

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 14, 2011

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

CONSENT AGENDA

1. Minutes of the Regular Meeting of August 10, 2011.
2. Minutes of Workshop Meeting of August 16, 2011.
3. Minutes of Workshop Meeting of August 17, 2011.
4. Register of Demands for September 2011.
5. Renewal of liquor store license for Ridgway Liquors and Wines.
6. Water leak adjustment for Meter# 5570.1/Kircher.
7. Water leak adjustment for Meter# 6740.0/DDD Properties.
8. Resolution Concerning the Issuance of Special Events Liquor License Permits.
9. Amendment to refuse collection agreement with Bruin Waste Management.
10. Amendment to the Intergovernmental Agreement with Colorado Department of Transportation to combine Fiscal Years 2012 and 2013 Enhancement Fund Projects.
11. Project Proposal and Contract for Technical Energy Audit with Ameresco.
12. Acceptance of donation to use to enter into a contract with Grindline for additional component to skatepark expansion.

ACTION:

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

PUBLIC COMMENTS

Jean McDonnell explained beginning October 1st San Miguel Power Association (SMPA) will be installing smart meters on homes in the Town. She reported the states of Maine and Hawaii, and numerous counties through out the US, have opted out of the program to install the meters due to health concerns. The instrument produces radiation levels 100 – 160% higher than a cell phone, and is listed as a 2B carcinogen, and also the mechanism has not been pre-tested or UL rated. She explained she is trying to educate the public on the potential health hazards, and encourage participation at an upcoming SMPA meeting. Ms. McDonnell presented documentation and websites with information.

There was discussion by the Council and members of the audience. The Council directed staff to discuss the issue with SMPA.

PUBLIC REQUESTS AND PRESENTATIONS

13. Report from the Community Energy Board on accomplishments and vision of future efforts

Kim Wheels, Community Energy Coordinator for San Miguel and Ouray Counties, explained after receipt of funding from the Governors Energy Office a Community Energy Board, comprised of representatives from San Miguel and Ouray County, was formed and met during the past year and half and developed a sustainable action plan. After completion of the plan a grant was received, and with the assistance of UC Denver, a green house gas inventory was prepared for the region.

Ms. Wheels presented the inventory which contains a greenhouse gas emissions by activity sector, a summary of each counties inventory emissions and a benchmark of nearby communities. She noted if the greenhouse per capita remains the same, by 2020 there will a 24% increase in emissions and “there will be a real challenge to bring those numbers down”. She reported the advisory board hopes to begin implementing strategies from the renewal energy plan, but funding from the Governor’s Office will not be continued next year. All the participating jurisdictions are being encouraged to consider during preparation of their respective annual budgets, contributing funding to ensure the program continues.

14. Proposed Intergovernmental Agreement for 2012 Operational Funding Requests

Ouray County Administrator Connie Hunt, presented a proposed Intergovernmental Agreement (IGA) between the County and Town addressing the 2012 Operational Funding Requests, Road and Bridge Apportionment from County to Town, and Future Goals.

Administrator Hunt explained the annual agreement contains the County contributing \$4,500 to the Town’s mosquito abatement program, the Town contributing \$500 towards the Wireless Emergency Notification System (WENS) and a road and bridge apportionment from the County of \$23,597 which may be reduced if the Town chooses to purchase gravel from the County.

The County Commissioners were present and suggested additions to the future goals listed in the agreement, collaborating on solutions for child care needs and a county wide economic development plan. The Council agreed.

ACTION:

Councillor Hunter moved to approve the IGA between Ouray County and the Town, as amended. Councillor Johnson seconded, and the motion carried unanimously.

POLICY MATTERS

15. Continued discussion regarding request from Chris Sanchez with Grand Mesa Growers LLC to lift the moratorium on licensed medical marijuana facilities within the Town, pursuant to the enactment of HB 11-1043

Town Manager Coates explained at the previous meeting Council received a request to lift the moratorium in effect until July 2012 on establishment of medical marijuana dispensaries, and allow existing licensed facilities which have been banned in another jurisdiction to transfer the license to the Town. The Town Attorney has researched the statutes she explained, and to accommodate the request the moratorium ordinance must be amended, and licensing regulations and fees adopted.

Chris Sanchez explained his growing operation has been operating in Ouray County for 14 months and supplies to two dispensaries, one in Crawford and the other in Crested Butte. The Crawford dispensary has been banned and would like to transfer the license to the Town. He noted the business would employ local labor and remit sales tax and licensing fees to the Town. An employee from the Crested Butte dispensary addressed the Council and explained the company has increased community involvement in the local service, and also raised local tax revenues.

Speaking from the audience John Thomas explained his dispensary in Delta was also closed due to a ban. He stated he was helping 120 patients and he felt that half of those patients would drive to Ridgway to procure their medicine. He noted "last year we provided enough tax revenues to pay the salary of a police officer or a teacher".

Richard Brather expressed concerns with "giving people from out of Town" the opportunity "when there was already interest in opening a dispensary from people who live here".

