



The Board of County Commissioners met in special session on June 2, 2020. Those present for the session were, Don Batchelder, Chair; Ben Tisdell, Vice-Chair; John E. Peters, Commissioner Member; Connie Hunt, County Administrator; Carol Viner, County Attorney; and Hannah Hollenbeck, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes. The meeting was conducted virtually pursuant to Resolution 2020-007 Setting Forth a Virtual Meeting Policy During a Local Disaster Emergency.**

**A. 2:00PM General Business:**

**1. Request for approval of warrants:**

**M/S/P** – Motion was made by Commissioner Tisdell and seconded by Commissioner Peters to approve the warrants as presented.

*A roll call vote was taken on the motion with the following results:*

*Commissioner Batchelder voted in the affirmative.*

*Commissioner Tisdell voted in the affirmative.*

*Commissioner Peters voted in the affirmative.*

*There was no discussion. Motion passed unanimously.*

**B. 2:02PM The Board of County Commissioners convened as the Board of Health concerning the following items:**

**1. Discussion/Direction concerning a potential Public Health Order associated with cleaning/disinfecting for lodging establishments:**

*Tanner Kingery, County Public Health Director, and Glenn Boyd, County Emergency Manager, were present.*

Kingery explained that Governor Polis had issued a “Safer at Home and in the Vast, Great Outdoors” Executive Order. He said that face coverings were strongly recommended, and that public and private gatherings were still limited to no more than ten people. He said that the Order also included guidance pertaining to hot springs and pools, short term rentals and houses of worship.

Commissioner Tisdell said that he had requested this special meeting to discuss the County Order regarding lodging that had expired on May 30<sup>th</sup>. He said that it was advisable for the County to discuss having a mandatory waiting period between short-term rental occupants. He said that San Miguel County was requiring the waiting period and that Airbnb had enacted similar protocols. Commissioner Tisdell was concerned that by allowing the County’s Order to expire without a discussion about increasing capacity to 100% could have an impact on number of cases in the County.

Kingery introduced Kristen Fedak, epidemiologist with the Colorado Department of Public Health and Environment (CDPHE). Fedak said that the State Order included guidance that recommended a 24 hour period between occupants in hotels and short-term rental properties. She said that the County could adopt regulations that were more stringent than the State Orders, if they chose to do so.

Commissioner Peters asked if a disinfecting spray could be utilized to lessen the 24 hour period between occupants. Fedak said that the Center for Disease Control (CDC) had issued an extensive list of disinfectants they believed to be effective in killing the COVID-19 virus on surfaces, but that the information was based on limited scientific studies. She said that there was limited evidence that aerosol sprays killed the virus in the air.

Commissioner Tisdell asked if there was a catalog of other local public health orders that imposed a mandatory waiting period between room or property occupants. Fedak said that she could make the request. She said that the general sense was that local jurisdictions had enacted regulations that were equivalent to State orders.

Commissioner Batchelder asked for public comment specific to whether or not the County should enact orders more stringent than the state orders.

Lora Slawitschka, Ouray Chalet, said that she had been following CDC guidelines. She encouraged the Board to not enact additional limitations that burdened businesses.

Ryan Hein, Twin Peaks Lodge, agreed with Slawitschka. He added that occupancy had been low. He agreed that no new County Orders were needed.

Commissioner Batchelder inquired to know what the occupancy level had been at the Ouray Chalet and Twin Peaks Lodge. Hein estimated 20% during the weekdays and 45% on the weekends. Slawitschka estimated similar occupancy rates.

Peggy Lindsey, City of Ouray Council Member, agreed that no additional regulations were needed, as it may have impacts on visitors who had already booked rooms.

Amber Perkins, Ouray RV Park and Cabins, echoed statements made by Slawitschka and Hein regarding disinfecting procedures, adding that rentals cabins underwent ozone filtration after guests checked out. She said that there had been some research that indicated that the ozone filter treatment negated the need for a 24 hour period between occupants. Perkins estimated that RV sites were at 40% of

occupancy, and cabins were at 50%. She did not think that there needed to be a 24 hour rest period for RV sites.

Don Woodin, Ouray Inn, said that his hotel had been utilizing a product made by EcoLabs that killed the virus on surfaces within five seconds. He said his employees were concerned about keeping their jobs. He said that if the Ouray Inn was forced to reduce occupancy to half, his business would not survive. Woodin estimated the occupancy rate to be 30% compared to the previous year.

Commissioner Batchelder requested that Perkins provide the name of the EcoLabs product utilized by the hotels. Commissioner Tisdel said that the 24 hour recommendation related to virus particles that may be in the air, and not necessarily on surfaces. Fedak confirmed that Commissioner Tisdel's statement was correct; she said that there was not much known about how the virus lived and transmitted through the air. Fedak said that it was the responsibility of the visitor to understand that there was a level of risk associated with traveling.

David Turner, Ouray County Cleaning, asked the Board to consider the scope of cleaning associated with short-term rental properties. He said that there were many rooms and surfaces to clean and disinfect. He said that it was important to understand the infrastructure and timing needed to clean a multi-room short-term rental property; however, it was more important to consider the human side of the business and the challenges associated with acquiring personal protective equipment (PPE) for employees.

Slawitschka stated that it was her choice as a business owner to follow stricter guidelines. She agreed that personal responsibility of the traveler was important.

There was no additional public comment.

Commissioner Batchelder asked if Kingery and Boyd had a recommendation regarding the 24 hour period between occupants. Kingery recommended that the County operate from the State's guidance. He did not see a need to be more stringent than the State's regulations. Boyd agreed.

Commissioner Tisdel said that the occupancy data was a good indicator for what regulations should be enacted. He said that the County should continue to monitor the situation through July. He was encouraged by businesses adopting policies that were more stringent than the State guidelines. Commissioner Tisdel asked if the Kingery was satisfied with the record retention capabilities in order to perform contact tracing when needed. Kingery said that he was satisfied.

The Board agreed that there was currently no need to establish a new County order.

## **2. Discussion/Direction of potentially other new Public Health Orders or concerns:**

Commissioner Batchelder explained that that the Board had received a request from Orvis Hot Springs for a variance application for operation of a private hot springs. Commissioner Batchelder asked if the new State Orders sufficiently covered the request or if additional action was needed. It was Kingery understanding that the new State Public Health Order allowed for developed outdoor hot springs and pools to operate with specific guidelines.

Commissioner Tisdel said that he needed to review the new Order for a better understanding of what was permitted. He said that the County also had several lodging establishments with hot tubs, pools or hot springs that were not treated with chlorine or bromine.

Marti Whitmore, representing Orvis Hot Springs, was grateful for the new Order that allowed up to 50 patrons in a facility; however, she said she still wished to work with the County to develop a variance. Whitmore explained that Orvis Hot Springs had 10 individual ponds and pools. Allowing a maximum of 50 patrons was not a good number from an economic stand point, nor was it generated from any data or study. She said that the design of the pools and ponds at Orvis allowed for patrons to disperse. Whitmore requested that the County submit a variance for an increased capacity. She was confident that Orvis could provide a safe environment to allow for more patrons than the State Order allowed. She added that patrons needed to be able to make decisions regarding their own personal responsibility.

Melissa Drake, Acting Ouray City Administrator, agreed with Whitmore's statements and indicated that City of Ouray Hot Springs was also a very large facility; she cited that 50 patrons was only 5% of the facility's capacity. Drake said that staff could operate at 10% and maintain a safe and clean facility.

Kingery said that he supported the concept, but needed to review the Order and proposed variance language. Boyd agreed and added that the City had a well thought out plan to host more than 10% capacity at the Ouray Hot Springs.

The Board agreed to direct staff to work with Whitmore, the City, and other hot springs and pool operators for the purpose of drafting a variance application or a series of variance applications specific to each facility.

Commissioner Peters wished to discuss allowing places of worship. He felt that many of the churches had plans to safely reopen with capacity limitation, social distancing, and required face coverings. Commissioner Tisdel agreed that it was reasonable for places of worship to be able to reopen. Boyd agreed and said that Unified Command had received five requests from places of worship to be able to reopen. Boyd was disappointed that the new State Order did not include further allowances or guidance regarding places of worship. Kingery clarified that the new Order allowed for places of worship to have ten people or less; beginning on June 4<sup>th</sup>, places of worship would be allowed to open to 50% of the stated occupancy limit. The Board directed Kingery to check back with the churches in order to determine if the allowance was adequate, or if the Board should consider a variance.

The Board discussed other matters including face covering requirements and emphasized the importance of using technology to limit the amount of high touch objects or surfaces.

**3:40PM      The Board of County Commissioners adjourned the special session.**

BOARD OF COUNTY COMMISSIONERS  
OF OURAY COUNTY, COLORADO

Attest:



*Hollenbeck*

Michelle Nauer, Clerk and Recorder  
By: Hannah Hollenbeck, Deputy Clerk of the Board

Handwritten signature of Don Batchelder in black ink.

Don Batchelder, Chair

Handwritten signature of Ben Tisdell in black ink.

Ben Tisdell, Vice Chair

Handwritten signature of John E. Peters in black ink.

John E. Peters, Commissioner Member