

Mayor Larson called the regular City Council meeting to order at 7:00 p.m. Present for roll call were Mayor Larson, Council member Hilton, Council member Glanc and Council member Maurer. Pro Tem Boyd was absent. Also present were City Administrator Patrick Rondinelli, Police Chief Justin Perry, Public Works Director Dennis Erickson, Community Development Coordinator Hank Epstein, City Resource Director Rick Noll, Plaindealer reporter Alan Todd, and nineteen citizens.

### **APPROVAL OF MINUTES**

Mayor Larson asked for any corrections to the minutes of the May 1<sup>st</sup> Council meeting. Hearing no comments, Mayor Larson stated the minutes stand approved as written.

### **CITIZENS COMMUNICATION**

#### Councils Response from Citizens Communication, May 1<sup>st</sup>

Mayor Larson reported that citizens communications at the May 1<sup>st</sup> meeting consisted of presentations by Colorado Association of Police Chiefs to Justin Perry, the Six Basin Projects Inc., and an EPA presentation on the Camp Bird Mine Site. There were no other citizens communications.

#### Jeff Skoloda

Planning Commission Chair Jeff Skoloda asked to comment on the use of intermodal shipping containers as he could not stay for the discussion later in the meeting. Skoloda clarified the Planning Commission's discussion, proposed ordinance language and vote proposing Council approve the use of intermodal shipping containers in conjunction with permitted construction in all zones, with time limit and bonding for removal, and in the C-2 zone for long term storage.

#### John Wood

Business owner John Wood requested the City spend more time considering intermodal shipping containers as being part of affordable construction, instead of reacting to complaints.

### **COUNCIL AND COMMITTEE REPORTS**

#### *Council Member Boyd:*

Council member Boyd was not present to report. The May 4<sup>th</sup> Community Development Committee meeting minutes are included in the Council packet.

#### *Council Member Glanc:*

##### EcoAction Partners Green Lights Program

Council member Glanc reported that EcoAction Partners is partnered with San Miguel Power Company in the Green Lights Program which is to replace home light bulbs with LEDs and encouraged all to access this program. Rondinelli reminded all this is a partnership between San Miguel Power, EcoAction Partners and the City of Ouray which contributes to this program.

#### *Council Member Hilton:*

##### Parks and Recreation Committee (PARC) Meeting, May 2<sup>nd</sup>

Council member Hilton reported that PARC did not meet as they did not have a quorum.

##### Beautification Committee (BC) Meeting, May 9<sup>th</sup>

Council member Hilton reported on the May 9<sup>th</sup> Beautification Committee meeting, noting there was discussion about Rotary Park improvements and City of Ouray entrance sign repairs. Council member Hilton thanked the Public Works department for cleaning and washing the streets in front of the businesses.

*Council Member Maurer:*  
Ouray County Housing Advisory Committee, May 11<sup>th</sup>

Council member Maurer reported on the May 11<sup>th</sup> Ouray County Housing Advisory Committee meeting, noting they are working on the 5 year strategic plan, which will now begin in 2018.

*Mayor Larson:*  
Review of Treasurer's Report

Mayor Larson referred to the Financial Report in the Council packet, noting that year to date sales tax is up 2.5% compared to year to date in 2016. April sales tax is down 9% compared to 2016 April sales tax, speculating the impact of the pool closure on sales tax revenues.

**ADMINISTRATOR REPORT**

Rondinelli reported that Council will continue to be kept up to date on any changes as the pool opening gets closer, that the plastering schedule has been postponed to Sunday, May 21<sup>st</sup> due to weather, and that the contractor is reporting the pool is still on schedule.

**OTHER**

Mayor Larson reported that prior to Council meeting there had been a Work Session on the Creation of an Outdoor Recreation Fund, potential changes to LOT, and what funds would be used for.

**CONSENT AGENDA**

Mayor Larson read the Consent Agenda items. Council member Maurer moved and Council member Glanc seconded the motion to approve the Consent Agenda, as follows:

- Liquor License Renewal – Backstreet Bistro LLC
- Liquor License Renewal – Ouray Brewery LLP
- B&B Liquor Permit Application – Secret Garden Catering In.
- Special Events Permit Application – Mountain Air Music, Inc., Mountain Air Music Series, June 1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup>
- Huckstering Permit Applications – Mountain Air Music Series – 99 Thai, B.P.O.E. Lodge #492, Campbell's Cajun Cuisine, Cedar Key Infusions, City of Ouray Parks & Recreation Committee, Colorado West Jeep Rentals & Tours, Inc., Habitat for Humanity of the San Juans, Ouray School, KVNF Public Radio, Ouray Chamber Resort Association, Mountain Air Music, Inc., Rib City – June 1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, and 29<sup>th</sup>.

The motion was unanimously approved.

**ACTION ITEMS**

Bed & Breakfast Liquor Permit Application – ArrowBear Inc., dba Black Bear Manor

Council member Glanc moved and Council member Maurer seconded the motion to approve the Bed & Breakfast Liquor Permit Application for ArrowBear, Inc., dba Black Bear Manor. The motion was unanimously approved.

