AGENDA

OURAY CITY COUNCIL

320 6th Avenue – Community Center MASSARD ROOM

Tuesday, January 22, 2019

Site Tour 4 PM and Regular Meeting at 6 PM

- Electronic copies of the Council Packet are available on the City website at 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

4:00 PM Site Tour 740 Main Street

6:00 PM Regular Meeting

1. CALL TO ORDER at 6:00 p.m.
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA – Move, remove items or address conflict of interest
5. PUBLIC HEARING – Request by Imogene Holdings, LLC for a Preliminary PUD to permit a height variance for a rooftop deck safety railing for an outdoor bar and event space; located at 740 Main Street, Lot 13, Block 9, City of Ouray Page 20
6. PUBLIC HEARING – Ordinance 01 – 2019, Sewer Tap Restriction – 2nd Reading Page 190
7. PUBLIC HEARING – Ordinance 02 – 2019, Wildlife Resistant Refuse Containers for All Residential and Short Term Rentals – 2nd Reading Page 196
8. CITIZENS' COMMUNICATION
   a. Unscheduled
   b. Council's Response from Citizens' Communication Page 3
9. CITY COUNCIL REPORTS/INFORMATION Glanc-OIPI Page 7
10. COMMITTEE APPOINTMENTS a,b and c Page 8
    a. Beautification Committee
    b. Community Economic Development Committee
    c. Park and Recreation Committee
11. NEW/PROMOTED EMPLOYEES
    a. Tyler Fletcher – Mechanic
    b. Derek Jones – Aquatics Coordinator
    c. Jason King – Pool Maintenance
    d. Zach Taylor – Pool Maintenance
    e. Lydia Bright – Part time Assistance Pool Supervisor
12. FINANCE DIRECTOR
    a. December Financial Report (Feb. 19)
    b. December Disbursements (Feb. 19)
    c. December Sales Tax Report (Discussion) Page 9
    d. December LOT Report (Discussion) Page 14
13. CONSENT AGENDA
    a. Bed & Breakfast Permit Application – China Clipper B & B LLC Page 17
    b. Huckstering Permit Application – Ouray RV Park dba Ouray Café & Steakhouse, Ice Festival, Jan 25th-27th Page 18
    c. Huckstering Permit Application – Ouray School District R-1, Fundraising, Ice Festival, Jan 25th-27th Page 19
14. ACTION ITEMS
    a. Request by Imogene Holdings, LLC for a Preliminary PUD to permit a height variance for a rooftop deck safety railing for an outdoor bar and event space; located at 740 Main Street, Lot 13, Block 9, City of Ouray Page 20
    b. PSA – Interim Pool Manager Jan Marie Smith Page 57
    c. Division 7 Case Conditional Water Right Page 61
    d. Wright Water Engineers Peer Review of WWTF/JVA Deliverables Page 71
    e. Wright Water Engineers Water Improvement Plan – Ice park Page 73
    f. Wright Water Engineers 2018 Update Water Efficiency Plan Page 101
    g. City Attorney RFQ submittals Page 176:Reed and Page 186: Whitmore
    h. Special Events Permit Application, BPOE Lodge #492, Burns Supper. Feb. 2nd Page 189

15. RESOLUTIONS, ORDINANCES, IGA or OTHER OFFICIAL LOCAL GOVERNMENT APPROVALS
    a. Ordinance 01 – 2019, Sewer Tap Restriction – 2nd Reading Page 190
    b. Ordinance 02 – 2019, Wildlife Resistant Refuse Containers for All Residential and Short Term Rentals – 2nd Reading Page 196
16. DISCUSSION
    a. Closure of Hot Springs Pool April 14, 7pm to April 19, noon Page 200
    b. Planning Commission member terms and process Page 208
17. EXECUTIVE SESSION – 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) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. 24-6-402(4)(e): Municipal Court Judge position.
18. ADJOURNMENT

JVA, Incorporated
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Suite 710
Denver, CO 80202
303.444.1951
info@jvajva.com

www.jvajva.com

January 17, 2019

Katie Sickles, City Administrator
City of Ouray
320 6th Avenue, PO Box 468
Ouray, CO 81427

RE: Response to Preliminary Questions and Comments; City of Ouray Wastewater Treatment Master Plan, dated December 2018
JVA Job Number: 2444.2c

Dear Katie:

This letter serves as a response to questions submitted by a citizen of Ouray following the presentation of the *City of Ouray Wastewater Treatment Master Plan* presented to the City Council on December 17, 2018. To ensure that all comments are addressed, the citizen's comments are listed in *italics* with JVA's response below.

1. *I understand that the new hot springs are designed to accommodate up to 2000 visitors/day. Water use design suggests 10 gal/day/visitor for such a facility. That amounts to 20,000 gpd of fairly "clean", low BOD wastewater to the WWTP. Table 10, page 14 of the report only shows 4 land use categories with more than 20,000 gpd flow, i.e. single family; condos…; hotel…; and restaurant…. It is not obvious that a pool bath house fits into any of those categories. Was flow from the bathhouse included in the current and future wastewater flow design estimates?*

   Information for Table 14 for the City's current land use was provided to JVA by the City of Ouray Community Development Coordinator. It appears that the Hot Springs Pool is not specified as a different type of land use in the current land use table. However, wastewater flow from the Hot Spring Pool's bathhouse is included in the existing/historical wastewater flows to the wastewater treatment plant. The facility was in full operation during the summer of 2018 (36,000 visitors during the month of July were recorded). The flow from the bathhouse patrons is included in the existing influent flow value regardless of the delineation in the Current Land Use table.

2. *The approximately 600,000 gpd discrepancy between potable water tank outflow (800,000 gpd) and WWTP inflow (220,000 gpd) may not be as much a mystery as it would appear. During the data period, the ice park probably use spread over a year probably approaches an average of 100,000 gpd, the pool used potable makeup water in summer months, and the City water system probably was leaking a couple hundred thousand gallons per day. Those three items would knock the potable water flow to customers down to about 500,000 gpd. Also, during late spring through early fall about half of water use is for irrigation so you can probably reduce the 500,000 gpd down to about 300,000 gpd resulting in about 60% of potable tank outflow reaching the WWTP. This is more in line with their typical low limit (page 9 of report). Consequently, the JVA suggestion that water may be "lost" or "gained" through inflow/infiltration may be questioned. Furthermore, the comparison of average WWTP ADF of about 220,000 gpd (Table 4) to land use estimates (Table 10) of 288,000 gpd*

are not really significantly different given the inherent potential variabilities involved in both calculations.

The potable water tank outflow data was provided by Wright Water Engineers. Their data indicated that the water leaving the tanks was corrected to delete the water distributed to the Ice Park. In other words, this value is understood to exclude water for the Ice Park. There is no water meter on the potable make up water used for the Hot Springs Pool, so it is not possible to determine the volume of water used for this purpose.

In response to the irrigation comment, while it is true that summer and fall irrigation does not reach the WWTP (as discussed on page 9 of the Master Plan), the values provided for both the WWTP inflow and the WTP outflow represent annual averages. Typically, irrigation does not consistently represent half of the average consumer potable water use throughout the year.

Additionally, JVA should clarify the discussion of "losing" and "gaining" water through I/I. In the section "Water Demand," (beginning on page 8 of the Master Plan), one potential source for the discrepancy in potable water tank outflow versus wastewater treatment plant inflow was due to leaks in the water mains and water services throughout the distribution system. This differs from infiltration (typically through groundwater or stormwater) into the wastewater collection system. Water distribution systems more typically see losses, as the pressure within the distribution system is generally greater than the surrounding groundwater pressure. Due to this pressure differential, water is more likely to leave the distribution system. Conversely, the collection system does not carry high pipeline pressures. This makes it more likely for groundwater to infiltrate into the collection system. This discussion was meant to indicate that the data which documents the discrepancies between the potable water system and wastewater system are not fully understood or verifiable based on the existing system information. Recommended action items, such as water meters or the I/I study are intended to provide information to allow the City to better understand and account for water and wastewater flows throughout the distribution and collection system.

3. *JVA's observation that the effluent BOD is lower than typical municipal wastewater due to possible infiltration of rainwater, groundwater, etc. doesn't fit with their observation about the low quantity of WWTP inflow vs potable water tank outflow (30%). It can't be both ways. If the BOD level is being diluted from infiltration, then one would expect a much higher flow to the WWTP than the measured or projected quantities. Conversely, if wastewater flow was leaking from the sewer system piping, then the BOD level should be higher than expected as the liquid leaks from the system and more solid wastes remain in the pipelines and make it to the WWTP. The discussion in Items 2 and 3 herein is presented because the City may want to consider not undertaking the JVA recommended I/I study. In addition to the cost involved and the lack of time available to conduct a more accurate multi-year study at this time, it would seem to be conservative and realistic to just use future flow projections based on land use estimates, like those shown in Table 10.*

The average wastewater flow in gallons per capita per day (gpcd) for the City is 217 gpcd. This is based off an average influent flow of 220,000 gpd and the current city population of 1,013. The Colorado Department of Public Health and Environment (CDPHE) defines the maximum per capita volume of wastewater as 120 gpcd. All renewed CDPHE discharge

permits that exceed the 120 gpcd threshold are required to complete an inflow and infiltration study to submit to the CDPHE. It is highly likely that the renewed discharge permit for the City's WWTP will require completion of an I/I study.

Additionally, a flow of 217 gpcd is significantly higher than industry standards for typical municipal wastewater generation. Table 10 also lists typical wastewater generation for the types of land uses present in Ouray. These values were selected to be conservative for planning purposes as water meter data is not available in the City of Ouray. Typical municipal wastewater generation is less than 100 gpcd. This, along with the lower than normal BOD level, is the primary reason JVA discussed the I/I might be a contributing factor to the wastewater generation. JVA agrees that the mix of conditions (high per capita flow, low organic loading, and "lost potable water") is a complicated situation. I/I can individually explain some of these issues; it may not be the sole factor, which is why further investigation was recommended as part of the recommended next steps in the Master Plan.

4. *The lower than average BOD levels in our wastewater appear to be just characteristic of Ouray wastewater. We apparently generate a higher percentage of "graywater" than "blackwater." For example, the bathhouse water is a significant portion of wastewater flow in the winter months and would have a very low BOD level thus reducing the overall BOD level.*

   Based on JVA's discussions with the City, the Hot Springs Pool attendance is greatly reduced in the winter months (7,000 patrons visited the pool during the month of November) and bathhouse flows do not appear to be a significant contributor to wastewater treatment plant influent flow. However, citizens in the community have reported leaving water running in their homes as opposed to winterizing piping in their homes, and often residents are on vacation for extended periods during the winter months. It is possible that the low strength wastewater characteristic occurs throughout the year due to situations such as this. Without additional investigations, there is insufficient data to understand the historically low strength wastewater.

   During the wastewater master plan, the City sampled the influent wastewater for BOD on a more frequent schedule than required by the WWTP discharge permit. During the late summer and early fall, the 2018 sampling showed organic concentrations more consistent with typical municipal wastewater (approximately 250 mg/L BOD). Snowpack for 2018 was very low compared to typical years, which would lead to a lower groundwater table. Under these conditions there would be less opportunities for inflow and infiltration and therefore the wastewater would see higher BOD concentrations. Although the sampling does not confirm the presence of I/I, it did indicate that additional investigations are recommended. It is hard to find conclusive data to determine if the higher organic concentrations in the summer and fall are due to the lack of dilution from either the constant running water for winterization or inflow/infiltration.

5. *Although the design of a new WWTP is in the early stages, I was wondering if there had been any discussion of using geothermal discharge waters from the pool operations for thermal needs in the new buildings. There must already be existing piping from the pool area to the WWTP area because the pool backwash was being discharged there for a while. It seems*

that the discharged geothermal water would have a high enough temperature to at least heat the new buildings with in-floor systems for example. This could save thousands of dollars of operating costs over the life of the WWTP.

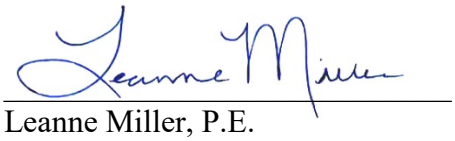
This has not been discussed as of this time. Geothermal water and heat from the water is recycled and reused at the Hot Springs Pool to heat the pool facilities prior to discharge to the River. After capturing the available heat from the recycled water, the geothermal water for discharge is unlikely to have sufficient BTUs to be conveyed and used at the new wastewater treatment plant.

6. *I am not, nor do I profess to be, an expert on wastewater treatment system design. My only comment on the design aspects of the alternatives presented is that the City should consider which system design accommodates the expected significant variation of flow between summer and winter so that the overall system functions as efficiently as possible year round.*

   Absolutely. JVA has included provisions for an influent equalization tank in our proposed solution. The equalization tank will allow for equalization of influent flow during peak season. Additionally, the proposed moving bed bioreactor (MBBR) biological treatment system is known for its ability to handle varying organic and hydraulic loads. The mix of attached and suspended biological growth provides resiliency and biological diversity in the treatment microbes, which increases the ability of these system to handle "shock" loads and also low loading conditions.

Please don't hesitate to call me at (303) 444-1951 if you have any questions or need additional information.

Sincerely,
JVA, INCORPORATED

By: 

Leanne Miller, P.E.
Project Manager

CC: Joe Coleman, City of Ouray
Kevin Tone, P.E., JVA, Inc.
Melissa Rhodes, P.E., JVA, Inc.

From: dawn glanc
To: Pam Larson; Katie Sickles
Subject: Ouray Ice park Board Meeting January 16
Date: Wednesday, January 16, 2019 7:10:42 PM

Ouray Ice park Board Meeting January 16

Admin and ops report

- every area is open
- Ice looks good
- Water allotment- less water around since opening day
- Have gotten 0-150 gal a minutes
- Can only run one end at a time
- City wants park to use 100-150 gal, more even usage
- 90 percent open now
- Should be 98 percent open by fest

Board discussed the need for another water source. Board is asking "how do we work with city to get more water" Monday after ice fest 9am meeting set up with ice park and city engineers, public works, attorneys to find out what water is possible.

17 IGE given out. Problems still with groups following the rules. Have mostly had compliance once the ambassador interacted with the group leader. only one group was a problem and received a "strike" against their permit.

Ambassadors are out 5 days a week. Collecting data and have seen more rule compliance since the ambassadors have had a presence. Every day the ambassadors fill in a spreadsheet with real time usable data for ice farming and crowding.

Frank gave an IPAT meeting update from Jan 2. Board looked at the spreadsheet made at the IPAT work session.

Comp
Trapeze and volume are up. Engineers have approved the cables and project came in under budget. 36 applicants and accepted 29. A few youth competitors will be there.

Fest
Sponsors are stoked and ready.

Looked over the B.O.D schedule at fest and signed up for shifts at fest.

Comp.

BEAUTIFICATION COMMITTEE 7 members (By Code, 3 year staggered terms)

Stoufer, Robert	1/19-1/22
Heidi Arriza	1/17-1/20
	1/19-1/22
Ned Bosworth	1/19-1/22
Leo, Lori	1/18-1/21
Poirier, Michelle	1/18-1/21
McCord, Cindy	1/18-1/21
LIAISON: Dee Hilton	

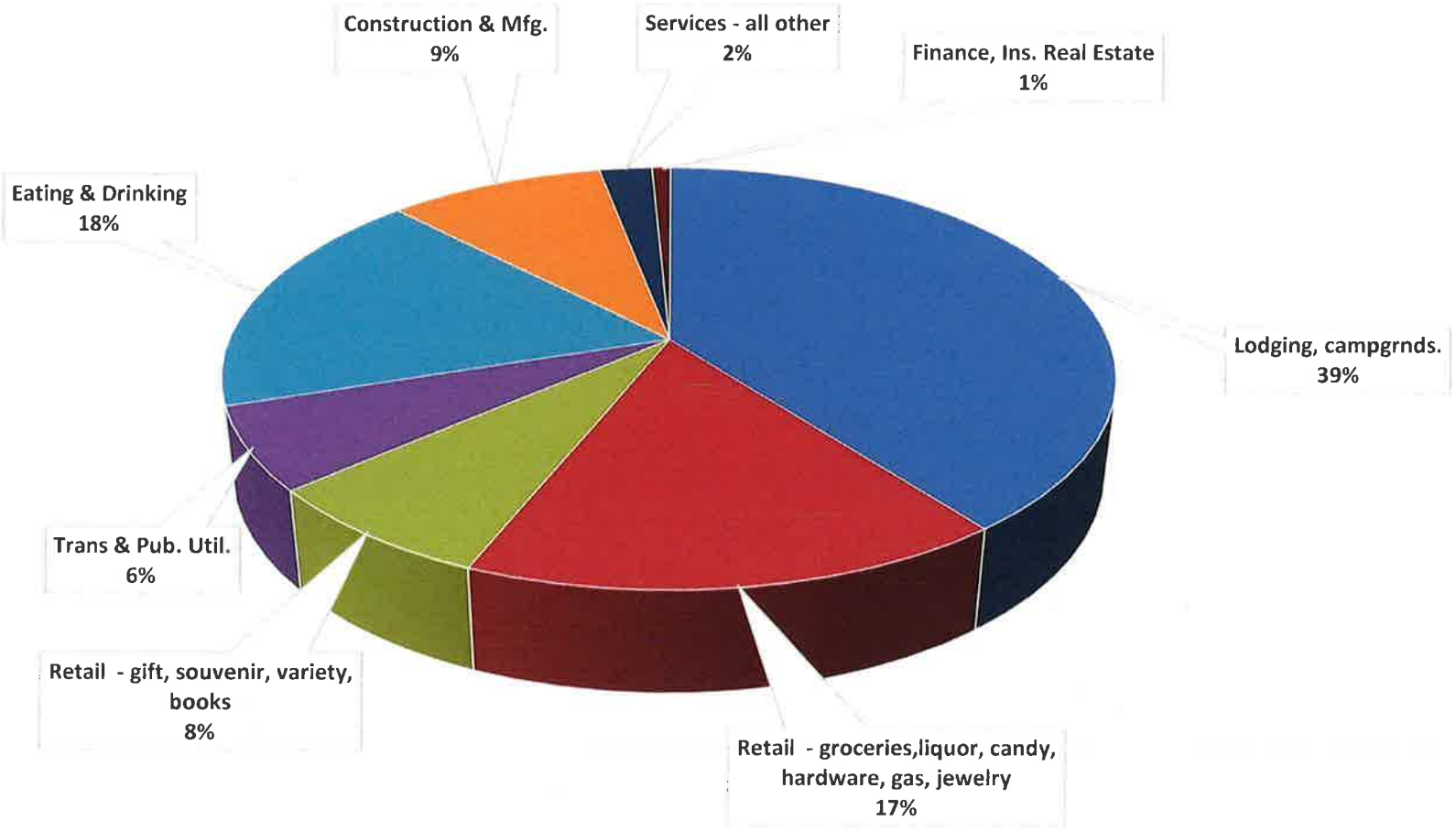
COMMUNITY DEVELOPMENT COMMITTEE (7 members,5 at large,1 City,1 OCRA,3 year staggered terms)

Disser, Nate	1/18-1/21
Greco-Perry, Susie	1/17-1/20
Wood, John	1/17-1/20
Parry, Faith	1/19-1/22
Papenbrock, Kat - *OCRA Representative*	1/18-1/21
Noll, Rick - *City Resource Director (member)*	1/19-1/22
Ziemba, Maria	1/17-1/20
Pankow, Heidi - OCRA Representative	no term
LIAISON: Glenn Boyd	no term

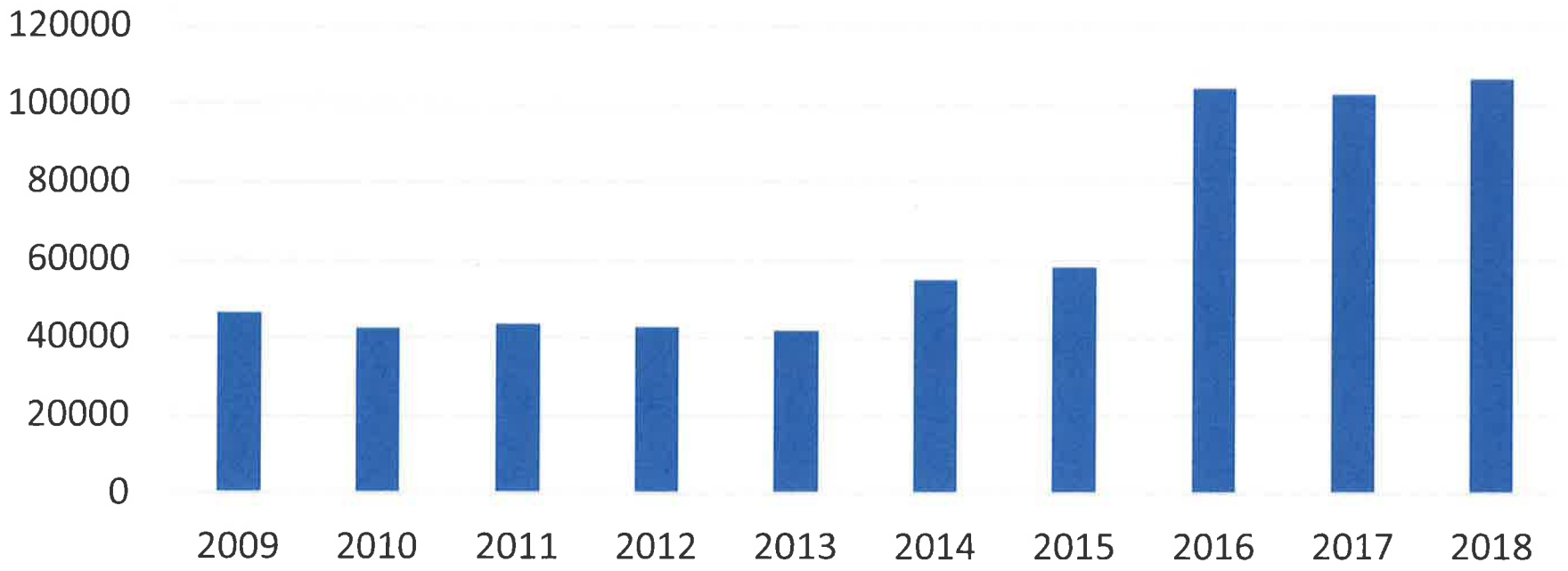
PARKS & RECREATION COMMITTEE (7 members appointed annually begin January)

Tyler, Tom - Chair	1/19-1/20
Nelson, Greg	1/19-1/20
Wilcox, Kendra	1/19-1/20
Nelson, Diane	1/19-1/20
Kelly, Kim	1/19-1/20
Kitchens, Shawn	1/19-1/20
Winterrowd, Amy	1/19-1/20
LIAISON: Dee Hilton	

City of Ouray
October 2018 Sales Tax Revenues by Business Category
(received in December 2018)



CITY OF OURAY
OCTOBER SALES TAX REVENUE COMPARISON
Over Past 10 Years



Notes: Figures represent tax revenue received in December
Sales Tax increased from 3% to 4% on January 1, 2016

CITY OF OURAY

SALES TAX REVENUES BY BUSINESS CATEGORY 2009-2018

SALES TAX REVENUES BY BUSINESS CATEGORY										
	Funds received by City in December **(mostly re: October)** of:									
Business Category	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Lodging,campgrnds.	$ 11,648.74	$ 11,926.83	$ 11,940.73	$ 11,821.63	$ 13,786.00	$ 16,283.71	$ 20,381.63	$ 29,296.96	$ 31,230.66	$ 42,021.27
Retail - groceries,liquor, candy, har	10,523.00	8,572.68	6,412.57	7,307.90	9,659.66	6,490.67	7,664.93	15,830.84	16,521.19	17,706.67
Retail - gift, souvenir, variety, books	4,295.30	4,282.00	6,686.13	4,484.00	4,673.10	4,983.77	5,600.12	7,186.97	7,462.21	8,003.92
Trans & Pub. Util.	5,809.00	4,640.57	3,090.06	5,453.34	6,204.67	5,099.89	4,749.64	6,711.11	6,752.70	6,715.53
Eating & Drinking	9,137.60	8,456.55	6,053.10	7,088.00	7,883.34	8,832.99	12,861.76	32,212.68	24,686.33	18,839.39
Const. & Manufacturing	2,146.00	2,363.29	6,859.21	3,004.17	2,636.91	2,859.91	4,550.30	9,004.27	8,550.56	9,873.94
Services - all other	2,153.00	1,422.20	1,263.30	2,195.75	1,143.46	702.88	1,480.01	2,457.56	2,995.07	2,430.09
Finance, Ins. Real Estate	625.00	776.85	1,196.52	1,065.27	(4,281.20)	1,892.88	948.39	1,423.95	4,303.53	854.50
Wholesale Trade	41.00	22.00	67.89	48.65	167.72	223.84	60.00	112.13	186.47	203.55
Mining	-	-	-	-	-	-			-	
All Other	0.03	14.25	14.25	259.35	-	7,613.55	2.85		-	
TOTAL	$ 46,378.67	$ 42,477.22	$ 43,583.76	$ 42,728.06	$ 41,873.66	$ 54,984.09	$ 58,299.63	$ 104,236.47	$ 102,688.72	$ 106,648.86

$14,127.90
out-of-period

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CITY OF OURAY

2018 MONTHLY SALES TAX REVENUES BY BUSINESS CATEGORY

2018 SALES TAX REVENUES BY BUSINESS CATEGORY								
(1)	Funds received by City in: July (mostly re: May)							
Business Category	January	February	March	April	May	June		
Lodging,campgrnds.	$ 10,674.08	$ 27,217.45	$ 25,429.29	$ 19,077.49	$ 20,358.97	$ 15,781.67		
Retail - groceries,liquor, candy, hat	12,108.96	18,705.19	13,388.91	10,942.86	12,801.80	10,046.92		
Retail - gift, souvenir, variety, books	3,324.04	8,263.50	7,963.39	7,363.15	4,896.95	3,943.88		
Trans & Pub. Util.	6,524.03	7,321.11	8,225.15	8,182.18	7,925.41	6,840.62		
Eating & Drinking	11,347.37	19,730.16	14,923.52	11,100.93	16,044.33	13,890.19		
Const. & Manufacturing	5,465.10	8,546.01	6,837.63	5,028.85	7,434.92	5,196.67		
Services - all other	2,241.56	3,371.18	1,989.72	911.04	2,341.05	764.53		
Finance, Ins. Real Estate	382.25	537.11	440.83	217.43	298.81	275.38		
Wholesale Trade	153.54	148.96	183.49	168.00	73.25	240.45		
Mining					-	-		
All Other					-	-		
TOTAL	**$ 52,220.93**	**$ 93,840.67**	**$ 79,381.93**	**$ 62,991.93**	**$ 72,175.49**	**$ 56,980.31**		
Business Category	July	August	September	October	November	December	Year-to-date	Percent
Lodging, campgrnds.	$ 30,006.03	$ 68,542.45	$ 112,988.15	$ 85,331.38	$ 86,255.45	$ 42,021.27	$ 543,683.68	36%
Retail - groceries,liquor, candy, hat	15,665.67	31,692.02	39,710.28	31,535.87	35,160.90	17,706.67	249,466.05	16%
Retail - gift, souvenir, variety, book	8,115.13	16,126.98	23,940.58	18,649.68	14,051.38	8,003.92	124,642.58	8%
Trans & Pub. Util.	6,303.97	6,461.56	7,620.27	7,435.79	6,945.20	6,715.53	86,500.82	6%
Eating & Drinking	21,987.83	37,277.57	48,960.24	45,890.73	42,077.01	18,839.39	302,069.27	20%
Construction & Mfg.	9,202.05	17,779.93	24,435.26	18,930.35	21,778.86	9,873.94	140,509.57	9%
Services - all other	1,688.89	6,437.73	9,124.30	3,527.05	7,999.76	2,430.09	42,826.90	3%
Finance, Ins. Real Estate	523.05	6,072.96	8,558.28	6,933.51	4,261.52	854.50	29,355.63	2%
Wholesale Trade	225.11	369.08	538.27	313.60	282.12	203.55	2,899.42	0%
Mining							-	0%
All Other							-	0%
TOTAL	**$ 93,717.73**	**$ 190,760.28**	**$ 275,875.63**	**$ 218,547.96**	**$ 218,812.20**	**$ 106,648.86**	-	0%
							$ 1,521,953.92	100%

(1) Month tax received from State of Colorado, representing sales from two months earlier (e.g. tax shown as APRIL is mostly from FEBRUARY)

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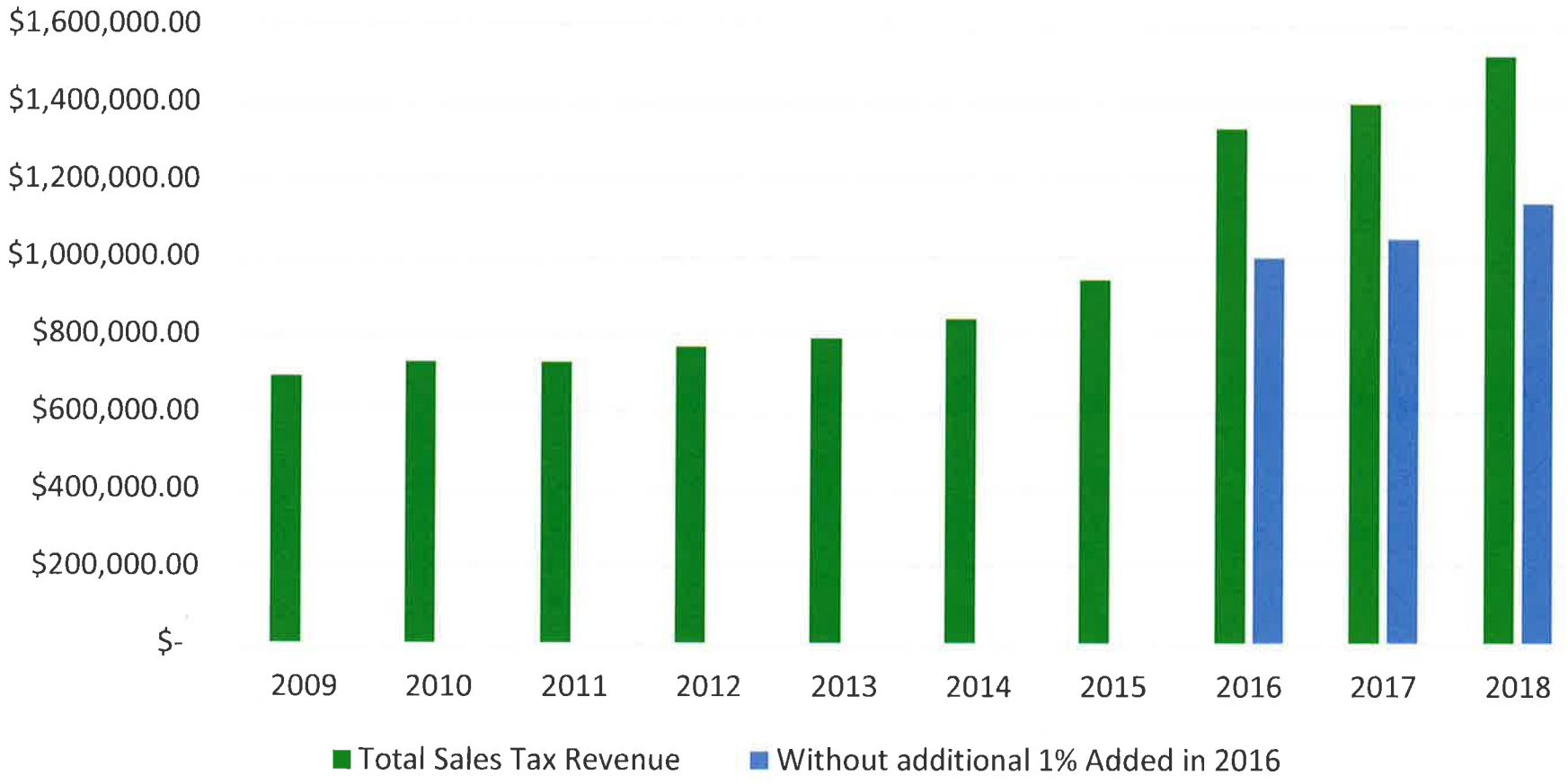
City of Ouray
Annual Sales Tax Revenue Comparison
Last 10 Years