Attorney Christian Sederbert noted the application request is "not for an immediate change" but to "move things forward". He noted this would "move the moratorium deadline up only three or four months" and "would not prohibit anyone else from starting the process in July".

There was discussion by the Council. It was agreed to retain the moratorium until July. Staff was directed to begin reviewing state licensing procedures and processes prior to July, to ensure they are in place when the moratorium is lifted.

16. Request to consider daycare facility as a permissible use in the General Commercial Zone

Manager Coates explained members of the county have expressed concerns regarding the recent closing of the only license day care facility in the area. During recent discussions it was noted a day care facility is allowed in the Historic Business, Historic Residential and Downtown Service Zoning Districts, and is not allowed in the General Commercial or Industrial Areas. She asked the Council if they are interested in amending the regulations to allow a facility to be a permissible use in the General Commercial District.

There was discussion by the Council. The Council agreed it should be a conditional use to operate a daycare facility in the General Commercial Zone; staff was directed to prepare an ordinance to amend the municipal code, and research clarifying the intent description in the code section.

17. Update on annual concert series

The Town Clerk presented revenues and expenditures for the 2011 concert series and explained receipts of \$32,995 were raised and received for this years series. The budget year began with \$6,843 remaining from the prior year. There were expenditures of \$26,394 and the Concert Committee is planning to use the difference of \$12,444 towards

construction of a permanent stage in Hartwell Park. She explained a community park party will be held on October 22nd as a fund raiser for the stage construction, and sign up sheets available for donation of contracting services, materials and miscellaneous labor. The free event will include a children's autumn carnival, live music and beer sales, and will raise more funds, which will be allocated for construction of the stage.

Councillor Durnam noted the stage will be utilized by all organizations wishing to hold events and activities in the park. The Parks Committee is seeking input from other groups so that needs can be incorporated in the design to provide a multi-purpose stage.

18. Appointment of new member to the Planning Commission

Mayor Pro Tem Clark announced that two applications were received to fill the vacancy on the Planning Commission made by the resignation of Tom Landless. He explained the Mayor is recommending the appointment of Thomas Emilson.

ACTION:

Moved by Councillor Johnson, seconded by Councillor Durnan and unanimously carried to ratify the appointment of Thomas Emilson to the Planning Commission.

19. Proposed formation of committee to create a policy regarding formula stores

Mayor Pro Tem Clark reported during recent meetings regarding the comprehensive plan update, the topic of addressing "big box stores" or "formula stores" opening businesses which will compete with local business owners was broached. He suggested an ad-hoc committee be formed to research codes in other jurisdictions and create a set of regulations and restrictions pertaining to design standards, aesthetics, signage, etc. The Council agreed. Consensus was Mayor Pro Tem Clark and Councillor Kavanaugh would represent the Council, and community members interested in serving will be invited to submit a letter of interest, and appointments will be made at the next Council meeting.

20. Request to participate in Sustainable Planning Grant with other local jurisdictions and agencies

The Town Manager reported the Telluride Foundation is requesting participation from numerous local organizations and jurisdictions to participate in a grant application for a sustainable communities regional planning grant, which would create a region wide document focusing on economic development. Each participating organization will sign a Memorandum of Agreement, provide a letter of support noting what the in-kind match commitment will be, and designate a contact person.

There was discussion between the Council and staff. It was agreed the Town's contact person should be the Town Manager and the in-kind match, use of Town facilities.

ACTION:

Moved by Councillor Hunter to approve the Memorandum of Agreement with the Telluride Foundation, seconded by Councillor Johnson, and carried unanimously.

STAFF AND COUNCIL REPORTS

Public Works Director Joanne Fagan reported installation of the water pump station at Vista Terrace Subdivision requires a communication system at a cost of \$4,600 and the item was not included in the original project budget. She requested approval to authorize amending the contract with Utech for installation of the device.

ACTION:

Moved by Councillor Johnson, seconded by Councillor Durnan to approve purchase of the communication system in the amount of \$4,600 for the Vista Terrace pump station. The motion carried unanimously.

Councilmember Kavanaugh inquired into the progress of discussions with representatives from the City of Ouray regarding economic development. Mayor Pro Tem Clark reported he has spoken with original members of the county wide economic development committee who stated they are interested in pursuing joint efforts towards developing economic development proposals.

EXECUTIVE SESSION

The Town Manager recommended the Council enter into an executive session to discuss negotiations with the Ridgway Fire Protection District subject to State Statute Provisions to determine a position relative to matters subject to negotiations. The Council agreed.

The Council took a recess at 8:25 p.m. and reconvened the meeting at 8:35 p.m. and entered into closed session with the Town Manager and Public Works Director.

Councillor Hunter excused herself from the executive session due to a potential conflict of interest.

The Council reconvened to open session at 9:00 p.m.

ADJOURNMENT

The Mayor Pro Tem adjourned the meeting at 9:00 p.m. to a budget workshop meeting on September 21, 2011.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk