

**OURAY CITY COUNCIL MEETING
SUMMARIZED MINUTES
MONDAY, AUGUST 3, 2020
COUNCIL MET IN PERSON at the Massard Auditorium Ouray Community Center
VIRTUAL MEETING FOR PUBLIC**

Join Zoom Meeting
<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878 Or by phone: +1 408-638-0968 +1 669-900-6833

- 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 Nelson called the meeting to order at 6:00 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, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

3. The PLEDGE OF ALLEGIANCE was recited.

4. PUBLIC HEARING – Ordinance 9, Series 2020 – Removing the OCRA Seat on the CEDC

Mayor Nelson opened the floor for public comments.

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

5. CEREMONIAL/INFORMATIONAL

a. Uncompahgre Watershed Partnership Presentation

Tanya Ishikawa announced the August 13th strategic plan meeting, looking for community input. The Watershed Partnership has 5 long-term goals: improving water quality, improve river and ecosystem function, improve seasonal low flow, improve recreation opportunities and maintain stable stakeholder group. Ridgway River Fest was cancelled this year. San Juan Mining and Reclamation Conference will be virtual this year. There is a cleanup event scheduled, as well as a well testing project in the 6-county area. Mine remediation projects completed and looking for new mine projects. Looking for ideas before strategic planning meeting. Form online, email to submit ideas.

Mayor Pro Tem Wood suggested getting the form out as widely as possible before the session.

Ms. Ishikawa will send a draft of the strategic plan to the City after the meeting.

Umcompaghre Watershed Partnership will be back in October to request funds for 2021 budget for specific projects that will affect the City.

b. JVA – Solids Handling

Cooper Best from JVA presented analysis of lagoons vs. mechanical plant. A mechanical plant would be around \$3 million, and relining one of the existing lagoons would be \$1.3 million. Annual operations and maintenance costs compared with conservative (high) estimates. Breakeven point between the higher startup costs and lower annual costs (mechanical plant) and the lower startup and higher annual costs (lagoons) is at around 13 years. Mayor Pro Tem Wood asked if with the new lagoon system city employees would still be going out on the lagoons on boats for maintenance. Mr. Best said nothing would change there. Councilor Funk noted that the projected electrical rates are too low by around 35%, and the breakeven point may be sooner than 13 years. Mayor Pro Tem asked if the mechanical plant needed to have a building on top of it (which would cost around \$200,000), and Mr. Best said at minimum it should have a roof over it if not a full building, but not having a building could lead to odor issues and operational challenges for staff.

6. CITIZENS' COMMUNICATION

John Nixon sent the title policy and other info, and so has his neighbor Peter Howell, hasn't heard back from the city on this issue. Mayor Nelson said because the engineering has been put on hold for this project, the document review has moved down the priority list, but Ms. Tibbs and Ms. Viner will be in touch with them when they review the documents.

Don Wild said that short term rental inspection results are not compliant with 2009 codes like is stated in the ordinance. Mr. Wild urged the council to read the short term rental ordinance and understand the process since it is not being followed as written as Mr. Wild listed in a number of examples. Mr. Wild also believes all city employees should return to work. Mayor Nelson agreed with Mr. Wild that the short term rental process needs to be evaluated, and that the city employees should return to work, and staff are working on a socially distanced work space plan involving the basement of the visitor center being remodeled.

7. APPROVAL OF MINUTES – July 7, 20, and 24

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

8. CITY COUNCIL REPORTS/INFORMATION

- a. **Glenn Boyd** – Pool variance was denied for not fitting the “protect your neighbors” guidelines. State gave guidance on how to resubmit for approval, noting it will be fast tracked. Waiting on Governor to lift

moratorium on variances. Public Health Director Kingery recommends Council, BOCC and individuals write letters to our representatives to request the variance be approved too. RFP for Recovery Coordinator that city, county and town worked on received 2 submittals, administrators will review.

- b. **Ethan Funk** – nothing to report, no meetings.
- c. **Peggy Lindsey** – There was a Beautification Committee meeting on July 21st. Donation jars for the committee have been placed around town. Working on raised flower beds at pool entrance. Would like to plant trees next spring on the berm around Fellin Park if money is available, and need a \$2500 commitment soon for 2021 hanging baskets and potted flowers. The committee is cleaning the highway on Friday at 8 am, volunteers are welcome.
- d. **John Wood** – CEDC and IPAT meetings coming up. Box Cañon Road walk-around with Mr. Roberts from IPAT. Took pictures as baseline for monitoring. No water seepage evidence. OIPI working on COVID plan for 2021 season.
- e. **Greg Nelson** – Region 10 meeting cancelled due to COVID. Still planning on holding August meeting.

Councilor Boyd announced that new protect your neighbor guidelines are out, and the National Guard help would be leaving next week unless the federal funding is renewed.

9. DEPARTMENT REPORTS

a. Acting City Administrator – Director of Finance and Administration

Auditors will be in the office this week. 24 new applicants for city administrator, some reapplied from first posting. Ms. Drake highlighted different projects happening around the city. Fire Department command vehicle has been purchased, old vehicle will be used for extrication training.

Ms. Tibbs summarized the short term rental application and inspection process. Received applications are reviewed for completeness initially, and checked for zoning and any outstanding code issues. Building inspector inspects the property with form provided to council. Renewals have not yet happened yet. Provisional approvals were granted without Dark Sky compliance with assumption that owner would come into compliance within a year. Verification of certificate hung on premises will also be checked after one year. Re-inspections are not required unless work has been done, complaints have been filed, or house has transferred ownership, since the license is not transferrable. License is good for two years.

