

RIDGWAY TOWN COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 11, 2012

CALL TO ORDER

The Mayor Pro Tem called the meeting to order at 5:30 p.m. in the Community Center at 201 N. Railroad Street, Ridgway, Colorado. In attendance were Councillors Durnan, Hunter, Johnson, Kavanaugh, Weaver and Mayor Pro Tem Clark. Mayor Willits was absent.

CONSENT AGENDA

1. Minutes of the Regular Meeting of December 14, 2011.
2. Register of Demands for January 2012.
3. Pursuant to state statute designate the Town Hall bulletin board as the official posting place.

ACTION:

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

PUBLIC COMMENTS

Kuno Vollenweider suggested enforcement on the issuance of dog licenses. Mayor Pro Tem Clark requested staff research holding rabies vaccination clinics and issuing licenses at that time.

PUBLIC REQUESTS AND PRESENTATIONS

4. Request adoption of a Resolution Supporting an Application to the State of Colorado Creative Industries to Designate a Portion of the Town of Ridgway as a Colorado Creative District

Town Manager Jen Coates explained new state legislation allowing for the creation of Creative Districts through out the state has prompted the Bottom Up Goal 3 Committee (G3 Committee), which was formed after creation of the Ouray County Economic Development Plan, to seek one of the two designations which will be issued in 2012. The intent of the legislation is to provide incentives and foster creative enterprises through the distribution of funding from the Office of Economic Development. The application must be made by, and expended through a public entity, and the Committee is requesting the Town seek the designation and administer funding.

Mayor Pro Tem Clark noted he and Councillor Weaver are members of the Goal 3 Committee, which is the third goal of the County's Economic Development Plan, to pursue development of a creative district within the County.

Michael McCullough, Chair of the G3 Committee, presented a map of the proposed district area and explained the state application process noting, "we are up against a number of large communities competing for the designation".

ACTION:

Councillor Hunter moved to adopt Resolution 12-01 Supporting and Application to the State of Colorado Creative Industries Division to Designate a Portion of the Town of Ridgway as a Colorado Creative District, Councillor Johnson seconded and the motion carried with Councillor Weaver and Mayor Pro Tem Clark abstaining.

5. Request from Public Arts Ridgway Colorado (PARC) for participation in fund raising

Lucy Boody, co-chair of Public Arts Ridgway Colorado (PARC) explained the committee was formed a year ago after approaching the Council with a request to place art on Town rights of ways. The committee, which is currently working on becoming a 5013c non-profit organization, has placed six sculptures throughout the Town, and is actively seeking more artists willing to donate art pieces for display. A current project is compiling and printing a walking tour map which identifies placement of the sculptures, and location of art galleries within Town. She explained expenses incurred to date have been paid for by committee members, and the group is now actively seeking funding to cover expenses, printing costs and filing of the non-profit status, and requested the Council consider a donation.

There was discussion by the Council.

ACTION:

Councillor Hunter moved to appropriate \$750 towards PARC, Councillor Johnson seconded and the motion was carried with Councillor Weaver abstaining.

6. Request for Special Events Use Permit for 2012 race series utilizing Town streets and rights-of-ways

John Ferguson presented the 2012 schedule for the Ouray County Race Series which organizes running races through out the county. He explained three of the events are scheduled to be held within the Town and requested approval of a special events use permit. The race dates and locations are June 16th on Palomino Trail, August 11th use of the Athletic Park and October 27th Railroad Street to Weaver Park, and back into Town via N. Amelia and down Clinton Street to Hartwell Park.

ACTION:

Moved by Councilmember Hunter, seconded by Councillor Weaver and unanimously carried to approve the special use permit and use of Town streets for the Ouray County Race Series for 2012.

7. Update on Ridgway Schools

Ridgway School District Superintendent Cheryl Gomez explained "in the hope to develop better communications" between the school district and other entities, she is approaching organizations to explain "how the district is doing". She reported the school currently has 350 students, down from 380 over the three previous years. The districts "fiscal health is looking good" and there appears to be no need for "significant personal or program cuts in 2013". She noted that the Town is currently assisting the district with landscape

maintenance at the secondary school, and stated they hope the arrangement can be continued this year.

PUBLIC HEARINGS

8. Application for retail liquor store license at 177 Sherman Street, Unit 105; applicant: Gregory Doudt

Town Clerk's Notice of Public Hearing dated 11-22-11. Staff Report from the Town Clerk dated 1-3-12 presenting an application for retail liquor license from Gregory Doudt to license the premises at 177 Sherman Street, Unit 105, in RiverView Plaza.