Ouray Lodging Occ. Tax Collection Summary

ROOMS	2010	2011	2012	2013	2014	2015	2016	2017	2018	18 VS 17
Month		+ RVs, Unfurn.Cabins								
January	3804	4275	4452	4343	4349	5712	5826	5113	5782	13.08%
February	2796	3093	3446	3673	3874	4816	5226	4509	5075	12.55%
March	2060	2156	2975	2746	2949	3394	3638	3499	4801	37.21%
April	1592	1341	1912	1661	1836	2236	2660	2411	3080	27.75%
May	3937	3684	4914	4248	4149	5047	5850	5939	7396	24.53%
June	8558	9310	10282	10971	10718	12015	13521	14494	14578	0.58%
July	13582	17222	16781	16285	17248	19171	19960	20230	19802	-2.12%
August	11598	13820	14672	13688	15198	16477	16949	17344	17613	1.55%
September	10602	12647	12361	12004	13377	15478	16149	16519	15437	-6.55%
October	4717	5170	4876	5825	6450	7937	7691	7762	7462	-3.86%
November	1427	1344	1709	2084	1936	2141	2113	2674	2835	6.02%
December	2168	2734	2805	3589	3696	3656	3382	4226		
Total Rooms	66841	76796	81185	81117	85780	98080	102965	104720		

DOLLARS		+ RVs, Unfurn.Cabins								
January	$11,202	$11,857	$11,755	$11,729	$11,848	$15,867	$15,819	$13,795	$16,294	18.12%
February	$8,022	$8,303	$8,855	$9,749	$10,430	$12,468	$13,908	$12,648	$13,991	10.62%
March	$5,823	$6,015	$7,792	$7,260	$7,945	$9,240	$9,505	$9,529	$12,998	36.40%
April	$3,900	$3,667	$4,974	$4,475	$4,975	$5,701	$6,633	$6,294	$8,090	28.54%
May	$11,205	$9,878	$13,131	$11,738	$11,357	$13,876	$15,372	$15,734	$19,031	20.95%
June	$25,077	$24,611	$26,440	$28,572	$28,419	$31,431	$34,498	$36,654	$36,236	-1.14%
July	$39,891	$43,817	$43,054	$42,369	$44,740	$47,884	$49,767	$50,290	$49,371	-1.83%
August	$33,831	$34,711	$34,737	$35,708	$40,035	$41,643	$41,801	$42,090	$43,236	2.72%
September	$30,684	$34,013	$33,413	$32,326	$35,960	$40,336	$41,704	$41,944	$42,849	2.16%
October	$13,674	$14,400	$13,309	$15,848	$17,556	$21,385	$20,717	$20,355	$19,711	-3.16%
November	$3,855	$3,538	$4,261	$5,348	$5,092	$5,136	$5,802	$7,079	$6,937	-2.01%
December	$5,967	$7,368	$7,617	$9,816	$9,918	$9,571	$9,590	$11,882		
Total Dollars	$193,131	$202,178	$209,338	$214,938	$228,275	$254,538	$265,116	$268,294		

Data represents rooms and dollars for month in which lodging activity occurred.
LOT report and payment are due by 20th of following month.
"ROOMS" data includes exempt rooms.
Columns for 2011 and 2012 include RVs and Unfurnished Cabins. Columns for 2010 and prior exclude this category.

OURAY LODGING OCCUPANCY TRENDS

Based on Lodging Occupation Tax Collections

	2016				2017				2018			
	Avail. Rooms	Rooms Rented	Occ.%	*Exempt Rooms*	Avail. Rooms	Rooms Rented	Occ.%	*Exempt Rooms*	Avail. Rooms	Rooms Rented	Occ.%	*Exempt Rooms*
	+ RVs, Unfurnished Cabins				+ RVs, Unfurnished Cabins				+ RVs, Unfurnished Cabins			
January	17333	5826	33.6%	*530*	16537	5113	30.9%	*336*	16851	5782	34.3%	*244*
February	15829	5226	33.0%	*415*	14756	4509	30.6%	*165*	15344	5075	33.1%	*261*
March	14959	3638	24.3%	*355*	16125	3499	21.7%	*232*	16783	4226	25.2%	*172*
April	14415	2660	18.5%	*397*	12262	2411	19.7%	*212*	13669	3080	22.5%	*213*
May	19914	5850	29.4%	*530*	22414	5939	26.5%	*259*	20641	7396	35.8%	*401*
June	21122	13521	64.0%	*541*	21746	14494	66.7%	*654*	20623	14578	70.7%	*626*
July	21725	19960	91.9%	*743*	22093	20230	91.6%	*931*	21763	19802	91.0%	*815*
August	21998	16949	77.0%	*1060*	22227	17344	78.0%	*1164*	21741	17613	81.0%	*837*
September	20627	16149	78.3%	*767*	20901	16519	79.0%	*822*	18952	15437	81.5%	*92*
October	20861	7691	36.9%	*284*	18288	7762	42.4%	*454*	19545	7462	38.2%	*351*
November	10880	2113	19.4%	*141*	16230	2674	16.5%	*281*	16053	2835	17.7%	*400*
December	11587	3382	29.2%	*142*	16783	4226	25.2%	*172*				
Total	*211250*	*102965*	48.7%	*5905*	*220362*	*104720*	47.5%	*5682*				

Data represents rooms for month in which lodging activity occurred.
LOT report and payment are due by 20th of following month.
"Rooms Rented" columns includes exempt rooms.
"*Exempt Rooms*" columns are for memo purposes only.

2018 Lodging Occupation Tax, By Business Category

AVAILABLE ROOMS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	11,904	10,337	10,177	10,758	12,736	13,322	13,614	13,593	13,003	11,955	10,464		131,863
Bed and Breakfast	390	858	938	900	930	900	984	1,064	1,360	1,345	889		10,558
House, Townhouse, Condo (1)	2,170	2,105	2,754	2,101	2,338	2,621	2,542	2,352	2,609	2,417	2,060		26,069
RV Space, Unfurnished Cabin	2,387	2,632	2,914	2,910	4,709	4,560	4,623	4,732	1,980	3,828	2,640		37,915
Total Rooms	16,851	15,932	16,783	16,669	20,713	21,403	21,763	21,741	18,952	19,545	16,053	-	206,405

ROOMS RENTED	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	4,914	4,315	3,556	2,509	5,601	9,807	12,680	11,401	11,358	5,519	2,159		73,819
Bed and Breakfast	63	127	109	61	204	480	870	660	1,205	403	46		4,228
House, Townhouse, Condo (1)	530	217	313	126	352	939	1,727	1,213	1,279	481	171		7,348
RV Space, Unfurnished Cabin	275	416	248	384	1,239	3,352	4,525	4,339	1,595	1,059	459		17,891
Total Rooms	5,782	5,075	4,226	3,080	7,396	14,578	19,802	17,613	15,437	7,462	2,835	-	103,286

DOLLARS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
													-
Hotel, Motel	$ 14,544.00	$ 12,735.00	$ 10,476.00	$ 7,430.00	$ 16,425.00	$ 29,229.00	$ 37,878.00	$ 34,077.00	$ 33,798.00	$ 16,308.00	$ 6,163.00		$ 219,063.00
Bed and Breakfast	$ 189.00	$ 381.00	$ 327.00	$ 168.00	$ 597.00	$ 1,440.00	$ 2,610.00	$ 1,980.00	$ 3,615.00	$ 1,209.00	$ 138.00		$ 12,654.00
House, Townhouse, Condo (1)	$ 1,404.00	$ 651.00	$ 939.00	$ 198.00	$ 1,032.00	$ 2,757.00	$ 5,088.00	$ 3,639.00	$ 3,841.00	$ 1,383.00	$ 447.00		$ 21,379.00
RV Space, Unfurnished Cabin	$ 157.00	$ 224.00	$ 140.00	$ 294.00	$ 977.00	$ 2,810.00	$ 3,795.00	$ 3,540.00	$ 1,595.00	$ 811.00	$ 189.00		$ 14,532.00
Total Dollars	$ 16,294.00	$ 13,991.00	$ 11,882.00	$ 8,090.00	$ 19,031.00	$ 36,236.00	$ 49,371.00	$ 43,236.00	$ 42,849.00	$ 19,711.00	$ 6,937.00	$ -	$ 267,628.00

(1) For a property that is marketed as a stand-alone short-term rental, for which there are no hotel/motel ammenities offered.
Data represents rooms for month in which lodging activity occurred.
LOT report and payment are due by 20th of following month.
"Rooms Rented" columns includes exempt rooms.

DR 8447 (09/24/18)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
(303) 205-2300

Bed and Breakfast Permit Application

Applicant is a:
☐ Corporation ☐ Partnership
☐ Individual ☑ Limited Liability Company

1. Name of Applicant	State Sales Tax Number
China Clipper B & B LLC	31779850
2. Trade Name of Establishment (DBA)	**Email Address**
China Clippers	contact@chinaclipperuv.com
3. Address	**Phone Number**
525 2nd St.	970-325-0565

City	County	State	Zip Code
Ouray	Ouray	CO	81427
4. Mailing Address (Number and Street)	**City or Town**	**State**	**Zip Code**
PO Box 465	Ouray	CO	81427

- Attach a copy of a deed or lease in the exact name of the applicant only, reflecting possession of the permitted area for at least the minimum duration of this permit (1 year from date of issuance).
- Attach a diagram of the premises which accurately reflects the area where alcohol beverages will be stored, served, possessed or consumed.

Pursuant to 44-3-412, C.R.S., Applicant hereby states that it qualifies for a Bed and Breakfast Permit, in order to serve complimentary alcohol beverages, and certifies to the State Licensing Authority:

✓ That it has no more than 20 sleeping rooms, and
✓ That it provides at least 1 meal per day at no charge other than for overnight lodging, and
✓ That it does not sell alcohol beverages by the drink or in sealed containers, and
✓ That it will not serve alcohol beverages for more than 4 hours in any one day, as follows:

Monday Hours	Tuesday Hours	Wednesday Hours	Thursday Hours	Friday Hours	Saturday Hours	Sunday Hours
From: 3:00 P m.	From: 3:00 P m.	From: 3:00 P m.	From: 3:00 P m.	From: 3:00 P m.	From: 3:00 P m.	From: 3:00 P m.
To: 7:00 P m.	To: 7:00 P m.	To: 7:00 P m.	To: 7:00 P m.	To: 7:00 P m.	To: 7:00 P m.	To: 7:00 P m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature	Title	Date
[signature]	Executive member	1/09/2019

Report and Approval of Local Licensing Authority (City/County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	Date filed With Local Authority

Signature	Title	Date

Report of State Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.

Signature	Title	Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Date License Issued	License Account Number	Period

$50.00 (Cash Fund)	$21.75 (OAP Fund)	TOTAL

P.O. Box 468
320 Sixth Avenue
Ouray, Colorado 81427

970.325.7211
Fax 970.325.7212
www.cityofouray.com

HUCKSTERING APPLICATION AND PERMIT

APPLICATION

Name of Business: Ouray RV Park and Cabins dba Ouray Cafe + Steakhouse

Name of Applicant: Amber Perkins

Primary Business Address: 1700 N Main St. Ouray, CO 81427

Mailing Address: PO Box 1360 Ouray, CO 81427

Telephone Number: 970-325-4523 Email Address: amber@perkinslive.com

Event Name: Ouray Ice Festival 2019

Description of Activity: Booth for Breakfast Sales
(coffee / donuts / burritos)

Date of Huckstering activity: January 25, 26, 27 2019

Location of Huckstering activity: Ouray Ice Park

Adjoining Property Owner permission if applicable: N/A

N/A
Signature of Adjoining Property Owner

Is the Applicant a non-profit organization? Yes: _____ No: X

Proof of Sales Tax License Attached. Yes: X No: _____

Amber Perkins
Signature of Applicant (signature required on both sides of application)

1/3/19
Date

Receipt of Complete Application: Beverly Marchese 1/7/2019
Signature of City Staff Date

X:\- Staff References, Resources\Fax, Forms, Labels, Stationary\Forms Tower\Huckstering Permit Application 2014.docx

P.O. Box 468
320 Sixth Avenue
Ouray, Colorado 81427

970.325.7211
Fax 970.325.7212
www.cityofouray.com

HUCKSTERING APPLICATION AND PERMIT

APPLICATION

Name of Business: Ouray School District R-1 Fundraising

Name of Applicant: Kentee Pasch

Primary Business Address: 400 7th Avenue

Mailing Address: PO Box N, Ouray Colorado 81427

Telephone Number: 970-318-8506 Email Address: kenteepasch@yahoo.com

Event Name: Ouray Ice Festival

Description of Activity: Selling concessions, coffee, burritos, tacos, snacks, hot food + drink

Date of Huckstering activity: Ice Festival 2019

Location of Huckstering activity: Ice Festival 2019

Adjoining Property Owner permission if applicable:

NA

Signature of Adjoining Property Owner

Is the Applicant a non-profit organization? Yes: X No: _____

Proof of Sales Tax License Attached. Yes: _____ No: _____

Signature of Applicant

1/7/2019

Date

FOR CITY USE ONLY:

Receipt of Complete Application: Beverly Markese 1/7/2019

Signature of City Staff Date

320 6th Avenue
PO Box 468
Ouray, Colorado 81427

970.325.7211
Fax 970.325.7212
www.cityofouray.com

TO: Ouray City Council

FROM: Chris Hawkins, Community Development Coordinator

DATE: January 15, 2019

FOR: January 22, 2019 Meeting

SUBJECT: Columbia Building PUD (740 Main Street Preliminary PUD)

PROJECT GEOGRAPHY

Table 1. Project Geography

Application Summary:	Preliminary PUD to consider a height variance for a rooftop deck safety railing for an outdoor bar and event space
Address:	740 Main Street
Legal Description: ("Property")	Lot 13, Block 9, City of Ouray ("**Property**")
Applicant:	Imogene Holdings, LLC - Stuart Gillespie ("**Applicant**")
Property Owner:	Craig MacCraiger
Zoning:	C-1
Existing Use:	Restaurant and hotel
Proposed Use:	Restaurant, apartment, hotel and roof top bar space
Site Size:	Approximately 3,528 sq. ft.
Existing Density	1,631 sq. ft. restaurant, 10 hotel rooms, 1 apartment
Proposed Density	Same as existing + rooftop bar and event space
Adjacent Land Uses:	
North:	C-1 Commercial
South:	C-1 Commercial
East:	Main Street
West:	Alley
Located Within National or Local Historic District Boundary	Yes
Located Within Commercial Historic Boundary	Yes

Table 2. C-2 Zone District Dimensional Requirements

Requirement	Zone District Standards	Proposed/Existing
Setbacks		
Front (East)	0 feet	No change to existing
Rear (West)	5 feet	No change to existing
Side (North)	0 feet	No change to existing
Side (South)	0 feet	No change to existing
Roof Eaves	0 feet (Parapet Wall)	No change to existing
Maximum Floor Area	9,585 sq. ft.	No change to existing

Requirement	Zone District Standards	Proposed/Existing
Building Height	35 feet	Existing building is nonconforming with height of greater than 35'/ Approx. 38' to top of safety railing
Max. Bldg. Site Coverage	90%	No change to existing
Max. Site Coverage	100%	No change to existing
Parking	2 per dwelling unit (6 spaces)	0 spaces

Attachments:

Exhibit A: Applicant Narrative
Exhibit B: Draft PUD Agreement

BACKGROUND

The Applicant is under contract to purchase the Property from the current owner. The building on the Property is classified as a contributing historic structure. The Applicant is exploring if it is feasible to construct a rooftop bar space as a part of its diligence on the Property acquisition. The construction of a rooftop bar requires the construction of a 44" high railing that would extend above the maximum height by approximately 3', with a height of 38 feet.

The current building has a non-conforming height of approximately height of 40.9 feet at the northeast corner of the building on the top of the triangular shaped pediment. The C-1 Zone District has a maximum height of 35'.

The 44" railing is proposed to be mounted on top of a new 4" deck that is constructed above the roof membrane with the deck and railing assembly at 48" or 4' total height over the membrane. The deck will have to be constructed level starting at the highest elevation of the roof because the roof slopes for drainage. The highest elevation on the room membrane is 7764.6 (USGS) so the top of the proposed railing has an elevation of 7768.6. The finished grade around the building has a high grade of 7736.12 and the low grade of 7726.01 with an average grade of approximately 7731.07 feet. The deck railing height is therefore 37.53 feet high (7768.6 - 7731.07). Table 1 presents the proposed height of the railing over the roof parapet.

Table 1. Existing and Proposed Building Heights

Roof Area	Existing Parapet Height (USGS)	Proposed Railing Height (USGS)	Railing Height Over Parapet
West Side of Bldg.	7765.2	7768.6	2.8'
North Side of Bldg.	7765.9	7768.6	2.7'
East Side of Bldg.	7768.7	7768.6	-0.1
South Side of Bldg.	No Parapet	7768.6	No Parapet

There are no exceptions in the Ouray Land Use Code ("**OLUC**") concerning height with any attachments to the roof counting as part of the building height. Thus, the only way the City can consider the proposed rooftop bar space is through the PUD process.

The building on the Property is classified as a noncontributing structure because of its nonconforming height and because the hotel spaces do not provide any on-street parking. The

hotel was approved back in the 90s. The Ouray Land Use Code was amended under Ordinance No. 5, Series 2015, to require one off-street parking space for each hotel unit, with an allowance for City Council to waive this requirement for lodging businesses in historic buildings. The Applicant does not want to seek this waiver at this time and simply retain the legal nonconforming use for the current number of hotel units and dwelling units.

OLUC Section 7-6-B-3 states the following concerning non-conforming uses:

> "Extensions and Expansions. Nonconforming uses shall not be extended or expanded. This prohibition shall be construed so as to prevent:
>
> a. Enlargement of nonconforming use by increasing the area within a structure in which such nonconforming uses are located; or
>
> b. Occupancy of additional lands; or
>
> c. Increasing the size, considering all dimensions, of a structure in which a nonconforming use is located."

The Applicant is not increasing the floor area or occupying additional lands for the hotel units, and is adding a conforming use that is permitted in the underlying C-1 Zone District. No parking is required for commercial uses in this area of the Historic Business District.

Figure 1. Vicinity Map

Foundation to PUD Variations

The Planned Unit Development ("**PUD**") Regulations in OLUC Section 7-8 establish the following Statement of Objectives of Development ("**PUD Objective**"):

> "The intent of this section is to promote the Planned Unit Development Act of 1972 and encourage innovative developments with unique and valued community attributes. PUD's allow for consideration of development proposals that differ from required development improvements identified in the OLUC. PUD's offer different options to the applicant when planning and obtaining City approval for their development. PUD's allow flexibility with respect to dimensional requirements and increased densities under certain conditions or circumstances. PUD's encourage conservation of a site's natural characteristics, innovative residential, commercial and industrial development plans which will result in a more efficient use of open space and provide affordable housing for year around residents."

OLUC Section 7-8-D establishes the following applicable dimensional requirements and densities:

1. The dimensional requirements for various PUD items may differ from what is required in the OLUC if the Planning Commission [and City Council] determines that such deviations will promote the public health, safety and welfare.
2. A minimum of 20% of the gross area of the PUD must be preserved as parks or open space.

The rear yard of the Property contains an open space area that is approximately 800 sq. ft. in size that will remain open and free from development which represents 23% of the site area. The City has also allowed for outdoor rooftop spaces to be counted as open space in a downtown core area PUD since it provides an amenity areas for people to enjoy the surrounding high alpine landscape. Thus, the overall open space area is well over 50% of the total site area.

OLUC Section 7-8-3(G) states:

> "Approval of a PUD by the City is purely discretionary. If the City and applicant do not agree on all required conditions and the plan, the City may deny approval, or the City may unilaterally impose conditions. If the applicant does not accept all conditions, that development must adhere to standard subdivision and zoning requirements."

Process to Create a PUD

OLUC Section 7-8-E, Procedures, states that PUDs shall be reviewed in accordance with the same procedures for review of subdivisions as found in Subsection 7-7-C, and that the PUD will comply with the applicable requirements for preliminary and final subdivision. The procedures for reviewing a PUD include the following Subdivision steps:

1. Sketch PUD with Planning Commission review and recommendation to the City Council pursuant to the Subdivision Sketch Plan in OLUC Section 7-7-C(2).
2. Preliminary PUD with Planning Commission review and recommendation to the City Council pursuant to the Subdivision Preliminary Plat in OLUC Section 7-7-C(3).
3. Final PUD with Planning Commission review and recommendation to the City Council pursuant to the Subdivision Preliminary Plat in OLUC Section 7-7-C(4).

Requested PUD Variation

The Applicant is requesting a PUD variation for height to allow for a 44" tall safety railing that exceed the building height by approximately 3 feet. No additional variations have been requested at this time.

Planning Commission Recommendation

The Planning Commission passed a motion to recommend that the City Council approve the Preliminary PUD at the January 8, 2019 meeting with the following conditions:

1. Prior to the Planning Commission approving the Final PUD, the Owner shall provide a letter from a qualified historic preservation architect or other qualified consultant with expertise in historic building ratings that the addition of the Rooftop Bar area and the addition of the deck and safety railing will not degrade the Columbus Building's historic rating.
2. A site visit shall be scheduled at 4:00 by on January 22nd with the City Council to evaluate noise and other site considerations.

CRITERIA FOR DECISION

OLUC Section 7-8-B establishes the following primary PUD Criteria for Decision:

1. A PUD shall be in general conformity with the City Community Plan
2. A PUD shall be consistent with the PUD Objective
3. Compliance with the Colorado Planned Unit Development Act of 1972.
4. A PUD shall have a minimum of 1 unit or lot.

ANALYSIS

PUD CRITERIA FOR DECISION

General Conformity with the Ouray Community Plan

The following sections evaluate compliance with the applicable sections of the 2004 Ouray Community Plan ("**Plan**").

Environment

Goal: Identify, conserve and protect the environmental qualities that make Ouray a special place.

Objectives:

1. Minimize adverse environmental impacts, which can result from growth and development.
2. Actively plan for conservation and protection of unique natural resources.
3. Encourage land uses that are consistent with conservation of environmental quality and efficient use of natural resources.
4. Encourage practices that lead to the protection of the health of Ouray's citizens.

5. Prevent development of private and public property located in the recharge area of the Weehawken Spring aquifer.

This Plan policy is not applicable to a downtown redevelopment since there are no natural environmental features associated with the site, or any City policies that require environmental mitigation.

Housing

Goal: Encourage the supply of safe year-round low and moderate income housing in Ouray.

Objective:

1. Provide housing opportunities for a stable and diverse population.

The Applicant is proposing to deed restrict an existing one bedroom studio apartment in the basement of building that contains 450 sq. ft. The Applicant is proposing to deed restrict it as a rental unit to persons who make 50% or less of the Average Median Income ("**AMI**"). The current maximum rent and utilities that can be charged to one person making 50% of the Ouray County AMI is $695 per month in 2019. Thus, the proposed affordable housing rental unit is a significant public benefit in the opinion of staff. The details around the affordable housing unit are set forth in the draft PUD agreement.

The Applicant has requested that the deed restriction have a fifty (50) year period and not be in perpetuity. The Applicant requested this time limit after the Planning Commission approval so members of the Commission that may be present at the City Council meeting should inform the Council if this change impacts their recommendation.

Historic Resources

Goal: Preserve Ouray's historic resources.

Objectives:

1. Protect the economic and cultural value of Ouray's historic resources.
2. Protect Ouray's designation as a National Historic District.
3. Keep community history and cultural heritage alive.
4. Encourage the continued use and preservation of historic buildings.

The proposal is to rehabilitate the contributing building on the Property as outlined in the Applicant narrative and detailed in the draft PUD agreement. The Phase I rehabilitation includes the replacement of all the top floor non historic windows with wooden windows; repainting of the Mesker storefront; restoration of the brick and repointing where mortar is cracked or eroded; removal of the top floor of the metal, non-historic addition and residing with a more appropriate material; new roof; strengthening existing roof trusses. These are significant public benefits and further the public interest in the opinion of staff.

Economy

Goal: Develop and maintain a strong and diversified economy that is consistent with the Ouray Community Plan.

Applicable Objectives:

1. Develop a more diversified year-round economy.
2. Maintain and improve the health of the tourism and recreation industry.
3. Promote more year-round visitation while protecting the quality of the visitor experience.

The proposed development will expand the commercial base of the downtown area, and create a more active and lively use in the area.

Land Use

Goal: Plan for growth and redevelopment that maintains the high quality, small town character of Ouray, preserves and enhances the scenic beauty, natural resources, environmental quality and cultural assets that make Ouray a desirable place to live.

Applicable Objectives:

1. Reduce negative fiscal impacts on the City and its residents by new development.
2. Reduce environmental impacts and hazards created by new development.

The project should result in positive fiscal impacts to the Town since there will be new property taxes for an improved building, and the where food and beverage sales for the outdoor bar area provide additional sales taxes.

Consistency with the PUD Objective

The key elements of the PUD Objective include:

1. Encourage innovative developments with unique and valued community attributes.
2. Allow for consideration of development proposals that differ from required development improvements identified in the OLUC.
3. Offer different options to the applicant when planning and obtaining City approval for their development.
4. Allow flexibility with respect to dimensional requirements and increased densities under certain conditions or circumstances.
5. PUD's encourage conservation of a site's natural characteristics, innovative residential, commercial and industrial development plans which will result in a more efficient use of open space and provide affordable housing for year around residents."

The PUD provides an innovative and adaptive reuse of an historic rooftop with a building height variation for the 42" safety railing. The approximate height for the railing would be less than 38 feet since the railing is less than a foot above the existing parapet as outlined in Table 1 above.

Compliance with the Colorado PUD Act

The key requirements of the Colorado PUD Act have been incorporated into the PUD section of the OLUC. A PUD agreement will be developed for any preliminary PUD hearings to outline key planning elements such as the height variation, historic rehabilitation, rooftop events and the key requirements of the Colorado PUD Act concerning the rights of the City, the rights of the Applicants and PUD amendments.

Minimum Density

The minimum density of one unit has been met.

RECOMMENDATION

If noise and other considerations are adequately addressed, Staff recommend the City Council approve the Preliminary PUD as presented with the following motion:

> "I move to approve the Preliminary PUD for the 740 Main Street PUD as presented with the finding and conditions presented in the staff memo of record, subject to meeting the requirements outline in the draft PUD agreement."

Findings

1. The proposed PUD is in general conformity with the Ouray Community Plan because it is providing for a partial historic rehabilitation of the contributing building; a deed restricted affordable rental unit; and it allows for improving the City's economy.
2. The proposed PUD is consistent with the PUD Objective because (A) it is encouraging an innovative development that provides for the historic rehabilitation of a contributing structure; (B) the development is providing a deed restricted rental unit; (C) the development will improve the economy through a major remodeling of the hotel that improves the lodging while also providing a unique outdoor bar space that adds to the activity and vitality of the Historic Business District; (D) the PUD allows for consideration of a development proposal that differ from required development improvements identified in the OLUC; (E) the PUD offers different options to the applicant when planning and obtaining City approval for their development; and (F) the PUD allows for flexibility with respect to the building height to allow for an outdoor bar space while also achieving important community goals as provided for in the Community Plan.
3. The PUD complies with the Colorado Planned Unit Development Act of 1972.
4. The PUD has a minimum of 1 unit or lot.

Conditions

1. Prior to the Planning Commission approving the Final PUD, the Owner shall provide a letter from a qualified historic preservation architect or other qualified consultant with expertise in historic building ratings that the addition of the Rooftop Bar area and the addition of the deck and safety railing will not degrade the Columbus Building's historic rating.

1.02.2019

Attn- Ouray Planning Commission and Ouray City Council

Re- Columbus House Historic Renovation

Narrative- Application for PUD to allow safety railing for rooftop bar to exceed 35 ft maximum building height

Please find attached conceptual drawings for an open air rooftop bar at 740 Main St. The existing building is 42 feet high (based on definition from Section 7-2) as measured by a decorative parapet on the northeast side of the building. Therefore the existing building is a non-conforming structure. Excluding this decorative parapet, the building is 35ft high as measured by the parapet running along the entire north side of the building and is in accordance with the existing 35 feet Maximum Building Height.

This request is for a 3ft increase in the current building height (from 35ft to 38ft), as measured by the northern parapet, to allow for a low profile cable safety railing on top of a new 6 inch deck. The railing will be set back at least 3ft from the northern edge of the building in order to minimize visibility. We are also proposing to increase the parapet height on the south side of the building to be level with the parapet on the southeast edge of the building, which will help minimize the visibility of the rail, as well as rooftop bar uses. The railing will extend from the easternmost part of the building, 60ft to the west, for a total deck size of 60ft by 20ft.

