

**OURAY CITY COUNCIL VIRTUAL MEETING
SUMMARIZED MINUTES
MONDAY, MARCH 15, 2021, 1 PM**

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Meeting ID: 934 938 9230 Passcode: 491878

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- Electronic copies of the Council Packet are available on the City website at 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 1:01 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 City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, Public Works Director Joe Coleman, City Resources Director Rick Noll, Police Chief Jeff Wood, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

Mayor Nelson announced that some items on the agenda will be reordered because a councilor has a family emergency. Item 3b will be first, and then items 9b, 9c, 3a and 9a to allow them to leave early if needed while still being a part of the most important items and decisions.

3. PUBLIC HEARINGS

b. Application to plat the remaining portions of unplatted land of the Wanakah Estates Subdivision into one lot for the purposes of multifamily residential development – to be known as Ouray Workforce Housing Minor Subdivision

Administrator Clarke described what the application does and does not affect. Mr. Clarke listed 5 additional people that submitted letters not included in the packet: McGinnis, Nergui, Johnson, Choate, . Councilor Funk clarified that if it was approved by council today, the development would not come before council again unless a variance or sewer tap fee waiver is requested by the builders. Planning Commission Chair Jeff Skoloda gave an overview of their vote to deny the recommendation.

Mark Luppenlatz presented on behalf of the applicant how and why the project was conceived, and how it fits in with the newly drawn up community plan and existing zoning regulations.

Mayor Nelson opened the floor for public comment.

- ❖ Craig Whitney said he virtually attended the planning commission meeting since he lives on Hinkson Terrace and witnessed many negative comments from the public, citing a number of issues that planning commissioners felt were valid. Mr. Whitney asked council to uphold the decision of the planning commission.
- ❖ Martin Pitts brought up a 1999 P.U.D by Wanakah Estates, Filing no. 2, stating connecting street Wanakah Place is supposed to be 50 feet wide, but is only 21 feet wide, and snow is piled at the intersection of Hinkson and Wanakah, and thus argues that the infrastructure is not already in place to support a condo development.
- ❖ Jeanette Quay said that while this is only for a minor subdivision, there is not further opportunity for the public to weigh in on the project. Since this appears to be the only time to speak out against the development, that is why she and many others are here today, since she believes the project would negatively impact the character of the neighborhood.
- ❖ Heather Smith noted that the resolution draft specifically states that the land would be platted with the intention of building three 10-unit condo buildings. The currently-buildable portion of the lot is very narrow, and much of the mountain would have to be excavated. Ms. Smith stated that anyone against the resolution is not against workforce housing, but against this specific location for this specific plan.
- ❖ Dolgio Nergui is curious about the history of the affordable housing on Hinkson Terrace that both Ms. Quay and Ms. Smith alluded to in their comments, and would like to give the rest of her 3 minutes to them to continue their statements.
- ❖ Susette Warynick urged the council to deny the resolution like the planning commission recommended.
- ❖ Tom Fedel supports the project and urges council to approve the plat to move the city forward with workforce housing.
- ❖ Cindy Carothers said she believes people are not against apartments and condos, but in opposition to the specific location for that development. As a geologist, Ms. Carothers warned council about the unique geology at the site and the dangers of excavating it.
- ❖ Josh Smith said the planning commission needed to consider the health and safety of the community, as well as maintaining property values, which had not been brought up in the meeting yet. Mr. Smith compared the development to being legally allowed to put a toilet next to your kitchen stove, but everyone also knows you shouldn't.
- ❖ Stuart Gillespie supports the projects, even though it's not perfect, but believes the benefits outweigh the potential issues.
- ❖ Melissa and Eric Escalante own property in Wanakah Estates, and are impressed with the 2021 community plan, but believes that this plan does not fit in the vision of the community plan given that they could be condominiumized and short term rented in only 6 years, and that the units are too small for families.
- ❖ Brian Briggs, CEO of Ouray Silver Mines, spoke in favor of the housing project, and believes that these concerns being brought forward are pre-emptive since this is simply an application for a plat.

- ❖ Greg Freshwater was against the project because the road is already so narrow that vehicles cannot pass.
- ❖ Amy Wood agreed with the other residents of the neighborhood.
- ❖ Josh Smith noted that the fire hydrant is currently buried in the snow that is stored at the intersection of Wanakah Place and Hinkson Terrace, as well as many other fire hydrants in the neighborhood. Mr. Clarke said this is being addressed with the neighborhood on the private drive.
- ❖ John Quay said the private snow removal for the non-city portion of Hinkson Terrace has never been removed and always been stored at that intersection. Mr. Quay also expressed concerns with the existing power supply to that area being sufficient for the proposed condo development.
- ❖ Cindy Carothers spoke again to point out other lots more suitable to the kind of development being proposed.
- ❖ Martin Pitts spoke again about the lack of parking, and the number of children that play in the 4J+1+1 campground during the summer, which would see increased traffic due to the condo development when residents drive into town.
- ❖ Jeanette Quay stated that this plan is not about affordable housing because the neighborhood has been tapped for affordable housing before, creating smaller lots, but nothing was ever built, and now the lots are having \$5-600,000 houses being built on them.

