

**OURAY CITY COUNCIL VIRTUAL MEETING  
SUMMARIZED MINUTES  
MONDAY, NOVEMBER 2, 2020, 6 PM**

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](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 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. CEREMONIAL/INFORMATIONAL - none**

**4. CITIZENS' COMMUNICATION**

Mayor Nelson opened the floor for public comment.

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

**5. APPROVAL OF MINUTES – September 2, 8, 14, 21, and 28**

9/8 item 7e: Improved – change to “approved”

9/8 item 8c: Fill in a blank

9/8 item 10b: Finish sentence

Mayor Nelson made a motion to approve the minutes with listed changes. 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			
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The motion passed on unanimous roll call vote.

**6. CITY COUNCIL REPORTS/INFORMATION**

- a. **Glenn Boyd** – All COVID related meetings. Working on acquiring PPE for businesses to have if supply chain stops. COVID informational meeting at 2 pm on Wednesday.
- b. **Ethan Funk** – Mt. Sneffels Energy Board met to review sustainability action plan and reviewed SMPA, Black Hills and EcoAction Partners plans. Ice Fest will be virtual, looking for a company to livestream. Vendors are responding positively to season-long sponsorship.
- c. **Peggy Lindsey** – Beautification committee getting ready for Capitol Christmas Tree to be in town, starting to decorate tomorrow. Decorating the gazebo to honor first responders with blue lights, asked businesses to do the same. Still working on River Walk cleanup.
- d. **John Wood** – TAC completed SWOT analyses and received feedback about volunteer staff at visitor center. Working with Mr. Van Meter to have a TV message board. CEDC meeting coming up, working with Waste Management and Main Street Project. Mayor Pro Tem Wood believes there should be a schedule for chairman on the IPAT board in who occupies the chair.
- e. **Greg Nelson** – Capitol Christmas Tree will be in town on November 11 from 9:30-11 am. Community Plan Open House planned on November 12<sup>th</sup> from 4-6 pm in the Community Center.

**7. DEPARTMENT REPORTS**

**a. Acting City Administrator – Director of Finance and Administration**

Financial reports for September are not ready because of budget planning. Will have available next month, along with October reports. Sales tax from August up almost 30% over August 2019. Mayor Pro Tem Wood noted that the Eating and Drinking sales tax sector did not do as well over the course of the whole summer like lodging and retail did, and asked the community to keep that in mind with their patronage this winter.

**b. Public Works Director**

Track sealed at Fellin Park. Submitted General Permit Application to CDPHE. Councilor Funk asked about the micro hydro plant usage listed in the report, since he believed it was turned off for most of the month. Mr. Coleman said he would look into that, since Councilor Funk was correct, it was off most of the month.

**c. City Resources Director**

Yesterday (11/1) was last day of the season at Box Cañon, it was a record breaking year for visitation.

**d. Chief of Police**

Officer Canfield completed pistol and rifle instructor training, allowing department to be fully self-sufficient in firearm training, as well as Glock Armorer School along with Sergeant Ray to do in-house firearm repair and maintenance.

Chief Wood thanked Councilor Lindsey for the recognition of first responders in the Christmas lights.

Sheriff Perry has reported that 80% of registered voters have already voted, so only a small turnout is expected at in-person voting tomorrow, but staff will be on alert in case of any unrest.

Councilor Boyd highlighted the increased cooperation between the Police, Sheriff's Office and Marshals Office since COVID.

**8. CONSENT AGENDA – none**

**9. ACTION ITEMS**

**a. Discussion and Possible Rescission of Mayor's Declaration of Stage 1 Fire Restrictions**

Mayor Nelson believes we should not rescind the fire ban at this time. Other council members agreed. No action taken.

**b. Huckstering Permit Application from Beautification Committee for Expanded Yule Night Celebration**

Jen Norvell from the Beautification Committee explained the purpose of the application to allow maker-vendors to have outdoor sales. Mayor Pro Tem Wood asked how local stores are treated in this, and Ms. Norvell said the intention is to include vendors who do not already have storefronts in town. Councilor Funk asked if the burn barrels would still be happening given the fire ban. Ms. Norvell said there would be burn barrels if allowed by the fire ban in place at the time.

Councilor Lindsey made a motion to approve the application, 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. Reinstate Budgeted Purchase of Dump Truck**

Councilor Funk made a motion to approve the purchase, 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.

**d. Ordinance 12, Series 2020 – 2021 Utility Rates – First Reading**

Proposed new rates have been discussed in budget session. Mayor Nelson stated the increase is around \$25/month per EQR.

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

Dave Doherty asked if the increases are going into savings or day-to-day operations. Mayor Nelson said primarily savings to increase the City's creditworthiness to potential lenders for these projects. Mr. Doherty also pointed out a mistake in the language of the ordinance stating that fees were not increasing, but showing an increase in the fee later in the schedule. Ms. Viner will fix the language.

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.

**e. Consideration of Request from Bob & Karen Risch Requesting a Six Month Delay in Deadline to Pay for Encroachment**

Mr. Risch submitted a letter requesting time to review encroachment permit fees and types of encroachment permit, believing the current fee structure to be unfair and not wanting to set precedents for future encroachment issues that come before council.

Councilor Boyd said this has been a known issue for years, and asking for more time again is not productive. Councilor Funk agreed. Councilor Lindsey was under the impression that Mr. Risch was hoping the fee schedule would change during the delay, and thus lowering his costs. Mr. Risch said that if the City would not re-examine their fee schedule that they should send City employees to demolish the fence on the property in question.

Mayor Pro Tem made a motion to deny the request, 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 4-1 roll call vote.

**f. 495 Productions Services, LLC License Agreement to Film in Box Cañon**

Ms. Viner said the agreement as currently written only covered Box Cañon Park and the welcome sign. Jonathan Paltin from 495 Productions said street shots would be nice if that's ok, and we'd need to add it to the contract to film in town. Mayor Nelson asked Ms. Viner if the language was effective enough to hold the city harmless for any foreseeable concerns; Ms. Viner said this is the same language as the OIPI and Via Ferrata agreements, and is thorough and complete. Mayor Pro Tem Wood asked about potential scarring of the rock face from improperly set anchors, and if the Via Ferrata engineers could work with the filming crew on selecting stable anchor points that would not damage the rock walls.

Councilor Funk asked when the slack lines would be removed. Mr. Paltin said they would be removed immediately after filming. Councilor Funk also asked if anyone would be harnessed in during the shooting,

and Mr. Paltin said everyone will be harnessed in, they are not allowed to film without safety equipment by their insurance.

Mark Luppenlatz said the Friends of the Via Ferrata would be happy to help in choosing anchor sites for the slack lines.

Ms. Viner asked if lines would be taken down when not filming to prevent others from using the lines, and when the lines and iron would be removed after filming is complete. Mr. Paltin said the lines can be secured when not in use and removed immediately after filming is complete, and the anchors can be removed within a week. Ms. Viner will add it to the contract.

Councilor Boyd asked for a summary of changes to the contract from Ms. Viner:

- Share photos
- No attachment to railings
- Secure anchors and line when not in use
- Remove everything by Dec 1
- Follow safety protocols

Councilor Boyd made a motion to approve the agreement, 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.

**g. Easement Through City Property for Broadband Project**

Clearnetworx asked for an easement through the south side of Fellin Park and the pool parking lot to connect the Visitor Center to the broadband network. Mayor Nelson asked Doug Seacat from Clearnetworx if they would be cutting into the asphalt track in Fellin Park, and Mr. Seacat said he didn't anticipate needing to tear any of it up.

Jeff Bockes from Ouray County has reportedly said via email that the County gave the City the land that makes up part of the pool parking lot where the proposed easement would be. Email was forwarded to Ms. Drake to follow up with County about ownership status of land.

Mr. Coleman said we need to be aware of ChargePoint's needs and existing utility lines already in place where Clearnetworx would be digging.

Mayor Pro Tem Wood made a motion to approve the easement as an agreement between the City and Clearnetworx. The easement will be recorded as project is completed. Motion is contingent on getting legal documents in order. Councilor Boyd seconded in order to discuss further.

Mr. Coleman asked when the deadline to receive the grant is. Council replied that all work must be completed and all bills must be paid by April 1<sup>st</sup>, 2021.

Mr. Seacat said the lateness of the request is due to a request to connect Public Works to City Hall, and will also connect the Visitor Center at the same time.

Council has reservations about approving the agreement because of the question of who owns the land, but acknowledges that there is not a lot of time to resolve. Ms. Viner will follow up on who owns the land right away.

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 4-1 roll call vote.

**h. OIPI Water Agreement**

Last year, the water agreement expired and OIPI went through the season with no contract in place. This would re-instate the latest contract so the relationship is formalized while a new contract is drawn up for the next season.

Councilor Funk made a motion to approve the agreement. 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.

**10. DISCUSSION ITEMS**

**a. ChargePoint Electric Vehicle Charging Station**

Option 3 is now the first choice of City staff and ChargePoint. Additionally, an option 4 has been presented by ChargePoint.

**b. Priorities for Legal Counsel**

Prioritize easement issue, then parking issues, business license program can wait.

**c. Work Session Prioritization**

Council suggested prioritizing winter restaurant policies and holidays since they are coming up the soonest, and waiting on others to include Mr. Clarke once he starts work.

**d. Schedule Executive Session Meeting with Silas Clarke**

Scheduled for December 3 at 9 am

e. Future Agenda Items

11. ADJOURNMENT

Councilor Lindsey made a motion to adjourn at 9:01 pm, Councilor Boyd seconded the motion. The motion passed on unanimous vote.

ATTEST:



Melissa M. Drake, City Clerk

  
Greg Nelson, Mayor 12/29/2020  
Date

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 November 2, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3<sup>rd</sup> day of November, 2020.



Melissa M. Drake, City Clerk