

**OURAY CITY COUNCIL MEETING
SUMMARIZED MINUTES
MONDAY, MAY 17, 2021, 1 PM
320 6th Ave – Massard Room**

Zoom Meeting for Non-participants:
<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878 Or dial: 408 638 0968 or 669 900 6833

- 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 Pro Tem Wood called the meeting to order at 1:00 pm.

2. ROLL CALL

Mayor Greg Nelson - excused
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, Public Works Director Joe Coleman, Police Chief Jeff Wood, Community Development Coordinator Lily Oswald, City Resource Director Rick Noll, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

3. The PLEDGE OF ALLEGIANCE was recited

4. CEREMONIAL/INFORMATIONAL – Introduction of new staff members Lily Oswald and Rich Willis

5. CITIZENS' COMMUNICATION

Mayor Pro Tem Wood opened the floor for public comment.

Since there were no comments, Mayor Pro Tem Wood closed the floor.

6. CITY COUNCIL REPORTS/INFORMATION

- a. **Glenn Boyd** – No new COVID cases since May 4th. Pfizer clinic at both schools for kids ages 12 and up on Thursday. County mask order is still in effect after CDC issued new guidelines on masks. Mock crash went well last week, around 200 students attended and 40 emergency personnel participated. Chief Wood and Councilor Boyd heard many positive reactions from students about the program.
- b. **Ethan Funk** – New PARC members came up to speed at first time meeting in over a year; committee is working on softball right now. There is still an opening on PARC committee for the treasurer position. The Ouray Library has posted the Ice Park documentary “Topping Out” on their website.

- c. **Peggy Lindsey** – Beautification committee meeting on April 27. New trees for berm at Rotary Park will be planted by the end of the month. Pool fence should be delivered and installed soon. Saturday’s highway cleanup went well. River trail cleaning will occur weekly on Tues starting June 2nd from 7-9 am. Flowers for planters will arrive June 15th.
- d. **John Wood** – CEDC met on 5/13. Ms. Oswald will cover meeting in her report. TAC will meet on Wednesday, the 19th, time to be determined. Committee is looking for a new direction/goal to shoot for.

7. DEPARTMENT REPORTS

a. City Administrator

Pausing on repair to the non-insulated line at Nixon’s and Howell’s properties since there are leaks and mountain sloughing in between the railings in the canyon that needs immediate attention. Visitor Center will be opening by Memorial Day Weekend. Meet the City Administrator event will be held at the Wright Opera House on May 27th from 5-7 pm. Councilor Boyd asked if some sort of parking lines could be added at Cascade Park since parking is chaotic currently and could hold twice as many cars if they were spaced appropriately. Councilor Funk asked if the money being used for that project was originally set aside for another section of the same waterline, but since this has come up it is being reallocated to the new section for repairs. Mr. Clarke confirmed that was correct.

b. Finance and Administration Director

- i. **April 2021 Financial Report**
- ii. **Hot Springs Pool Visitation – April YTD**
- iii. **Sales Tax – March 2021 Activity**
- iv. **LOT – March 2021 Activity**

Mr. Clarke gave a brief overview of the financial activity since Finance and Administration Director Ms. Drake was out of town.

c. Community Development Coordinator

Proposed new 18 unit townhome development in progress at 1511 Main Street, as well as the 1900 Main Street Planned Unit Development; both are still pending. Contract building inspector Dan Reardon has been clearing up issues in interpretation of City Code and discovering contradictions in different parts of the code. 6 Building permits issued in April, 8 so far in May. Final Community Plan documents have been delivered. City has applied for a grant, working with SGM for crosswalk updates and Main Street revitalization project for \$2.1 million, details included in packet. CEDC Work session on May 13th, discussed Main Street Program, long term rental listings, Water charges/EQRs, summer kick-off event and workforce housing. Planning commission met on May 11th to make recommendations about two lot splits, which were recommended for approval. Looking into updating municipal code with SEH. Council is interested in reviewing statistics about Short Term Rental applications and approved properties compared to 2 years ago when the ordinance was initiated.

8. CONSENT AGENDA

- a. **Liquor License Renewal – For the Love of Food LLC dba Bon Ton**

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

Councilor Boyd made a motion to approve the consent agenda. Councilor Lindsey seconded the motion.