The roof will be developed into a rooftop bar/ tavern that will have a 50 person occupancy. The bar will be accessed from stairs coming up from the interior of the second floor with a sliding glass rooflight covering the entrance. This glass rooflight will be below the 35 ft maximum building height and will not be visible from the street. Exhibit 1 gives a visual of stairs leading up to a sliding rooflight.

Public Benefits

The PUD process allows flexibility with regard to dimensional requirements. We feel that this project will have a positive impact on the community based on the following:

1) Historic Rehabilitation of a contributing building in the Ouray National Historic District will include:

- Extensive rehabilitation of top floor (phase I) and bottom floor (phase II) consisting of over $600,000 in improvements (excluding the rooftop bar)
- Replacement of all exterior windows on the top floor with historic wooden windows
- Repainting of Mesker storefront
- Restoration of brick
    - Replacement of spalling bricks
    - Repointing where mortar shows cracking or erosion
    - Restoration of original brick through the removal of existing paint or repainting
        - $30,000 (net of any grants or tax credits) has been allocated to remove the paint and expose the original brick. If this is cost prohibitive, the building will be repainted.
- Removal of the top floor of metal addition on the back of the building. See Exhibit 2
    - Residing of remaining metal addition (in coordination with the NPS and History Colorado
- Addressing structural issues with joists on the second floor
- New roof
- Strengthening existing roof trusses
- Removal of swamp cooler on northern exterior of the building

- The rehabilitation, including the development of the rooftop bar, will comply with the Secretary of the Interior's standards for rehabilitating historic buildings.
- Eventual rehabilitation of first floor (Thai Chili lease precludes construction at this time)
    - Adding back window underneath stairs on the north side of the building
    - Installing large window where original entryway stood (swamp cooler is located here)
    - If feasible, removal of electrical conduits on north side of building
    - Replacement of two windows on north side of building with historic wooden windows

2) Affordable Housing: Commitment to one deed restricted affordable housing unit at 50% of area median income on lower level helps to address shortfall for employee housing. Assuming annual rent of $5,000 vs $10,000 market, value to the city well in excess of $50,000.00.

3) Installation of High Efficiency Toilets: The eight existing rooms on the top floor will be reduced to five, and the bar will utilize two existing toilets on the second floor, for a total of 7 toilets (the same as currently exists). All 7 toilets on the top floor will be replaced with high efficiency toilets. Preliminary research suggests the upgraded toilets and removal of three hotel rooms on the top floor will entirely negate the increased sewage output coming from the rooftop bar. In the phase II renovation of the downstairs area, the plan is to add three toilets (including one for the affordable housing unit), all of which will be high efficiency.

4) Increased Tax Revenues: Property tax projected to increase from $5,700 in 2017 to $11,000 post rehabilitation. City of Ouray sales tax proceeds from the bar projected to be in excess of $8,000 annually. Projected increase in lodging tax receipts from $2,500 to $5,000. City of Ouray can expect annual tax receipts from the building/ businesses operating in the building to increase ~$16,000 (from $8,200 to over $24,000).

5) World Class Rooftop Bar Open to the Public: The Rooftop patio will provide residents and tourists alike access to open air, 360 degree unobstructed views of the surrounding mountains. The bar will have lounge seating with two gas fire pits serving as its focal points and will serve craft cocktails, wine, beer and select appetizers. Reclaimed wood will be used for the bar as well as the decking and a low profile cable railing system will minimize visibility from the street. Given the unobstructed views, lounge seating with fire pits, and emphasis on high end craft cocktails and appetizers, I believe the bar will be unique to Ouray and will help promote the City's reputation as a world class tourist destination.

Addressing the Planning Commission/ City Council's Concerns:

Both the Ouray Planning Commission and City Council have expressed concern over the rooftop bar's 1) potential for noise disturbances 2) visibility, 3) impact on the building's status as a contributing structure in the Ouray National Historic District. These concerns are addressed below.

1) Noise

- Limited hours:
    - The bar will close at 9:00pm.
- Music:
    - Live music only
    - No amplification devices will be used for music.
    - No music will be played past 8:30pm
- Noise reduction paneling:
    - Will be installed on the western parapet to reduce the potential for sound traveling into the neighborhood west of the building
- Layout:

    - The bar will have well-spaced lounge seating that is not conducive to a "party bar" atmosphere. See Exhibit 2 for layout.
- Precedent:
    - The building is located in the heart of the downtown Ouray commercial district.
    - There is already an outdoor patio directly across from the building that regularly has live music using amplification devices and is open until 9:00pm in the summer.
    - Additionally, there have been minimal noise issues from the other rooftop bar located in Ouray. Hotel Ouray is located directly across from the Ouray Brewery and has never had a single complaint from its guests about noise coming from the bar.
- Interests aligned:
    - The owner of the bar will also be operating a hotel in the building and has every interest to keep noise down so as not to disturb the hotel's guests

2) Visibility

- Mock ups:
    - A mock rail, mock parapet on the south side of the building, two umbrellas, and two manikins will be constructed by January 5th to help interested parties assess the visual impact of the rooftop bar.
    - Pictures will be available in the narrative supplement.
- Safety rails:
    - Will be the only visible permanent structure of the rooftop bar
    - These rails will not be visible from the front (eastern aspect) of the building
- People:
    - Will only be visible if they are standing near the rails
- Umbrellas:
    - Umbrellas will be taken down daily when not in use
    - The bar will have no more than 6 umbrellas.
    - Umbrellas will only be located on the southwest side of the deck to minimize visibility.
- Furniture/ Equipment
    - Excluding umbrellas, no furniture or equipment will be visible from within 200ft of the building
- Limited visual impact given hours:
    - The bar will only be open May 15- Oct 15 from 2:00-9:00. As a result, people and umbrellas will not be visible for ~80% of the year.
    - During the summer, people and umbrellas will not be visible for over 50% of daylight hours.

3) Impact on Building's Status as a Contributing Structure

- Both the state and federal agencies that oversee historic rehabilitations have reviewed plans for the rooftop bar and have opined that the plans are in keeping with the Secretary of the Interior's guidelines for historic rehabilitation.
    - Mark Rodman at History Colorado
    - John Sandor at the National Park Service
- Neither agency is able to provide written documentation given that a formal application has not been submitted; however, owner is willing to covenant that any changes to the building will comply with historic rehabilitation guidelines
- As a result, there is no risk that the building might lose its status as a contributing structure

I appreciate your consideration. Please let me know if you need any additional information.

Stuart Gillespie

Exhibit 3: Rooflight Access

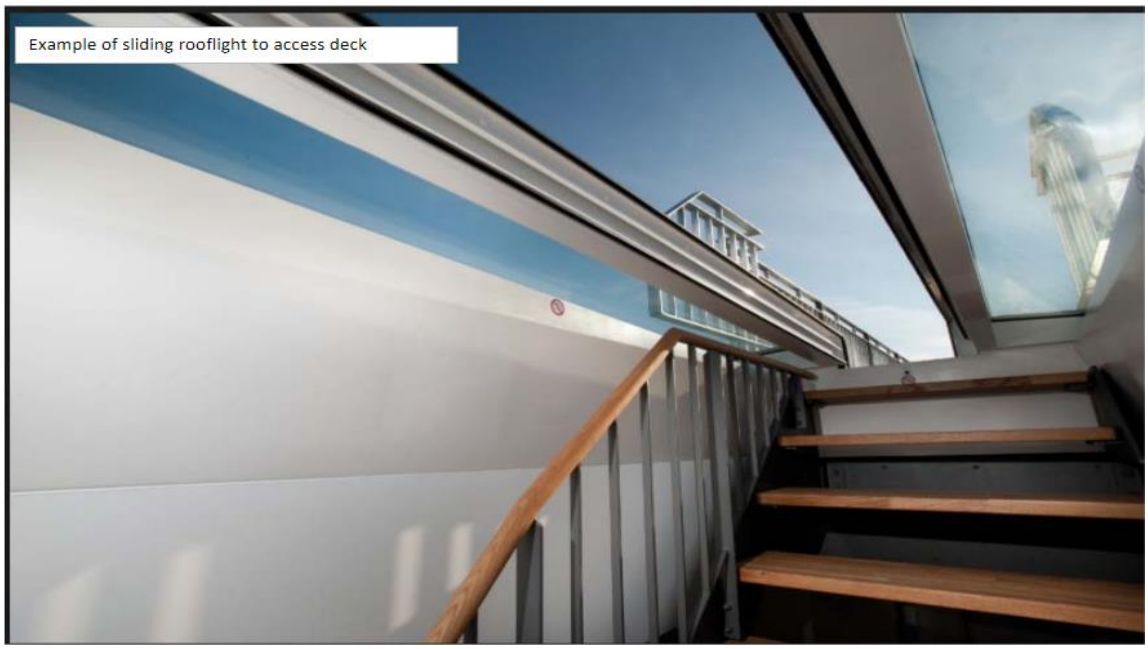


Exhibit 2: View of metal structure on back of building. The top floor will be removed and the structure will be re-sided

Exhibit 3:
Bar Layout

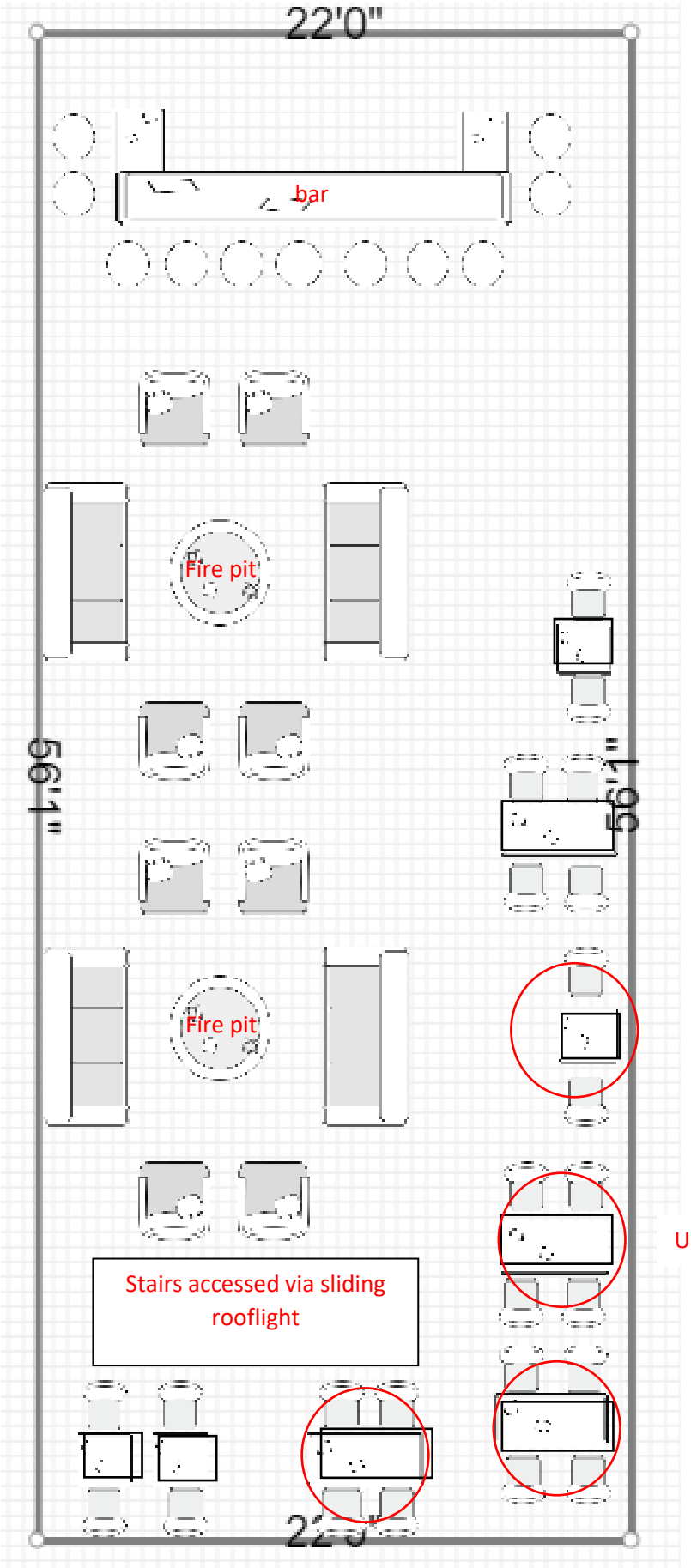


Exhibit 4: Visual of lounge seating

Exhibit 1: View from 5th and Main. *Note that all pictures are taken using a 2x-4x zoom lens*

Exhibit 2: View from 6th and Main

Exhibit 3: View from south, 250 ft away

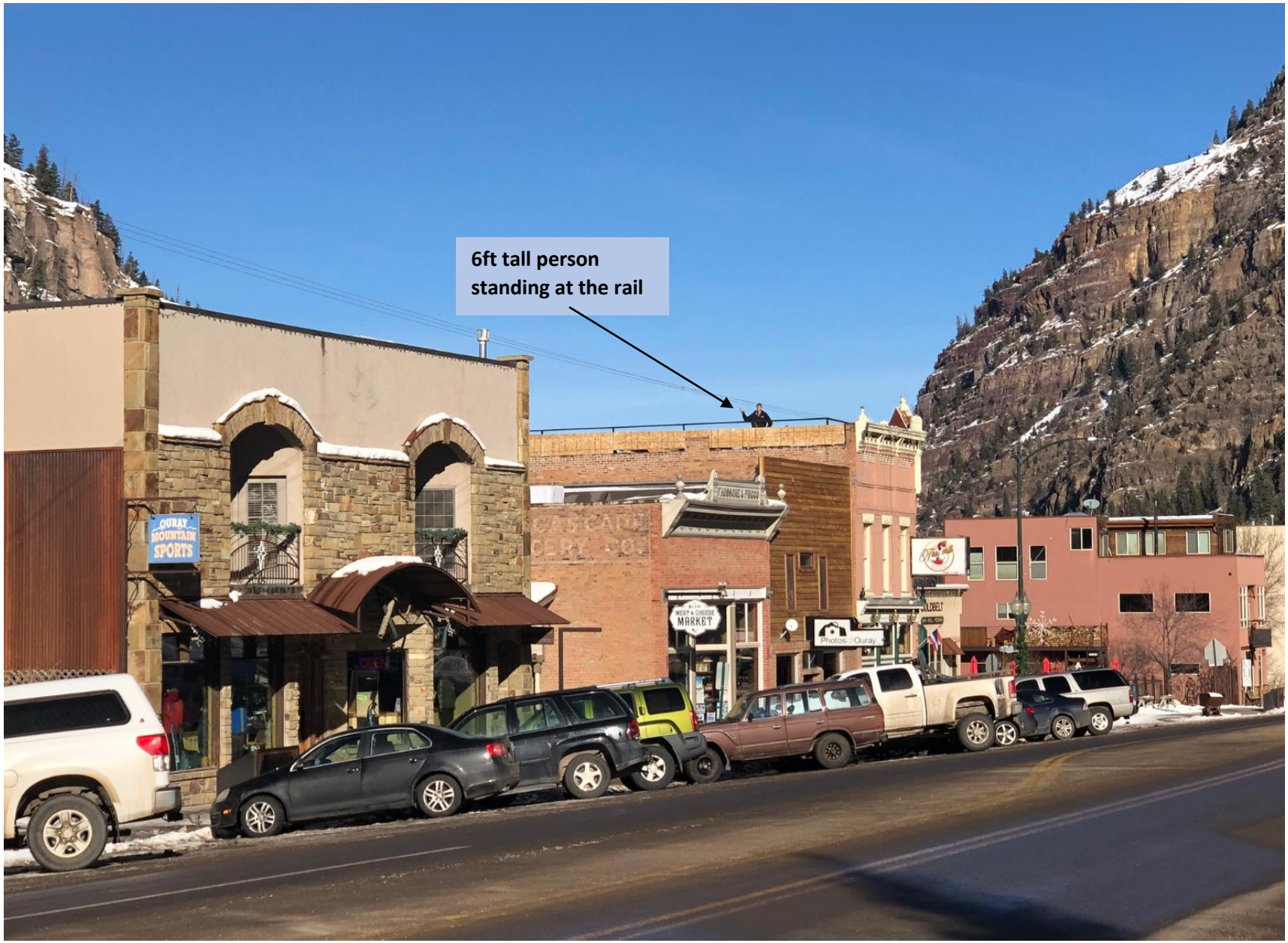


Exhibit 4: View from south, 150 ft away

Exhibit 5: View from southeast, 100 ft away

Exhibit 6: View from sidewalk, 100 ft south of building

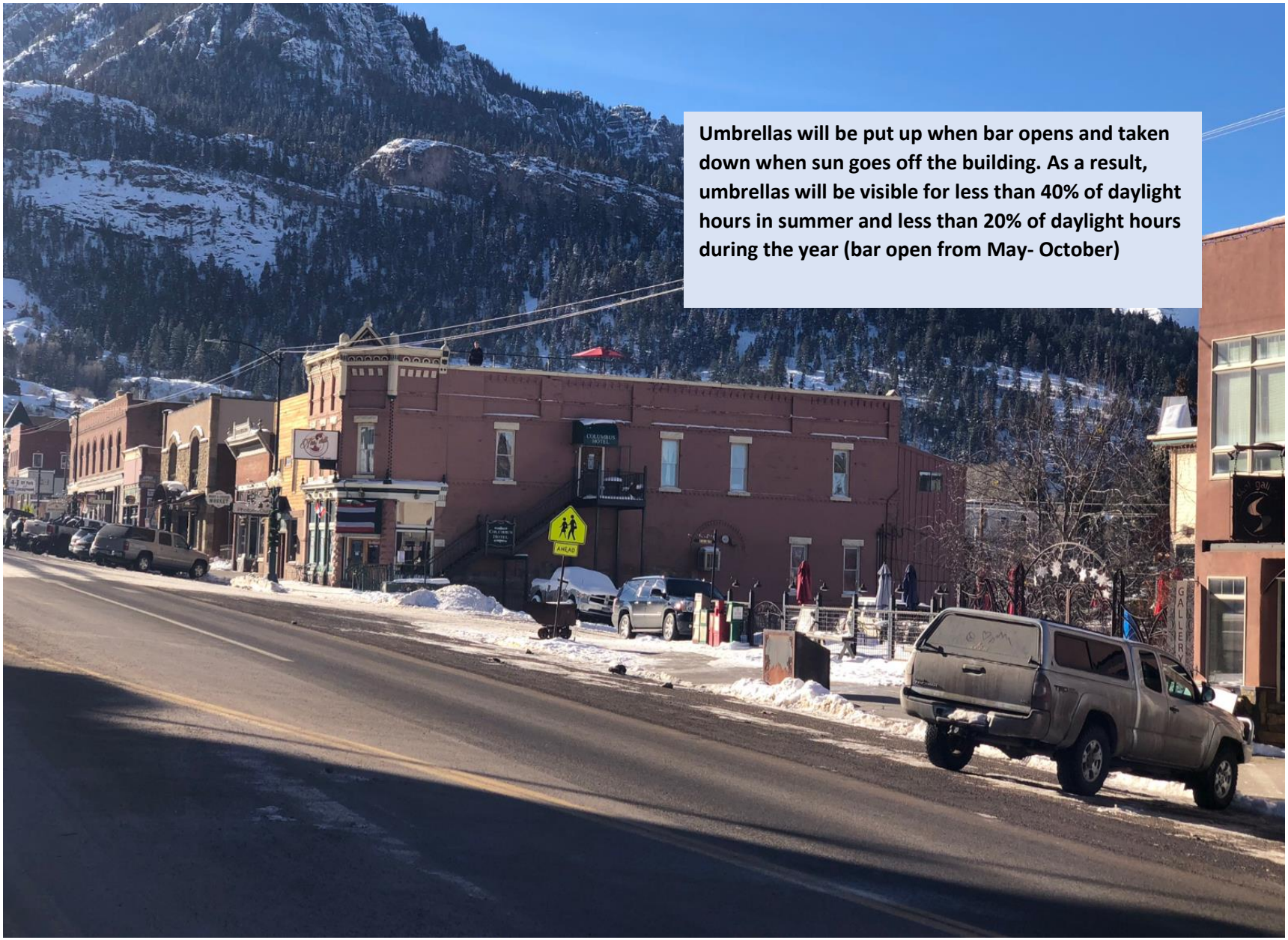
Exhibit 7: View from east, 75 ft away

Exhibit 8: View from east, 200 ft away

Exhibit 9: View from north, 75 ft away (6ft tall person standing directly against the rail)

Exhibit 10: View from north, 150 ft away

Exhibit 11: View from north, 300 ft away



COLUMBUS BUILDING PLANNED UNIT
DEVELOPMENT IMPROVEMENT AGREEMENT

THIS AGREEMENT ("**Agreement**"), dated and made effective as of _____, 2019 ("**Effective Date**"), is entered into by and between the City of Ouray, Colorado, a Colorado Home Rule Municipality ("**City**") and Imogene Holdings, LLC ("**Owner**"). City and Owner are sometimes each individually referred to as a "**Party**" and sometimes collectively as the "**Parties**". The Agreement concerns real property know as Lot 13, Block 9, City of Ouray; with an address of 740 Main Street ("**Property**")

DEFINITIONS

Unless otherwise provided for herein, all capitalized but undefined terms used in this Agreement shall have the meanings set forth in the City of Ouray Land Use and Development Code ("**OLUC**"). In addition, the Parties acknowledge and agree to the following definitions ("**Definitions**") and further agree that each of the Definitions: (a) form a portion of the basis of this Agreement; and (b) are incorporated in this Agreement. As used herein, the following Definitions shall be given the meaning ascribed to the term as the same are stated below.

A. "**Applications**" shall collectively mean the various land use applications, including plans, drawings, specification, narratives, reports, studies and other materials prepared by Owner and submitted to the City concerning the development of the Project on the Property, inclusive of: (1) Planned Unit Development (Sketch, Preliminary and Final PUD Plan) ("**PUD**") pursuant to Section 7-8 of the OLUC; and (2) a Site Development Permit pursuant to Section 7-4 of the OLUC.

B. **"City Council**" shall mean the City of Ouray, Colorado City Council.

C. **"City Approvals"** shall mean those certain land use entitlement approvals concerning the Property and the Project that have been granted by the City, including, without limitation, approvals for the Applications, the Sketch PUD, the Preliminary PUD, the Final PUD and the Site Development Permit.

D. "**Planning Commission**" shall mean the City of Ouray Planning Commission

E. "**Final PUD Plan Set**" shall mean the final plans, drawings and specifications for the Property and Project that have been approved by the Planning Commission and the City Council, as reflected in the City Council Approval Resolution, which plans, drawings and specifications consist of each of the documents are listed and described on attached **Exhibit "A"**.

F. "**Hotel Uses**" shall mean the use and operation of a hotel that are owned by one entity and operated as a hotel to the general public with room rentals for periods of less than 30 days.

G. "O**LUC**" shall mean the City of Ouray Land Use and Development Code adopted by the City, as amended through the Effective Date.

H. "**Official Records**" shall mean the Official Records of the Clerk and Recorder for Ouray County, Colorado.

I. "**Project**" shall mean the redevelopment and rehabilitation of the Columbia Building as set forth herein and on the Final PUD Plan Set, including without limitation: (1) the partial historic rehabilitation of the Columbus Building ("**Historic Rehabilitation**"); (2) increasing the existing building height of the Columbus Building for a rooftop bar safety railing that has a maximum height of 38' ("**Building Height Variation**"); (3) the provision of the Affordable Housing Unit; (4) the remodeling of the Columbus Hotel ("**Hotel Improvements**"); (5) the use and operation of a rooftop bar that is open to the public ("**Rooftop Bar**") and (5) other improvements as provided for in this Agreement.

RECITALS

A. The Parties acknowledge and agree to the following recitals ("**Recitals**") and further agree that each of the Recitals: (a) form a portion of the basis of this Agreement; and (b) are incorporated in this Agreement.

B. Owner is the current, fee simple owner of the Property.

C. Owner submitted the Application to the City, which was reviewed and considered by the City in accordance with applicable law, including but not limited to the OLUC

D. At a duly noticed and conducted public meeting on December 11, 2018, the Planning Commission recommended to the City Council that the Application for Sketch PUD be approved with conditions.

E. At a duly noticed and conducted public meeting on December 17, 2018, the City Council conditionally approved the Sketch PUD Application.

F. At a duly noticed and conducted public hearing on January 8, 2019, the Planning Commission recommended to the City Council that the Application for Preliminary PUD be approved with conditions.

G. At a duly noticed and conducted public meeting on January 22nd, 2018, the City Council approved the Sketch PUD Application.

H. At a duly noticed and conducted public hearing on _____, 2019, the Planning Commission recommended to the City Council that the Application for Final PUD be approved with conditions.

I. At a duly noticed and conducted public meeting on _____, 2019 the City Council approved Resolution Number _____ approving Final PUD Application ("**Approving Resolution**").

J. The Planning Commission and City Council found that the Applications met the PUD criteria for decision set forth in OLUC Section 7-8-B and as set forth in the Approving Resolution

K. The Preliminary PUD public hearings referred to above were preceded by publication of public notice of such hearing(s) on such dates and/or dates from which such hearings were continued in the *Plaindealer* and by posting the Property, posting the agendas, and mailing of public notice to property owners located within three hundred feet (300') of the Property, as required by the OLUC and State Statutes.

AGREEMENTS AND CONSIDERATION

NOW THEREFORE, in consideration of the foregoing Recitals and Definitions, which are incorporated into this Agreement and the mutual agreements, obligations and promises set forth below and in further consideration of the City's final approval of the Applications for the Project upon all terms and conditions contained herein, the obligations and expenditures of development undertaken by Owner and the mutual obligations and promises set forth below, the receipt and sufficiency of which consideration is hereby acknowledged, the Owner and the City covenant and agree as follows:

1. **General**. This Agreement establishes the land uses and density that shall be permitted within the Property, a general development plan, development standards and conditions that must be adhered to by Owner. This Agreement also specifies improvements that must be made, and conditions, which must be fulfilled in conjunction with the development of the Property. Where this Agreement does not address a specific development standard or requirement of the City, the provisions of the OLUC, the City of Ouray Municipal Code or Charter shall apply. Where this Agreement addresses a specific development standard or requirement, the provisions of this Agreement shall supersede the provisions of the OLUC. In all cases the provisions of the Charter shall supersede the provisions of the Agreement.

1. Permitted Uses and Density

1.1. The following are the permitted uses for the Property under the approved Final PUD Plan that is attached hereto as Exhibit A consistent with the requirements contained herein:

1.1.1. Permitted uses in the Property include a maximum of ten (10) hotel units; one (1) Affordable Housing Unit; Hotel Uses; and accessory uses to the permitted uses in the Property

1.1.2. Hotel Uses on the Lower Level, Affordable Housing Unit and accessory uses to the permitted uses in the Property.

1.1.3. Commercial uses on the Main Level and existing apartment.

1.1.4. Hotel Uses on the Second Level.

1.1.5. Three multi-family dwellings on the Second Level.

1.1.6. Rooftop Bar on the Roof Level.

1.2. Any major remodeling of the Main Level that proposes to keep the apartment shall be completed in accordance with the effective requirements of the C-1 Zone District that may prohibit or limit residential development on the ground floor (Main Level**).**

2. OLUC Variations

The City approves the following building height variations to the requirements of the OLUC pursuant to the PUD Process in OLUC Section 7-8:

2.1. The City approves increasing the existing building height of the Columbus Building to allow for the Rooftop Bar Safety railing that shall not exceed a building height of 38 feet. The pediment on the Columbus Building's northeast corner has a building height of 40.9 feet not including the finial on top.

2.2. The City hereby approves the existing historic building for the Columbus Building parapets, pediment and finials as PUD variations.

2.3. The Columbus Building on the Property is classified as a legal, conforming structure in regards to the existing building height and the building heights permitted pursuant by this section of the Agreement.

3. Assurance of Innovative Development Plan and Compliance with PUD Criteria

3.1. **Provision of Innovative Plan.** Owner agrees to provide and/or undertake the Historic Rehabilitation, the deed restriction of the Affordable Housing Unit; the provision of the Rooftop Bar; and the Hotel Improvements as provided for herein.

3.1.1. **Historic Rehabilitation**

3.1.1.1. **Phase I Historic Rehabilitation.** The Owner shall provide for the historic rehabilitation of the Columbus Building as follows and as provided for in the Final PUD Plan Set:

3.1.1.1.1. **Window Replacement.** The Owner shall replace the windows on the Second Level with wood windows that improve the building's historic character. Window specification will be provided to the City as a part of the required building permit.

3.1.1.1.2. **Mesker Storefront.** The Mesker Storefront will be painted using historic painting methods and color changes. The Owner shall submit a detailed painting plan for the Mesker Storefront to the City as a part of the building permit application.

3.1.1.1.3. **Brick and Mortar Restoration.** The Owner shall replace all spalling bricks on the building, and repair all of the mortar with repointing. The Owner and City staff shall walk the site to view and document the existing conditions and restoration as a part of the building permit process.

3.1.1.1.4. **Brick Restoration.** The Owner shall remove all paint from the building to restore the original brick using industry safety standards. If the cost of such removal exceeds $30,000 and the Owner has used a good faith effort to obtain available grant funding, the bricks on the building may be temporarily repainted until Phase II Improvements. Owner shall rehabilitate the cornice, pediment and finials to the extent practical with the Phase I historic rehabilitation, including but not limited to the maintenance of the historic coloring pattern.

3.1.1.1.5. **Reduction of Non-Historic Addition.** The Owner shall remove the top floor for the non-historic rear addition, and re-side the building as provided for in the Final PUD Plan Set.

3.1.1.1.6. **New Roof.** Owner shall provide for a new roof membrane for the building and new roofing for the parapet and pediment, and shall install metal flashing on the parapet in accordance with historic rehabilitation standards.

3.1.1.1.7. **Strengthen Existing Roof Trusses.** The Owner shall repair and strengthen the roof trusses/

3.1.1.1.8. **Removal of Swamp Cooler.** The Owner shall remove the swamp cooler and may install temporary ventilation in the current brick opening.

3.1.1.2. **Phase II Historic Rehabilitation.** The Owner shall provide for the historic rehabilitation of the Columbus Building with any major remodeling of the Main Level as provided for in this section. Major Remodeling includes but is not limited to the conversion of the space to a retail or other permitted commercial use; the elimination of the current apartment on the Main Level; or the complete removal of all interior walls and installation of new walls for a commercial use.

3.1.1.2.1. **Window Replacement.** The Owner shall replace the windows on the Main Level north façade with wood windows that improve the building's historic character. Window specification will be provided to the City as a part of the required building permit.

