

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
MAY 11, 2011

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

CONSENT AGENDA

1. Minutes of the Regular Meeting of April 13, 2011.
2. Minutes of Special Meeting of May 4, 2011.
3. Register of Demands for May 2011.
4. Renewal of restaurant liquor license for Oriental Chinese Restaurant.
5. Water leak adjustment for Account # 2930.1/602 A Tabernash/Schroeder.
6. Approval to place River Festival banner on pedestrian bridge at Rollans Park one week prior to the event on June 25, 2011.
7. Ratify street closure, N. Cora and Clinton Streets, for street party fundraiser on June 3rd 5:30 p.m. to 10:00 p.m.

ACTION:

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

8. Ratify contractual services agreement with Rusty Weaver for maintenance of the Dennis Weaver Memorial Park for the summer of 2011.

Mayor Pro Tem Clark questioned if during budget discussions it was decided that staff would perform maintenance at the Dennis Weaver Memorial Park. There was discussion and it was agreed that funds of \$4000 were allocated in the fiscal year budget to continue to hire Rusty Weaver for four months of maintenance services.

ACTION:

Moved by Councillor Hunter and seconded by Councillor Johnson and unanimously carried to approve the contract with Rusty Weaver for maintenance of the Dennis Weaver Memorial Park. The motion carried unanimously.

9. Ratify Intergovernmental Agreement with Ridgway Schools for temporary maintenance of playing fields for 2010.

Mayor Pro Tem Clark inquired into the length of time the Town committed to assist the school, noting the agreement has been ongoing on an annual basis.

Town Manager Coates explained the School Districts intention is to eventually take over the maintenance. The initial agreement was entered into in 2009, with an annual review. Last years agreement reduced the maintenance to mowing of grounds only, and is being requested again this year she stated.

ACTION:

It was moved by Councilmember Weaver to ratify the agreement with Ridgway Schools for temporary maintenance of playing fields, seconded by Mayor Pro Tem Clark and unanimously carried.

PUBLIC COMMENTS

Susan Baker stated she understands the Family Dollar Store, proposed to be constructed in Eastside Subdivision, is allowed as a use-by-right and asked if "there is a way to delay the approval process". She explained that many citizen's are "disturbed" to have a "big box store coming into our area". She noted she has been encouraging concerned persons to circulate petitions and contact the applicants and let them know that the community does not support the type of business use they are proposing.

The Town Manager explained a building permit has been submitted for construction on Lot 6 in East Side Subdivision. It is a commercial use in commercial zoning, which is a use-by-right, and meets all applicable zoning and building regulations she noted. The Building Inspector has reviewed the plans for the 8000 square foot building. He noted a number of deficiencies and has spoken with the applicant, and is currently waiting for a response.

There was discussion between the Council and Town Attorney.

There was discussion between the Council and members of the audience. Ms. Baker stated "we are on a scenic by-way" "can we do something to stop this in the future". Priscilla Peters asked "how can we start the process to establish guidelines to stop this in the future". Mayor Pro Tem Clark explained an update to the master plan is scheduled to begin this year, and the public could request inclusion of site development standards. He encouraged citizens to become involved in the upcoming review process.

PUBLIC REQUESTS AND PRESENTATIONS

10. Presentation regarding trail building in Weaver Park and request for issuance of a revocable encroachment permit for work in, and temporary use of, Town right-of-way

Randy Charrette, representing the Ridgway Area Trails Group, explained in preparation for the construction of proposed trails on BLM property across from Ridgway Reservoir, the International Mountain Bike Association will be holding trail building sessions to train 25 local volunteers. The group is requesting to use Weaver Park as a training area. Three options have been identified, installing a trail along the river; rebuilding a switch back at the top of an existing trail or extending the trail at the top of the system. They would like to perform the first option and install a new trail along the river to the bridge to experience building on varied terrain he stated.

The Town Manager reported the Parks Committee has expressed support of the trail building; and noted the use would require issuance of an encroachment permit to construct on Town right-of-way.

There was discussion between Council and Mr. Charrette. It was agreed the Council would tour the proposed sites and make a decision on which option should be pursued at the workshop meeting next week.