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

The motion passed on unanimous roll call vote.

9. ACTION ITEMS

a. Resolution 6, Series 2021 – Approval of Authorization to Proceed with Certificate of Participation (COP) refinance under authority set forth in Ordinance 2, Series 2020

Mr. Clarke provided details of the COP that has been proposed, revealing very favorable terms and rates for the City.

Councilor Lindsey made a motion to approve the resolution. Councilor Boyd seconded the motion.

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

The motion passed on unanimous roll call vote.

b. Consideration of agreement with OIPI and FOVF to construct a restroom on City Property

Attorney Viner said item b and c (below) could be considered together, stating the only reason they are separate agreements is because the existing operating agreements for both have indemnification clauses, but for construction the clause should not be in place.

Mark Iuppenlatz asked about the Worker’s Comp clause since the FOVF uses all volunteers. Ms. Viner said it wouldn’t apply to volunteers.

Frank Robertson spoke on behalf of OIPI stating they were hesitant to take general liability over the restroom because of the wide array of users that would use the restroom beyond Ice Park users, and the OIPI Board would need to decide whether or not to accept that as written currently. Ms. Viner recommended removing certain sections of the agreements to accommodate.

Councilor Funk made a motion to approve the agreements with following items removed from the operating agreement: 4. Indemnity, 4. Liability, 7. Insurance, and 16. Joint and several liability, and the remaining items renumbered appropriately. Councilor Boyd seconded the motion.

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

The motion passed on unanimous roll call vote.

c. Consideration of agreement with OIPI and FOVF to maintain a restroom on City Property

Included in motion in item b.

d. Consideration of issuance of Notice to Proceed to Moltz Construction for Construction Manager-at-Risk for Wastewater Treatment Plant and direct City Attorney to create agreement with Moltz for future approval

City Staff interviewed two companies and unanimously decided to recommend hiring Moltz Construction.

Councilor Boyd made a motion to proceed with hiring Moltz Construction. Councilor Funk seconded the motion to discuss.

Councilor Funk asked about the \$30,000 credit listed, and Mr. Clarke said that would be given if we also used Moltz for construction as well as engineering.

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.

e. Consideration of Ficco Agreement regarding geothermal water usage

Councilor Lindsey has concerns with the language in item 4 after the “but”. Ms. Viner said that clause could be removed.

Councilor Boyd made a motion to approve the agreement, changing paragraph 4 to remove clause that states that future councils could change the agreement. Councilor Lindsey seconded the motion.

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

The motion passed on unanimous roll call vote.

f. Consideration of Letter of Support to Colorado Parks & Wildlife for “Ouray Proposal” to fund area specific collaborative efforts between Federal, State and Local agencies for conservation efforts

Mr. Clarke said the “capacity” mentioned is an employee dedicated to the proposal. He stated that is was not yet determined which entity will hold the staff member(s).

Councilor Lindsey made a motion to approve the letter of support. Councilor Funk seconded the motion.

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

The motion passed on unanimous roll call vote.

g. Consideration of funding request from Mountain Air Music Series (MAMS)

David Turner presented the request for funds, stating this year has been much more difficult than previous years due to the COVID restrictions, and that going forward MAMS would be increasing their sponsorship fees. The \$10,000 would support one concert instead of the traditional 4 in years past due to the increased costs in social distancing and sanitization.

Mr. Turner also asked about the regulations they would need to adhere to with the new noise ordinance. Mr. Clarke said he had the power to issue a variance for the event and will work with Chief Wood on it.

Councilor Funk made a motion to approve funding for \$10,000 from the tourism fund. Councilor Lindsey seconded the motion.

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

The motion passed on unanimous roll call vote.

h. Consideration of Community Economic Development Committee (CEDC) Recommendations

Mayor Pro Tem Wood presented for the committee on behalf of Tom Fedel who could not attend. Mr. Clarke clarified that the Main Street Coordinator would be included in the PIO/Event Coordinator Position when hired and would not create a new position at the city.

Councilor Lindsey made a motion to approve the recommendations. Councilor Boyd seconded the motion.

Council Member	For	Against	Abstain	Absent
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

