

**OURAY CITY COUNCIL MEETING  
SUMMARIZED MINUTES  
WEDNESDAY, NOVEMBER 17, 2021, 1 PM  
320 6<sup>th</sup> 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](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 1:00 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 City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, Community Development Coordinator Lily Oswald, Public Works Director Joe Coleman, City Resources Director Rick Noll, and City Attorney Carol Viner.

**3. The PLEDGE OF ALLEGIANCE was recited**

**4. PUBLIC HEARINGS**

**a. 2022 City Budget**

Mr. Clarke reviewed the changes in the budget since the last time it appeared before Council. Ms. Drake also mentioned that the excise tax that passed on the ballot has not been added as income or related expenses in the budget yet, and still needs to be worked in before it is passed.

Mayor Nelson opened the floor for public comment.

Tamara Gulde wanted to ensure that the visitor center was adequately funded to be open 6 hours a day all winter long and 8 hours during the summer, stating the current amount budgeted for wages seemed low.

Mayor Nelson closed the floor.

**b. Ordinance 9, Series 2021 Regarding Business Registration**

Mayor Nelson opened the floor for public comment. Since there were not comments, Mayor Nelson closed the floor.

**c. Ordinance 10, Series 2021, Setting Utility Rates for 2022**

Administrator Clarke addressed the community about the need for continuing to raise rates to fund the wastewater treatment plant and water treatment plant, but doing so in a gradual manner.

Mayor Nelson opened the floor for public comment. Since there were no comments, Mayor Nelson closed the floor.

**d. Consideration of 709 2<sup>nd</sup> Street Rezone Application for property legally described as Subd: CITY OF OURAY Lot: 3 Block: 9 N 5' OF TH WEST 50' OF LOT 3, WEST 50' OF LOT 4 ALL OF LOT 5 Subd: CITY OF OURAY Lot: 4 Block: 9 Subd: CITY OF OURAY Lot: 5 Block: 9**

Ms. Oswald presented the background of the rezone application.

Mayor Nelson opened the floor for public comment. Since there were no comments, Mayor Nelson closed the floor.

**5. CEREMONIAL/INFORMATIONAL**

**a. Proclamation Regarding Native American Heritage**

Mayor Nelson read the Proclamation.

**b. Proclamation Pardoning the Turkeys**

Mayor Nelson read the Proclamation.

**6. CITIZENS' COMMUNICATION**

Mayor Nelson opened the floor for public comment.

Shane Carrick, representing the skating community in the County, would like to request funds be allocated to updating the skate park for the enjoyment of the skating community in Ouray, and offered his assistance in designing and implementing any updates.

Mayor Nelson closed the floor.

**7. CITY COUNCIL REPORTS/INFORMATION**

- a. Glenn Boyd** – Communities That Care meeting two weeks ago. Councilor Boyd encouraged Council to keep a representative in the group after he leaves. MAC group meetings are happening the first Wednesday of the month, and encouraged council to appoint an official liaison to that group as well, since he will no longer be the de-facto liaison as both a Council Member and the County Emergency Manager. Regional cyber-security meeting tomorrow; attending with relevant City Staff. Homeland Security Grant meeting yesterday to discuss funds allocation. Mayor Pro Tem Wood asked about MAC meeting frequency, and Councilor Boyd said the group used to meet quarterly before COVID-19, but the group currently wants to hold monthly meetings.

- b. **Ethan Funk** – Nothing to report.
- c. **Peggy Lindsey** – Beautification Committee has been busy decorating the Christmas tree, still working on decorating the City. Yule Celebration will be on December 4<sup>th</sup>.
- d. **John Wood** – Nothing to report.
- e. **Greg Nelson** – Nothing to report.

## 8. DEPARTMENT REPORTS

### a. **City Administrator – Silas Clarke**

More cottonwood trees to be removed in Rotary Park due to potential falling danger, Park will be closed for another week to complete work. Grading work will begin next week on ice rink. Ice rink liner and kick pad has shipped ahead of schedule. Concrete pouring next week for Box Canon geothermal line work, possible helicopter work may be required. SMPA Electrical and Broadband project meeting at 3:30 pm today. Bachelor Switch Water Users requested additional taps. Assessed 7 properties within Bachelor Switch for ADU status to adjust assigned EQRs appropriately, 2 were inspected and ruled to not meet the definition of an ADU. Mayor Pro Tem Wood asked if the lots associated with the proposed taps are new or existing. City Attorney Viner said it is disputed which lots were originally included and which were added later. Mayor Pro Tem Wood asked about the Cascade Falls and Rotary Park bathroom delivery status. Administrator Clarke said staff have reached out and not heard an update, and will reach out again soon, given the impending winter weather.

### b. **Finance and Administration Director – Melissa Drake**

All funds are up from beginning of the year balances. Council discussed remote sales tax trends, and possibly creating messaging telling residents that online sales benefit the City, instead of shopping in Montrose. Pool down slightly in Visitation and revenue for October, but on track to be comparable to 2019 as a whole year. Lower in visitation and revenue for the past 3 months at Box Canon, but it was a record-breaking year overall. LOT down slightly in occupied rooms, but up 1% in revenues for September.

### c. **Community Development Coordinator – Lily Oswald**

Code enforcement has been restarted with increased staff availability after hiring a full time building inspector. CEDC is meeting to follow up on the Ice Park round table. Planning commission did not have a regular meeting this month. Revamping City's short term rental webpage to be informative with up-to-date policies. Mayor Pro Tem Wood asked about the amount of double coverage with the contract building inspector working in tandem with the new employee, given the cost of the contract inspector. Mr. Clarke said the coverage will be minimal for the next few weeks as training is wrapping up, and will soon move to an as-needed call or email basis.

### d. **Visitor Center Coordinator – Paula Damke**

## 9. CONSENT AGENDA - None

## 10. ACTION ITEMS

### a. **Ordinance 9, Series 2021 – Regarding Business Registration – Second Reading**

Councilor Boyd made a motion to approve Ordinance 9. Mayor Pro Tem Wood 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. Ordinance 10, 2021 – Setting Utility Rates for 2022 – Second Reading**

Mayor Pro Tem Wood made a motion to approve Ordinance 10. Councilor Funk 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 709 2<sup>nd</sup> Street Rezoning Application**

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

Councilor Lindsey asked about looking at adjacent properties who have the same multiple-zone issues that don't coincide with the lot lines. City Staff will initiate the process to look at the other lots.

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.

**d. Ordinance 8, Series 2021 – Formalizing the Tourism Advisory Committee – First Reading**

Mr. Clarke noted that Dolgio Nergui sent a letter concerning the ordinance, which has been distributed to council members before the meeting.

Mayor Pro Tem Wood made a motion to approve Ordinance 8. Councilor Lindsey seconded the motion.

Council discussed Ms. Nergui's suggested changes. Mr. Clarke stated that he understands the intent of being broader on represented industries, but stated it could be changed in the future by council as needed.

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 4-1 vote with Councilor Boyd dissenting.

**e. Ordinance 11, Series 2021 – Revising City Code Regarding Hours for Off-leash Dogs in Fellin Park – First Reading**

Councilor Lindsey made a motion to approve Ordinance 11. 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.

**f. Annual Memorandum of Understanding with Ouray County**

Councilor Boyd asked legal counsel if he should abstain from this action item because Emergency Management is included in the agreement, though not directly related to his salary. Attorney Viner stated that because it is not directly related to his salary, there is no conflict, and the information is now on the record for transparency.

Councilor Lindsey made a motion to approve the MOU. Councilor Funk 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.

**g. Discussion and Consideration of extending the City Administrator’s Housing Allowance of \$500 per Month for Twelve Months.**

Administrator Clarke asked for an extension, since housing inventory has been very limited, and they have not had the opportunity to purchase anything in the last year.

Mayor Pro Tem Wood recused himself, as he is Mr. Clarke’s landlord.

Councilor Lindsey made a motion to approve the extension by directing staff to amend the employment agreement. Councilor Funk 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.

**h. Consideration of Approval of New OVFD Firefighters Tom Tyler, Rick Colpits, Jonothan Salazar and Tim Pasek**

Councilor Lindsey made a motion to approve the firefighter appointments. Councilor Boyd seconded the motion.

Councilor Boyd asked if it was truly necessary for the firefighter appointments to go through council, and if that is something that should be changed in the future.

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.

**i. Resolution 16, Series 2021 – Fee Schedule for Business Registration**

Mayor Pro Tem Wood made a motion to approve Resolution 16. Councilor Funk 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.

**j. Resolution 17, Series 2021 – Reserving Certain Funds for Future Projects**

Ms. Drake stated that this resolution was created on council request from the budget work sessions, and that the correct resolution number is 17, as stated in the agenda, and not 18 as shown in the packet.

Mayor Pro Tem Wood made a motion to approve Resolution 17 with the mentioned change to the resolution number. Councilor Lindsey 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.

**11. DISCUSSION ITEMS – Future Agenda Items**

Mayor Pro Tem Wood discussed Red Mountain closures over the winter.

**12. ADJOURNMENT**

Councilor Boyd made a motion to adjourn at 2:00 pm, Councilor Funk seconded the motion. The motion passed on unanimous vote.

ATTEST:

Melissa M. Drake  
Melissa M. Drake, City Clerk

John Wood 12/6/21  
John Wood, Mayor Pro Tem 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 17, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2<sup>nd</sup> day of December, 2021.

Melissa M. Drake  
Melissa M. Drake, City Clerk