11. Presentation by Public Arts Committee regarding formation, request to work with staff regarding placement of sculptures within Town rights-of-ways, and request for issuance of a revocable encroachment permit

Carolyn Lescroart addressed the Council on behalf of Public Arts Ridgway Colorado (PARC) and explained the committee has been formed based on established public arts programs in Montrose and Grand Junction. She presented the committee's by-laws and an agreement between PARC and the Town to install sculptures in the Town rights-of-ways. She asked the Council to formally recognize the organization and approve working directly with staff for placement of sculptures through the issuance of staff approved encroachment permits. She noted the committee has applied with the Montrose Community Foundation to become an umbrella organization for tax deduction purposes.

There was discussion between Council and staff. It was noted staff would approve all placement, issue encroachment permits, and the sculptures would be placed under the Town's property and casualty insurance policy.

Consensus of the Council was to endorse the concept to allow the committee to formalize a relationship with the Montrose Community Foundation; to direct the Town Attorney to review the proposed agreement; and to conditionally approve issuance of revocable encroachment permits by staff contingent on approval of the agreement by the Town Attorney.

ACTION: Councillor Hunter moved to authorize staff to issue revocable encroachment permits for public art works in the Town right-of-ways, Councillor Johnson seconded and the motion carried with Councillor Weaver abstaining.

12. Discussion regarding proposed fuel surcharge on trash and recycling service, and request to consider increasing recycling pickup from bi-weekly to weekly

Chris Trosper with Bruin Waste Management and Jonathan Greenspan from S.U.N.R.I.S.E. Inc. addressed the Council regarding the contract for mandatory trash and recycling services. Mr. Trosper noted the contract, which is one year into a three year agreement, addresses a fuel surcharge if prices increase, but does not define which documentation will define how the increase will be determined. He presented the Federal Standard and suggested the Town follow it, which would be constant with the defining documents being used by surrounding communities.

Mr. Greenspan explained during discussions last year the Council agreed to increase types of recyclable items to include pressboard and plastics numbered one through seven. It was noted at the time if recycling volumes increased the Council would consider increasing the pick-ups from bi-weekly to weekly, and volumes have doubled, he reported.

There was discussion between the Council and Mr. Greenspan. It was noted the increased service would change the monthly fee from \$4.50 to \$7.25, or \$38 a year. The Council discussed the fuel surcharge with Mr. Trosper. He explained the increase in the current price of diesel in the federal table is 10 to 11% and proposed increasing the contract amount by 6%. There was consensus to honor the contractual obligation, and agree to a 6% fuel surcharge increase, and in three months re-evaluate the mechanism in which to determine

the fuel surcharge. There was consensus to discuss the proposal to increase recycling from bi-weekly to weekly at the next meeting to allow citizen input.

ACTION:

Mayor Pro Tem Clark moved to approve a 6% fuel surcharge for three months with the item to be reviewed prior to the end of August. Councillor Johnson seconded the motion which carried unanimously.

13. Request to partner with Ouray County for Great Outdoors Colorado grant funds for Youth Corp. projects

Ron Mabry, Ouray County Weed Manager, explained he has prepared an application for grant funds from Great Outdoors Colorado (GOCO) for Colorado Youth Corps Association (CYCA) assistance. He explained GOCO is awarding funding to use CYCA to employ youth and young adults between the ages of 16 to 25 on outdoor recreation and land conservation projects. The grant requires no matching funds, just the provision of an educational component and staff availability for performing as technical advisors, along with providing camping facilities. The participants would be involved in weed removal at the Athletic Park and the river corridor, and perhaps perform trail improvements at the river he noted.

ACTION:

Moved by Councillor Hunter with a second by Councillor Weaver to approve partnering with Ouray County for Great Outdoors Colorado grant funds for Youth Corp. projects. After a call for vote the motion carried unanimously.

POLICY MATTERS (Note: items taken out of order from the agenda)

14. Resolution Adopting the Integrated Weed Management Plan

Manager Coates explained at the previous meeting Council directed staff to prepare a resolution adopting the Integrated Weed Management Plan. She noted Council requested changes were placed into the final document, and staff has changed the title to include native plant restoration.

ACTION:

Mayor Pro Tem Clark moved to approve the Resolution Adopting the Integrated Weed Management Plan, Councillor Johnson seconded and the motion carried unanimously.