Mayor Pro Tem Wood asked how many licenses were active, and how many short term rentals were operating before the ordinance was in place. Ms. Tibbs said there are 94 active licenses and one pending. There are not verified numbers about how many rentals were operating before the license program was implemented.

Councilor Lindsey asked what the section of the short term rental ordinance concerning the residential character of the home is about. Ms. Tibbs said that is about preserving the feel of the home, such as maintaining the Victorian styling in any renovations, and keeping the home looking like a home and not a business.

Councilor Boyd made a motion to go into emergency executive session for short term rental compliance advice at 7:15 pm pursuant to C.R.S. 24-6-402 (4)(b). Councilor Lindsey 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.

Executive session ended at 7:31 pm.

b. Public Works Director

Started replacing bridge on 2nd St in 400 block today, expected to be done on Thursday.

Mayor Pro Tem Wood asked about the financial benefit of the micro hydro plant. Originally set up to offset electricity usage of pool during the season while micro hydro plant was running. It was set up before pool renovations, so would not meet 100% of demands today. Ms. Drake will need to do more research to find out the exact financial benefit. Councilor Funk said his research says it saves \$97 per kilowatt hour a month, and we need to determine how many kilowatt hours it generates.

c. City Resources Director

Would like to see more people in the pool, but concerned about seasonal employees leaving this month. Actively recruiting for Lifeguards. Box Canon falls position closed last week, looking to interview soon.

Councilor Boyd asked if any seasonal employees were staying because their school was going to remote classes. Mr. Noll said there are not any employees staying for remote school.

Mayor Pro Tem Wood suggested a white paper for Via Ferrata operating comments or concerns to take heat off of park rangers.

d. Chief of Police

Incident count for July is up over 240% from June.

Motorized bikes and scooters are allowed on River Walk as laws are written currently. Chief Wood suggested council should review and maybe issue a speed limit for pedestrian safety. Chief Wood also recommends repainting and more signage for parking in town to reduce parking citations due to ambiguity. Ms. Viner added that handicapped parking signs might be mounted too low and should be reviewed too.

10. CONSENT AGENDA – None

11. ACTION ITEMS

a. Ratify Mayor’s Decision to Rescind his Declaration of Fire Ban on July 30, 2020

Councilor Boyd made a motion to ratify Mayor Nelson’s rescission of the Fire Ban. Councilor Funk 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			
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The motion passed on unanimous roll call vote.

b. Ordinance 9, Series 2020 – Removing the OCRA Seat on the CEDC – Second Reading

Mayor Pro Tem Wood made a motion to approve the second reading of Ordinance 9, Series 2020. Councilor Funk 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.

c. PSA with Colorado Code Consulting for Building Inspection Services

Ridgway Town Building Inspector and Ouray County Building Inspector were not available. This will be as needed. Colorado Code Consulting has already provided services last week on an emergency basis, PSA will apply going forward.

Mr. Wild voiced concerns about the IBC 2009 codes not being applied universally by any and all building inspectors working for the city as an employee and/or contractor.

Mayor Pro Tem Wood believes that former employees still work in town and should be asked to fill in before hiring a contractor since they are familiar with the local issues.

Ms. Viner reminded Council that inspections were already scheduled and needed to be fulfilled.

Ms. Tibbs gave her opinion of the fitness of the contractor to perform the job as highly positive.

Councilor Lindsey made a motion to approve the PSA with Colorado Code Consulting. Councilor Boyd 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.

d. Appoint 2 Council Members to the Tourism Advisory Committee

Councilor Lindsey made a motion to appoint Councilor Lindsey and Mayor Pro Tem Wood to the Tourism Advisory Committee. Mayor Pro Tem Wood seconded the motion.

Council questioned if Council Members on the Committee were intended to be full voting members, or as liaisons to the Committee for the City, and if there should be one or two Council Members on the Committee. Council decided both positions should be liaisons. Councilor Lindsey amended her motion to state that the council members be liaisons and not full members.

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.

12. DISCUSSION ITEMS

a. Possible New Tax on Lodging to Fund Utility Improvements

Councilor Lindsey noted that many places around the world expect visitors to help cover the costs of their sewer systems. Ms. Viner said it would need to be determined whether the term fee or tax applied more appropriately. Councilor Funk noted that because the sewer fund is an enterprise fund, and cannot receive more than 10% of its revenue from state or local government. Mayor Pro Tem Wood said there are two vehicles to possibly fund this: Tax Increment Financing and Tourism Improvement District.

Dave Doherty likes Mayor Pro Tem Wood’s approach to raising funds, but says the city needs to make sure they are collecting all the already imposed fees first.

Woody at Ouray Inn believes the City is receiving enough money from lodgers already, and putting all the costs on lodgers is ridiculous. The costs on the businesses have made Ouray the hardest city that he’s ever operated in.

b. Future Agenda Items

Plan to open office completely.

Council directed Ms. Drake to prepare a letter to send to the Governor, CDPHE and others requesting the pool variance be approved.

13. EXECUTIVE SESSION - Executive Session under C.R.S. 24-6-402(4)(b) and (e) for a conference with the City attorney for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations regarding City Agreements with Mineral Farms Water Users Association (MFWUA) and Bachelor Switch Water Users Association (BSWUA)

Councilor Boyd made a motion to move into executive session at 8:52 pm. 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.

14. ADJOURNMENT

The executive session concluded at 9:35 pm. Councilor Boyd made a motion to adjourn, Mayor Pro Tem Wood seconded the motion. The motion passed on unanimous vote.

ATTEST:



Greg Nelson, Mayor

9/11/2020
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 August 3, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3rd day of September, 2020.



Melissa M. Drake, City Clerk

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