Mayor Pro Tem Wood made a motion to close the public hearing. Councilor Lindsey seconded the motion.

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

The motion passed on unanimous roll call vote.

9. ACTION ITEMS

b. Application to plat the remaining portions of unplatted land of the Wanakah Estates Subdivision into one lot for the purposes of multifamily residential development – to be known as the Ouray Workforce Housing Minor Subdivision

Mayor Pro Tem Wood asked Mr. Iuppenlatz who the owners of San Juan Mountainside LLLP were. Mr. Iuppenlatz said San Juan Mountainside LLLP is the sellers of the property, and there are 4 or 5 different local owners, and some of them are a part of Ouray Housing Group LLC (the buyers). Mayor Pro Tem Wood clarified with Mr. Clarke and Ms. Viner that this would establish the property as its own subdivision within the Wanakah Estates Subdivision, and a new plat would need to be submitted by the developers, and this vote does not approve anything but the minor subdivision. Mayor Pro Tem Wood believes there are a lot of issues tied to the platting that should not be presented with the resolution. Councilor Funk agreed, saying he views this simply as a plat discussion and nothing more. Councilor Lindsey wanted to see the original plat to determine if condos and townhomes were excluded in the original intentions for the neighborhood. Mayor Nelson believes this is a potentially good project in a bad location, and commends Mr. Iuppenlatz for

spearheading a project that Ouray so desperately needs, despite the location. Mayor Nelson also has concerns with the condo documents included in the packet, since there is no provision discussing short term rentals. Council discussed that if passed, they do not intend to include any variances for building at this time, implied or otherwise. Councilor Boyd clarified with Ms. Viner that a reason for denial could be that a councilor believes that the existing infrastructure is not adequate for the zoned development type. Ms. Viner said other actions could be taken to alleviate specific issues about the potential development, such as modifying the short term rental ordinance or parking regulations in the neighborhood. Mr. Clarke looked up the original plat, and found the only restriction is that no modular homes may be placed in the Subdivision, allowing condos and townhomes.

Mayor Pro Tem Wood made a motion to approve the application. Councilor Lindsey seconded the motion.

Mayor Pro Tem Wood stated that with the resolution narrowed down with no approvals beyond the lot platting, he believes there is no valid reason that the council has to deny the lot platting as it currently stands.

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

The motion passed on unanimous roll call vote.

c. Ouray City Planning Commission and Committee Appointments

Councilor Boyd made a motion to re-appoint Jeff Skoloda to Planning Commission. Councilor Funk seconded the motion.

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

The motion passed on unanimous roll call vote.

Mayor Pro Tem Wood made a motion to appoint Mike Hakola to Planning Commission. Councilor Lindsey seconded the motion.

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

The motion passed 3-2, with Councilors Funk and Boyd dissenting.

Councilor Boyd made a motion to appoint Mike Fedel to Planning Commission. Mayor Pro Tem Wood seconded the motion.

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

The motion passed 4-1, with Councilor Funk dissenting because he wanted to keep all incumbent members.

Councilor Lindsey made a motion to approve all PARC and Beautification Committee applicants. Mayor Pro Tem Wood seconded the motion. Mayor Nelson recused himself since his wife is an applicant for PARC. Mr. Clarke announced for the public that the beautification committee applicant, Sarah Gray, is his girlfriend.

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

The motion passed on unanimous roll call vote.

Mayor Pro Tem Wood made a motion to appoint Todd Mayfield to CEDC, Councilor Lindsey seconded.

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

The motion passed on unanimous roll call vote.

Councilor Boyd made a motion to take a 5 minute recess at 3:24 pm. Councilor Funk seconded the motion. The motion passed on unanimous vote. The meeting resumed at 3:30 pm.

3. PUBLIC HEARINGS

a. Ordinance 2, Series 2021 – Adding Default Judgment Provision to Municipal Code

Ms. Viner said this decriminalizes fines if they are unable to pay, and would remove warrants and jail time for unpaid fines, and turn uncollected fines to a collection agency instead.

Mayor Nelson opened the floor for public comment.

Since there were no comments, Councilor Lindsey made a motion to close the public hearing. Councilor Funk seconded the motion.

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

The motion passed on unanimous roll call vote.

9. ACTION ITEMS

a. Ordinance 2, Series 2021 – Adding Default Judgement Provision to Municipal Code – Second Reading

Councilor Lindsey made a motion to approve Ordinance 2. Mayor Pro Tem Wood seconded the motion.

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

The motion passed on unanimous roll call vote.

d. PSA – Digital Messaging Agreement

Mayor Pro Tem Wood made a motion to approve the agreement. Councilor Lindsey seconded the motion.