15. Introduction of Ordinance Amending the Moratorium on Medical Marijuana and Declaring an Emergency

Town Attorney John Kappa announced the state legislature is discussing extending the moratorium on issuance of licenses for Medical Marijuana dispensaries to July 1, 2012. He explained the Town adopted an ordinance following the original moratorium implemented by the state to allow time for adoption and implementation of licensing regulations. He suggested the Town follow suit with the new action taken at the state level, and adopt an emergency ordinance to extend the moratorium.

ACTION:

Moved by Councillor Hunter, seconded by Council Weaver to adopt Ordinance No. 6-2011 Amending the Moratorium on Medical Marijuana and Declaring an Emergency. The motion carried unanimously.

The Council took a recess at 8:05 pm and reconvened the meeting at 8:30 pm.

PUBLIC HEARINGS

16. Presentation of proposed Traffic Flow Management Plan

Draft Downtown Traffic Flow Element (a supplement to the 2007 Transportation Plan Element) of the Ridgway Comprehensive Plan dated May 5, 2011.

Manager Coates reported during the winter months staff prepared a Traffic Flow Management Plan which has been presented to the Planning Commission as a supplement to the Comprehensive Development Plan. Comments from the Commission have been incorporated into the draft document being presented to the Council she noted.

The proposed plan was established with the goal of controlling traffic in two directions, and limiting the number of four way stops to keep traffic moving and maintain safety. The plan allows vehicular travel for two blocks before reaching a stop sign and for nine current signs to be relocated and nine removed. The four way stop at the corners of Cora and Clinton Streets is proposed to receive placement of planter boxes. The boxes will also be placed at the corner of Highway 62 and S. Lena Street to narrow traffic lanes in an effort to alleviate vehicles from heading southbound on the one way street. The plan also includes reducing the speed limit from 20 to 15 on S. Lena and Charles Streets, and increasing on Railroad Street from 20 to 25, since it is a collector street.

There was discussion by the Council and staff regarding speed limits. The Council requested staff compile recorded speeds from the mobile traffic monitor for further discussion at the next meeting.

LAND USE ISSUES

17. Planning Commission recommendation to approve Amended Plat for Block 24, Lots 1 – 4; Zoned: Historic Residential; Applicants: Meredith Nemirov and Jorge Anchondo

Manager Coates presented a recommendation from the Planning Commission meeting of April 26, 2011 to approve an amended plat for Block 24, Lots 1 – 4. She explained the four historic residential lots have an existing home on two lots, and an accessory dwelling unit on the other two, which can be sold as a single family home after the lots are split.

ACTION:

Moved by Councillor Johnson, seconded by Councillor Hunter to approve the Planning Commission recommendation to approve an amended plat for Block 24, Lots 1-4 with the recommendations in the staff report. The motion carried unanimously.

POLICY MATTERS (Continued)

18. Introduction of Ordinance Amending Election Procedures in the Municipal Code

The Town Attorney announced at the request of the Council at the prior meeting, he has prepared an ordinance which changes filing dates for the Council nomination period to occur two weeks earlier than currently established by the state election codes.

ACTION:

It was moved by Mayor Pro Tem Clark, seconded by Councilmember Hunter and unanimously carried to introduce the Ordinance Amending Election Procedures in the Municipal Code.

19. Introduction of Ordinance Amending Sign Regulations to Provide for Administrative Review of Signs Erected over Town Owned Streets and Alley Rights-Of-Way

The Town Manager explained at the previous meeting there was discussion regarding changing the requirement for Council approval of signs over rights-of-ways, and placing approval at the administrative staff level. She noted the proposed ordinance amends this approval process, and also allows approval of temporary sandwich board signs by staff.

ACTION:

Moved by Councilmember Hunter and seconded by Mayor Pro Tem Clark to introduce the Ordinance Amending Sign Regulations to Provide for Administrative Review of Signs Erected over Town Owned Streets and Alley Rights-Of-Way. The motion carried unanimously.