Expenditure Request for Maintenance Repairs and Painting of the Visitor Center – \$8,065

Council member Hilton moved and Council member Glanc seconded the motion to approve the \$8,065 expenditure request for maintenance repairs and painting of the visitor center. The motion was unanimously approved.

Expenditure Request for Improvements at Rotary Park, Beautification Committee - \$2,200

Council member Hilton moved and Council Member Glanc seconded the motion to approve the \$2,200 expenditure request for improvements at Rotary Park by the Beautification Committee.

## **DISCUSSION ITEMS**

### Intermodal Shipping Container Regulations

Mayor Larson explained the Planning Commission has made a recommendation that intermodal shipping containers be allowed to be used in the City during construction in conjunction with a building permit and bonding for removal, and also allowed in the C-2 district for long term storage complying with all other code regarding screening and setbacks.

Rondinelli explained that the City has previously had no reference in the code regarding the use of shipping containers and beginning as far back as 2015, the City has received multiple complaints about the use of shipping containers in the City of Ouray. City Council requested the Planning Commission to make a recommendation regarding the use and regulation of shipping containers, and commended the Commission for the discussion, hard work and time that went into making the recommendation. The draft ordinance as written allows the temporary use of shipping containers during construction in conjunction with a permit, including bonding to ensure removal, for up to one year with the possibility of an additional 180 days by the building official's approval. The draft ordinance would allow this use in the R-1, R-2, C-1 and C-2 zones in compliance with code requirements regarding setbacks, screening, and lot coverage. If a shipping container is used as a building material, it must meet all IBC requirements. Rondinelli reminded that Council can approve or disapprove this recommendation. Rondinelli noted that existing shipping containers would be allowed to remain as they were in compliance at the time of placement, provided they meet all other code requirements.

Ryan Hein stated his opinion that removal of shipping containers should be part of obtaining a certificate of occupancy instead of requiring bonding.

Mark Orgren spoke in opposition to the use of shipping containers as building materials in the historic district.

Rondinelli stated the majority of the Planning Commission did not want to exclude the use of intermodal shipping containers as building material, as long as all other rules and regulations were met, and that the Planning Commission voted by majority to recommend approval of the draft ordinance.

Tamara Gulde stated she was present for all Planning Commission meetings regarding the intermodal shipping containers and for the vote. She agrees with Chairman Skoloda and City Administrator Rondinelli's interpretation of the process.

Tom Hillhouse spoke against the use of shipping containers in the historic district, stating his concern about loss of integrity in the historic district and the impact of that on the economy, including tourism.

Lezah Saunders expressed her support of Rondinelli and Skoloda's descriptions of the results of the Planning Commission's recommendation. She stated her support for the uniqueness and individuality in the residences of the City of Ouray and her support in avoiding an architectural review environment. She explained the Planning Commission vote reflects their belief that the integrity of the code will dictate the results of using shipping containers as building material.

Helen Perkins spoke against the use of shipping containers in the historic district.

Chad Leaver expressed his support for the temporary use of shipping containers for construction in the historic area and also use in the C-2 zone. He indicated support for Ryan Hein's statement suggesting removal of temporary containers be tied to certificate of occupancy. He expressed concern for the use of shipping containers as building material in the historic district, as he feels there is opportunity for abuse.

Council member Glanc questioned how many containers would be allowed on a project.

Council member Maurer expressed her need for more information and time to make a decision.

Council member Hilton expressed her readiness to support the draft ordinance.

Mayor Larson stated that the draft ordinance will be brought to Council again as a discussion item.

## **EXECUTIVE SESSION**

At 8:40 p.m., Masters asked to go into executive session pursuant to C.R.S. 24-6-402(4)(e) to discuss and determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, C.R.S. 24-6-402(4) (b), the purpose of receiving legal advice on specific legal

questions regarding the Ouray Ice Park. Council member Maurer so moved and Council member Glanc seconded the motion. The motion passed unanimously.

At 9:22 p.m., Council returned to its regular session. Masters asked if any person who had participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, to state their concerns for the record. No statements were made.

#### **OTHER DISCUSSION**

Maurer brought up comments from the CDC that members of the committee expressed concerns that the City is charging full price over Memorial Day weekend even though only two pools will be open. Rondinelli reported that the staff understands Council's direction was that the new admission rates for the pool are to go into effect on May 27<sup>th</sup>, no matter the condition of the project. He also updated the Council that the staff is looking at incentives, recognizing the entire facility will not be open, including offering one free adult admission passes, to be used after July 4<sup>th</sup>, or discount passes for the slides once they are open. What is appropriate will be determined by the staff on each day, depending upon crowd levels.

#### **ADJOURNMENT**

At 9:24 p.m., Council member Maurer moved and Council member Glanc seconded the motion to adjourn. The motion was unanimously approved.