

SPECIAL  
Ouray City Council Regular Meeting  
Summarized Minutes  
Tuesday, October 29, 2019 at 5:00 pm  
Massard Auditorium – Ouray Community Center

**1. CALL TO ORDER**

Mayor Larson called the meeting to order at 5pm.

**2. ROLL CALL**

Mayor Pam Larson – Present

Mayor Pro Tem Glenn Boyd – Present

Councilor Ethan Funk – Present

Councilor Dawn Glanc – Present

Councilor Bette Maurer – Present

Also present were Public Works Director, Acting Police Chief Gary Ray, Community Development Coordinator Chris Hawkins, City Administrator Justin Perry, Finance and Administration Director Melissa Drake, and City Attorney Carol Viner

**3. THE PLEDGE OF ALLEGIANCE WAS RECITED**

Mayor Larson recused herself from this Special Meeting since her company did survey work on the project.

Mayor Pro Tem Boyd reviewed the rules of the Public Hearing, asked staff and Council if there were any conflicts of interest, and asked Council if there had been any ex parte communication regarding this hearing. Council and staff indicated that there were no conflicts. Council described communications and Attorney Carol Viner stated that she saw no issues.

City Administrator Justin Perry noted that Water Engineer Pete Foster was on the phone.

**4. PUBLIC HEARING**

Twin Peaks (1) Final PUD pursuant to the City's PUD Regulations in Municipal Code Section 7-8 for the development and redevelopment of the Property to add 94 hotel rooms to the 54 existing rooms (148 total hotel rooms); expand and improve the existing restaurant; provide conferencing facilities; reconstruct the main lobby building; improve and expand the hotel pool amenity area; and other improvements. PUD variations include but are not limited to variations for increased building size, increased building height, decreased setbacks, and elimination of parking area buffering for parking planned on an alley; (2) Site development permit pursuant to Municipal Code Section 7-4; (3) Final plat/replat pursuant to the City's Subdivision Regulations in Municipal Code Section 7-7 to vacate interior lot lines and plat the Property to facilitate the development of

**the PUD; and (4) Extended vested rights for site specific development plans pursuant to Municipal Code Section 7-9. Blk. 2, Lots 1-24 and vacated alley, City of Ouray; Lots 1A-6A of the Shodeen Replat (West ½ of Blk. 3, Lots 1-12); 125 Third Ave and TBD 1<sup>st</sup> Street.**

Community Development Coordinator Chris Hawkins gave an overview of PUD processes, the history and current status of this PUD Project, the PUD Agreement, conditions required, and public benefit.

Council discussed the project and aspects of the agreement with Mr. Hawkins and Ms. Viner extensively. They discussed many topics including parking, water and sewer requirements, geothermal resources, risk of non-completion of the project, etc.

Applicants Ryan Hein and Craig Hinkson presented their overview of the project. Architect John Nixon showed renderings of development of the location which could have been completed under "Build/Use by Right."

Council discussed the project with the applicants.

Mayor Pro Tem Boyd reviewed the rules of the Public Hearing again and invited public comment.

Daniel De Freval spoke about his concerns of the look of the construction over many years.

Kaylee Weisensee, Megan Myers, Richard Scott, Tracey Wolter, Miles Britt, Eric Fagrelus, Lynne Evans, Pacie Merling, Tom Tyler, Kate Kissingford, Dr. Brendon Allison, Nova Wolf, Tom Augustitus spoke against the project.

Don Wild, Fay Hinkson, Nancy Nixon, Scott Clifford spoke in favor of the project.

Ben Tisdell, Ouray County Commissioner, asked that the City consider requiring the applicants to identify the property as commercial for property tax purposes.

Peggy Lindsey asked if test core drilling will be required and if there will be discounted water taps. Attorney Viner stated that there will not be any discounts on building permits or tap fees, the applicants will pay the current fees applicable at the time of each application submittal.

Dolgio Nergui asked about road impact fees, the traffic congestion of the annual FJ Summit, and if the structure will be compliant with fire-proof requirements

Jerry Serman stated that he is not against the expansion but asked that the applicants revisit the size of the expansion.

Don Mort suggested that the Council place this issue on a ballot.

Being that there were no more public comments, Mayor Pro Tem closed the public comment portion of the hearing.

**Council took a five minute break.**

Applicant Rebuttal: Ryan Hein and Craig Hinkson stated that all engineering and core sampling were completed as required. They addressed the questions asked by citizens which were directed to them during public comment.

Staff Rebuttal:

Chris Hawkins addressed a question as to why this final hearing is occurring now instead of after the election. He stated that "in a perfect world" this final PUD Hearing would have occurred 6 months ago. He also stated that it seems appropriate for the same Council who has presided over the first 2 hearings to preside over this final one. He answered other questions raised during public comment.

Pete Foster, Wright Water Engineers, spoke about water studies related to supply for this project. He stated that the studies show adequate water supply.

Mayor Pro Tem Boyd clarified that no building permits for the new building will be issued until a new sewer plant is online or the current plant is upgraded.

Council Questions: Council asked additional questions of staff and the applicants regarding the project.

Mayor Pro Tem Boyd closed the Public Hearing.

**5. ACTION ITEMS**

- a. **Twin Peaks (1) Final PUD pursuant to the City's PUD Regulations in Municipal Code Section 7-8 for the development and redevelopment of the Property to add 94 hotel rooms to the 54 existing rooms (148 total hotel rooms); expand and improve the existing restaurant; provide conferencing facilities; reconstruct the main lobby building; improve and expand the hotel pool amenity area; and other improvements. PUD variations include but are not limited to variations for increased building size, increased building height, decreased setbacks, and elimination of parking area buffering for parking planned on an alley; (2) Site development permit pursuant to Municipal Code Section 7-4; (3) Final plat/replat pursuant to the City's Subdivision Regulations in Municipal Code Section 7-7 to vacate interior lot lines and plat the Property to facilitate the development of the PUD; and (4) Extended vested rights for site specific development plans pursuant to Municipal Code Section 7-9. Blk. 2, Lots 1-24 and vacated alley, City of Ouray; Lots 1A-6A of the Shodeen Replat (West ½ of Blk. 3, Lots 1-12); 125 Third Ave and TBD 1<sup>st</sup> Street.**

Council deliberated on the overall PUD and issues including OHV, construction, trailer, and underground parking, fencing, building materials, PUD vs Build by Right, water and sewer system impacts, compliance with the existing Community Plan, energy efficiency, height variance, and phasing of the project.

Councilor Maurer made a motion to approve the Final PUD with the conditions listed in the packet and as stated by staff in this meeting. Those conditions are as follows:

1. The Owner and City shall execute and the Owner shall record the PUD Agreement within two