Councilor Funk clarified that in the allocations in the agreement, LOT funds are only going to tourism marketing, and General Funds will be used for City media tasks. Councilor Funk asked Mr. Clarke if these tasks fit within the new structuring for City Staff positions. Mr. Clarke said the agreement did align with his goals for staffing and job functions. Council discussed how to appropriately have Mr. Van Meter designate between tourism marketing and other city admin functions in his invoices.

Mayor Pro Tem Wood amended his motion to correct a spelling error in the agreement, and clarify that all of the exhibit is Exhibit A, no other Exhibit is attached. Councilor Lindsey seconded the amendment.

Dolgio Nergui asked if the process being taken for the agreement is appropriate for the type and scope of agreement given that the agreement would allow the contractor to spend tax revenue.

Tamara Gulde would like to see the contract be more specific, and stated that she believes that the higher standards and measurable statistics that were quoted when the OCRA contract was not renewed is not reflected in this contract either.

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

The motion passed on a 4-1 vote, with Councilor Boyd dissenting due to the lack of accountability in the contract.

e. Possible confirmation of new OVFD Fire Chief, Adam Kunz, and Assistant Chief, Ronald Floyd Williams

Councilor Boyd made a motion to approve the appointments. Councilor Funk seconded the motion. Mr. Clarke announced that Chief Kunz will be invited to the leadership meetings to involve the Fire Department more in the City.

Councilor Boyd wanted to thank Trevor Latta for previously serving as Fire Chief.

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

The motion passed on unanimous roll call vote.

4. CEREMONIAL/INFORMATIONAL - none

5. CITIZENS' COMMUNICATION

Mayor Nelson opened the floor for public comment.

Since there were no comments, Mayor Nelson closed the floor.

6. CITY COUNCIL REPORTS/INFORMATION

a. Glenn Boyd – County is now in Blue on the state Safer-at-Home dial. To date, 2183 vaccines have been administered, 974 fully vaccinated and 1209 first doses. Joint Policy Group meeting on April 1st, most likely. MAC meeting next week. County will not be receiving more Johnson & Johnson one shot vaccines for the meantime as they are allocated by the state for underserved urban areas so there won't be a need to bring the people back for a second dose.

b. Ethan Funk – nothing to report

c. Peggy Lindsey – nothing to report

d. John Wood – Unable to attend TAC meeting. CEDC will present recommendations to council for Main Street Program soon. CEDC Chair Tom Fedel requested permission from committee to pursue research for Ouray Silver Mines tax revenue to have hard data on record.

e. Greg Nelson – Attended MAC meeting and TAC meeting

7. DEPARTMENT REPORTS

a. City Administrator

City water has been re-classified by the state and the City has 60 days to enact a filtration system or add chlorine to the water supply. Mr. Clarke is working with Joe Coleman, Public Works Director to come up

with the best solution for Ouray, accounting for state deadlines and costs of permanent vs. temporary solutions.

Working with an external company to design and implement a backflow prevention management and tracking system.

Region 10 generator was tested after the power line was hit last month and had no issues.

Working on variances and regulations to enable park concerts to be held this summer.

Administrator Clarke confirmed that the Fire Department plans to order and put on a fireworks display for the 4th of July.

b. Finance and Administration Director

i. Sales Tax – January 2021

Sales tax revenue up over January 2020.

ii. LOT – January 2021

Available rooms were down for January, but LOT revenue was up for January.

8. CONSENT AGENDA - Liquor License Renewal, Friends of the Wright Opera House

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

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

The motion passed on unanimous vote.

10. DISCUSSION ITEMS

a. Meeting Format and Notices

Looking to allowing public back in council meetings, while still live streaming the meetings. Mr. Clarke would like to discuss the published agendas in the newspapers, since when they are submitted for publishing, they often change between the publishing and the meeting, and are then incorrect when published, or shortly after publishing. Mayor Nelson asked if it would be appropriate to email the agenda and packet to the email update mailing list that receives city newsletters. Mr. Clarke would like to still publish a notice in the paper for the meeting, but not include an itemized agenda, instead include instructions on where to view the latest information instead.

b. Future Agenda Items

Mayor Nelson has received comments about the community plan and the Ouray Workforce housing projects as they relate to short-term rentals, and would like council to re-address regulations, especially as they relate to affordable workforce housing in Ouray.

Mayor Nelson has also received many comments on sidewalks that need repair. Since that got delayed last March, council needs to revive the project.

Councilor Funk would like to discuss royalties and licenses for digital content.

Councilor Lindsey would like to have a work session on what the city sees as ideal affordable, workforce housing independent of any proposed projects or investors, and look at restructuring the Parks and Recreation type resources that the city owns, including the Via Ferrata and the Ice Park, to be under a single department.

Council wanted to revive the restroom construction projects around town as well.

Council discussed which topics to include in the already scheduled work session on March 22nd.

11. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 5:04 pm, Mayor Pro Tem Wood seconded the motion. The motion passed on unanimous vote.

ATTEST:



Greg Nelson, Mayor

04/19/2021

Date



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 March 15, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 25th day of March, 2021.



Melissa M. Drake, City Clerk