20. Introduction of Ordinance Enacting an Administrative Procedure for Enforcement Provisions of the Ridgway Municipal Code, and Providing Civil Penalties for Violations

Attorney Kappa explained in an effort to reach resolution and encourage corrections in ordinance violations, and additionally reduce court costs, he has prepared regulations which provide for procedures to serve notice of code violations and allow time to comply. He noted failure to comply would result in issuance of a civil violation, the right to appeal before a hearing officer, and provisions for subsequent citations if the original citation is ignored.

There was discussion between the Council and Town Attorney.

ACTION:

Mayor Pro Tem Clark moved to introduce the Ordinance Enacting an Administrative Procedure for Enforcement Provisions of the Ridgway Municipal Code, and Providing Civil Penalties for Violations. Councilor Weaver seconded the motion which carried unanimously.

21. Request for comments on Tri-County Water hydro project at Ridgway Dam

Staff Report dated 5-6-11 regarding Tri-County Conservancy District request for lease of power privilege at the dam at Ridgway Reservoir.

Public Works Director Fagan explained Tri-County Water Conservancy District has made an application with the US Bureau of Reclamation for lease of power privilege to construct and operate a hydro power project at the Ridgway Dam. There is a comment period on the application and she asked if the Council would like to address any environmental issues.

There was discussion by the Council and staff. It was agreed to prepare a letter of support for the application.

22. Reappointment of members to the Parks, Trails and Open Space Committee and request for appoint new committee members

The Manager reported the Parks, Trails and Open Space Committee recently reconvened after a number of years. The only remaining members are Councilmembers Durnan, Johnson and Weaver and Stephanie Wallins. A notice has been posted and published soliciting volunteers to serve on the committee and Sara Ballantine and Randy Charrette have asked to become members. She requested Council ratify the reappointment of members, and appointment of new members.

ACTION:

Mayor Pro Tem Clark moved to reappoint members and appoint new members to the Parks, Trails and Open Space Committee, Councillor Johnson seconded the motion and it carried unanimously.

23. Appointment of member to the Planning Commission

Mayor Willits announced the resignation of Jack Petrucelli from the Planning Commission and explained the vacancy was noticed with a filing deadline of May 9th and one application was received, from Sundra Hines. He stated he would fill the vacancy by appointing Ms. Hines to the Commission.

ACTION:

Councilmember Johnson moved to ratify appointment of Sundra Hines to the Planning Commission, Councillor Hunter seconded and the motion carried unanimously.

24. Resolution endorsing the Ouray County Economic Development Goals and Strategies

The Mayor explained four members of the Council participated in a joint workshop on May 4th with elected officials from the City and County of Ouray, to discuss the recently prepared countywide economic development goals and strategies. The meeting facilitator recommended each governmental entity ratify the plan through adoption of a resolution.

ACTION:

Councilmember Hunter made a motion to adopt the Resolution Supporting the "Bottom Up 2011 County Economic Development Summary Top Five Economic Development Goals and Strategies for Ouray County, Colorado". Councillor Johnson seconded. The motion passed unanimously.

Mayor Willits noted at a prior economic development meeting a group of citizens proposed formation of an economic development corporation and volunteered to sit on the board, along with a member from each of the three governmental entities. He suggested the Council consider the process to select a member to represent the Town on a board if one is formed.

25. Discussion regarding ways to encourage community participation at Council meetings: youth engagement in community activities and ways to welcome new residents

Councillor Kavanaugh explained he requested discussion of the items to encourage Council dialogue regarding public participation. The Town Manager noted the topics of public participation and community outreach will be addressed at the workshop meeting next week, and suggested Councilmember Kavanaugh meet with her prior to the meeting to discuss his ideas.

STAFF REPORTS

The Town Manager distributed a copy of a handout entitled "Quick Guide to the Town of Ridgway Sign Code" which was requested by the Chamber of Commerce at the last meeting. She noted the document simplifies the sign code for business owners.

CLOSED SESSION

The Town Attorney suggested the Council enter into an executive session to discuss legal issues related to water rights subject 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 of negotiations and matters subject to attorney-client communications.

The Council entered into closed session with the Town Attorney, Town Manager and Public Works Director at 10:15 p.m.

The Council reconvened to open session at 10:40 p.m.

ADJOURNMENT

The Mayor adjourned the meeting at 10:40 pm to a workshop meeting on May 18, 2011 at 5:30 pm.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk