

**OURAY CITY COUNCIL VIRTUAL MEETING  
SUMMARIZED MINUTES  
MONDAY, June 15, 2020, 1 PM**

Join Zoom Meeting <https://zoom.us/j/92838992167>  
Meeting ID: 928 3899 2167      Password: 318811

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- Electronic copies of the Council Packet are available on the City website at [www.cityofouray.com](http://www.cityofouray.com). A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

**1. CALL TO ORDER**

Mayor Nelson called the meeting to order at 1:02 pm.

**2. ROLL CALL**

Mayor Greg Nelson - present  
Mayor Pro Tem John Wood - present  
Councilor Glenn Boyd - present  
Councilor Ethan Funk - present  
Councilor Peggy Lindsey - present

Also present were Acting City Administrator Melissa Drake, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Sergeant Gary Ray, Administrative Accounting Clerk Julie Lancaster and City Attorney Carol Viner.

**3. PUBLIC HEARING – A Replat of Parcel 3 of the Hot Springs Subdivision to the City’s Subdivision Regulations section 7-7-C-5 to divide parcel into two lots for residential development. Located on the east side of Oak Street across from the Swiss Village Mobile Home Park. Request made by Mr. John Nixon on behalf of the owner Mr. RW Eberhardt**

Ms. Tibbs presented the details of the proposed lot split. Mr. Nixon had no comments. Mayor Nelson opened the floor for public comments. Since there were none, Mayor Nelson closed the floor.

**4. CEREMONIAL/INFORMATIONAL – none**

**5. CITIZENS’ COMMUNICATION – none**

**6. APPROVAL OF MINUTES – May 4, 7, 18, and 21**

May 7 – Section 4 – remove question mark for Councilor Funk seconded.

May 18 – Section 10 (b) contact not contract; (d) – Capitalize “Rick”

May 18 – Section 7 (b) Councilor Funk asked Community Development Coordinator to check on that some Oak street addresses are in R-2 and not R-1.

May 18 – Section 9 (d), Councilor Funk questioned staffing visitor center with volunteers; (i), Councilor Funk wants it noted that he recommended keeping the pool manager and eliminating positions underneath that position

Councilor Boyd made a motion to approve the minutes with mentioned changes. Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Greg Nelson	X			
John Wood	X			
Glenn Boyd	X			
Ethan Funk	X			
Peggy Lindsey	X			

Passed on unanimous roll call vote.

**7. CITY COUNCIL REPORTS/INFORMATION**

- a. **Glenn Boyd** – COVID informational meeting on Wednesday every other week.
- b. **Ethan Funk** – OIPI meeting at 6 pm Wednesday.
- c. **Peggy Lindsey** – Due to the cold front the flower delivery was delayed, hanging baskets and planting flowers moved to this week.
- d. **John Wood** – CEDC meeting last week, focused on staying coordinated with census and FEMA. There is a grant available from the state to help fund modifications for outdoor seating. Online google training scheduled on the 17<sup>th</sup> and 18<sup>th</sup>.
- e. **Greg Nelson** – Number of COVID related meetings, OIPI planning meeting for water line coming up.

**8. DEPARTMENT REPORTS**

**a. Acting City Administrator - Finance and Administration Director**

Ms. Drake highlighted that the pool will not be open tomorrow, new target date is next Monday or Tuesday. Plan to have 3 two hour sessions a day. Box Canon is open, 250 people a day on average. OTO webpage with statistics showing uptick in searches since he took over. Pool variance request is being reviewed by BOCC tomorrow before going to state. Mayor Pro Tem Wood has reservations about the profitability of the pool without the variance request being granted and presented a revenue analysis with proposed restrictions. Councilor Funk is not as concerned as Mayor Pro Tem Wood is and worried about minimizing the losses by keeping it closed or opening it. Mayor Pro Tem Wood wants to see a cost analysis of multiple guest and staffing levels before making a decision. Councilor Lindsey suggested going ahead and opening as planned and waiting until we can open further to make more profit. Councilor Boyd brought up the season pass holders who won't be bringing in new income. Ms. Drake said an idea has been proposed where season pass holders only get access in the first session of the day, or would have to pay for the other two sessions, knowing it wouldn't be popular with season pass holders.

Myrna Spaulding was concerned that the audio had been disconnected from the Zoom session.

Mayor Nelson asked if the only way to ask a question about a consent agenda item was to remove it from consent agenda. Ms. Drake confirmed.

Sales tax was only down 28% from last year, and still above the YTD total from this time last year. LOT was down significantly. Councilor Funk asked how many people were taking advantage of the waived interest and late fees for utilities, Ms. Drake said there weren't many.

Mayor Pro Tem Wood asked if the COP has negative amortization applied since the principal is only paid once a year. If it is, that is something to be aware of when refinancing.

Councilor Boyd reported that the Gunnison-Uncompaghre-Mesa Forest Service does not currently have a fire ban in the area, but San Juan County/Silverton does, and the City may want to move that direction soon.

Ms. Viner stated that there is no negative amortization on the COP.

**b. Community Development Coordinator**

Temporary licenses underway, 3 in consent agenda and one new application turned in. Working on Community Plan with steering committee. Regional Trail Grant Program started, potential participants should be sent to Ms. Tibbs. CEDC has been very active. Planning commission had two public hearings, one was before council today. Councilor Boyd wanted to give a shout-out to Ms. Tibbs for all her work in the past few months. Mayor Pro Tem Wood asked about where Planning Commission is at with Accessory Dwelling Unit process. Ms. Tibbs said the process is very regulated and is on hold until in person meetings can be held. Ms. Viner said the county is holding an in-person session soon and the city should consider holding in-person meetings as soon as possible. Councilor Funk suggested holding outdoor meetings since that would be safer than indoors.

**9. CONSENT AGENDA**

**a. Liquor License Renewal – Ouray Brewery LLP dba Ouray Brewery**

**b. Liquor License Renewal – Outlaw Tradition LLC dba Outlaw Restaurant**

**c. Temporary Modification of Premises – Ouray Brewery LLP dba Ouray Brewery**

~~**d. Temporary Modification of Premises – Outlaw Tradition LLC dba Outlaw Restaurant**~~ - Moved to Action Items 10(a)

**e. Temporary Modification of Premises – Brickhouse 737 LLC dba Brickhouse 737**

Mayor Nelson asked for item (d) to be moved to the beginning of the action items.

Councilor Boyd made a motion to approve the remaining consent agenda, Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote for items, (a), (b), (c) and (e).

**10. ACTION ITEMS**

**a. Temporary Modification of Premises – Outlaw Tradition LLC dba Outlaw Restaurant**

Mayor Nelson asked if the adjacent businesses have given permission for the Outlaw to operate in front of their businesses as the diagram shows. Ms. Tibbs affirmed that both property owners have given written permission. Councilor Boyd made a motion to approve, Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

**b. A Replat of Parcel 3 of the Hot Springs Subdivision to the City’s Subdivision Regulations section 7-7-C-5 to divide parcel into two lots for residential development. Located on the east side of Oak Street across from the Swiss Village Mobile Home Park. Request made by Mr. John Nixon on behalf of the owner Mr. RW Eberhardt**

Councilor Boyd made a motion to approve, Councilor Funk seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

**c. Emergency Ordinance Regarding Fees and Time Limits on Temporary Encroachment Permits for Sidewalk Sales and Tables & Chairs**

Mayor Pro Tem Wood made a motion to approve, Councilor Boyd seconded.

Mayor Pro Tem Wood asked when the ordinance ends. Ms. Drake said September 12<sup>th</sup> is the current date.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

**d. Resolution Encouraging the Use of Face Coverings in the City of Ouray**

Councilor Funk made a motion to approve, Councilor Boyd seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

Council discussed how to inform visitors of the mask policy. Banners could be hung at each end of town, copies of the resolution could be distributed to businesses to display. Portable street signs could be used with minimal wording. CDOT sign on Hwy 550 is not available for City use.

Dee Williams recommends a mask up sign for Box Canon Park as well.

Lora Slawitschka offered her property on Main St for a banner placement, and suggested Elks Lodge for another location.

Cindy Carothers suggested hanging a banner at the Visitors' Center as well.

**e. Application for a Special Noise Permit – Goldbelt Restaurant**

Ms. Drake, Sergeant Ray and Ms. Viner provided background info on the request and noise and nuisance ordinances. No special noise permit has been issued by the city before, so council can dictate the terms of the permit if they choose to issue. Goldbelt has been the subject of previous complaints for their live music and would like a permit to continue the live music. The current noise ordinance does not list a decibel level, only that the noise is "clearly heard" from a certain distance away. Councilor Funk would like to see a measurable standard set in the code on what a noise violation is.

Jackie Lauderdale supports enacting a decibel limit to be clear.

Dee Williams is against permitting Goldbelt to play live music as a neighbor, saying that they are not social distancing as it is, and music will only make that worse.

Don Fehd lives across the street from the Goldbelt and filed the complaints. Mr. Fehd read a message that the Goldbelt sent him when they were informed that Mr. Fehd had submitted a complaint to the police, expressing that he felt the Goldbelt was being selfish and not caring about the community.

Cindy Carothers stated she can hear the music from inside her house with windows and doors closed and wanted to speak out on behalf of her neighbors as well.

Mayor Pro Tem Wood spoke about the neighbor's choice to live near a commercial district.

Councilor Boyd wants to include a clause that says permit holders must obey with all current state health orders.

Sergeant Ray said amplified music is prohibited by the noise ordinance and that is why she would need the permit.

Ms. Viner corrected that amplified music was allowed if it was not broadcast across public property.

Heather Clark, owner of Goldbelt, stated she went to court over this previously and was told to fill out a permit next time, and would just like to be able to play live music during the day.

Councilor Boyd made a motion to approve the noise permit with conditions: allowed amplified music but it cannot be heard within 50 ft. of the property line with the dates listed on the permit, Mayor Pro Tem Wood seconded. If a new date is added it will have to be brought before council for approval.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

## 11. DISCUSSION

### a. Business Licenses

Councilor Boyd said COVID response has shown us why a list of contact information for businesses in town is important. Mayor Nelson agrees with Councilor Boyd on the importance of creating a license/registry for business information. Councilor Funk asked about penalties for not complying. Ms. Viner said that would be written into the ordinance based on existing city code based on the standard penalty, or a new penalty could be set up if desired. Ms. Viner recommended making it effective January 2021, with it being brought back to council sometime in September for approval.

### b. Emergency Ordinance to Allow Alcohol in City Parks

Other cities allow alcohol in city parks for the purpose of picnics as long as they are in accordance with all other codes. Councilor Funk would like to reinstate the old ordinance that used to be in place. Councilor Funk asked if that could be dug up in city records.

Sergeant Ray said he didn't believe the Police Dept has the staffing to monitor the parks if alcohol was allowed.

Council clarified for Sergeant Ray that it would be for casual drinking only, like with a picnic.

### c. Future Agenda Items

Flume tax renewal: Ms. Viner started on the draft, suggested a work session for council to review.

Any additional agenda items need to be sent to Ms. Drake by Monday.

## 12. ADJOURNMENT


Councilor Boyd made a motion to adjourn at 4:00 pm, Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

ATTEST:

  
Greg Nelson, Mayor Date 7/20/20



Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on June 15, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1<sup>st</sup> day of July, 2020.



Melissa M. Drake, City Clerk