The Town Clerk reported the applicant is seeking a retail liquor store license. All requirements of the license application have been met, all fees paid and all forms received, including receipt of a clear background check from the Colorado Bureau of Investigation. The applicant has entered into a two year lease for the premises in Unit 105 at 155 Sherman Street, and the location is not within 500 feet of a public school. She explained the State Liquor & Beer Code state a local licensing authority may deny the issuance of new liquor store license when the authority determines such license would result in or add to an undue concentration of the same class of license, and as a result require the use of additional law enforcement resources. Section 12-47-301(2)(a) states before granting any license, the licensing authority shall consider the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, and all other reasonable restrictions that are, or may be, placed upon the neighborhood.

The Clerk explained the Council has always considered the neighborhood to encompass the entire Town, and adult inhabitants would be those persons living within the Town boundaries. The Council findings would need to be based on the reasonable requirements of the neighborhood and desires of the adult inhabitants supported by petitions and testimony.

Mayor Pro Tem Clark opened the public hearing and asked the applicant to address the Council.

Applicant Greg Doudt explained he is hoping to offer the community "more purchasing options than are currently offered", and his "intent is not to harm existing businesses".

The Town Clerk read into the record a letter of opposition dated 1-11-12 from San Miguel County resident Adrian Sokolowski, a property owner in Town; and a letter of opposition from Ridgway resident, Gary Woods.

The Clerk reported the Council has been presented with two sets of petitions. One in opposition to the application containing 198 signatures stating "I believe that the Town of Ridgway, with only 700 people over the age of 21, has no need for another liquor store and strongly urge the Town Council to deny the application for the liquor license of Greg Doudt for The San Juan Liquor Store"; and another in favor of issuance of the license containing 132 signatures, which states "This petition is for having a larger selection of wine and spirits in the Town of Ridgway".

Mayor Pro Tem Clark noted the petitions contain signatures of persons who are not residents of Town. The Clerk reported she could verify from the petitions the residency of 43

signers on the petition in support of the application and 34 of the signatures on the petition in opposition to issuance of the license.

The Mayor Pro Tem explained the Council can only consider the needs of the adult inhabitants of the neighborhood, which would apply to residents within the Town. He stated he understands that other persons would like to offer testimony at the hearing, and asked that all persons wishing to speak identify where they reside.

SPEAKING IN SUPPORT

Bonnie Palmer, resident of Ouray County, stated not only residents in Town will use the business noting it will “provide another option” and the applicant has “the right to start a new business enterprise”.

Dan Choate, property owner in Town and resident of Ouray County explained he is in “full support of a new liquor store and any other type of business that would like to start up in Town”.

Ed Folga, business owner within the Town and Ouray County resident stated “if someone wants to put a business here, they should be allowed, that’s what capitalism is all about”.

Dave Palmer, resident of Ouray County, stated “let customers make the decision of where they want to purchase”.

Michelle Kravat, Town resident at 635 River Park Drive, explained she and her husband own a restaurant in Town which is located near the proposed store and they feel it will benefit their business for the new store to be adjacent to them. It will be “convenient for passer-bys” and “people driving through will stop and shop in Town”. She noted “people already shopping at the other stores will stay faithful” to them.

Local business owner Valerie Hill, and resident of Ouray County, gave “full support of the application” noting the applicant has “done due diligence and tried to purchase one of the existing businesses” first. She told the Council the “higher end liquor” products that will be offered at the proposed store “will benefit” her business.

Bob Slaven, Town resident living on Palomino Trail, explained he has known the applicant for over 30 years and “he is a good business person”.

Scott Schroeder, Town resident on Marion Overlook and business owner in Town, stated he is in support of the application.

SPEAKING IN OPPOSITION

Erin Stapleton, Ouray County resident, noted there are “already four take away liquor businesses” in Town, with the inclusion of the distillery and brewery. She expressed concerns this will “paint a poor picture of our picturesque Town”. She stated the new store “will put employees at the current businesses out of work” and the businesses “won’t be able to support the local non-profit groups”.

Ann Irwin, Ouray County resident, explained she has worked at Ridgway Liquors for 21 years, and the owners of the other two existing liquor stores “work there” and they “all struggle” and “having a third liquor store is going to kill one of us”.

Jim Norquist, Ouray County resident, explained he owned and operated a liquor store for 30 years in Denver and has “gone through similar processes over varies times” and stated “I think another store would take the livelihood of another store”.

Lisa Devinny, Ouray County resident, expressed concerns with the number of stores noting “there are also liquor stores in the City of Ouray”; and also with youth having access to liquor, and stated she does not want “Ridgway considered a small town full of liquor”.

Karen Vanden Branden, owner of High Spirits Liquors and resident of San Miguel County, expressed concerns that “the Town can not support three liquor stores”. She stated “this is our livelihood and we work our store five days a week”, “a third store can not generate more volume than we already have” and “will make one of the other businesses go under”. “We don’t need another liquor store in Town”.

Mark Vanden Branden, owner of High Spirits Liquors and resident of San Miguel County, explained “we left the petition out for anyone to sign who has an opinion” noting “we service the entire county not just the city” and “most comments were another liquor store, what for”. He presented findings from the 2010 census of population versus the number of liquor stores noting with the fifth store, Ouray County would have 700 adult residents for every liquor store.

Sharon Hines, owner of Ridgway Liquors and Town resident on Clinton Street, stated the decision “is important to me” and asked the Council to “not make a decision right now”.

REBUTTAL BY APPLICANT

Greg Doudt explained he has been a business owner in the Town “over the last 16 years” and has “supported numerous organizations in the Town and county”. He reported he has purchased a “point of sale, state of the art” receipt system, “not a cash register”. The system allows the seller to swipe a drivers license to ascertain if the license is valid and “establishes the age of the purchaser”. He stated “this system eliminates any chance of minors being sold liquor”. He said he is hoping the business will “appeal to shoppers from outside of the county” such as those “coming through” from San Miguel County.

Mark Vanden Branden stated he has “been contributing for 14 years to the community” and has asked San Miguel County shuttle drivers to bring their clients to the store and he would offer a discount. He was told the company has instructed the drivers to stop in Montrose for client needs. He explained “in the summer there is alot of traffic on the highway” and the “sales made in the summer keep us going” and sales from “January to June”, “it’s local who keep us afloat”.

There was discussion by the Council. Mayor Pro Tem Clark stated the Council will exercise its option to render a decision with findings of fact within 30 days, this will allow time for consultation with the Town Attorney.

The Council took a recess at 7:50 p.m. and reconvened at 8:00 p.m.

POLICY MATTERS

9. Approval of the 2012 Strategic Plan

Manager Coates presented the 2012 Strategic Plan, noting the document was prepared to inform the Council and public regarding staffing and resource needs for budgeting and proposed projects in 2012. She noted the document will change during the year as the Council adds more projects.

ACTION:

Councilmember Hunter moved to approve the 2012 Strategic Plan, Councillor Johnson seconded and motion carried unanimously.

10. Request for approval to submit Phase V Enhancement Funds application to the Colorado Department of Transportation

Public Works Director Joanne Fagan explained staff is preparing an application for Phase 5 Enhancement Funding from the Colorado Department of Transportation. The project would encompass continuation of sidewalk along N. Lena from Clinton to Charles and a section along the north side of Charles Street between Lena and Railroad Street. If funds remain, she noted, sidewalk would be constructed on the south side of Charles Street from Lena to Cora.

ACTION:

It was moved by Councillor Johnson, seconded by Councilmember Hunter and unanimously carried to approve submitting an application for Phase 5 Enhancement Funds to the Colorado Department of Transportation.

11. Annual appointments to Ouray County/Ridgway Joint Area Planning Board

The Town Manager noted the Intergovernmental Agreement between the Town and Ouray County requires annual reappointment of Town representatives to the Joint Area Planning Board. Current members are Councillors Hunter and Weaver and citizen Rod Fitzhugh, and the alternate is citizen Tim Patterson.

ACTION:

Moved by Councillor Weaver, seconded by Councillor Johnson to request the Ouray County Board of County Commissioners reappoint the Town's current Joint Planning Board members. The motion carried unanimously.

12. Review of Council workshops in 2012

Manager Coates presented a memo containing proposed topics for discussion at workshop meetings in 2012. The Council and staff reviewed the list and agreed with the proposals.

STAFF AND COUNCIL REPORTS

The Public Works Director reported the Town is in the process of re-bidding for services to relocate the sewer force main under the river, which is integral to the state highway departments relocation of the Highway 62 bridge.

The Council discussed calling a special meeting on January 18th at 4:30 p.m. to meet with the Town Attorney and receive legal advice before rendering findings regarding the liquor license application from Greg Doudt.

ADJOURNMENT

The Mayor Pro Tem adjourned the meeting at 8:40 p.m. to a workshop meeting on January 18th at 5:30 p.m.

Respectfully Submitted,

Pam Kraft, MMC
Town Clerk