreach and education on how to extend the life of the trees.

COUNCIL COMMITTEE REPORTS

Councillor Johnson reported the Parks Committee has completed the Parks and Trails element to the Comprehensive Plan, and it will be forwarded to the Planning Commission in January.

EXECUTIVE SESSION

The Town Attorney suggested the Council enter into an executive session subject to State Statute Provisions 24-6-402(4)(a)(b)(c)&(e), to discuss legal matters regarding water rights.

ACTION:

Mayor Pro Tem Clark moved to go into closed session, Councillor Durnan seconded and it carried unanimously.

The Council entered into closed session at 9:05 p.m. with the Town Attorney, Town Manager and Public Works Director.

The Council reconvened to open session at 9:45 p.m.

ADJOURNMENT

The Mayor adjourned the meeting at 9:45 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk