

**OURAY CITY COUNCIL VIRTUAL MEETING  
SUMMARIZED MINUTES  
MONDAY, DECEMBER 7, 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

**Special Meeting 4pm**

**1. CALL TO ORDER**

Mayor Nelson called the meeting to order at 4:00 pm.

**2. ROLL CALL**

Mayor Greg Nelson - present  
Mayor Pro Tem John Wood - tardy  
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, and City Attorney Carol Viner.

- 3. EXECUTIVE SESSION - For discussion of a personnel matter under C.R.S. 24-6-402(2)(f) for employee direction and priorities and for a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding Bachelor Switch, Mineral Farms, the City's water rights to Crystal Reservoir, Special Use Permit for Geothermal project, and Red Mountain Ditch Bill Easement.**

Mayor Pro Tem Wood joined the meeting.

Councilor Funk made a motion to go into executive session at 4:08 pm. Councilor Boyd seconded.

**4. ADJOURNMENT**

The executive session concluded at 5:44 pm.

Councilor Boyd made a motion to adjourn at 5:45 pm, Councilor Funk seconded the motion. The motion passed unanimously.

**Regular Meeting 6pm**

**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 City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Chief Jeff Wood, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

**3. CEREMONIAL/INFORMATIONAL – Digital Messaging Update – Markus Van Meter**

Mr. Van Meter presented the latest social media statistics for Ouray’s tourism pages, and what appear to be the social media trends for 2021. Ouraycolorado.com’s domain is not under City control yet, and Mr. Van Meter recommends pivoting to visitouray.com instead, and redirecting traffic from ouraycolorado.com while legal counsel works to regain control of ouraycolorado.com. Council directed staff to pursue regaining control of domain.

**4. APPROVAL OF MINUTES – Sept 25 (2 meetings), Oct 5, 6, 19, 26, and Nov 2 & 16**

Councilor Boyd 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.

**5. CITIZENS’ COMMUNICATION**

Gretchen McArthur said OCRA sent the password to ouraycolorado.com to the City in April and again just now, and would like to know what the issue is.

Michael Kern raised the issue about parking against the direction of traffic, since he has gotten warnings on his cars in front of his house.

Frank Robertson wanted to thank Public Works for the help with making ice for the upcoming season.

Bette Maurer asked if the city could update the residents on what is allowed or not allowed for Yule night.

Jason Perkins wanted to announce that the Tourism Advisory Committee is having a meeting on Wednesday and invited anyone that wanted to present at the meeting to let him or Jen Norvell know.

**6. CITY COUNCIL REPORTS/INFORMATION**

a. **Ethan Funk** – OIPI meeting, details to be discussed later in meeting. There is another route for the Ouray Ice Park to get water rights to help solve water shortages in the winter.

- b. **Glenn Boyd** – Joint policy meeting on Thursday. Unified Command is making plans for vaccines that could be here as early as next week.
- c. **Peggy Lindsey** – Beautification committee has taken a break since decorating the City for the Capitol Christmas Tree, but will be meeting again soon.
- d. **John Wood** – IPAT meeting with OIPI and CDPHE and Public Health regarding capacity for the winter. CEDC meeting about Main Street Program. TAC meeting this Wednesday.
- e. **Greg Nelson** – Policy group meetings before Thanksgiving, another one coming up on Thursday.

**7. DEPARTMENT REPORTS**

**a. City Administrator**

Written report in packet on meetings held so far. Meeting individually with department heads. Felt welcomed so far and is learning the local ropes and is excited to be here.

Ms. Drake reported on the Economic Recovery Specialist Position shared by the City, County and Town. A meeting was held earlier in the day, and a member of Council is invited to be on the work group. Since Councilor Boyd was already in the group as County Emergency Manager, it was determined that he would also represent City Council in his attendance of those meetings.

**b. Police Chief**

Summarized November service calls. Held annual Stuff a Cruiser food drive and delivered 25 meals to less fortunate families in the area. Working on public education and awareness with warnings instead of citations for a period of time while policies are being newly enforced. Chief Wood said that parking against the flow of traffic requires the driver to drive against/through the flow of traffic when parking, and again when pulling out, and it is a safety issue.

**c. Public Works Director**

Working closely with Zander from OIPI to manage water supply for the City and OIPI.

**d. City Resources Director**

Reached capacity limit at pool over Thanksgiving weekend multiple times, instituted new protocols for wait lists. Working with ROCC to get new LED lights in the bath house.

**8. CONSENT AGENDA – None**

**9. ACTION ITEMS**

**a. Resolution 12 – Adopting 2021 Budget**

Councilor Lindsey made a motion to approve the resolution, 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.

**b. Resolution 13 – Appropriating 2021 Expenditures**

Councilor Funk made a motion to approve the resolution, 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.

**c. Resolution 14 – Setting 2021 Mill Levy**

Councilor Boyd made a motion to approve the resolution, Mayor Pro Tem Wood 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. Ratification of Mayor’s Rescission of Stage 1 Fire Restrictions**

Councilor Boyd made a motion to ratify the decision, 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.

**e. Massage Space Lease Renewal**

Councilor Lindsey believes the \$250 rent is very low. Mayor Pro Tem Wood suggested changes for the renewal section, including a built-in increase in the rent year-over-year. Mayor Nelson stated he was not comfortable with a built-in increase because of the uncertain state of the economy right now. Ms. Drake said the rent is where it’s at because the space had been sitting vacant, and that amount was the deal that was negotiated. Councilor Funk agrees with Mayor Nelson about the uncertainty of the world being a

reason to not add automatic increases at this time and just renew the lease for the next year with the two year renewal option. Ms. Simpson, the lessee, would like to just renew for the next year and discuss more in future years. Council decided to remove section 24 regarding renewal options and any mentions to it. Mayor Pro Tem Wood would also like to remove the last sentence from paragraph 20 since it is not measurable.

Councilor Funk made a motion to approve the lease with stated changed, Councilor Lindsey 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.

**f. Digging Deadline Extension Request from Forethought/Brainstorm Internet**

Councilor Lindsey recused herself since her son-in-law is the owner of Ouraynet.

Mr. Coleman stated he was concerned about the gas lines in town during any digging in cold weather.

Sid Arnold said he understands Mr. Coleman’s concerns but believes the contractor will handle the project professionally. This project will be crucial to turning on the fiber connection to roughly 85% of the town. Mr. Arnold believes the work can be completed in one week.

Councilor Funk disclosed that he does business with all the internet service providers in town, and shares a tower with Ouraynet, which makes a small income, and stated his concerns with this decision because of previous requests from Clearnetworx that were approved last month.

Mayor Pro Tem Wood stated concerns about the digging location because of other utilities in the area, and that this wasn’t presented to council sooner.

Mr. Arnold said the information needed to determine the route wasn’t available right away, leading to the lateness of the request.

Councilor Boyd requested an emergency executive session.

Ms. Viner suggested a motion under C.R.S. 24-6-402(4)(b) for legal advice concerning digging in city right-of-ways.

Mayor Pro Tem Wood made a motion to go into executive session at 7:27 pm. 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.

Executive session concluded at 7:40 pm.

Mayor Pro Tem Wood suggested watching in the spring to maybe approve digging before April 1<sup>st</sup>.

Councilor Boyd made a motion to deny the request. 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 failed on a 3-1 vote.

Mayor Pro Tem Wood made a motion to approve the request if Mr. Coleman believes the weather is permissible for digging. Councilor Boyd seconded to discuss further. Councilor Boyd asked for Mr. Clarke's and Mr. Coleman's opinions. Mr. Coleman had reservations about digging because of the number of utility lines in that alleyway. Mr. Arnold said he will follow Mr. Coleman's recommendation and defer to him on choosing an appropriate time to dig.

Mayor Pro Tem Wood retracted his motion. Councilor Boyd retracted his second. Councilor Boyd made another motion to deny the request since Mr. Arnold is willing to defer to Mr. Coleman's expertise on the matter. 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.

Councilor Lindsey rejoined the meeting.

**g. OIPI Request for LOT Fund**

Mr. O'Neil is requesting LOT funds to film the Ice Fest Competition that will expand the audience to millions more. Various State offices are willing to contribute, but want to ensure that the City "has some skin in the game" too.

Councilor Funk spoke in favor of using LOT funds in this way, and asked who would own the rights to the footage after the live stream. Mr. O'Neil said he believes it would be public domain, but will follow up to be sure.

Mayor Pro Tem Wood suggested using the guide service fees that the Ice Park already pays to the City annually instead of LOT funds.

Mayor Nelson asked if there was revenue potential if it was televised. Councilor Funk said if it was in the public domain, no further revenue would be made, but the film would be widely available to audiences.

Councilor Boyd believes this is would be promotional material for the City as a whole, and should be paid for with LOT funds. Councilor Lindsey believes this needs to be done, and it doesn't matter if the money comes out of LOT or OIPI funds.

Frank Robertson spoke on behalf of the board to say they are behind this idea 100% once funding is secured from all the various sources, and the City and businesses will have access to the footage.

Councilor Boyd made a motion to fund \$20,000 to film the Ice Festival, either from tourism funds if the footage is public domain, or from OIPI guide fees if it will be licensed footage. 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.

**h. Appoint Silas Clarke as Policy Liaison for Unified Command**

Mayor Pro Tem Wood made a motion to appoint Mr. Clarke as policy liaison, Councilor Lindsey seconded.

Councilor Boyd suggested making Ms. Drake and Mr. Clarke, at least initially, co-liaisons. Mr. Clarke said he and Ms. Drake had already discussed that idea and were in favor of it. Mayor Pro Tem Wood amended his motion to make them co-liaisons. Councilor Lindsey amended her second.

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. Response to CDPHE Regarding Ice Park Operations During COVID-19 Pandemic**

OIPI has a recommended strategy for social distancing that needs to be approved by CDPHE. Council directed Mr. Clarke to bring their support for the strategy as newly appointed liaison to the policy group meetings with CDPHE.

**b. Noise Ordinance Revision**

Mayor Nelson is concerned about the timeline on rewriting the noise ordinance because of limited gatherings to determine decibel volumes. Councilor Funk believes that the session could be held outdoors effectively, visiting different venues and listening from different locations, to allow public input.

**c. Schedule Work Sessions**

1. Community plan – 12/18 1 pm
2. Geothermal use – 12/21 10 am
3. Caps on sewer taps – 12/21 10 am
4. Noise ordinance – wait to schedule

**d. Future Agenda Items**

Councilor Boyd added to his council report that there is a County wide testing event on December 16<sup>th</sup> at the 4-H Center.


**11. ADJOURNMENT**

Councilor Boyd made a motion to adjourn at 8:42 pm, Councilor Funk seconded the motion. The motion passed on unanimous vote.

ATTEST:



Melissa M. Drake, City Clerk

  
\_\_\_\_\_  
Greg Nelson, Mayor

02/01/2021  
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 December 7, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 11<sup>th</sup> day of December, 2020.



Melissa M. Drake, City Clerk