3.1.1.2.2. **Reinstallation of Window.** The north façade under the exterior stair has a window opening with stone sill and lintel that has been bricked up. The Owner will reinstall this window with a window to match the other windows in the building and also restore the stone lintels by removing the paint and repairing as needed.

3.1.1.2.3. **Adaptation of Old Building Entrance.** The north façade contains an historic building entrance that has been bricked up and no longer is functional due to grade changes, and building improvements. The Owner shall remove the brick and install either windows or door in this bricked up opening.

3.1.1.2.3.1. Owner may propose to construct an outdoor dining area below the Second Level stairs provided the City approves a new encroachment permit; adequate ingress and egress is provided to the Lower Level; and the alteration does not change the building's contributing status.

3.1.1.2.4. **Removal of Paints from Bricks.** The Owner shall make a good faith effort to fund the removal of the paint and restore the original brick finish if such is not completed under the Phase I Historic Building. The Owner shall make a good faith effort to obtain grant funding to leverage private equity for the paint removal.

3.1.1.3. **Historic Preservation Covenant.** Prior to the issuance of a Certificate of Occupancy the Owner agrees to place a covenant on the Property in a form approved by the City that prohibits future demolition of the building (unless damaged by fire, floor or other calamity that requires the building to be demolished) and requires exterior alterations to meet mutually agreed standards that may

reference Federal or State guidelines.

3.1.2. **Affordable Housing Unit**

3.1.2.1. Owner agrees to deed restrict ~~the~~ an apartment in the basement that is either a studio unit or a one (1) ~~studio~~ bedroom or greater apartment in the basement that contains a minimum of 450 sq. ft. to be rented to a person or household that is employed within either the Ouray School District or the Ridgway School District ("**Affordable Housing Unit**").

3.1.2.1.1. The Affordable Housing Unit shall have a maximum rent that is targeted to 50% of the one (1) person Area Median Income ("**AMI**").

3.1.2.1.2. The Affordable Housing Unit shall be rented only to qualified households who cumulatively earn no more than 50% AMI.

3.1.2.1.3. The maximum rent shall not exceed the affordability limits for a household that earns 50% or less AMI including utility costs.

3.1.2.1.4. The Owner shall enter into a deed restriction on the Affordable Housing Unit prior to the issuance of a building permit for the Project in a form as set forth by the City.

3.1.2.1.5. The Owner shall provide an annual report to the City on the Affordable Housing Unit renters and compliance with the requirements set forth herein, including but not limited to occupant names, occupant phone numbers, and proof of current income and local employment as evidenced by either pay stubs or tax forms.

3.1.2.1.6. The City or a designated entity may randomly check the occupancy of the Affordable Housing Unit to ensure compliance with these requirements.

3.1.3. **Rooftop Bar**

3.1.3.1. Owner shall construct the Rooftop Bar as shown in the Final PUD Plan Set.

3.1.3.2. Owner shall operate the Rooftop Bar as a public business and shall not use the Rooftop Bar area as a private deck for the hotel.

3.1.3.3. If the public use of this space ceases, the railing, deck and rooftop entrance shall be removed.

3.1.3.4. No furniture, fixtures or equipment shall be higher than the ~~building~~ rooftop bar safety railing ~~parapet~~ except for table umbrellas that are limited to the area shown on the Final PUD Plan Set.

3.1.3.5. Umbrellas shall be colored so as to blend into the Mountain backdrop as approved by the Community Development Department.

3.1.3.6. The Rooftop Bar hours of operation shall be open no later than 9:00 pm.

3.1.3.7. The Owner may request the Planning Commission grant an extension of the 9:00 pm closure to 10:00 pm if it determines that noise from the

Rooftop Bar is acceptable and in line with surrounding ambient noise in the area.

3.1.3.8. Live music events shall be permitted only if no amplification is used and does not extend beyond 8:30 pm.

3.1.3.9. All noise from the Rooftop Bar shall comply with the City noise limitations set forth by law.

3.1.3.10. Noise reduction panels shall be installed on the west side of the rooftop bar area as shown on the Final PUD Plan Set parapet walls to reduce noise levels out of the area.

4. **On-Street Parking**

4.1. The ten (10) hotel units on the Property were established in 1991 prior to the City requiring hotel units to provided off-street parking. The current Hotel Use is therefore a legal nonconforming use of the Property and no off-street parking is required.

4.2. The Hotel Use on-street parking shall not be reserved and is available to the general public at any time in accordance with City parking regulations and parking laws.

4.3. The Owner shall defend and hold the City harmless from and against any and all claims, demands, liabilities, actions, costs, damages, and attorney's fees that may arise out of or result directly or indirectly from vehicular on-street parking for the Hotel Uses including any damage caused by snow plowing or other street maintenance.

5. Miscellaneous.

5.1. **Recording.** This Agreement will be recorded in the Official Records.

5.2. **Default. Notice and Cure.** In all instances under this Agreement, at such time as a Party ("**Claiming Party**") claims that any other Party ("**Responding Party**") has violated or breached any of the terms, conditions or provisions of this Agreement ("**Default**"), the Claiming Party shall promptly prepare and deliver to the Responding Party a written notice ("**Notice of Default**") claiming or asserting that the Claiming Party is in default under a term or provision of this Agreement, which notice shall clearly state and describe: (a) each section(s) of the Agreement which the Responding Party has allegedly violated, (b) a summary of the facts and circumstances being relied upon to establish the alleged violation, (c) the specific steps ("**Cure Events**") that must be undertaken to come into compliance with the Governing Documents, and (d) the reasonable timeframe, not less than ten days for a monetary default and not less than thirty days for a non-monetary default (unless emergency circumstances require a shorter response time), within which time the alleged violation should be cured ("**Cure Completion Date**").

5.3. **Remedies for Breach or Default**. In the event Owner should fail to perform or adhere to its obligations as set forth herein, or fail to meet specified performance timelines, the City shall have the following remedies against the Owner, or its successors and assigns, which remedies are cumulative and non-exclusive and which may be exercised after the provision of written notice stating that Owner is in breach, the specific steps required to cure the breach and a reasonable timeframe within which to cure the breach:

5.3.1. Specific performance;

5.3.2. Injunctive relief, both mandatory and or prohibitory;

5.3.3. Withdrawal or cancellation of PUD approval;

5.3.4. Injunction prohibiting the transfer or sale of any lot or unit created under the PUD approval;

5.3.5. Denial, withholding, or cancellation of any building permit, certificate of occupancy or any other authorization authorizing or implementing the development of the Property and/or any structure or improvement to be constructed on the Property; or

5.3.6. The City shall have enforcement powers for violations of this Agreement as if they are violations of the LUO including the power to assess fines and penalties as set forth in the LUO.

5.4. **Governing Law. Costs and Expenses**. This Agreement shall be construed under and governed by the laws of Colorado, with jurisdiction and venue restricted to a court of competent jurisdiction in Ouray County, Colorado. In addition to the remedies of the City pursuant to Section 3.3, a Party may pursue any and all available remedies under applicable law, including, without limitation, injunctive relief and specific performance. All of the rights and remedies of the Parties under this Agreement shall be cumulative. In any action to enforce or construe the terms of this Agreement, the substantially prevailing Party shall recover all legal and related court costs, including all reasonable attorneys' fees and expert witness fees, costs and expenses.

5.5. **Indemnity**. Except as otherwise set forth herein, the Owner shall defend and hold the City harmless from and against any and all claims, demands, liabilities, actions, costs, damages, and attorney's fees that may arise out of or result directly or indirectly from the Owner's actions or omissions in connection with this Agreement, including but not limited to Owner's improper design or construction of the Public Improvements required thereunder, or Owner's failure to construct or complete the same. After inspection and acceptance by the City of the Public Restroom, and after expiration of any applicable warranty period, this agreement of indemnity shall expire and be of no future force or effect.

5.6. **Binding Effect**. This Agreement shall extend to, inure to the benefit of, and be binding upon the City and its successors and assigns and upon the Owner, its successors (including subsequent owners of the Property, or any part thereof), legal representatives and assigns. This Agreement shall constitute an agreement running with the Property until: (a) modification or release by mutual agreement of the City and the Owner (subsequent transferee owners' consent to modification(s) or release(s) shall not be required unless the modification(s) directly limit or restrict the zoning or development rights awarded to a subsequent transferee owner's specific lot); or (b) expiration of the term hereof.

5.7. **Parties Representations**. In entering into this Agreement, the Parties acknowledge and agree and represent and warrant to each other as follows: (a) that they will perform their duties and obligations in a commercially reasonable and good faith manner and that this commitment is being relied upon by each other Party; (b) that parties will promptly provide a response to a notice when required, the response will be provided within the timeframe established and if no timeframe is stated, it shall be deemed to be 30 days and the failure to timely provide a response shall be deemed to be an approval; (c) that the Party is a duly qualified and existing entity, capable of doing business in the state of Colorado; and (d) that the Party has actual and express authority to execute this Agreement, has taken all actions necessary to obtain such authorization, the Agreement

constitutes a binding obligation of the Party and the person signing below is duly authorized and empowered to execute this Agreement.

5.8. **Severability and Further Assurances**. If any term or provision or Article of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the applications or such term or provision or Article to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Each Party shall execute and deliver such documents or instruments and take such action as may be reasonably requested by the other Party to confirm or clarify the intent of the provisions hereof and to effectuate the agreements herein contained and the intent hereof.

5.9. **Entire Agreement**. This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and no other representations, promises, agreements or understandings or obligations with respect to the payment of consideration or agreements to undertake other actions regarding the subject matter hereof shall be of any force or effect unless in writing, executed by all Parties hereto and dated after the date hereof.

5.10. **Modifications and Waiver**. No amendment, modification or termination of this Agreement or any portion thereof shall be valid or binding unless it is in writing, dated subsequent to the date hereof and signed by each of the Parties hereto. No waiver of any breach, term or condition of this Agreement by any party shall constitute a subsequent waiver of the same or any other breach, term or condition.

5.11. **Counterparts and Facsimile Copies**. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Facsimile copies of any party's signature hereon shall be deemed an original for all purposes of this Agreement.

5.12. **Notice.** All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and delivered either by Fax, Email or United States Mail (certified, return receipt requests and postage pre-paid), and addressed to the party, at the below stated mailing address, email address or fax number. The mailing address, email address or fax number to which any notice, demand or writing may be changed by sending written notice to each party notifying the party of the change.

City: City of Ouray Attention: City Manager P.O. Box 468 Ouray, CO 81427 sicklesk@cityofouray.com (970) 325-7212 (fax)	**Owner:** Imogene Holdings, LLC Attention: Stuart Gillespie, Manager
With a Copy to:	**With copy to:**

5.13. **Exhibits and Attachments**. All exhibits and attachments to this Agreement shall be incorporated herein and deemed a part of this Agreement.

5.14. **Rights of Lenders**. The City is aware that financing for acquisition, development and/or construction of the Project may be provided in whole or in part, from time to time, by one or more lenders. In the event of an event of default by the Owner under this Agreement, the City shall provide notice of such event of default, at the same time notice is provided to Owner, to any lender previously identified in writing to the City pursuant to Paragraph 13.14. If such lenders are permitted, under the terms of the agreement with Owner to cure the event of default and/or to assume Owner's position with respect to this Agreement, the City agrees to recognize such rights of such lenders and to otherwise permit such lenders to assume all of the rights and obligations to Owner under this Agreement, including without limitation, the rights to the collateral described hereinabove.

5.15. **Term of Agreement.** This Agreement is valid until June 1, 2020. Once the Historic Rehabilitation, Public Restrooms and Rooftop Event/Commercial Space is completed, as evidenced by the issuance of a CO for the building, this PUD Agreement shall be valid unless it is amended or revoked by the City.

5.16. Amendments.

5.16.1. Amendments to the provisions of this Agreement shall be received and acted upon as a subject to any applicable City's procedures and to the requirement for findings under the Planned Unit Development Act of 1972 at C.R.S. 24-67-106(3)(b) and applicable law, unless such amendment is determined to be minor in nature which may be acted on the Community Development Coordinator in consultation with the City Administrator.

5.16.2. Amendments to the provisions of this PUD Designation may be initiated by, and the applicant on any application for any such amendment may be, any of the following persons or entities (each, a "Permitted Applicant") acting alone or together:

- 5.16.2.1. the City Council,
- 5.16.2.2. the Planning Commission,
- 5.16.2.3. any owner of fee title to any real property ,within the Property on the condition that the owner's real property would be directly affected by such amendment (an "Affected Property Owner"),
- 5.16.2.4. anyone having written permission from an Affected Property Owner, or
- 5.16.2.5. a public entity having the power to obtain title to the property through condemnation.

IN WITNESS THEREOF, the Parties have executed this Agreement intending that it become effective as of the Effective Date.

CITY:

City of Ouray, Colorado, a Colorado
Home Rule Municipality and Political
Subdivision of the State of Colorado

By:_____ Date: _____
Pam Larson, Mayor

Attest: _____

By:_____ Date: _____
Katie Sickles, City Administrator

STATE OF _____)
) ss
COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this ____ day of _____, 2019 by Pam Larson as the Mayor of the City of Ouray.

Witness my hand and official seal.

_____ My commission expires: _____.
Notary Public

STATE OF _____)
) ss
COUNTY OF _____)

Acknowledged, subscribed and sworn to before me this ____ day of _____, 2019 by Katie Sickles as the City Administrator of the City of Ouray.

Witness my hand and official seal.

_____ My commission expires: _____.
Notary Public

OWNER:

Imogen Holdings, LLC

By:_____ Date: _____
Stuart Gillespie
Title: Manager

State of _____)
)ss
County of _____)

Subscribed to and acknowledged before me this ____ day of _____, 2019 by Stuart Gillespie of Imogene Holdings, LLC.

Witness my hand and official seal.

_____ My commission expires: _____
Notary Public

CITY OF OURAY
Professional Service Agreement

THIS AGREEMENT is entered into effective January 15, 2019 by and between:

The City of Ouray, a Colorado municipal corporation (the City);

and, Jan Marie Smith (the Contractor).

NOW THEREFORE, in consideration of the mutual representations, promises and conditions contained herein, the parties agree as follows.

1. SCOPE OF CONTRACTOR SERVICES. The Contractor agrees to provide services in accordance with the Scope of Contractor Services and incorporated as Exhibit A.

2. TERM OF AGREEMENT. The term of this agreement shall begin on the effective date above and continue to the completion of the services described in Exhibit A or upon April 15, 2019, at which time the City and the Contractor will either negotiate a new agreement to complete the services, extend this agreement or their relationship under this agreement will terminate.

3. FEES FOR SERVICES. In consideration of the services to be performed pursuant to this agreement, the City will pay the Contractor according to the Fee Schedule attached and incorporated as Exhibit A.

4. PAYMENT FOR SERVICES. The Contractor shall submit a weekly invoice and report detailing Monday-Sunday Pool Management professional services rendered. The report shall document the pool operations by category. The City will pay the Contractor $1,750 per week on a weekly basis in accord with its ordinary and usual business practices.

5. CITY REPRESENTATIVE. The City designates the City Administrator as its representative and authorizes her to make all necessary and proper decisions with reference to this agreement. All requests for contract interpretations, changes, clarifications or instructions shall be directed to the City representative.

6. INDEPENDENT CONTRACTOR. The services to be performed by the Contractor

are those of an independent contractor and not as an employee of the City. Nothing in this agreement shall constitute or be construed as a creation of a partnership or joint venture between the City and the Contractor, or their successors or assigns. No agent or employee of the Contractor shall be or shall be deemed to be the employee or agent of the City. The City is interested only in the results obtained under this agreement; the manner and means of conducting the work are under the sole control of the Contractor. None of the benefits provided by the City to its employees, including, but not limited to, worker compensation insurance and unemployment compensation insurance, are available from the City to the employees of the Contractor. The Contractor will be solely and entirely responsible for its acts and for the acts of its agents, employees, and subcontractors during the performance of this agreement. The Contractor will pay all federal and state income tax on any moneys paid pursuant to this agreement.

7. GOVERNMENTAL IMMUNITY. The Contractor understands and acknowledges that the City relies on and does not waive or intend to waive by any portion of this agreement any provision of the Colorado Governmental Immunity Act, COLO. REV. STAT. § 24-10-101, *et seq.*

8. INDEMNIFICATION. To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the City, its officers, employees, insurers, and self-insurance pool, from and against liability for damage, including attorney fees and costs, arising out of death or bodily injury to persons or damage to property, caused by the negligence or fault of the Contractor or any third party under the control or supervision of the Contractor, but not for any amounts that are greater than that represented by the degree or percentage of negligence or fault attributable to the Contractor or the Contractor's agents, representatives, subcontractors, or suppliers.

9. ASSIGNMENT. The Contractor shall neither assign any responsibilities nor delegate any duties arising under this agreement without the prior written consent of the City.

10. PAYMENTS BY CITY. Any and all payments of money by the City pursuant to this agreement shall be subject to the annual appropriations of money.

11. LEGAL COMPLIANCE. The Contractor shall comply with all laws, ordinances, rules and regulations relating to the performance of this agreement, use of public places and safety of persons and property.

12. FURTHER ASSURANCES. Each party agrees to take such actions and sign such documents, certificates and instruments reasonably requested by the other party in order to complete the transactions contemplated by this agreement and to enable the requesting party to enjoy the full benefits conferred upon such party by this agreement.

13. ENTIRE AGREEMENT. This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of either party that are not contained in this written contract shall be valid or binding. This contract may not be enlarged, modified, or altered except in writing signed by the parties and endorsed on this agreement.

14. BINDING EFFECT. This agreement shall inure to the benefit of and be binding on the parties, their heirs, executors, administrators, assignees, and successors.

15. SEVERABILITY. If any part, term, or provision of this contract is held by the courts to be illegal or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term or provision held to be invalid.

16. GOVERNING LAW. This agreement shall be governed by the laws of the State of Colorado, both as to interpretation and performance. The courts of the State of Colorado shall have exclusive jurisdiction to resolve any disputes arising out of this agreement and venue shall be in Ouray County, Colorado.

17. WAIVER. No waiver of any breach of this agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this contract shall be taken and construed as cumulative, that is, in addition to every other remedy provided therein or by law.

18. COUNTERPARTS. This agreement may be executed in any number of

counterparts, each of which shall be deemed to be an original, but all of which together shall constitute but one and the same instrument.

19. PRONOUNS. Wherever in this agreement, words, including pronouns, are used in the masculine, they shall be read and construed in the feminine or neuter whenever they would so apply, and wherever in this agreement, words, including pronouns, are used in the singular or plural, they shall be read and construed in the plural or singular, respectively, wherever they would so apply.

IN WITNESS WHEREOF, the City and the Contractor have signed this agreement effective the day and year first written above.

_____ Jan Marie Smith, Contractor Date: 1-11-19

Authorized this 15th day of January, 2019 until City Council ratification:

_____ Kathleen Ann Sickles, City Administrator

CITY OF OURAY: Ratified this 22nd day of January 2019,

_____ Pamela J. Larson, Mayor

EXHIBIT A
Scope of Contractor

Provide Interim Pool Manager services, support current employees within their job duties and seek information to properly transfer management information to next Pool Manager. Communicate with the City Resource Director and City Administrator needs as necessary. Review and provide policy input including conducting communication between government officials and customers.

DISTRICT COURT, WATER DIVISION 7 LA PLATA COUNTY STATE OF COLORADO Court Address: 1060 E. Second Ave., #106 Durango, Colorado 81301	▲ COURT USE ONLY ▲
CONCERNING THE APPLICATION FOR WATER RIGHTS OF APPLICANT: City of Ouray IN SAN JUAN COUNTY	Case No.: 2013CW3040
Attorney: David L. Masters Masters & Viner, P.C. Attorney for Applicant Address: 152 Colorado Avenue Montrose, Colorado 81401 Phone Number: 970-249-2622 E-mail: dlm@mastersviner.com Atty. Reg. No.: 15869	

STATUS REPORT

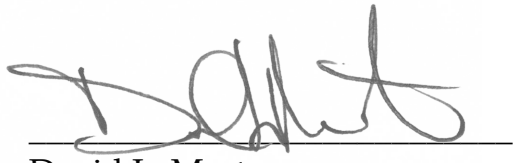
The applicant, City of Ouray, pursuant to the order dated September 28, 2018, submits this status report.

Counsel for the applicant reports that he believes that the City and the opposers, Animas Water Company and Animas Valley Ditch and Water Company,

have resolved the issues between them. A proposed decree and stipulations are in circulation for final review and client approval.

Dated the 21st day of December, 2018.

Masters & Viner, P.C.



David L. Masters

Certificate of Service

The undersigned certifies that on December 21, 2018, this **STATUS REPORT** was served on the parties and counsel of record through the Integrated Colorado Courts E-Filing System:

DISTRICT COURT, WATER DIVISION 7 LA PLATA COUNTY STATE OF COLORADO Court Address: 1060 E. Second Ave., #106 Durango, Colorado 81301 CONCERNING THE APPLICATION FOR WATER RIGHTS OF APPLICANT: City of Ouray IN SAN JUAN COUNTY	▲ COURT USE ONLY ▲ Case No.: 2013CW3040

FINDINGS OF FACT, CONCLUSIONS OF LAW,
RULING OF REFEREE AND JUDGMENT AND DECREE

The above-entitled Application was filed on December 30, 2013. The Water Judge sits as the acting Water Referee. The Referee, having made such investigations as are necessary to determine whether the statements in the Application are true, and having become fully advised with respect to the subject matter of the Application, does hereby make the following Findings of Fact, Conclusions of Law, and Ruling of the Referee in this matter:

Findings of Fact

1. The name, address and telephone number of the Applicant is as follows:

   City of Ouray
   P.O. Box 468
   Ouray, Colorado 81427
   970-325-7211

2. Timely and adequate notice of the filing of the application was given as required by law. This Court has jurisdiction over the subject matter of these proceedings and over all persons affected thereby, whether they have appeared or not.

3. A properly verified application was filed in this matter by the Applicant on December 30, 2013. Timely Statements of Opposition were filed in this matter by: Animas Water Company; Idarado Mining Company; Ouray County; Animas Valley Ditch and Water Company; Southern Ute Indian Tribe; and Southwestern Water Conservation District (SWCD).

4. Applicant currently owns the transbasin water right diverted through the Red Mountain Ditch that was decreed in Case No. 1751-B. The Red Mountain Ditch is an existing structure located on United States Forest Service (U.S.F.S.) property that currently operates pursuant to a Ditch Bill Easement.

5. With this application, the Applicant seeks to obtain a decree for a conditional water right to be diverted through the Red Mountain Ditch for the following uses: Municipal, irrigation, recreation, hydropower, evaporation, piscatorial, industrial, commercial, road (including dust control), mining, mining reclamation, aquifer recharge, construction, augmentation, substitution and exchange, and storage. Applicant has also filed an Application for Approval of Plan for Augmentation and Conditional Appropriative Rights of Exchange in Water Division 4 (case number 2013CW3072), where this conditional water right would be put to beneficial use. A decree was entered in Case No. 2013CW3072, in Water Division 4 on November 22, 2016.

6. The Applicant has entered into an Agreement to Develop a Water Lease Contract with Opposer Idarado Mining Company, dated June 9, 2015. Idarado Mining Company conducts mine reclamation activities on lands located within Ouray County. The agreement provides for a proposed lease of water from Red Mountain Ditch First Enlargement (subject to this decree), either directly or by exchange of water into storage (including without limitation storage in Ptarmigan Lake or Ptarmigan Pond) for later release, for industrial, road (including dust control), mining, mining reclamation, augmentation, substitution and exchange, and storage uses. Applicant acknowledges that its use of Ptarmigan Lake or Ptarmigan Pond is subject to its Agreement with Idarado Mining Company dated June 9, 2015, including Paragraph 3 thereof. The entry of a Decree herein adjudicating a conditional water right or any other water rights related to Ptarmigan Lake or Ptarmigan Pond does not grant any right to the use of those structures.

7. The Applicant has entered into an Agreement with Kenneth J. Orvis, for irrigation of more than 160 irrigable acres located in the SW¼SW¼, SW¼NW¼, and the NW¼SW¼ of Section 22, and the W½NW¼ of Section 27, all in Township 45 North, Range 8 West, N.M.P.M., in the Upper Uncompahgre Valley and the

Applicant retains the rights for credit and reuse of water not consumed by the irrigation including instantaneous and delayed return flow from such irrigation.

8. The Applicant has entered into two agreements with Ouray County. The first agreement, dated December 16, 2014, provides in part that the City will supply water when available to the County for road maintenance and associated purposes. The second agreement between the Applicant and Ouray County, dated June 9, 2015, provides for the use of the County Gravel Pit for aquifer recharge purposes. The County Gravel Pit is located in NW¼ of Section 7, Township 47 North, Range 8 West, N.M.P.M.

First Claim for Relief
Conditional Water Right

9. Applicant requests the Court to decree the following conditional water right:

A. Name of Structure: Red Mountain Ditch First Enlargement

i. Location of Point of Diversion: A point on Mineral Creek and water collected along the course of the ditch. The point is identified by GPS with the following UTM coordinates: Northing 4,197,560, Easting 260,794, Zone 13N, NAD83. Using Aquamap conversion tool, this location is also described as a point in the SW¼ SW¼, Section 14, Township 42 North, Range 8 West, N.M.P.M., approximately 1,161 feet north of the south section line and 1210 feet east of the west section line. Original decreed location (Case No. CA1751-B): said point of diversion being located on a point on the north bank of Mineral Creek, whence a monument on top of Red Mountain No. Three bears north 74˚25' east. See Exhibit A.

ii. Source: Mineral Creek, and water tributary to Mineral Creek collected along the course of the ditch, all tributary to Animas River.

iii. Appropriation:

a. Appropriation Date: December 30, 2013.

b. How appropriation was initiated: Application to the Water Court.

c. Date water applied to beneficial use: N/A.

iv. Amount claimed for right: 3.0 cfs, conditional. With a volumetric limit of 419 AF per year. The volumetric limit is based on a transit loss of 0.5 percent per mile transit loss and may be increased as needed if a higher transit loss is administered by the Division 4 Engineer.

v. Uses: Municipal, irrigation, recreation, hydropower, evaporation, piscatorial, industrial, commercial, road (including dust control), mining, mining reclamation, aquifer recharge, construction, augmentation, substitution and exchange, and storage in Oak Creek Reservoir, New Reservoir, Ptarmigan Lake, Ptarmigan Pond and Crystal Reservoir (aka, Full Moon Reservoir No. 10). These uses may be exercised directly or by substitution and exchange as described in case number 2013CW3072, decreed on November 22, 2016, in Division 4 and in the contracts for extra-territorial use described in paragraphs 6, 7 and 8 above. The water under the Red Mountain Ditch First Enlargement may be used and reused to extinction for the purposes described herein. See Exhibit B.

vi. Place of Use: The City of Ouray's service area and/or municipal boundary as well as at the locations in Ouray County and lands owned by Ouray County in Montrose County described in paragraphs 6, 7 and 8 above.

vii. Name and address of land owner upon which water right is located:

United States Forest Service
San Juan National Forest
Lynn Wodell
15 Burnett Court
Durango, Colorado 81301

Grand Mesa Uncompahgre and Gunnison National Forests
2250 Highway 50
Delta, Colorado 81416

Conclusions of Law

10. The foregoing Findings of Fact are incorporated in these Conclusion of Law as though fully set forth herein.

11. The application filed herein was complete, covering all applicable matters required under C.R.S. § 37-92-302.

12. The Court has the authority to confirm the water right in this application pursuant to C.R.S. §§ 37-92-301, 302 and 303.

13. The Court finds that the Applicant has demonstrated an intent to appropriate water for the above described surface water right. Applicant has taken a substantial first step towards such appropriations in the amounts and for the purposes specified above. As to the conditional amount and uses described above, the Court also finds that water can and will be appropriated, diverted, stored or exchanged in times, amounts and for the uses described above, and that such water will be beneficially used and that the project can and will be completed with diligence and within a reasonable time. C.R.S. § 37-92-305(9)(b).

Ruling of the Referee

14. The foregoing Findings of Fact and conclusions of law are incorporated in this Ruling of Referee as though fully set forth herein.

15. The Court hereby confirms a conditional water right as described above for the Red Mountain Ditch First Enlargement in the Applicant's First Claim for Relief, as more fully described above.

16. Pursuant to a Stipulation with Opposers, Applicant agrees to limit its total diversions through the Red Mountain Ditch, and any extension or enlargement thereto, to no more than 6 c.f.s. regardless of whether such diversions are made under Applicant's senior irrigation right decreed in Case No. 1751-B, other decreed water rights (including, but not limited to, the water right decreed in this case 2013CW3040), or free river conditions.

Applicant shall install and maintain appropriate measuring devices, including a continuous recording device, and administrative bypass structures on the Red Mountain Ditch and supply diversion records to the Division of Water Resources

("DWR") at least annually by November 15th of each year, or more frequently as may be required by the Division Engineer. Applicant shall maintain daily records of all of its diversions through the Red Mountain Ditch and separately account for diversions under the Red Mountain Ditch senior water right, Red Mountain Ditch First Enlargement and any diversions made under free river conditions. Applicant shall provide these daily as well as monthly and annual diversion records to DWR as set forth above, and to Opposers within 15 days of any such request, unless another timeframe is otherwise mutually agreed upon by Applicant and Opposers.

17. On or before April 1st, Applicant shall notify the Division 7 Engineer and the Division 4 Engineer on anticipated delivery of water to the County Gravel Pit for Aquifer Recharge. Such notice shall include the location and the structure that serves the Aquifer Recharge locations.

18. Before placing the water to beneficial use, the Applicant will obtain any required authorizations and, or permissions from the U.S.F.S.

19. Should the Applicant desire to maintain the conditional right confirmed herein, an Application for Reasonable Diligence shall be filed in _____ month of the sixth calendar year following the entry of this decree, unless a determination has been made prior to that date that such conditional right has been made absolute by reason of completion of the appropriations, or otherwise disposed of.

20. Pursuant to Rule 9 of the Uniform Local Rules of All State Water Court Division, upon the sale or transfer of the conditional water right decreed herein, the transferee shall file with the Division 7 Water Court, a notice of transfer which shall state:

    A. The title and case number of this Division 7 case number 2013CW3040, and Division 4 case number 2013CW3072;

    B. The description of the conditional water right transferred;

    C. The name of the transferor;

    D. The name and mailing address of the transferee;

    E. A copy of the recorded deed.

21. In the event Applicant desires to use water under Colorado Division 7, Case No. 06 CW 127 (the SWCD Water Right), prior to filing a Notice of Intent to use, or a water rights application to make absolute, any increment of the SWCD Water Right, Applicant shall provide sixty days advance written notice to Opposers.

The owner of said conditional water right shall also notify the Clerk of the Division 7 Water Court of any change in mailing address. The Clerk shall place any notice of transfer or change of address in the case file of this case number 2013CW3040 and in the case file (if any) which the Court first made a finding of reasonable diligence.

It is ORDERED that this ruling shall be filed with the Water Court Clerk subject to judicial review.

It is further ORDERED that a copy of this Ruling shall be filed with the appropriate Division Engineer and State Engineer.

Dated this ____ day of _____, 2019~~8~~.

BY THE REFEREE:

_____

Jeffrey R. Wilson, Acting Water Referee

Judgment and Decree

The time for filing of protest having expired, and no such protest having been made, the Court hereby confirms the foregoing Ruling, and makes it the Decree of the Court. The month and year for filing an Application for Finding of Reasonable Diligence as the conditional water right confirmed above shall be _____, 20__.

Done this ____ day of _____, 2019~~98~~.

BY THE COURT:

_____
Jeffrey R. Wilson, Division 7 Water Judge

CHECKED FOR FORM AND ADMINISTRABILITY:

By:_____ Date:_____
Robert Genualdi, Division Engineer
Colorado Water Resources, Division No. 7
160 Rockpoint Drive, Suite E
Durango, CO 81301
(970) 247-1845

Wright Water Engineers, Inc.
1666 N. Main Avenue, Suite C
Durango, Colorado 81301
(970) 259-7411 TEL
(970) 259-8758 FAX
www.wrightwater.com
e-mail:pfoster@wrightwater.com

January 17, 2019

Via email: sicklesk@cityofouray.com

Katie Sickles, City Administrator
The City of Ouray
P.O. Box 468
320 6th Avenue
Ouray, CO 81427

Re: Proposal for Initial Review of Wastewater Treatment Master Plan for the City of Ouray

Dear Katie,

Wright Water Engineers, Inc. (WWE) is pleased to provide you with this proposal for an initial review of the December 2018 Wastewater Treatment Master Plan for the City of Ouray (Wastewater Master Plan), prepared by JVA, Inc. This initial review will provide the City of Ouray (City) with a list of recommended items in the Wastewater Master Plan which may warrant a more in-depth review by WWE.

WWE's scope of services for this initial review of the Wastewater Master Plan are presented as follows:

1. Review the Wastewater Master Plan in the context of recent Colorado Department of Public Health and Environment (CDPHE) wastewater treatment requirements and the City's existing wastewater discharge permit.
2. WWE will identify and prioritize items in the Wastewater Master Plan which warrant additional review by WWE, and provide an associated budget estimate for WWE to complete a more detailed review for the items identified. WWE will prepare a written letter to the City summarizing this information
3. WWE will participate in a conference call with City staff to review and discuss WWE's letter, and discuss recommended next steps in the review.

WWE anticipates performing this work under our existing Master Services Agreement for a total professional services fee between $3,000 and $5,000. WWE expects to complete this work within 6 to 8 weeks upon authorization from the City.

Please feel free call or email me if you have any questions regarding this proposal.

Sincerely,

WRIGHT WATER ENGINEERS, INC.

By _____
Hayes A. Lenhart, P.E.
Associate Water Resources Engineer

By _____
Peter R. Foster, P.E.
Vice President

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Wright Water Engineers, Inc.
1666 N. Main Avenue, Suite C
Durango, Colorado 81301
(970) 259-7411 TEL
(970) 259-8758 FAX
www.wrightwater.com
e-mail: pfoster@wrightwater.com

August 29, 2017

Via email: perryj@ci.ouray.co.us

Justin Perry
City of Ouray
P.O. Box 468
Ouray, CO 81427

– DRAFT –
FOR REVIEW AND COMMENT

Re: City of Ouray – Raw Water Pipeline Conceptual Alternatives and Costs

Dear Mr. Perry,

Wright Water Engineers, Inc. (WWE) is pleased to provide this technical letter report summarizing three potential alternatives to supply the Ouray Ice Park (Ice Park), the hydropower plant, and hot springs with a raw water supply. The alternatives evaluated were as follows:

1. Construction of an infiltration gallery in Canyon Creek and an associated raw water pipeline along the existing Weehawken pipeline to the existing Mineral Farms connection to the Weehawken pipeline (Mineral Farms Pump-house). Alternative 1 is considered to be a long term more permanent solution to meet the City's raw water needs.

2. Construction of an intake structure in Oak Creek and an associated raw water pipeline which ties into the exiting City Hydropower Pipeline (BIOTA pipeline). Alternative 2 is considered to be a cost-effective short-term solution which could meet the City's immediate raw water needs and be designed and constructed in time for the 2017-2018 Ice Park season.

3. Manage Mineral Farms and City of Ouray potable water usage more efficiently, including distribution system leak repair. Alternative 3 is also considered a cost-effective short-term solution which could help maximize the City's existing water supply.

The remainder of this letter provides a summary of the assumptions and preliminary calculations used to develop the conceptual design approaches and associated construction cost estimates for each alternative.

RAW WATER DEMANDS SUMMARY

There are three primary raw water demands within the City of Ouray (the City): 1) the Ice Park, 2) the hydropower plant, and 3) the hot springs. Based on the data provided by the City, the Ice Park runs water from about 5 pm to 7 am starting in late November and continuing through February. At full buildout the Ice Park may require delivery of up to approximately 1 cfs during

Wright Water Engineers, Inc.
1666 N. Main Avenue, Suite C
Durango, Colorado 81301
(970) 259-7411 TEL
(970) 259-8758 FAX
www.wrightwater.com
e-mail: pfoster@wrightwater.com

August 29, 2017

Via email: perryj@ci.ouray.co.us

Justin Perry
City of Ouray
P.O. Box 468
Ouray, CO 81427

– DRAFT –
FOR REVIEW AND COMMENT

Re: City of Ouray – Raw Water Pipeline Conceptual Alternatives and Costs

Dear Mr. Perry,

Wright Water Engineers, Inc. (WWE) is pleased to provide this technical letter report summarizing three potential alternatives to supply the Ouray Ice Park (Ice Park), the hydropower plant, and hot springs with a raw water supply. The alternatives evaluated were as follows:

1. Construction of an infiltration gallery in Canyon Creek and an associated raw water pipeline along the existing Weehawken pipeline to the existing Mineral Farms connection to the Weehawken pipeline (Mineral Farms Pump-house). Alternative 1 is considered to be a long term more permanent solution to meet the City's raw water needs.

2. Construction of an intake structure in Oak Creek and an associated raw water pipeline which ties into the exiting City Hydropower Pipeline (BIOTA pipeline). Alternative 2 is considered to be a cost-effective short-term solution which could meet the City's immediate raw water needs and be designed and constructed in time for the 2017-2018 Ice Park season.

3. Manage Mineral Farms and City of Ouray potable water usage more efficiently, including distribution system leak repair. Alternative 3 is also considered a cost-effective short-term solution which could help maximize the City's existing water supply.

The remainder of this letter provides a summary of the assumptions and preliminary calculations used to develop the conceptual design approaches and associated construction cost estimates for each alternative.

RAW WATER DEMANDS SUMMARY

There are three primary raw water demands within the City of Ouray (the City): 1) the Ice Park, 2) the hydropower plant, and 3) the hot springs. Based on the data provided by the City, the Ice Park runs water from about 5 pm to 7 am starting in late November and continuing through February. At full buildout the Ice Park may require delivery of up to approximately 1 cfs during

the times in which it is taking water. Based on the water use data provided by the City, the Ice Park is currently using a maximum of approximately 0.5 cfs.
The existing hydropower plant can operate under two different flow conditions, a high flow condition of 1.2 cfs (540 gpm) and a low flow condition of 0.84 cfs (379 gpm). Currently, the hydropower plant is in operation from April through October, given the lack of raw water supply and winter demands of the Ice Park. However, it is our understanding that the City would like to operate the hydropower facility year round.

The hot springs are only expected to need raw water during the summer when cooling and refilling of the pools are necessary. Based on the hot springs demand information summarized in the November 2014 City of Ouray Plan for Augmentation and Exchange to Division 4 Engineering Report (Engineering Report), the demands from the hot springs will be less than the water demands from the Ice Park during the winter. However, please note that WWE is currently working on developing an updated demands analysis for the hot springs based on the recent build out of the Ouray hot springs pool system. A summary of the raw water demands by season is provided in Table 1.

Table 1. Summary of City of Ouray Raw Water Demands by Season

Demand Location	Winter Demand (cfs)	Summer Demand (cfs)
Ice Park	1.0	0.0
Hydropower Plant	1.2	1.2
Hot Springs	0.0	<1.0
Total (cfs)	2.2	<2.2

As shown in Table 1, a conceptual level estimate for raw water demands of 2.2 cfs was used for preliminary sizing and development of conceptual raw water supply Alternatives 1 and 2. This demand could be refined in the future, but is considered reasonable for conceptual level planning and evaluation purposes.

EXISTING WATER SUPPLY SUMMARY

Based on the storage tank influent flow and Mineral Springs flow data provided by the City Table 2 provides a summary of the City's average daily water supply quantities by month. See Figure 1 for a graphical summary of the City's water tank influent data.

ALTERNATIVE 1: Canyon Creek Infiltration Gallery and Raw Water Pipeline

Alternative 1 involves the design and construction of an infiltration gallery in Canyon Creek, conceptually located approximately 1,800 feet upstream of Harris Bridge. This infiltration gallery would provide a new dedicated raw water supply to the City, and help the City work towards the goal of having a parallel water supply line providing the City with redundancy. See Figure 2 for a conceptual location and layout map for this alternative. Alternative 1 will generally consist of the following major design and construction steps:

- Acquire necessary easements and permits associated with the project.
- Design and construction of an infiltration gallery to gravity feed 2.2 cfs into a raw water pipeline beginning at the infiltration gallery and ending and the Mineral Farms Pump-house. This pipeline would run parallel with the existing Weehawken Spring pipeline.
- Design and construction of piping to connect the new pipeline to the existing "old" 10 inch diameter pipeline which currently runs from the Mineral Farms Pump-house to the City's existing storage tanks.
- Design and construction of piping to connect the existing 10 inch diameter line to the existing 4 inch diameter Ice Park pipeline and the existing 6 inch diameter BIOTA pipeline which delivers water to the Hydropower Plant.
- Design and construction of the necessary valves and SCADA system controls to facilitate City operation of this system.

ALTERNATIVE 1: Conceptual Design and Construction Costs

In order to evaluate the feasibility and estimate conceptual design and construction costs of Alternative 1, WWE performed various conceptual level design calculations to size and locate the infiltration gallery and pipeline (see Attachment 1). Based on these calculations WWE made the following assumptions for the pipeline design and construction:

- The new raw water pipeline will be approximately 5,200 feet long and constructed with a 10 inch diameter HDPE pipe. This will provide a minimum pipeline velocity greater than 3.5 ft/s to limit the potential for solids settling.
- The infiltration gallery was estimated to be located at an elevation of approximately 8,595 feet. Based on preliminary design calculation this will provide enough elevation head to gravity feed 2.2 cfs to the Mineral Farm Pump-house which connects to the "old" 10-inch diameter pipeline.
- The pipeline will generally follow the existing Weehawken Spring Pipeline.
- Repairs to the "old" 10-inch diameter pipeline from the Mineral Farms Pump-house to the existing storage tanks are not considered a part of Alternative 1.
- Necessary repair costs to the pump station at Mineral Farms are not included in the conceptual costs presented in Table 6.
- Both an Army Corps of Engineers 404 Permit and easements will likely be required for this alternative.

Table 6 presented at the end of this report provides a conceptual level cost estimate for Alternative 1.

ALTERNATIVE 1: Additional Considerations

The following provides a summary of additional considerations based on the conceptual design calculations for Alternative 1:

Positive Aspects of Alternative 1

- There is sufficient head to deliver all of the 2.2 cfs raw water demand from the infiltration gallery to the Mineral Farms Pump-house, therefore no pumping will be required.
- The majority of the pipeline from the infiltration gallery to the Mineral Farms Pump-house can run along the existing Weehawken Spring pipeline easement, therefore easement procurement costs will be minimal compared to other alternatives.
- The majority of the proposed pipeline alignment has relatively easy access for construction equipment.
- This water could potentially be treated and used as part of the City's potable water supply in the future.
- Provides a year round raw water supply for the City's hydropower plant.
- It is our understanding that this is the preferred alternative, after implementation of Alternative 3, of the City of Ouray Public Works Director as it furthers the City's goal of having a redundant water supply.

Negative Aspects of Alternative 1

- The pump station at Mineral Farms needs to be fixed, and must be fixed before the new 10 inch line can be connected to the "old" 10 inch line.
- Maintenance access to the infiltration gallery during the winter season will be difficult.
- Due to the time it will take to design, permit, and construct this Alternative, this raw water supply will likely not be available for the winter 2018-2019 Ice Park season.
- Infiltration Gallery in Canyon Creek will require Army Corps of Engineers Permitting.
- Canyon Creek is listed as impaired for metals, making the long term potential for using this source as a domestic water supply more costly from a treatment perspective.

ALTERNATIVE 2: Oak Creek Intake, Pump Station and Raw Water Pipeline

Alternative 2 involves the design and construction of an intake structure, pump station and pipeline near the outlet of Oak Creek to supply the Ice Park with a raw water supply. WWE reviewed two potential diversion locations associated with this alternative.

Option 1: Original Oak Creek Point of Diversion

The original Oak Creek point of diversion was constructed before the 1900's to supply the City of Ouray. WWE first evaluated the feasibility of using the original Oak Creek point of diversion to supply raw water to both the hydropower facility and the Ice Park. Based on the elevation of the original point of diversion there is not enough elevation head to deliver water from this location at the required pressure to the hydropower plant.

WWE also considered the feasibility of connecting this original point of diversion directly to the Ice Park Delivery line via the existing West Reservoir and South Reservoir pipeline corridor and

associated easement. Since the elevation of the original point of diversion is lower than the Ice Park, and construction of a new pipeline would be required, this was not considered a cost-effective approach for the supplying raw water to the Ice Park at this time.

Option 2: Lower Oak Creek Point of Diversion

Due to the distance between the original point of diversion and the existing Biota Line, a more feasible alternative to deliver water from Oak Creek to the Ice Park may be to divert water from Oak Creek closer to the City. There is an existing private diversion structure which does not appear to be in use at this time on Oak Creek which is in closer proximity to the existing Biota Line. The City could explore options for securing this existing lower diversion structure and the necessary easements to install a pipeline from the structure to the Biota Line.

As stated previously, preliminary design calculations suggest there is not enough head from the original Oak Creek Diversion to the Hydropower Plant to provide the required pressure at either the high flow or low flow nozzle. Therefore, Alternative 2 only considers delivery of water to the Ice Park. Please note that WWE considers Alternative 2 as a temporary raw water supply for the Ice Park and may be a relatively quick and cost effective solution for the City's immediate raw water demands until a more permanent solution can be funded and constructed.

For conceptual cost estimating purposes, WWE assumed this alternative would provide 0.5 cfs to the Ice Park. This flowrate is based on data provide by the City, and corresponds to the Ice Parks maximum daily demand for the 2016 to 2017 winter season. See Figure 3 for a conceptual location and layout map for this alternative. Alternative 2 will generally consist of the following major design and construction steps:

- Acquire necessary easements and permits associated with the project.
- Design and construction of a raw water intake structure, either at the existing diversion location or the lower diversion location.
- Design and construction of a raw water pipeline to tie into the existing BIOTA pipeline.
- Design and construction of a pump station capable of delivering 0.5 cfs to the Ice Park.

ALTERNATIVE 2: Conceptual Design and Construction Costs

In order to evaluate the feasibility and estimate conceptual design and construction costs of Alternative 2, WWE performed various conceptual level design calculations to size and locate the intake, pump station and pipeline (see Attachment 1). WWE developed conceptual costs based on two Oak Creek diversion locations. One based on the original diversion point (Table 7), the other based on the location of the existing lower structure (Table 8). Based on the design calculations WWE made the following assumptions for the pipeline design and construction:

- Both the original and lower existing Oak Creek diversion structures can be modified to deliver 0.5 cfs into a new raw water pipeline.

- The new raw water pipeline from the original diversion point will be approximately 7,920 feet and constructed with a 5 inch diameter HDPE pipe. This new raw water pipeline will run along an existing City easement, tie into the existing BIOTA pipeline and deliver water to an offline pump station located near the Manganese Mine Hot Spring. This pump station will pump water into the existing 6 inch BIOTA pipeline for delivery to the existing 4 inch diameter Ice Park pipeline located at the Storage Tanks.
- The new raw water pipeline from the lower diversion point will be approximately 590 feet long and constructed with a 5 inch diameter HDPE pipe. This new raw water pipeline will tie into the existing BIOTA pipeline and deliver water to an offline pump station located near the Manganese Mine Hot Spring. This pump station will pump water into the existing 6 inch BIOTA pipeline for delivery to the existing 4 inch diameter Ice Park pipeline located at the Storage Tanks.
- Preliminary design calculations suggest the pump will need to be a 40 HP pump capable of generating approximately 560 feet of head for both diversion locations.
- Both an Army Corps of Engineers 404 Permit and easements will likely be required for the lower Oak Creek diversion location.
- An Army Corps of Engineers 404 Permit will likely be required for the original diversion point location. It is likely that additional easements will not be needed if the original diversion point location is utilized, however this will need to be verified.

Table 7 and Table 8 presented at the end of this report provides a conceptual level cost estimates for each of the two diversion locations associated with Alternative 2.

ALTERNATIVE 2: Additional Considerations

The following provides a summary of additional considerations based on the conceptual design calculations for Alternative 2:

Positive Aspects of Alternative 2

- The existing diversion appears to be in a relatively stable condition and can be modified to deliver water into the proposed 5 inch diameter pipeline.
- For pipeline option 1, which uses the original point of diversion, approximately 7,920 feet of new pipeline would need to be installed. However, the City may already have the necessary easements in place to install this pipeline.
- For pipeline option 2, which uses the lower diversion, only approximately 590 feet of new pipeline would need to be installed in order to tie into the existing 6 inch BIOTA pipeline. However easement procurement will need to be addressed.
- Water from Oak Creek is a relatively clean water supply.
- Easy maintenance access to the diversion structure and the pump station.
- Design and construction of this alternative could be completed before the winter 2018-2019 Ice Park Season.

Negative Aspects of Alternative 2

- There is no gage data for Oak Creek or history of recorded diversion data available from CDSS for the Oak Creek point of diversion. Reliability of this supply is in question especially during winter months. However, this was the original historical water supply source for the City in the early 1900's and was decreed for 5.2 cfs. In the event this option is considered for selection WWE recommends the City begin monitoring flow in Oak Creek.
- The status of the right of way for both pipeline options need to be verified. The City may need to acquire a pipeline right-of-way easement through private property, especially for the lower diversion structure option. Depending on the level of cooperation from land owners this could significantly increase the cost of the project or cause significant project delays.

ALTERNATIVE 3: Mineral Farms Water Management and Pipeline System Repairs

Alternative 3 involves enhancing the management of and making repairs to the City's water delivery system. Table 3 provides a summary of the City's and the Mineral Farms water demand data. The information provided in Table 3 is based on average daily water demand data collected at the storage tank effluent totalizing flow meter. See Figure 4 for a graphical summary of the City's storage tank effluent data.

As shown in Table 3 the EQR's for both the City of Ouray and the Mineral Farms are higher than the "typical" EQR demand of approximately 350 to 400 gal per day per EQR during the non-irrigation season. It is worth noting that the demands from the Mineral Farms ranges from almost 3 to 4 times higher than the typical EQR demand during the non-irrigation season.

In order to calculate the potential for excess water diversions in the system, WWE compared the both the average and smallest average daily water supply for each month (1995 to 2010) with the calculated municipal, Ice Park and Hydropower demands. Table 4 and Table 5 provides a comparison of the average monthly and lowest monthly water supply recorded by the City, respectively, with the following demands: 1) Calculated average annual diversion (tank effluent), 2) current maximum Ice Park Demands, and 3) current maximum hydropower demands.

As shown in Table 4 and Table 5 there does not appear to be enough excess water in the system during average or low flow years to provide both the Ice Park and the Hydropwer plant with water during the winter season. It is our understanding that water distribution lines are currently being repaired by the City and the results of this analysis suggest that these repairs will help the City maximize water storage. It is worth noting that the City currently does not collect flow data from the existing Weehawken Spring diversion box. If the City began collecting data at this location, a more detailed analysis of the transmission losses including water bypassed at the spring box within the City's delivery system could quantified. In addition to distribution system repairs, the City and Mineral Farms could implement stricter water management practices to help reduce excess water use by their residents.

The cost associated with this alternative cannot be reasonably quantified at this time since the extent of the repairs needed to the existing distribution system, and the administrative expenses for the City to implement stricter water management practices are generally unknown.

OVERALL CONCLUSIONS AND RECOMMENDATIONS

Based on the information provided herein, WWE recommends the City continue to move forward with distribution system repairs and consider implementing stricter water management practices at the Mineral Farms and within the City. In the event major leaks are found, this could help maintain water to the Ice Park in the near term.

Based on the analysis provided herein, the distribution repairs and management strategies are not expected to maximize the City's supply to a point where the Ice Park or Hydropower demands can be met during a low flow year. Alternative 2 could be constructed to meet the immediate raw water demands of the Ice Park. As part of this Alternative, the City could also consider a more detailed evaluation of Hydropower plant operations to determine the feasibility of using the pressure head at the nozzles that could be created by Alternative 2 to generate power.

This raw water supply could also be considered for heat exchange at the Manganese Mine Hot Spring, providing additional heat and flow (BTUs) to the City of Ouray Hot Springs Pool. Since the impairment to the Box Canyon Hot Springs and the pool expansion has been completed, the needs of the pool should be revaluated.

Alternative 1 is WWE's recommended approach for developing a long term raw water supply to meet the future raw water needs of the City.

WWE's recommended next steps are as follows:

1. Continue to monitor City distribution system repairs and attempt to quantify water savings as a result of the repairs. In order to quantify these water savings, a detailed comparison of effluent flow meter readings pre versus post repairs will need to be conducted.

2. Install a measuring device or devices at the Weehawken Spring box in order more accurately quantify transmission losses and water savings as a result of system repairs.

3. Finalize the updated demands analysis of the City of Ouray Hot Springs based on the recent expansion which was just recently completed.

4. If Alternative 2 is considered, locate any existing easements or City right-of-way lines in the vicinity of the proposed Oak Creek diversion.

5. Develop a more detailed evaluation of hydropower generation approaches. This assessment would investigate the possibility of:
    a. using the low flow nozzle year round, and
    b. making changes to the hydropower plant in order to use the Oak Creek Diversion to operate the Hydropower Plants Pelton.

6. If Alternative 1 is considered, field verify an appropriate location for the infiltration gallery and verify the locations of the easements associated with the Weehawken Spring pipeline.

7. If Alternative 2 is considered verify the locations of the existing easements along the each pipeline corridor.

Sincerely,

WRIGHT WATER ENGINEERS, INC.

By _____
Peter R. Foster, P.E.
Vice President

By _____
Hayes A. Lenhart, P.E.
Associate Engineer

Attachment(s)/Enclosure(s)

Figures:

Figure 1 – City of Ouray Monthly Storage Tank Influent Graphs (1995 to 2010)
Figure 2 – Alternative 1 Conceptual Infiltration Gallery Location and Raw Water Pipeline Alignment
Figure 3 – Alternative 2 Conceptual Oak Creek Intake, Raw Water Pipeline Alignment and Pump Station Location
Figure 4 – City of Ouray Monthly Storage Tank Effluent Graphs (1995 to 2010)

Tables:

Attachments:

Attachment 1 - Conceptual Design Calculations for Alternatives 1 through 3

cc:

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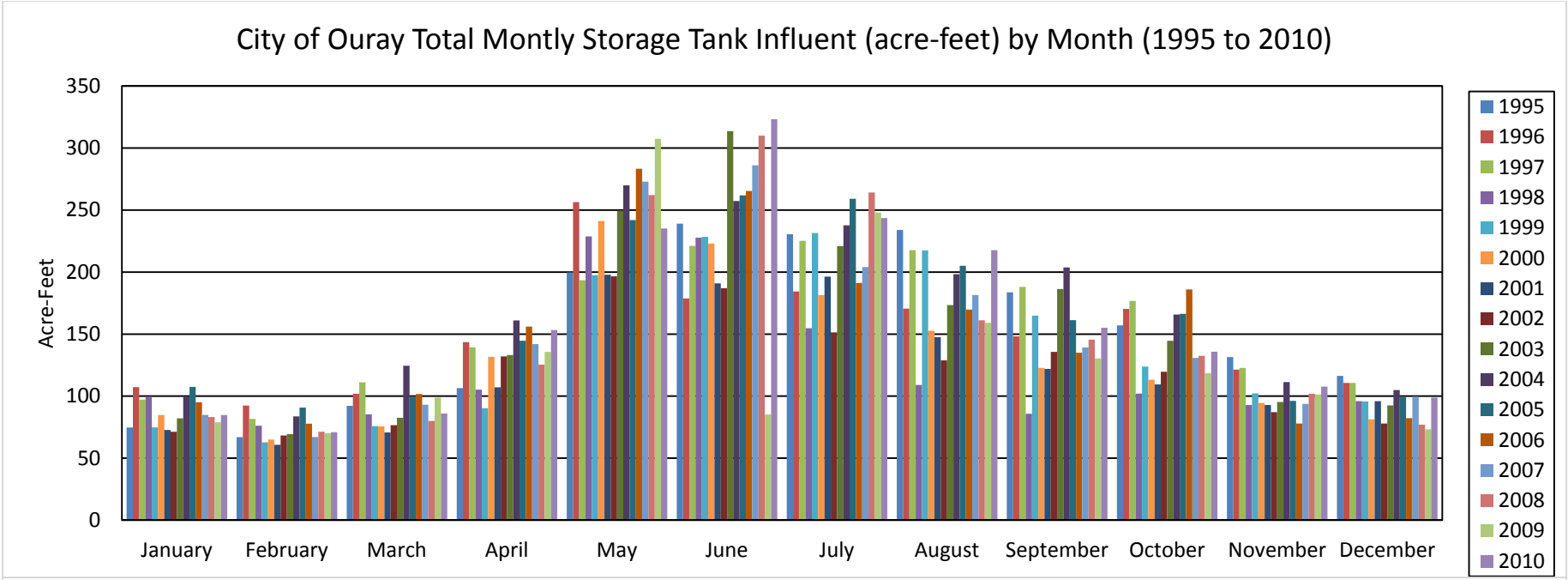
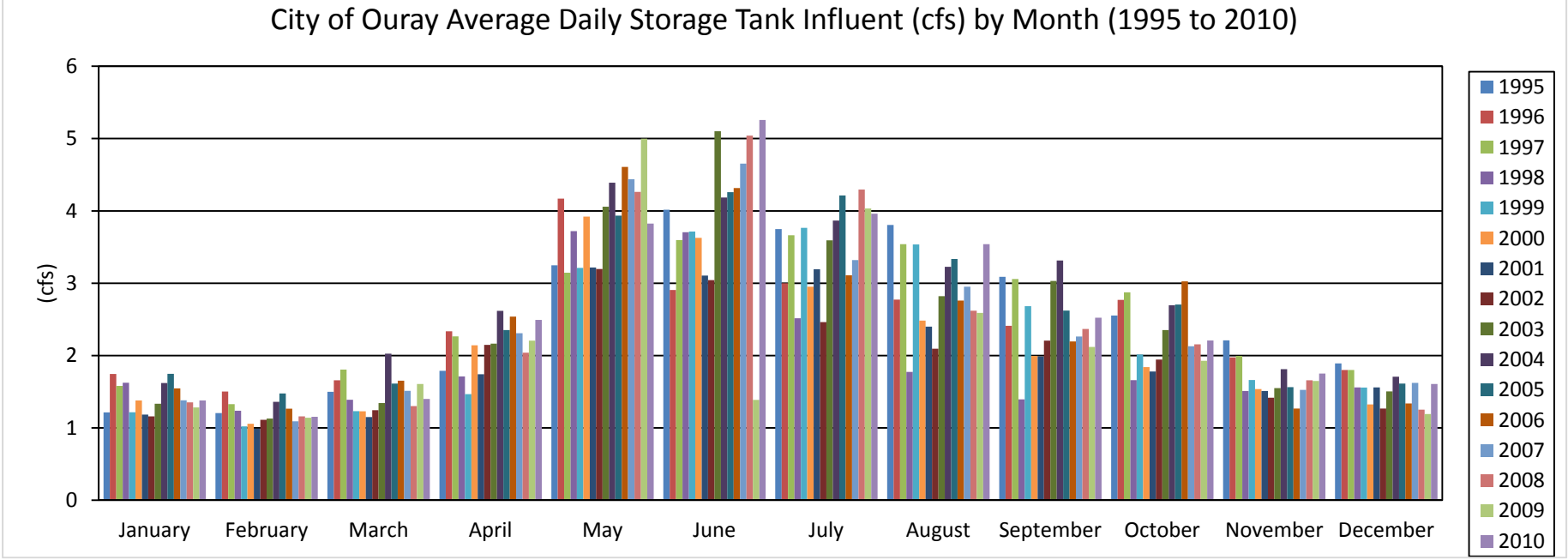
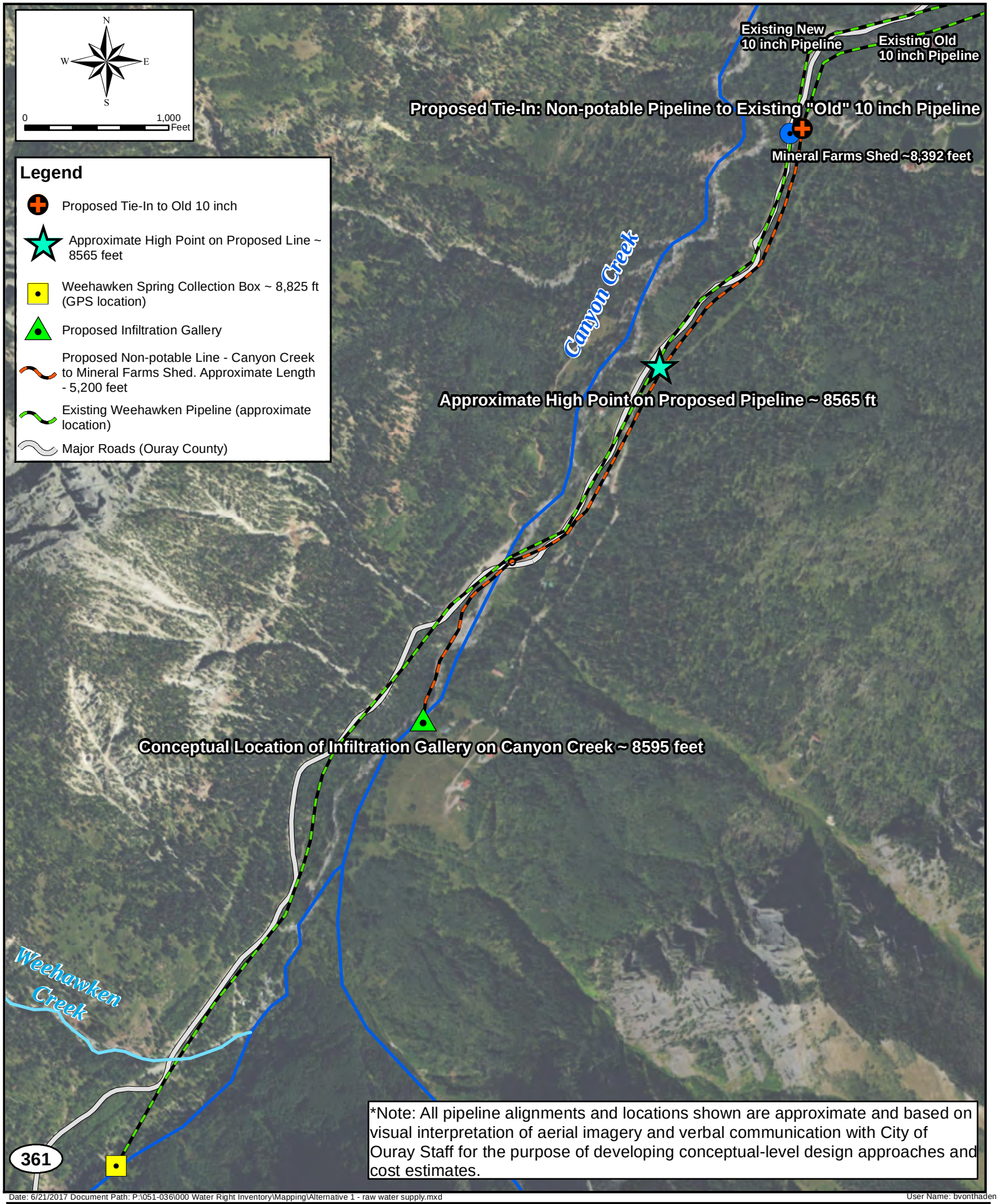
Figure 1 – City of Ouray Monthly Storage Tank Influent Graphs (1995 to 2010)







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City of Ouray

OURAY COUNTY, COLORADO

ALTERNATIVE 1: CONCEPTUAL INFILTRATION GALLERY LOCATION AND RAW WATER PIPELINE ALIGNMENT

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PRIVILEGED AND CONFIDENTIAL INFORMATION

CITY OF OURAY

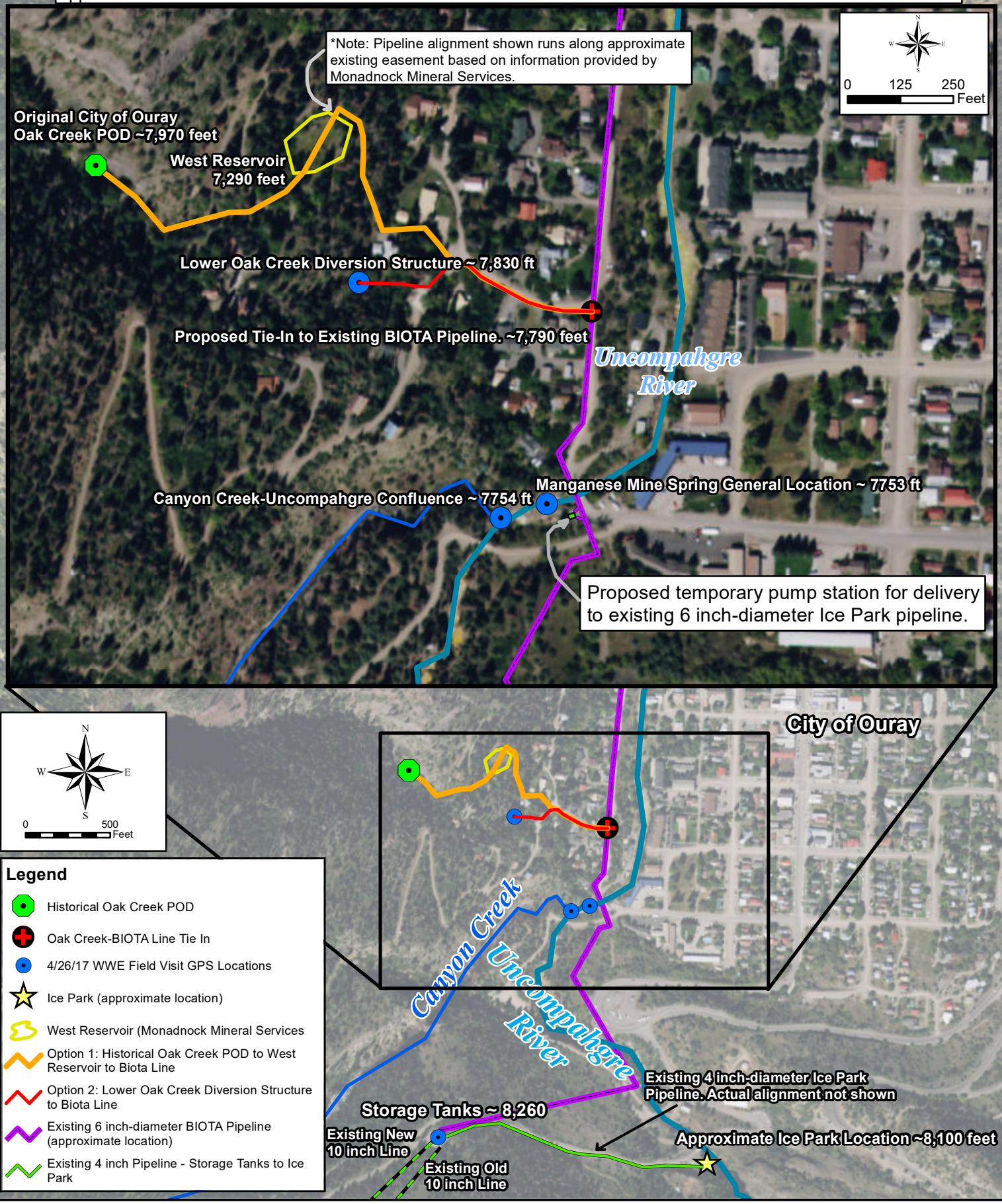
January 22, 2019

PROJECT NO. 051-036.000

DRAFT

FIGURE 2

*Note: All pipeline alignments and locations shown are approximate and are based on visual interpretation of aerial imagery and verbal communication with City of Ouray Staff for the purpose of developing conceptual-level design approaches and cost estimates.



Date: 8/29/2017 Document Path: P:\051-036\000 Water Right Inventory\Mapping\Alternative 2 - raw water supply_Revised.mxd

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OURAY COUNTY, COLORADO

OPTIONS 1 & 2 - CONCEPTUAL OAK CREEK INTAKE AND PUMP STATION LOCATION AND RAW WATER PIPELINE ALIGNMENT

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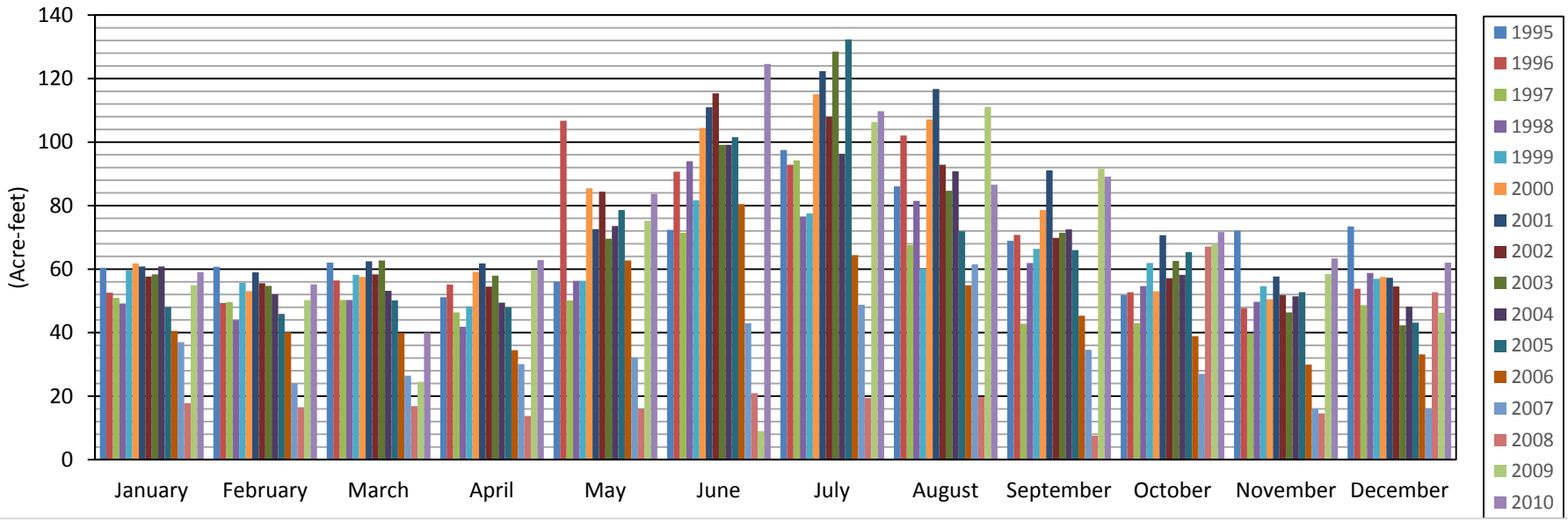
CITY OF OURAY

PROJECT NO. 051-036.000

DRAFT

FIGURE 3

Figure 4 – City of Ouray Monthly Storage Tank Effluent Graphs (1995 to 2010)



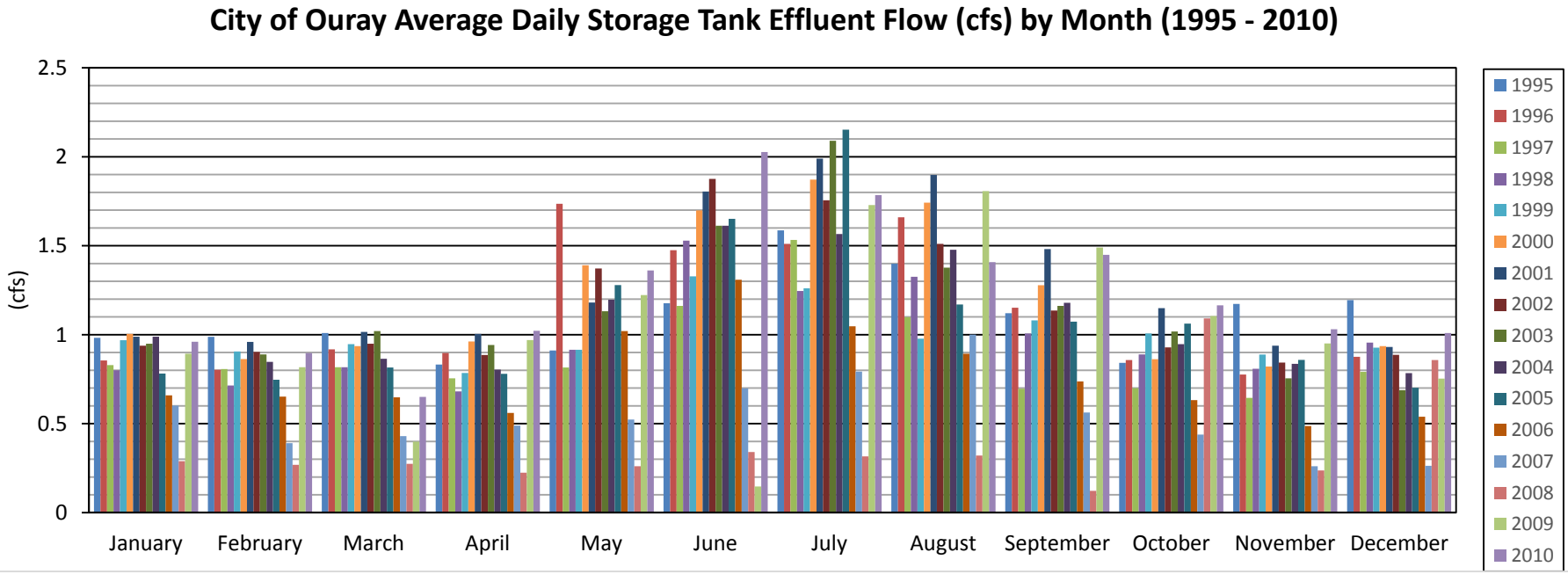


Table 2

Summary of City of Ouray Water Supply Amounts and Mineral Fams Diversions

Month	City of Ouray[1]		Mineral Farms[2]		Total (CFS)
	Average Daily Inflow to Tank (MGD)	Average Daily Inflow to Tank (CFS)	Average Daily Water Diversion (MGD)	Average Daily Water Diversion (CFS)	
January	0.92	1.42	0.013	0.021	1.44
February	0.86	1.33	0.016	0.024	1.35
March	0.96	1.48	0.015	0.023	1.51
April	1.41	2.19	0.017	0.026	2.21
May	2.52	3.90	0.018	0.027	3.93
June	2.52	3.89	0.022	0.035	3.93
July	2.23	3.45	0.027	0.042	3.49
August	1.84	2.85	0.029	0.044	2.89
September	1.63	2.52	0.025	0.039	2.56
October	1.48	2.29	0.018	0.027	2.32
November	1.10	1.71	0.019	0.030	1.74
December	0.99	1.53	0.019	0.029	1.56
				Average During Ice Park Season (November to February)	1.52
				Average Annual	2.41

Notes:

[1]City of Ouray Water Supply Data 1995 to 2010

[2]Mineral Farms Water Consumption Data 2016-2017

Table 3

Summary of City of Ouray and Mineral Farms Water Demand Data

Month	City of Ouray[1]			Mineral Farms[2]			Total Demand (CFS)
	Average Daily Water Demand (MGD)	Average Daily Water Demand (CFS)	Gallon per day / EQR[3]	Average Daily Water Demand (MGD)	Average Daily Water Demand (CFS)	Gallon per day / EQR[4]	
January	0.55	0.84	550	0.013	0.021	1024	0.86
February	0.56	0.86	562	0.016	0.024	1212	0.89
March	0.51	0.78	510	0.015	0.023	1152	0.81
April	0.53	0.81	530	0.017	0.026	1304	0.84
May	0.70	1.08	702	0.018	0.027	1354	1.10
June	0.90	1.39	903	0.022	0.035	1726	1.42
July	0.98	1.51	987	0.027	0.042	2085	1.56
August	0.85	1.32	858	0.029	0.044	2210	1.36
September	0.70	1.08	704	0.025	0.039	1949	1.12
October	0.59	0.92	599	0.018	0.027	1359	0.95
November	0.51	0.79	518	0.019	0.030	1490	0.82
December	0.53	0.82	533	0.019	0.029	1454	0.85
						Average During Ice Park Season (November to February)	0.86
						Average Annual	1.05

Notes:

[1]Water delivery data for City of Ouray from 1995 to 2010 for Tank Effluent (does not include Ice Park deliveries)

[2]Water delivery data for Mineral Farms 2016 to May 2017

[3]City of Ouray estimated EQR = 1534 based on information from Engineering Report

[4]Mineral Farms EQR = 13 based on information provided by City of Ouray

Table 4

Summary of Excess Water Diversion Under Average Flow Conditions

Month	Average Daily Total Water Available (Tank Influent) (CFS)	Existing Average Daily Municipal Diversions (Tank Effluent) (CFS)	Current Maximum Ice Park Demands (CFS)[1]	Current Maximum Hydropower Demands (CFS)[2]	Excess (+) or Deficit (-) Water Available (CFS)
January	1.42	0.84	0.50	1.20	-1.12
February	1.33	0.86	0.50	1.20	-1.24
March	1.48	0.78	0.00	1.20	-0.50
April	2.19	0.81	0.00	1.20	0.18
May	3.90	1.08	0.00	1.20	1.62
June	3.89	1.39	0.00	1.20	1.31
July	3.45	1.51	0.00	1.20	0.73
August	2.85	1.32	0.00	1.20	0.33
September	2.52	1.08	0.00	1.20	0.24
October	2.29	0.92	0.00	1.20	0.18
November	1.71	0.79	0.50	1.20	-0.79
December	1.53	0.82	0.50	1.20	-0.99
				Average During Ice Park Season (November to February) =	-1.03
				Average Annual =	0.00

Notes:

[1]Maximum Demand from Ice Park during winter season 2016 to 2017

[2]Maximum Demand from Hydropower Plant when operating

Table 5

Summary of Excess Water Diversion Under Low Flow Conditions

Month	Minimum Daily Total Water Available (Tank Influent) (CFS)	Existing Average Daily Municipal Diversions (Tank Effluent) (CFS)	Current Maximum Ice Park Demands (CFS)[1]	Current Maximum Hydropower Demands (CFS)[2]	Excess (+) or Deficit (-) Water Available (CFS)
January	1.16	0.84	0.50	1.20	-1.38
February	1.09	0.86	0.50	1.20	-1.47
March	1.15	0.78	0.00	1.20	-0.83
April	1.52	0.81	0.00	1.20	-0.50
May	3.15	1.08	0.00	1.20	0.87
June	1.43	1.39	0.00	1.20	-1.15
July	2.46	1.51	0.00	1.20	-0.25
August	1.77	1.32	0.00	1.20	-0.74
September	1.44	1.08	0.00	1.20	-0.84
October	1.66	0.92	0.00	1.20	-0.46
November	1.31	0.79	0.50	1.20	-1.18
December	1.19	0.82	0.50	1.20	-1.33
				Average During Ice Park Season (November to February) =	-1.34
				Average Annual =	-0.77

Notes:

[1]Maximum Demand from Ice Park during winter season 2016 to 2017

[2]Maximum Demand from Hydropower Plant when operating

Table 6
Conceptual Opinion of Probable Cost for City of Ouray - Alternative No. 1

Estimated Construction Costs					
Description	**Cost per Unit**	**Unit**	**Reference**	**Quantity (±)**	**Cost**
Mobilization / Demobilization					
10% of Permit Compliance, Earthwork, Infiltration Gallery, Pipeline, and Electrical Controls Costs	$ 71,300	LS		1	$ 71,300
Permit Compliance					
Stormwater Permit Compliance	$ 32,200	LS	1	1	$ 32,200
Dewatering Permit Compliance	$ 30,000	LS	4	1	$ 30,000
Earthwork					
Trenching and Backfilling	$ 10	LF	4	5200	$ 52,000
Infiltration Gallery					
2.2 CFS Infiltration Gallery in Box Canyon Creek	$ 150,000	L.S	2	1	$ 150,000
Raw Water Pipeline - Infiltration Gallery to Mineral Fames Shed					
10-inch HDPE Pipe	$ 70	LF	2	5200	$ 364,000
10-inch Air Release/Vacuum Valve and Vault	$ 12,000	LS	2	2	$ 24,000
Miscellaneous Valves and Meters	$ 54,600	LS	5	1	$ 54,600
Electrical Controls and SCADA					
Furnish and install electrical actuators and SCADA elements	$ 6,600	LS	6	1	$ 6,600
				Construction Subtotal	$ 785,000
				Contingency +30%	$ 1,021,000
Estimated Engineering / Easement / Permitting Costs					
Engineering Design / Water Rights Services	$ 110,000	LS		1	$ 110,000
Geotechnical Investigation	$ 20,000	LS		1	$ 20,000
Easement Procurement	$ 10,000	LS		1	$ 10,000
404 Permitting and Cultural Resource Inventory	$ 20,000	LS		1	$ 20,000
Survey	$ 15,000	LS		1	$ 15,000
Services During Construction	$ 50,000	LS		1	$ 50,000
				Total Conceptual Level Engineering / Easement / Permit Development Costs	$ 225,000

[1]Estimated at 5% of Earthwork, Infiltration Gallery, Raw Water Pipeline costs.

[2]WWE Bid Tabs from Similar Projects

[3]RS Means Heavy Construction Cost Data, 2016

[4]Urban Drainage and Flood Control District Bid Tabs

[5]Estimated as 15% of straight pipeline costs

[6]Estimated as 12% of valve and meter costs

Table 7
Conceptual Opinion of Probable Cost - Alternative No. 2 - Original Diversion Location

Estimated Construction Costs					
Description	**Cost per Unit**	**Unit**	**Reference**	**Quantity (±)**	**Cost**
Mobilization / Demobilization					
10% of Permit Compliance, Earthwork, Infiltration Gallery, Pipeline, and Electrical Controls Costs	$ 21,000	LS		1	$ 21,000
Permit Compliance					
Stormwater Permit Compliance	$ 9,100	LS	1	1	$ 9,100
Dewatering Permit Compliance	$ 10,000	LS	3	1	$ 10,000
Earthwork					
Trenching and Backfilling	$ 10	LF	3	100	$ 1,000
Modifications to Existing Diversion Structure					
Installation of check structure to divert water into 6-inch HPDE pipeline	$ 10,000	LS	2	1	$ 10,000
Pump Station					
Sized to deliver 0.5 cfs to Ice Park	$ 50,000	L.S	6	1	$ 50,000
Raw Water Pipeline - Diversion to BIOTA Pipeline					
6-inch HDPE Pipe	$ 60	LF	2	1650	$ 99,000
Miscellaneous Valves and Meters	$ 22,400	LS	4	1	$ 22,400
Electrical Controls and SCADA					
Furnish and install electrical actuators and SCADA elements	$ 8,700	LS	5	1	$ 8,700
				Construction Subtotal	$ 231,000
				Total Construction Costs Including Contingency +30%	$ 300,000
Estimated Engineering / Easement / Permitting Costs					
Engineering Design / Water Rights Services	$ 55,000	LS		1	$ 55,000
404 Permitting	$ 10,000	LS		1	$ 10,000
Survey	$ 6,000	LS		1	$ 6,000
Services During Construction	$ 21,000	LS		1	$ 21,000
				Total Engineering / Easement / Permit Development Costs	$ 92,000

[1]Estimated at 5% of Earthwork, Infiltration Gallery, Raw Water Pipeline costs.

[2]WWE Bid tabs from similar projects.

[3]Urban Drainage and Flood Control District Bid Tabs.

[4]Estimated as 15% of straight pipeline and pump costs.

[5]Estimated as 12% of pump, and valve and meter costs.

[6]Quote from Water Technology Group, 6/2017

Table 8
Conceptual Opinion of Probable Cost - Alternative No. 2 - Lower Diversion Location

Estimated Construction Costs					
Description	**Cost per Unit**	**Unit**	**Reference**	**Quantity (±)**	**Cost**
Mobilization / Demobilization					
10% of Permit Compliance, Earthwork, Infiltration Gallery, Pipeline, and Electrical Controls Costs	$ 13,200	LS		1	$ 13,200
Permit Compliance					
Stormwater Permit Compliance	$ 5,500	LS	1	1	$ 5,500
Dewatering Permit Compliance	$ 10,000	LS	3	1	$ 10,000
Earthwork					
Trenching and Backfilling	$ 10	LF	3	100	$ 1,000
Modifications to Existing Diversion Structure					
Installation of check structure to divert water into 6-inch HPDE pipeline	$ 10,000	LS	2	1	$ 10,000
Pump Station					
Sized to deliver 0.5 cfs to Ice Park	$ 50,000	L.S	6	1	$ 50,000
Raw Water Pipeline - Diversion to BIOTA Pipeline					
6-inch HDPE Pipe	$ 60	LF	2	590	$ 35,400
Miscellaneous Valves and Meters	$ 12,800	LS	4	1	$ 12,800
Electrical Controls and SCADA					
Furnish and install electrical actuators and SCADA elements	$ 7,500	LS	5	1	$ 7,500
				Construction Subtotal	$ 145,000
				Total Construction Costs Including Contingency +30%	$ 189,000
Estimated Engineering / Easement / Permitting Costs					
Engineering Design / Water Rights Services	$ 50,000	LS		1	$ 50,000
Easement Procurement	$ 20,000	LS		1	$ 20,000
404 Permitting	$ 10,000	LS		1	$ 10,000
Survey	$ 5,000	LS		1	$ 5,000
Services During Construction	$ 21,000	LS		1	$ 21,000
				Total Engineering / Easement / Permit Development Costs	$ 106,000

[1]Estimated at 5% of Earthwork, Infiltration Gallery, Raw Water Pipeline costs.

[2]WWE Bid tabs from similar projects.

[3]Urban Drainage and Flood Control District Bid Tabs.

[4]Estimated as 15% of straight pipeline and pump costs.

[5]Estimated as 12% of pump, and valve and meter costs.

[6]Quote from Water Technology Group, 6/2017

Attachment 1

Conceptual Design Calculations for Alternatives 1 through 3

WWE CALCULATION SHEET

Project:	City of Ouray - Raw Water Supply	Design:	HAL
Job. No.:	051-036.000	Check:	SF
Date:	06/01/17		
Subject:	Alternative 1 - Conceptual Pipeline Sizing Calculations		

Purpose: **Task 1: Calculate the Size of Pipe Needed to Deliver 2.2 cfs at a Minimum Velocity of 3.5 ft/s**
Task 2: Confirm Proposed Elevation of Infiltration Gallery has Enough Head to Deliver Design Flow to Mineral Farm Shed

References:
1. Personal Communication with City of Ouray
2. WWE Field Visit

Assumptions

				REF
1. Required Flow Capacity =	2.2 cfs	=	987 gpm	1
2. Elevation of Infiltration Gallery =	8595 ft			2
4. High Point Elevation on Pipeline =	8565 ft			1
5. Elevation of Mineral Shed =	8392 ft			
5. Pipeline Length from Infiltration Gallery to High Point =	3120 ft			1
6. Pipeline Length from High Point to Mineral Shed =	2080 ft			1
7. Minimum Velocity in Pipeline =	3.5 ft/s			
8. HDPE Pipe Hazen Williams "C" Factor =	150			

Calculations

Task 1: Calculate the Size of Pipe Needed to Deliver 2.2 cfs at a Minimum Velocity of 3.5 ft/s

Governing Equation: $Q = V \times A$

Q =	2.2 cfs	Known
V =	3.5 ft/s	Known
A =	0.63 ft^2	Solve
Max Pipe Diameter =	0.89 ft	
Max Pipe Diameter =	11 inches	
Design Pipe Diam =	**10 inches**	

Task 2: Confirm Proposed Elevation of Infiltration Gallery has Enough Head to Deliver Design Flow to Mineral Farm Shed

Task 2.1 Estimate friction head from infiltration gallery to high point using Hazen-Williams Equation

Pipe Size (in)	Pipe Type	Length (ft)	Velocity (ft/s)	Headloss (ft)
10	HDPE	3120	4.0	14.4
Minor Losses (Estimate 10% of Pipe Loss for Bends etc.) =				1
Estimated Total Friction Head =				**15.8**

Task 2.2 Check for sufficient elevation head from infiltration gallery to high point

Infiltration Gallery Elevation =	8595 ft
High Point Elevation =	8565 ft
Elevation Head =	30 ft

Elevation Head > Headloss OKAY

Task 2.3 Estimate friction head from infiltration gallery to mineral farm shed using Hazen-Williams Equation

Pipe Size (in)	Pipe Type	Length (ft)	Velocity (ft/s)	Headloss (ft)
10	HDPE	5200	4.0	23.9
Minor Losses (Estimate 10% of Pipe Loss for Bends etc.) =				2
Estimated Total Friction Head =				**26.3**

Task 2.4 Check for sufficient elevation head from infiltration gallery to mineral shed

Infiltration Gallery Elevation =	8595 ft
Mineral Shed Elevation =	8392 ft
Elevation Head =	203 ft

Elevation Head > Headloss OKAY

WWE CALCULATION SHEET

Project:	City of Ouray - Raw Water Supply	Design:	HAL
Job. No.:	051-036.000	Check:	SF
Date:	06/01/17		
Subject:	Alternative 2 - Conceptual Pipeline Sizing Calculations		

Purpose:
Task 1: Calculate the Size of Pipe Needed to Deliver 2.2 cfs at a Minimum Velocity of 3.5 ft/s
Task 2: Determine if High or Low Flow Rate Pressure Can be Achieved from the Original Oak Creek Diversion by Gravity into the Hydropower Plant
Task 3: Determine Size of Pump Needed to Deliver 0.50 cfs and 1.0 cfs to Storage Tank Elevation for Delivery to Ice Park

References:
1. Personal Communication with City of Ouray
2. WWE Field Visit

Assumptions

					REF
1. Required Flow Capacity to Ice Park =	1.0	cfs	=	449 gpm	1
2. Required High Flow Capacity to Hydropower Plant =	1.2	cfs	=	539 gpm	1
3. Total Flow Required =	2.2	cfs	=	987 gpm	
4. Maximum Ice Park Flow (2016-2017 Season) =	0.5	cfs	=	212 gpm	1
5. Required Pressure at High Flow Nozzle for Hydropower Plant =	150.0	psi			1
6. Required Low Flow Capacity to Hydropower Plant =	0.85	cfs	=	379 gpm	1
7. Required Pressure at Low Flow Nozzle for Hydropower Plant =	200.00	psi			1
8. Elevation of Oak Creek Diversion =	7970	ft			1
9. Elevation of Proposed Pump Station =	7760	ft			
10. Elevation of Hydropower Plant =	7686	ft			1
11. Elevation of Ice Park =	8100	ft			2
12. Elevation of Storage Tanks =	8260	ft			
13. Pipeline Length from Oak Creek Diversion to BIOTA line =	1650	ft			1
14. Pipeline Length from Oak Creek BIOTA Connection to Hydropower =	2965	ft			1
15. Pipeline Length from Pump Station to Storage Tank Elevation =	2500	ft			
16. Minimum Velocity in Pipeline =	3.5	ft/s			
17. BIOTA line Diameter =	6	inches			
18. HDPE Pipe Hazen Williams "C" Factor =	150				
19. PVC Pipe Hazen Williams "C" Factor =	130				
20. Specific Weight of Water =	62.4	lbs/ft^3			
21. Gravity =	32.2	ft/s^2			
22. Pump Efficiency =	75%				

Calculations

Task 1: Calculate the Size of Pipe Needed to Deliver 2.2 cfs at a Minimum Velocity of 3.5 ft/s

Governing Equation: $Q = V \times A$

Q =	2.2 cfs	Known
V =	3.5 ft/s	Known
A =	0.63 ft^2	Solve
Max Pipe Diameter =	0.89 ft	
Max Pipe Diameter =	11 inches	
Design Pipe Diam =	**10 inches**	

Task 2: Determine if High or Low Flow Rate Pressure Can be Achieved from the Original Oak Creek Diversion by Gravity into the Hydropower Plant

Task 2.1 Estimate friction head from Oak Creek Diversion to Hydropower Plant under High and Low Flow conditions using Hazen-Williams Equation

High Flow Conditions

Pipe Size (in)	Pipe Type	Length (ft)	Velocity (ft/s)	Headloss (ft)
10	HDPE	1650	4.0	2
6	PVC	2965	6.1	70
	Minor Losses (Estimate 10% of Pipe Loss for Bends etc.) =			11
	Estimated Total Friction Head =			**82**

Low Flow Conditions

Pipe Size (in)	Pipe Type	Length (ft)	Velocity (ft/s)	Headloss (ft)
10	HDPE	1650	4.0	2
6	PVC	2965	4.3	36
	Minor Losses (Estimate 10% of Pipe Loss for Bends			6
	Estimated Total Friction Head =			**44**

Task 2.2 Check for sufficient elevation head from Oak Creek Diversion to Hydropower Plant

Oak Creek Elevation =	7970 ft
Hydropower Plant Elevation =	7686 ft
Elevation Head =	284 ft

Elevation Head > Headloss OKAY

Task 2.3 Estimate pressure at High and Flow Nozzle using Bernoulli Equation

High Flow Nozzle

Parameter	Location Description	
	Oak Creek Diversion	High Flow Nozzle
Elevation (ft)	7970	7686
Velocity (ft/s)	NA	6.1
Friction Loss (ft)	NA	82
Total Pressure (lbs/ft^2) =		12558
Total Pressure (lbs/in^2) =		87
Total Head (ft) =		201

87 < Required 150 psi NOT OKAY

Low Flow Nozzle

Parameter	Location Description	
	Oak Creek Diversion	Low Flow Nozzle
Elevation (ft)	7970	7686
Velocity (ft/s)	NA	4.3
Friction Loss (ft)	NA	44
Total Pressure (lbs/ft^2) =		14964
Total Pressure (lbs/in^2) =		104
Total Head (ft) =		240

104 < Required 200 psi NOT OKAY

WWE CALCULATION SHEET

Project:	City of Ouray - Raw Water Supply	Design:	HAL
Job. No.:	051-036.000	Check:	SF
Date:	06/01/17		
Subject:	Alternative 2 - Conceptual Pipeline Sizing Calculations		

Purpose:
Task 1: Calculate the Size of Pipe Needed to Deliver 2.2 cfs at a Minimum Velocity of 3.5 ft/s
Task 2: Determine if High or Low Flow Rate Pressure Can be Achieved from the Original Oak Creek Diversion by Gravity into the Hydropower Plant
Task 3: Determine Size of Pump Needed to Deliver 0.50 cfs and 1.0 cfs to Storage Tank Elevation for Delivery to Ice Park

References:
1. Personal Communication with City of Ouray
2. WWE Field Visit

REF

Task 3: Determine Size of Pump Needed to Deliver 0.50 cfs and 1.0 cfs to Storage Tank Elevation for Delivery to Ice Park

Task 3.1 Estimate friction head from Oak Creek Diversion to Storage Tanks for 0.5 cfs and 1.0 cfs

0.5 cfs Flow Condition (Maximum Existing Ice Park Demand)

Pipe Size (in)	Pipe Type	Length (ft)	Velocity (ft/s)	Headloss (ft)
5	HDPE	1650	3.5	13
6	PVC	2500	2.4	10
	Minor Losses (Estimate 10% of Pipe Loss for Bends etc.) =			4
	Estimated Total Friction Head =			**27**

1.0 cfs Flow Condition (Ice Park Future Maximum Demand)

Pipe Size (in)	Pipe Type	Length (ft)	Velocity (ft/s)	Headloss (ft)
6	HDPE	1650	5.1	21
6	PVC	2500	5.1	42
	Minor Losses (Estimate 10% of Pipe Loss for Bends			9
	Estimated Total Friction Head =			**73**

Task 3.2 Estimate required pump head to supply 0.5 cfs and 1.0 cfs to Storage Tank Elevation using Bernoulli Equation

0.5 cfs Flow Condition (Maximum Existing Ice Park Demand)

Parameter	Location Description	
	Pump Station Elevation	Storage Tanks
Elevation (ft)	7760	8260
Velocity (ft/s)	NA	2.4
Pump Head (ft)	560	NA
Friction Loss (ft)	NA	14
Total Pressure (lbs/ft^2) =		2880
Total Pressure (lbs/in^2) =		20.0
Total Head (ft) =		46.2

1.0 cfs Flow Condition (Ice Park Future Maximum Demand)

Parameter	Location Description	
	Pump Station Elevation	Storage Tanks
Elevation (ft)	7760	8260
Velocity (ft/s)	NA	5.1
Pump Head (ft)	598	NA
Friction Loss (ft)	NA	51
Total Pressure (lbs/ft^2) =		2880
Total Pressure (lbs/in^2) =		20.0
Total Head (ft) =		46.2

Note: Pipeline from pump station does not include friction losses for HDPE line

Note: Assumed 20 psi required at tie in for conceptual estimating purposes

Task 3.3 Estimate size of pump needed to provide required pressure at 0.5 cfs and 1.0 cfs flow condition

Governing Equation: $HP = \frac{(SG)Qh_A}{3956}$ **Notes:** 1) multiply by 1.25 for assumed pumping efficiency, 2) SG of water = 1 and 3) h_a = head added by pump from Task 3.2

0.5 cfs Pump =	**38 HP**
1.0 cfs Pump =	**85 HP**

WWE CALCULATION SHEET

Project:	City of Ouray - Raw Water Supply	Design:	HAL
Job. No.:	051-036.000	Check:	SF
Date:	06/01/17		
Subject:	Alternative 3 - Water Management Options		

Purpose: **Task 1: Compare the Average Daily Use of the City of Ouray with Actual Supply to Estimate Water Savings as a Result of Management and System Repairs**
Task 2: Compare the Average Daily Use of the City of Ouray with Minimum Supply Months to Estimate Water Savings as a Result of Management and System Repairs

References: **1. Personal Communication with and data from the City of Ouray**
2. WWE, 2014. The City of Ouray Plan for Augmentation and Exchange to Division 4 Engineering Report

REF

Assumptions

1. City of Ouray 2017 EQR = 1534 EQR **2**
2. Mineral Farms 2017 EQR = 13 EQR **1**

3. Mineral Farms Water Consumption Data (2016-2017) **1**

Month	Days in Month	Gallons - 2016	Gallons - 2017	Average (gallons)	Water Demand (MGD)	Gallon per day / EQR	Water Demand (CFS/day)
January	**31**	261800	563500	412650	0.013	1024	0.021
February	**28**	411800	470200	441000	0.016	1212	0.024
March	**31**	450500	478200	464350	0.015	1152	0.023
April	**30**	441900	575200	508550	0.017	1304	0.026
May	**31**	533000	558100	545550	0.018	1354	0.027
June	**30**	673300		673300	0.022	1726	0.035
July	**31**	840400		840400	0.027	2085	0.042
August	**31**	890500		890500	0.029	2210	0.044
September	**30**	760300	Not Provided	760300	0.025	1949	0.039
October	**31**	547600		547600	0.018	1359	0.027
November	**30**	581200		581200	0.019	1490	0.030
December	**31**	585900		585900	0.019	1454	0.029

4. City of Ouray Water Diversion (tank effluent) Data (1995 to 2010) **1**

Month	Days in Month	Average Demand (million gallons)	Average Daily Demand (MGD/day)	Water Demand (CFS/day)	Gallon per day / EQR	Max Ice Park Demands (cfs/day)	Hydropower Demands (cfs/day)
January	**31**	17	0.5	0.8	550	0.5	
February	**28**	16	0.6	0.9	562	0.5	
March	**31**	16	0.5	0.8	510		
April	**30**	16	0.5	0.8	530		1.20
May	**31**	22	0.7	1.1	702		1.20
June	**30**	27	0.9	1.4	903		1.20
July	**31**	30	1.0	1.5	987		1.20
August	**31**	26	0.9	1.3	858		1.20
September	**30**	21	0.7	1.1	704		1.20
October	**31**	18	0.6	0.9	599		1.20
November	**30**	15	0.5	0.8	518	0.5	
December	**31**	16	0.5	0.8	533	0.5	

5. City of Ouray Water Diversion (tank effluent) Minimum (1995 to 2010) **1**

Month	Days in Month	Average Demand (million gallons)	Average Daily Demand (MGD/day)	Water Demand (CFS/day)
January	**31**	6	0.2	0.3
February	**28**	5	0.2	0.3
March	**31**	5	0.2	0.3
April	**30**	4	0.1	0.2
May	**31**	5	0.2	0.3
June	**30**	3	0.1	0.2
July	**31**	6	0.2	0.3
August	**31**	6	0.2	0.3
September	**30**	2	0.1	0.1
October	**31**	9	0.3	0.4
November	**30**	5	0.2	0.2
December	**31**	5	0.2	0.3

5. City of Ouray Water Supply (tank influent) Average (1995 to 2010)

Month	Days in Month	Average Supply (million gallons)	Average Daily Supply (MGD/day)	Water Supply (CFS/day)
January	**31**	29	0.9	1.4
February	**28**	24	0.9	1.3
March	**31**	30	1.0	1.5
April	**30**	42	1.4	2.2
May	**31**	78	2.5	3.9
June	**30**	76	2.5	3.9
July	**31**	69	2.2	3.4
August	**31**	57	1.8	2.8
September	**30**	49	1.6	2.5
October	**31**	46	1.5	2.3
November	**30**	33	1.1	1.7
December	**31**	31	1.0	1.5

WWE CALCULATION SHEET

Project:	City of Ouray - Raw Water Supply	Design:	HAL
Job. No.:	051-036.000	Check:	SF
Date:	06/01/17		
Subject:	Alternative 3 - Water Management Options		

Purpose: **Task 1: Compare the Average Daily Use of the City of Ouray with Actual Supply to Estimate Water Savings as a Result of Management and System Repairs**
Task 2: Compare the Average Daily Use of the City of Ouray with Minimum Supply Months to Estimate Water Savings as a Result of Management and System Repairs

References: **1. Personal Communication with and data from the City of Ouray**
2. WWE, 2014. The City of Ouray Plan for Augmentation and Exchange to Division 4 Engineering Report

REF

Calculations

Task 1: Compare the Average Daily Use of the Mineral Farms and City of Ouray with Actual Supply to Estimate Water Savings as a Result of Management and System Repairs

Month	Average Daily Water Supply (CFS)	Average Daily Municipal Demands (CFS)	Current Maximum Ice Park Demands (CFS)	Current Maximum Hydropower Demands (CFS)	Excess Water (CFS)
January	1.42	0.84	0.50	1.20	-1.12
February	1.33	0.86	0.50	1.20	-1.24
March	1.48	0.78	0.00	1.20	-0.50
April	2.19	0.81	0.00	1.20	0.18
May	3.90	1.08	0.00	1.20	1.62
June	3.89	1.39	0.00	1.20	1.31
July	3.45	1.51	0.00	1.20	0.73
August	2.85	1.32	0.00	1.20	0.33
September	2.52	1.08	0.00	1.20	0.24
October	2.29	0.92	0.00	1.20	0.18
November	1.71	0.79	0.50	1.20	-0.79
December	1.53	0.82	0.50	1.20	-0.99
				Average During Ice Park Season (November to February) =	-1.03
				Average Annual =	0.00

1,2

Task 2: Compare the Average Daily Use of the Mineral Farms and City of Ouray with Minimum Supply Months to Estimate Water Savings as a Result of Management and System Repairs

Month	Minimum Water Supply (1995 to 2010) (CFS)	Average Daily Municipal Demands (CFS)	Current Maximum Ice Park Demands (CFS)	Current Maximum Hydropower Demands (CFS)	Excess Water (CFS)
January	1.16	0.84	0.50	1.20	-1.38
February	1.09	0.86	0.50	1.20	-1.47
March	1.15	0.78	0.00	1.20	-0.83
April	1.52	0.81	0.00	1.20	-0.50
May	3.15	1.08	0.00	1.20	0.87
June	1.43	1.39	0.00	1.20	-1.15
July	2.46	1.51	0.00	1.20	-0.25
August	1.77	1.32	0.00	1.20	-0.74
September	1.44	1.08	0.00	1.20	-0.84
October	1.66	0.92	0.00	1.20	-0.46
November	1.31	0.79	0.50	1.20	-1.18
December	1.19	0.82	0.50	1.20	-1.33
				Average During Ice Park Season (November to February) =	-1.34
				Average Annual =	-0.77

1,2

City of Ouray
Water Efficiency
Plan 2019 Update

Prepared for:

The City of Ouray
P.O. Box 468
Ouray, CO 81427

Colorado Water Conservation Board
1313 Sherman Street, Room 721
Denver, CO 80203

Wright Water Engineers, Inc.

January 2019

051-036.100

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APPENDICES

1.0 EXECUTIVE SUMMARY

The City of Ouray (City) completed and adopted a Water Efficiency Plan (2014 Plan) in September of 2014 in order to evaluate, prioritize and implement water efficiency activities. The goals of these activities are to provide data to the City on system operations, to reduce system losses, to develop estimates of the avoided costs as a result of increased efficiencies, and to increase public awareness and support for the efficiency activities. The City will also consider implementation of education and outreach measures. The City plans to lead by example and implement water savings measures such as fixture retrofits and irrigation efficiencies, as feasible. The implementation of the Plan will help the City to improve water demand forecasts, plan for infrastructure needs, and manage its water demands within its physically and legally available water supply. The goals, screening, evaluation of measures, and implementation plan are shown in Appendices A through F. All of the measures are voluntary and are subject to City Council approval and budget constraints over the planning period. Through this Plan, the City is demonstrating leadership to other small communities in Colorado.

2.0 WATER EFFICIENCY PLAN 2019 UPDATE

In 2018, the City passed an ordinance to implement a plan to install water meters throughout the City. As a result, the 2014 Plan was updated in 2019 to identify water service meters as an approach to further meet the City's water efficiency goal of *Better Water Use Data Collection and Monitoring*. Relevant Sections of this Plan have been updated to include water service meters as a water efficiency activity for the City. Sections which have been updated are identified with a (2019 Update) immediately following the Plan Section title.

Please note that information associated with Plan Section *4.0 Profile of Water Demands and Historical Demand Management* was not updated as part of this 2019 Plan update. Review of more recent City water use demographics and population data in comparison with the information already provided in the 2014 Plan did not warrant changes to this Section.

One reason why the City has decided to incorporate water service meters into the Plan is that the City has made has made good progress to meet many of the goals outlined in the 2014 Plan. The result of that progress has since identified water service meters as a next logical step to help meet the City's water efficiency goals. The following Plan Sections 2.1 and 2.2 provide a brief summary

of the water efficiency activities undertaken and or completed by the City since the 2014 Plan's adoptions.

2.1 Water Measurement Plan

The 2014 Plan identified the *Development and Implementation of a Water Measurement Plan* as a foundational activity for Demand Management. Phase 1 of the Water Measurement Plan was developed and implemented between 2014 and 2016 and included the following activities:

- Water measurement with SCADA capabilities for the following locations:
    - Water storage tank level, inflow, and outflow (including treated water to the municipal distribution system, the ice park, and the hydropower plant),
    - Hot Springs Pool (Pool) discharge to the river.
- Installation of a water meter for Bachelor Switch, which includes the Panoramic Heights and Whispering Pines subdivisions.
- Data logger upgrades for the Wastewater Treatment Plant (WWTP) influent and effluent and installation of pressure transducers.
- Flow/water quality measurement equipment for the OX2 geothermal well.
- Installation of a data logger on Red Mountain Ditch.

2.2 Leak Detection and Water Line Replacement

Since adoption of the 2014 Plan, a leak detection study was conducted in and significant leaks in the City's water distribution system were identified and subsequently repaired. The City has also enacted a leak detection program which periodically monitors the system for leaks and prioritizes water line repairs. Prior to fixing leaks in the system, effluent data from the City's water storage tanks indicated the average annual non-irrigation season water demands from each Equivalent Residential Unit (EQR) served by the City was 480 gallons of water per day, compared with a national average EQR water use of 350 gallons per day. For comparison, the water tank effluent data collected in 2018 after fixing leaks indicated the average annual non-irrigation season demands from each EQR served by the City was approximately 370 gallons of water per day.

3.0 PROFILE OF EXISTING WATER SYSTEM

3.1 Overview of Existing Water Supply System

3.1.1 Service Area

The City provides treated water to a service area of approximately 615 acres, encompassing the City as well as three subdivisions outside of the city limits: 1) UC Pinecrest (Unincorporated County Pinecrest), 2) Whispering Pines, and 3) Panoramic Heights (which includes smaller subdivisions within). The City also provides raw water to the Mineral Farms Subdivision, which has its own water treatment and distribution system (see Map 1). The connection to Mineral Farms has a back-flow prevention unit and a raw water meter which is read by the City on a monthly basis.

3.1.2 Water Supply Sources

The City's primary water source, Weehawken Spring, located in the Canyon Creek drainage (see Map 1). Weehawken Spring and Pipeline are decreed for 7.632 cubic feet per second (cfs) for domestic and fire uses and is associated with a storage water right. Weehawken Spring is also an alternate point of diversion for up to 5.2 cfs of more senior water decreed to Oak Creek Supply Line (see Table 1). Weehawken Spring provides water for both non-potable and potable uses. Treated Weehawken Spring water is used as the main drinking source throughout the service area. The City has additional surface and storage water rights that can be used to provide water supply as needed and as physically available (see Table 1).

Geothermal water for the Ouray Hot Springs Pool is derived from numerous water rights for springs and wells located in the city. This Plan focuses on the non-geothermal water supply at this time.

3.1.3 Key Existing Facilities

Water from Weehawken Spring is collected by three pipelines that flow into a concrete vault. The concrete vault contains an overflow pipe that discharges excess water to Canyon Creek. From the vault, water is conveyed through approximately 2.5 miles of 10-inch transmission line to two 500,000-gallon storage tanks. Prior to reaching the storage tanks, a portion of the flow from Weehawken Spring is diverted at the Mineral Farms Subdivision, which has its own water

treatment and distribution system. As discussed above, there is a water meter on the water transmission pipeline to the Mineral Farms treatment and distribution sytem. A second pipeline runs from Mineral Farms to the storage tanks in order to provide system redundancy.

The two storage tanks function as one unit. Excess raw water in the tanks exits the older tank through a pipe directly into the Uncompahgre River. At this time, the tanks are adequate to capture water needed by the City for use. In the future, additional storage may be added which would reduce overflow to the river. At the outlet of the storage tank, prior to treatment, a tee provides water to the Ice Park in the winter. There is also a dedicated line to a micro-hydro plant that generates power when temperatures are above freezing and there is water supply available after the City's potable demands have been met. The potable water is treated using chlorine gas prior to distribution.

There are two active meters in the chorine building that monitor: 1) treated water delivered to the City's potable water distribution system, 2) outflow to the Ice Park/micro-hydro station. There is a third meter located in a vault that measures the inflow to the water storage tanks from Weehawken Springs.

There are two pipelines for outflow to the distribution system in order to provide redundancy in the event of a pipe failure. The system now uses both pipelines during normal operations. The water distribution system in the City consists of approximately 11 miles of pipeline. The main water distribution lines, including the lines from the water supply to the treatment and distribution system are shown on Map 1. The system currently serves approximately 1,400 taps, and has 90 fire hydrants and 12 pressure reducing valves (PRVs). The system has three main pressure zones: 1) the Jim Brown Zone, 2) the Center of Town Zone, and 3) the North Zone. PRVs are used to adjust pressure between the three zones. The PRV locations are shown on Map 1. The Jim Brown Zone serves an elevation range from 7,735 to 7,970, the Center of Town Zone serves an elevation range from 7,680 feet to 7,830 feet, and the North Zone serves an elevation range from 7,590 feet to 7,760 feet (Boyle Engineering Corp., 2003).

After use, water is discharged through the sewer lines to the Wastewater Treatment Plant (WWTP), which has a capacity to treat approximately 363,000 gallons per day (gpd). The WWTP consists of two aerated lagoons with a total surface area of approximately 1.2 acres (see Map 1). The City's

WWTP provides service within the city limits, UC Pinecrest, and Panoramic Heights. The Whispering Pines and Mineral Farms subdivisions utilize on-site waste water treatment systems.

3.2 Water Supply Reliability

The Colorado Water Conservation Board (CWCB) prepared the Statewide Water Supply Initiative (SWSI) in 2004 to identify current and future water needs to the year 2030 and to examine water supply projects that will help to meet future demands. In 2010, the CWCB updated the SWSI to consider future water demands to the year 2050, to identify non-consumptive needs in each major basin, to assess available water supply in Colorado, and to discuss identified projects to further meet future demands.

The 2004 SWSI identifies a water supply gap of 150 acre-feet per year by the year 2030 for the City of Ouray. The report states, "Approximately 25 percent of increased demand may require augmentation based on potential downstream calls" (Colorado Water Conservation Board, 2004). While the 2010 SWSI report does not specifically address the City, the report does identify a 300 acre-foot per year water supply gap for Ouray County by the year 2050 (Colorado Water Conservation Board, 2010).

Historically, the City has not experienced issues with physical water supply yield, even during periods of drought. However, the City's water supply has recently been subject to administration by more senior water rights in very dry years (see Section 2.3). As new measurement devices (i.e. meters and flumes) and data collection systems (i.e., SCADA) are available to the City, future water use records may provide more accurate yield estimates and provide data to promote water efficiency measures.

3.3 Supply-Side Limitations and Future Needs

Non-revenue water can be grouped into two categories; water that is put to use but not billed and water that is lost due to system infrastructure. Lack of meters in the City makes it difficult to estimate the amount of non-revenue water going to dust suppression on City streets, hot springs pool cooling, leaks and system losses, or other uses. Future water demands and potential supply-side limitations should be revisited when additional data is available. This 2019 Plan Update aims to help the City manage water demands within its legal and physical water supply.

As stated above, the City has not historically experienced issues with water supply yield. However, during extremely dry years (e.g., 2002, 2012 and 2018), the City's water supply has been susceptible to administration by the Colorado Division of Water Resources (CDWR). In 2012, the City diverted water under an Emergency Substitute Water Supply Plan. In 2018 the City operated under its decreed augmentation plan.

4.0 PROFILE OF WATER DEMANDS AND HISTORICAL DEMAND MANAGEMENT

The City does not meter individual taps and instead relies on Equivalent Residential Units (EQRs) surveys to account for water use. One EQR represents a single family home with an assumed water demand of 350 gallons per day. The City charges a flat rate for water use per EQR. Due to lack of individual metering data, this Plan bases the City's demands on EQRs and does not include estimates of non-revenue water.

4.1 Demographics and Key Characteristics of the Service Area

4.1.1 Customer Categories

Based on an EQR survey of taps performed by the City in 2005, the City provides treated water to the following customer categories: single family homes, multi-family homes, irrigation, lodging, city offices, churches, restaurants, and retail and office space (see Table 2). Single family homes are considered one EQR; the remaining categories are assigned an EQR value based on estimated water use (see Appendix G). The City also provides treated water for dust suppression and cleaning City streets, which are not included as EQR categories and thus are considered non-revenue water. The "City Offices" category includes 50 EQRs assigned to the hot springs pool and results in a large demand for City offices in this analysis. The City provides treated water for filling and cooling, as needed, and for the bathroom and shower facilities at the pool.

The non-potable water for the micro-hydro plant and Ice Park are measured at the storage tank meters and can be separated from the treated water that enters the distribution system.

4.1.2 Population Statistics

Based on population data from the Colorado Department of Local Affairs (DOLA), the City's 2010 population was approximately 1,000 people. A summary of the City's population from 1990 through 2010 is provided in Table 3. The average annual population increase over the 21 year

period is 2.3 percent. In addition to City residents, the City provides treated water to three subdivisions outside city limits, which are not included in the population values. The City is a tourist destination and serves many non-residents, which are reflected in the lodging and restaurant EQRs.

4.2 Historical Water Demands

The City's 2005 EQR survey is the basis for historical demand analysis, as discussed below.

4.2.1 Annual Water Demands

The City charges for water delivery on an EQR basis, as discussed above. Based on a 2011 survey, there are 1,338 EQRs in the City. At a rate of 350 gallons per day per EQR, the total system demands are approximately 171 million gallons per year or 525 acre-feet per year based on 1,338 EQRs.

4.2.2 Approximate Water Use by Customer Category

Table 2 and Figure 1 provide an approximate breakdown of EQRs by sector based on a survey performed by the City in 2005. Single family and multi-family homes represent the highest water demand for the City, at a combined 71 percent of the EQRs. Further refinement of the EQR sectors and an updated survey are discussed in Section 5.2.1.

4.3 Past and Current Demand Management Activities and Impact to Demands

During the 2012 drought period, the City issued a resolution requesting citizens to curtail using water for irrigation uses (see Appendix H). Other existing demand management activities include increases to water rates, a Capital Improvement Plan (Boyle Engineering Corp., 2003) and bill stuffers (See Appendices A through D). Due to the lack of data, it is not feasible to quantify the effects on water demands that these activities have had to date.

4.4 Demand Forecasts

The City's decreed augmentation plan that addresses long term development based on current EQRs and the 2.3 percent growth rate for 50 years. Outdoor irrigation demands were also estimated for the long-term forecast. Based on these assumptions, the City's total water demand in 2063 is

estimated to be 1,825 acre-feet per year (see Table 4). The City may have additional demands due to hot-springs cooling, dust suppression or other uses that are not currently accounted for.

The demand forecast is based on year-round, 100 percent occupancy in order to conservatively plan for water supply needs. The peak demands based on current tourism patterns may be addressed in the Capital Improvement Plan in order to refine analysis of infrastructure needs, such as peak demand storage.

5.0 INTEGRATED PLANNING AND WATER EFFICIENCY BENEFITS AND GOALS

5.1 Water Efficiency and Water Supply Planning

In order to remain compliant with debt covenants, the number of major capital improvements that can be financed in the City budget are limited. This restriction is currently applicable due to significant capital improvements completed in recent years. Current water projects managed by the City include firming the legal water supply through water rights work, installation of a micro-hydro system on the water mains, and installation of a meter and backflow prevention for the Panoramic Heights subdivision. By completing the proposed foundational water activities, such as a Capital Improvement Plan update, future operations, maintenance, repairs and improvements can occur on budget and within a reasonable time frame.

Incorporation of water efficiency into water supply planning can have beneficial financial outcomes for the City as a water supplier, including elimination, downsizing, or postponement of water supply system projects. Currently, the costs for implementing the Plan and the cost savings associated with the efficiencies cannot be accurately estimated due to lack of metering data.

5.2 Water Efficiency Benefits

In addition to water supply benefits, a Water Efficiency Plan may also have positive economic, societal, and environmental impacts for the City. For example, the City's hot springs pools' electrical demands are powered by a micro-hydro plant using non-treated water from Weehawken Spring. By increasing efficiency and lowering demands for municipal system uses, more water will be available to deliver to the micro-hydro system, creating income and renewable energy. Better documentation of water use, decreased water demands, and improved forecasted water demands will result in the following benefits for the City:

- Decreased volume of treated water and associated treatment chemicals.
- Decreased operational costs related to reducing the volume of treated and delivered water. This may include replacement costs, requirements to increase or expand treatment or delivery capacity, or power costs.
- Efficiency measures will help to keep water demands within the City's current water rights and physical water supply availability.
- Potentially increased volume of non-treated water available for hydro-power use.
- Potentially increased instream flow in the Uncompahgre River.

This Plan and the associated measures demonstrate the City's effort to manage its water resources responsibly.

5.3 Water Efficiency Goals (2019 Update)

The City's Water Efficiency Plan will be an iterative process beginning with building data and management tools and meeting foundational goals before setting more ambitious and specific water efficiency goals (see Plan Section *8.3 Periodic Review and Update*). Lack of accurate water use data makes it difficult to set quantitative goals based on water savings. The qualitative goals for the City of Ouray Water Efficiency Plan are as follows:

1. *Better Water Use Data Collection and Monitoring.* Develop a plan to improve monitoring of the main components of system infrastructure in order to document water uses and non-revenue water (including both non-revenue water that is used and non-revenue water due to system losses). This plan will focus on adding measurement devices to the system infrastructure in locations that will allow for tracking overall water delivery and identify data discrepancies that may be due to leaks or non-revenue uses. This includes individual meters for end-users. This goal will be measured by the City's improved ability to track the water use through the main infrastructure points of the system and to the end user, allowing the City to use this data to work towards reaching the remaining goals.
2. *Assess Costs for System Operations.* The City will be able to estimate the incremental cost for treating and delivering water based on the system measurement devices (see Goal 1), system operational costs, capacity data and water rights considerations. This will primarily be

accomplished through an update to the Capital Improvement Plan. This will allow the City to quantify the cost-savings of efficiency measures on a broad scale, which is an important factor in planning for City infrastructure growth and maintenance. The success of this measure will be determined by installing system meters and installing measuring devices on water supply and wastewater infrastructure, data collection and analysis, and an update to the Capital Improvement Plan.

3. *Decrease System Losses.* Implement measures to help to detect and track system losses enabling the City to ultimately decrease losses. This goal may be achieved through multiple activities including identifying non-metered sources, leak detection, winterization, installation of water service meters and/or other efficiency measures. This goal should be completed subsequent to adding measurement devices to the main system and analyzing data in order to identify the most likely loss locations within the system. Once water service meters are installed, leaks and or water waste associated with the end user can be quantified and the potential benefits of public outreach more clearly assessed. The lack of current data on amount of system losses prohibits quantifying this goal at this time.

4. *Public Awareness and Acceptance.* Through education, outreach, and leading by example, the City will create awareness amongst the public of the importance of water conservation and support for water efficiency activities. Studies indicate that educational measures can reduce individual water use by up to 5 percent (Barta, 2004). Indications for the success of this goal include public support for funding and implementation of the proposed efficiency activities through the Public Works Budget, as well as implementation and voluntary conservation measures.

The first water efficiency goal for the City focuses on accurate data collection of system operations and losses. The information from the first goal will contribute to achieving goals number 2, 3 and 4. All four water efficiency goals are used to screen and evaluate the potential water efficiency measures, as discussed below.

6.0 SELECTION OF WATER EFFICIENCY ACTIVITIES (2019 UPDATE)

An extensive list of water efficiency activities is required to be evaluated for implementation as part of the Plan per C.R.S. 37-60-126 (1-4 and 5) and the Guidebook of Best Practices for

Municipal Water Conservation in Colorado (Aquacraft Inc., 2010). The City is smaller than the minimum municipality size required to comply with this State statute. Nonetheless, the City has considered all of the measures that are practical and appropriate. The lists and evaluation results are included in Appendices A through E2.

6.1 Summary of Selection Process

Water efficiency activities were screened using the following initial qualitative criteria:

- Contributes to the City's qualitative goals, as described in Section 5.3 of this Plan.
- Additional pros and cons:
  - Appropriateness of measure given the City's infrastructure and current lack of individual meters.
  - Feasibility based on financial and staff resources.
- Prioritization of foundational activities.

City staff provided review and input on the candidate measures as well as a sense of the political and public views in the City that are relevant to water conservation. Overall, the City desires to lead by example and to encourage voluntary conservation over enforcement measures or creating efficiency programs required to be administered by the City.

After screening all of the potential activities, 12 measures were moved forward for detailed evaluation. The detailed evaluation includes a qualitative and quantitative analysis, to the extent feasible, of each measure (see Appendices E1 and E2). A ten-year planning period was assumed as a practical means of evaluation. Cost estimates were based on materials, contracts, and/or staff time requirements. The total estimated cost for all measures is $4.2 million. Of this total, $2.4 million is solely for water line replacement and $1.5 million is for water service meter installation. Water savings were estimated on the basis of a percentage of savings over current water deliveries. The total estimated water savings for all proposed measures, over the ten-year period, is 440.43 million gallons.

The cost-benefit of each proposed measure was estimated as a dollar per thousand gallons saved basis. Cost ranged from $0.0006 to $18.15 per thousand gallons saved. Education measures had the lowest cost while infrastructure upgrades had the highest costs (see Appendix E2). In addition

to the cost-benefit information in Appendix E2, factors in the priorities for implementation of measures include benefits to overall system operations and management and providing information for understanding current water uses and future demands.

City staff reviewed the 12 measures for feasibility, for overall consistency, and for appropriateness for the City of Ouray. The measures are complimentary and should be undertaken in the order recommended in Section 8.0 to help the City meet its water efficiency goals. The implementation of measures is voluntary and will continue to be subject to Council approval and budget constraints.

6.2 Demand Management Activities (2019 Update)

The recommended Demand Management activities, which are based on screening and evaluation, primarily focus on proposed foundational activities to better estimate the City's water use and delivery. The City also evaluated educational opportunities that may be feasible at this time. The City discussed ordinances and technical incentives as a whole, but these measures were not considered appropriate for the City to implement at this time.

6.2.1 Foundational Activities (2019 Update)

The total estimated water savings for the proposed foundational activities over the ten-year planning period is approximately 185 million gallons. The foundational activities were screened and the following were selected for further evaluation (see Appendix A). The evaluation of measures provides information on the potential cost and savings associated with the proposed activity. City Council approval and meeting budgetary constraints are necessary to implement measures (see Section 8.0).

Water Rate Adjustments

The City's existing budget process incorporates a two percent increase to water rates on an annual basis, pending annual review by the Public Works Department and final approval by City Council. The intention of this rate increase is to allow the Public Works Department to keep up with system costs while maintaining a balanced utilities budget and avoid larger annual increases to customer rates. The rate increase also allows the Public Works Department to build a fund balance that can be used to finance capital improvement projects. This rate adjustment will be incorporated into

the analysis in the Capital Improvement Plan when estimating the revenue available to the Public Works Department. A change in rate structure based on use by individual taps is not supported by the public at this time and is not recommended as individual taps are not currently metered. A change in rate structure may be considered by the City in the future after installation of water service meters, and the data from that implementation effort assessed and presented to the public.

The City maintains a list of EQRs for billing purposes. It is recommended that the City analyze the EQR list by customer use sector to better understand the water demands for the system. This analysis should create a separate category for the Hot Springs Pool and include both the filling and cooling water as well as use for bathrooms, showers and facilities at the pool. A new survey can identify sectors that are not metered, such as park watering or dust suppression, in order to promote measurement of these uses for future management of the system.

Control of Apparent Losses (Development and Implementation of a Water Measurement Plan)

This measure proposes that the City will develop and implement a Water Measurement Plan to track water supply and usage at water sources and locations within the water delivery system, hot springs system and wastewater system. The Water Measurement Plan will support implementation of subsequent water conservation measures as well. The Water Measurement Plan will benefit the City's water rights and meet legal obligations for maintaining measurements in addition to improving system efficiency.

The measure proposes to complete in the first year the Water Measurement Plan which will build on the initial inventory of measurement locations and existing or proposed measurement devices and data logging devices. The City will engage in further work for each location to prioritize measurements, specify the type of equipment needed as for measurement, recording, and to develop costs for implementation. The measurement plan will also specify how the measuring devices will record data and be integrated into the City's SCADA system and water usage analysis. The City will seek funding to implement the Measurement Plan over the period of this Water Efficiency Plan. The water savings from this proposed measure will be realized in the System Water Audit. The estimated cost for development of the Measurement Plan is $45,000 and the implementation of the plan is an estimated $1,000,000. These costs are preliminary and subject to revision during the ongoing process of planning and implementation.

System Water Audit (for Primary System Infrastructure)

The City's improved capacity to observe changes in instantaneous flow as well as track volumes of water over time will help to track total system demands and use, determine use patterns within areas of the system, and identify potential leaks or losses. Areas of the system with a discrepancy between calculated demands and actual water usage will be targeted for further investigation into leaks, losses, or unmetered use. System audits are recommended in order to see the gains in system efficiency estimated through installation of system measurement devices (see above).

Leak Detection Study

This measure proposes that the City hire a contractor to perform a leak detection survey on the eleven miles of ductile iron pipe in its main distribution system. If funds allow, the older portion of the transmission line from the water source to the system may be inspected as well. The results of this investigation will be integrated into the Capital Improvement Plan and addressed as soon as feasible. The estimated cost of the leak detection study is $18,500 (see Appendix I for details).

Water Line Replacement Program

To provide for more of the ongoing maintenance and replacement needs, an annual budget item to contract for the replacement of water lines is proposed to be included in the Public Works budget. This measure proposes that 2,500 feet of pipe is replaced each year. This program will also be integrated into the Capital Improvement Plan. This measure is the most expensive, at a total of $2.4 million over ten years. However, given the age of existing lines, replacement is necessary to maintain the system over time. Adjustments to the extent of replacement and frequency of replacement may be made, as needed, to meet City budgets and approvals.

Water Service Meter Program

As discussed in the 2003 City of Ouray Water Distribution Master Plan (Boyle, 2003), successful implementation of a metering program is anticipated to reduce water demands on the City's system by 10 percent to 30 percent. Reduced water demands will likely result from a combination of enhanced leak detection and associated pipeline repair, and reductions in end user consumption. The metering program will provide valuable information for both water and wastewater

infrastructure planning and development which can ultimately reduce City costs for water and wastewater system design and construction. The estimated cost to meter each individual service tap serviced by the City is approximately $1.5 million over the plan period (see Appendix E2 for details).

Capital Improvement Plan (existing – to be updated)

The City completed a Water Infrastructure Master Plan in 2003 (Boyle Engineering Corp., 2003). This measures proposes that the City will update the document to incorporate work completed since 2003, newly identified infrastructure needs, current and forecasted Public Works Department budgets, and the annual water line replacement program. Once updated, City staff will oversee the budgeting and implementation of the Plan throughout the planning period. The estimated cost for updates to the Capital Improvement Plan is $18,750. By expending funds for this measure first, the Capital Improvement Plan can inform the budget process in future years to address all other proposed measures.

6.2.2 Targeted Technical Assistance and Incentives

City staff reviewed information on several of the incentive and technical assistance measures (see Appendix B). No measures were selected for detailed evaluation or implementation at this time. The activities considered under incentive measures may be implemented by the City on its own properties to provide a leading example and offer demonstration sites (see Section 6.2.4). Reasons for elimination of technical assistance measures include:

- There is very limited irrigated area in the city and automation of irrigation is not common and may not be cost-effective.
- Establishing, advertising, and managing a rebate program for installation of water efficient fixtures would require significant City staff resources. Given the small population size of the City, these types of program are not practical and would not likely have a sufficient water savings benefit for the cost.
- Some measures or associated cost savings to individuals are not feasible without individual service meters. Therefore, the City is proposing to install individual service meters.

6.2.3 Ordinances and Regulations

The City is focused on water conservation through foundational activities and through encouragement and education of water users. It is noted that the City Code, §9-11 states that "it shall be unlawful to waste water." This section of code also includes irrigation restriction measures the City vote to implement in case of drought. This section appears to support the City's authority to promote efficiency and eliminate water waste. No new ordinances or regulations were considered at this time (see Appendix C).

6.2.4 Education Activities

The total estimated water savings for the proposed educational measures over the ten-year planning period is approximately 23 million gallons. The screening of educational activities is shown on Appendix D and selected voluntary measures are summarized below.

Bill Stuffers

The City sends billing to customers once per year, and proposes to continue to provide water conservation information with the mailings. City staff will prepare information sheets for inclusion in the mailings. The estimated cost for Bill Stuffers on an annual basis over 10 years is $6,500.

Newspaper Articles

The City has an established relationship with the local newspaper. City staff may work with the paper to provide educational information on water conservation and City water issues to the public. This measure proposes that the newspaper will print one article per quarter on water conservation subjects. The estimated cost over the planning period is $5,600.

Web Pages and Social Media

This measure proposes that City staff provide quarterly updates to the City's website on conservation and voluntary measures. Additionally, City staff will address water conservation education and City water issues on its existing social media accounts. The estimated cost for all social media management for water education is $9,800 over ten years.

City Demonstration Activities and Public Presentations

The City may implement various measures in order to conserve water and provide educational opportunities. These voluntary measures may include rain-sensor controlled irrigation in City parks, low-flow fixtures that meet EPA WasterSense specifications, or low water demand landscaping, such as xeriscaping. These efforts will be integrated with ongoing City maintenance, repairs and development of new projects. The successful water efficiency measures implemented by the City may provide a basis for developing guidelines or policies in the future,

City staff proposes to make a presentation during two City Council meetings per year on water efficiency progress and City water issues. It is anticipated that at least one of these meetings will update the Council on water use data from new measurement devices and analyses on the non-revenue water in the system. These meetings are open to the public and are attended by decision-makers for the implementation of water efficiency measures. Based on a materials and staff time, the cost for this measure is approximately $7,100 over ten years.

Customer Water Use and Landscape Design and Maintenance Workshops

This measure proposes that the City will host water-use and landscape design workshops approximately once every three years. The workshops will combine indoor water efficiency with water efficient landscape design and maintenance information in order to reach a broader audience. These events may be in combination with other city-wide outreach activities, such as Spring Cleanup. Regional watershed groups, private business and volunteers may be able to provide assistance in the workshops. The estimated cost for this measure is $3,700 over ten years.

7.0 IMPLEMENTATION AND MONITORING PLAN (2019 UPDATE)

7.1 Implementation Plan

The plan for implementation of the proposed water efficiency activities identifies key steps for implementation (i.e., milestones) and the parties responsible for implementation (see Appendix F). The implementation plan proposes that all measures be implemented for the water efficiency benefits, as well as the overall benefits to system operations and management of the City's water resources. The preliminary estimated costs for each activity are shown in Appendix F and total $4.2 million dollars over ten years (of which, $2.4 million is for water line replacement and 1.5

million is for water service meter installation). These cost estimates are preliminary and will be refined as the measures are implemented. Implementation and monitoring of data is proposed to be primarily the responsibility of the Public Works staff. The Community Development Coordinator may lead education and outreach measures. The City Administrator is responsible for developing the annual budget, which is ultimately approved by City Council. It is noted that implementation of proposed measures will continue to be subject to budget constraints and Council approval. Depending on budget and feasibility, it may be appropriate for the City to hire additional staff to implement the measures in this plan and improve capacity for system management and maintenance.

The proposed Capital Improvement Plan is recommended for completion early in the planning period in order to refine cost information and integrate the costs of the proposed measures into the City's budget. Installation of measurement devices and a leak detection survey should also be completed as soon as feasible. The implementation plan may be modified based on updates to the Capital Improvement Plan. It is assumed that all funding will come from the City budget (which includes the Public Works budget and water system revenues). The City may pursue grant funding or financing to help to implement these activities.

This Plan also recommends early development of the Water Measurement Plan which will provide guidance on priorities and costs for implementation of new meters and measuring devices. The Measurement Plan may also include necessary hardware and software upgrades to the City's systems to facilitate regular data reporting and analysis. Measurement and water use data can contribute to all of the City's goals for this Plan.

The System Water Audit and the Capital Improvement Plan will also help to identify the savings from avoided costs associated with efficiency activities. Compiling this information is important to build public support as well as for future budgeting (see Goal No. 2). At this time, the City does not charge by volume and, therefore, no losses to revenues are expected due to water efficiency activities.

Within the planning period, the City may make significant reductions in non-revenue waters that occur due to system losses and leaks. If system measurement data also indicate that there are significant non-revenue losses or higher than anticipated demands due to excessive use by

consumers, this may be indicative of wasting water or, more likely, losses on the consumer's end. If these losses are indicated by system data, the City will consider measures in Plan updates that address individual water use efficiencies.

7.2 Monitoring Plan

The monitoring plan is integrated with the implementation plan in Appendix F. The data monitoring program focuses on the existing data recording devices in the system and those proposed for installation in the near future. As baseline measurement data becomes available from these sources, the City can assess the high priority locations to which to add additional monitoring devices. The monitoring plan calls for collecting data at least bi-annually from measuring locations and the SCADA system and inputting the information into a database that tracks system water use. The goal of this is to identify discrepancies that indicate leaks, losses or other issues. One of the education measures includes bi-annual presentations to City Council, which will assist decision makers with staying up-to-date on the implementation of this Plan and new water management issues. One of these presentations per year should include a discussion and analysis based on the system-wide measurement data.

8.0 PUBLIC REVIEW AND FORMAL APPROVAL

The process of review and approval of this Plan is summarized in this Section. No new policies were proposed for implementation, and therefore, no policy adoption process was required.

8.1 Public Review Process

City staff aimed to develop a Plan that is appropriate for the City of Ouray and its citizens. The City Council conducted a preliminary review of the Plan at its April 21, 2014 meeting. The City made the draft Plan available for public review on June 2, 2014, which opened the public comment period. The draft Plan was announced at a City Council meeting and copies of it were available on the City's website and at the City's front desk. The request for Public Comments was advertised on the City's website, in the City's e-newsletter and published in the local paper. Additionally, the local paper wrote an article on the Plan describing its goals, quoting city staff and providing information on commenting. Copies of the public notices are included in Appendix J. The Community Development Coordinator accepted public comments in writing and via email.

One member of the public provided comments on the plan. These comments were addressed by clarifying certain language in this document, adding a measure to update the City's EQR survey, and emphasizing the need to assess City staff availability when implementing measures.

8.2 Local Adoption and State Approval Processes

The final version of the Plan integrated preliminary comments from City Council as well as public comments. The City Council adopted the Plan at their September 15, 2014 meeting in Resolution No. 10 Series 2014 (see Appendix K).

8.3 Periodic Review and Update

An annual update to the City Council on the monitoring data and water conservation issues is identified as an education measure for implementation. This measure will help to keep the Plan relevant and raise awareness of water efficiency issues. A review and update of the Plan is proposed for five to seven years from adoption. The update will address levels of implementation and changes to the City's water demands as well as other new issues.

The Plan review should include an evaluation of the baseline data collected from the system-wide measurement locations and the system-wide audit. This information may help to refine previous estimates for activities and identify new water efficiency activities.

The adoption and implementation of the Plan is an important step in raising public awareness and establishing water resource management as part of City policy. This foundation will help to implement updates to the Plan, potentially including additional measures and monitoring as the City grows and water efficiency technologies advance.

9.0 CONCLUSION

The City of Ouray has completed and adopted this voluntary Water Efficiency Plan in order to meet its goals of improved data and understanding of system operations, reduction of losses, improved ability to estimate costs savings associated with water efficiencies, and promotion of public awareness of water conservation. The Plan focuses on proposed measures that are appropriate for the size of the City and within its budget and staff resources. The Plan will be updated periodically in order to revise measures based on funding, new data and the City's future needs.

10.0 REFERENCES

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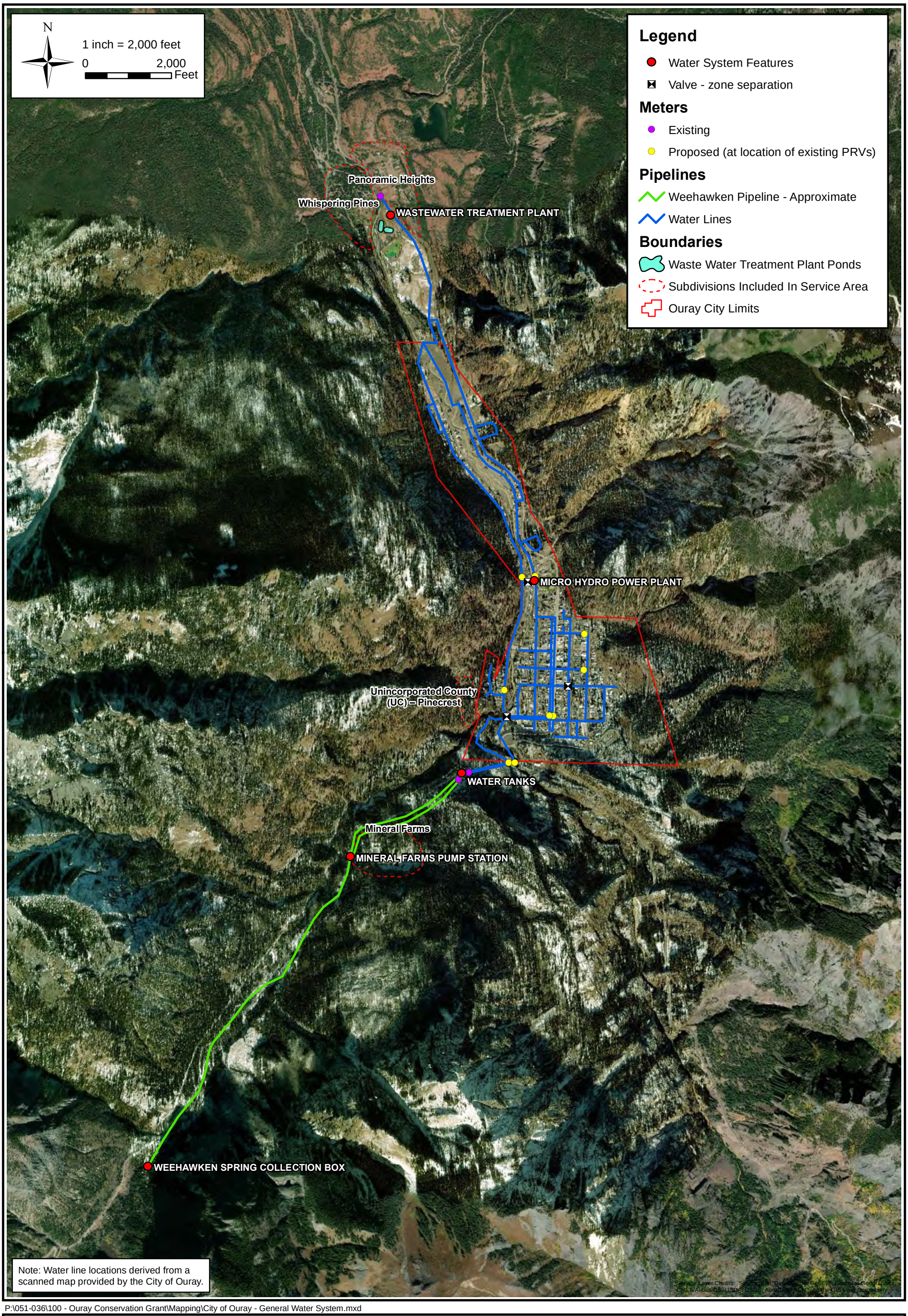
Map



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1666 N MAIN AVE STE C
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(970) 259-7411

City of Ouray

Water System Overview

Project No.
051-036.100

MAP 1

Tables

Table 1
Water Rights Inventory - Potable Water
City of Ouray Water Efficiency Plan

Water Right Name	Adjudication Date	Appropriation Date	Administration Number*	Case Number	Use	Decreed Diversion Rate (CFS)	Decreed Storage Volume (AF)	Comments
Oak Creek Supply Line	12/6/1904	10/1/1881	11597.00000	CA1254	Fire, Domestic, Storage	5.2	--	
Oak Creek Reservoir	12/6/1904	10/1/1881	11597.00000	CA1254	Fire, Domestic, Storage	--	0.79	
Oak Creek Alt Point Weehawken Spring and Creek	12/6/1904	10/1/1881	11597.00000	W-1208	Fire, Domestic, Storage	--	--	Alternate Point of Diversion for 5.2 cfs; limited to the flow available at the Oak Creek point of diversion
Weehawken Creek	12/6/1904	4/15/1895	14427.00000	CA1254	Fire, Domestic, Storage	3.816	--	
New Reservoir	12/6/1904	7/1/1889	14427.00000	CA1254	Fire, Domestic, Storage	--	2.25	
Weehawken Spring	12/6/1904	7/1/1889	16541.00000	CA1254	Fire, Domestic, Storage	3.816	--	
Total	**--**	**--**	**--**	**--**	**--**	**12.832**	**3.04**	**--**

Notes:
*The administration numbers are estimated based on the appropriation dates of the water rights and the State Engineer's Order No. 2014-1. These will be confirmed by the Division Engineer.
The City of Ouray owns 100% of these water rights.
All water rights are Absolute.

Table 2
Total EQRs by Customer Category
City of Ouray Water Efficiency Plan

Category	Percentage of Total Water Demand Based on 2005 Survey
Single Family Homes	40%
Multi-Family Homes	31%
Irrigation	14%
Lodging	5%
City Offices	4%
Churches	3%
Restaurants	2%
Retail and Office Space	2%

Notes:

Based on 2005 EQR Survey.

Table 3
City of Ouray Historical Population
City of Ouray Water Efficiency Plan

Year	(1) Population	(2) Annual Percent Increase or Decrease
1990	644	--
1991	659	2.3%
1992	684	3.8%
1993	694	1.5%
1994	742	6.9%
1995	779	5.0%
1996	806	3.5%
1997	780	-3.2%
1998	782	0.3%
1999	799	2.2%
2000	820	2.6%
2001	832	1.5%
2002	849	2.0%
2003	860	1.3%
2004	883	2.7%
2005	890	0.8%
2006	898	0.9%
2007	939	4.6%
2008	972	3.5%
2009	978	0.6%
2010	1,001	2.4%
Average		**2.3%**

Notes:

1) Based on data from the Colorado Department of Local Affairs. DOLA website www.dola.colorado.gov accessed on November 6, 2013.

2) (Current year's population / previous year's population) - 1, as a percentage.

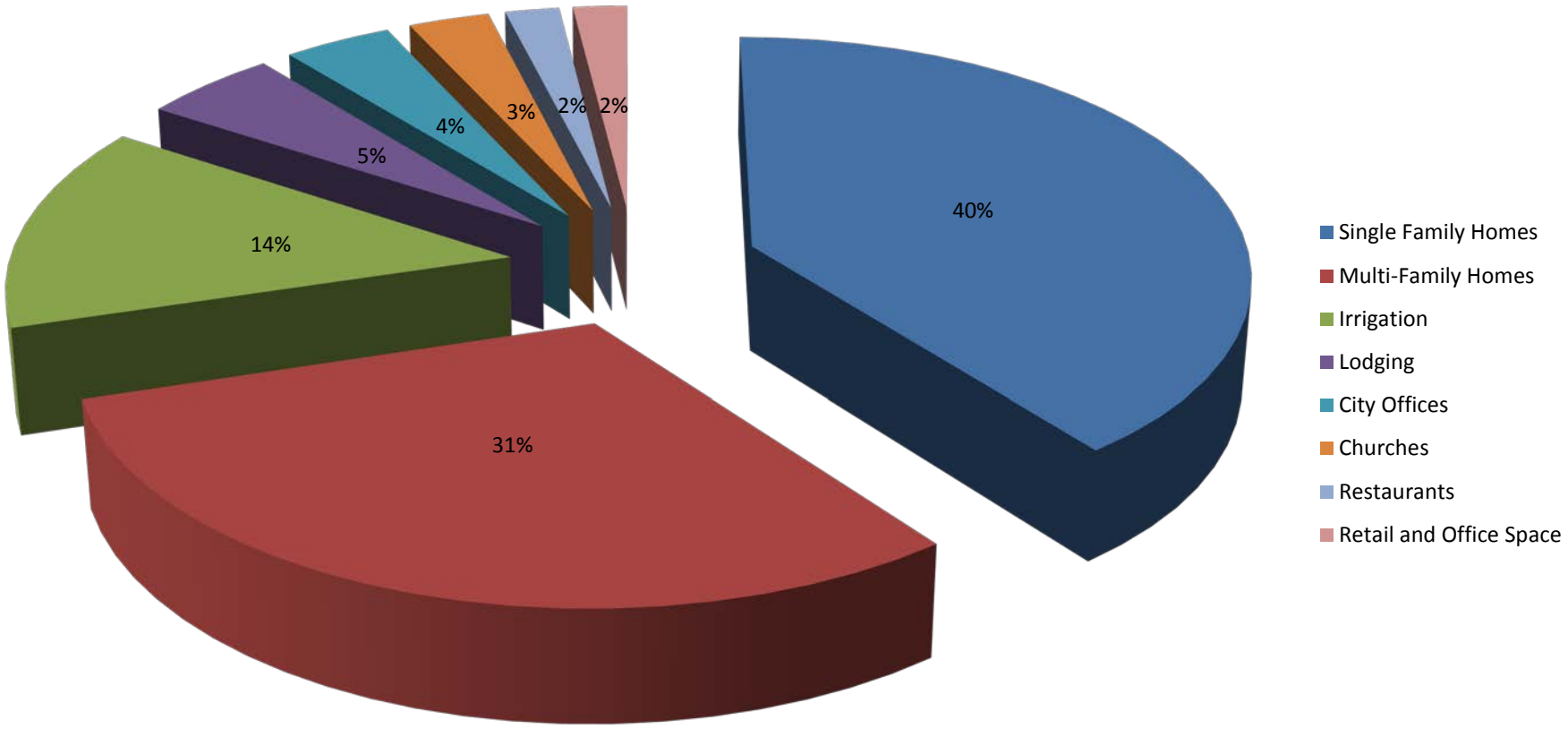
Table 4
Long-Term Water Demand Estimate
City of Ouray Water Efficiency Plan

Month	Demands	
	Acre-Feet	cfs
January	145	2.4
February	132	2.4
March	145	2.4
April	142	2.4
May	163	2.9
June	167	3.4
July	172	3.4
August	166	3.2
September	155	3.0
October	151	2.5
November	141	2.4
December	145	2.4
Annual	**1,825**	
Max cfs		**3.4**

Notes:

Demands are based on estimated full build-out of 4,365 EQRs using 350 gpd/EQR, calculated by applying historical growth rate of 2.3% to 2011 EQR count for a 50 year projection. Additional estimated demands for irrigation were also included in the demands.

Figure 1
City of Ouray Water Efficiency Plan
Total EQRs by Customer Category



Appendix A

Identification and Screening of Foundational Activities (2019 Update)

Appendix A
City of Ouray Water Efficiency Plan (2019 Update)
Identification and Screening of Foundational Activities

Water Efficiency Activities for Screening	State Statute Requirement	Identification		Qualitative Screening					Carry to Evaluation	Reason for Elimination
		Existing/ Potential Activity	Targeted Customer Category	Provides or Improves Water Use Data Collection and Monitoring	Provides Operational Cost Information	Helps to Decrease System Losses	Public Acceptance or Public Education	Additional Pro/Cons (i.e. financial feasible, measurable, appropriate for City's current system)		
Water Use Efficiency Oriented Rates and Tap Fees										
Volumetric Billing	VII, VII	Potential	System-Wide	X	X				Not at This Time	Not feasible until all accounts are metered
Water Rate Adjustments		Existing	System-Wide		X				Yes	Is currently done on an annual basis during the City's budget process
Frequency of Billing		Potential	System-Wide	X	X				Not at This Time	Is currently done on an annual basis during the City's budget process
Inclining/Tiered Rates		Potential	System-Wide		X				Not at This Time	Is currently done on an annual basis during the City's budget process
Water Budgets		Potential	System-Wide		X				Not at This Time	Is currently done on an annual basis during the City's budget process
Tap Fees with Water Use Efficiency Incentives		Potential	System-Wide		X				Not at This Time	Not feasible until all accounts are metered
System Water Loss Management and Control										
System Water Audit	N/A	Potential	System-Wide	X	X	X		In coordination with installing new meters, will improve overall data. May reduce amount of leak detection required or increase amount of billing for water	Yes	
Control of Apparent Losses (with Measuring on system infrastructure)		Potential	System-Wide	X	X	X	X	To include a comprehensive plan for water system and water supply measurements and integration into SCADA to facilitate reporting and observations	Yes	
Leak Detection and Repair		Potential	System-Wide	X	X	X		Reducing leaks will more accurately determine how much water is being used and appropriate billing; cost and ongoing requirement for detection may limit feasibility; updating City's GIS resources for water supply system is integral to managing data and analysis and tracking work completed.	Yes	
Water Line Replacement Program		Existing	System-Wide			X		A review of the budget process for line replacement may result in changes to the annual allocation to better match system needs.	Yes	
Water Service Meter Program (2019 Update)		Potential	System-Wide	X	X	X	X	Provides valuable information for both water and wastewater infrastructure planning and development which can ultimately save the City money in water and wastewater system design and construction costs	Yes	
Planning										
Integrated Water Resources Plans	N/A	Potential	System-Wide		X			City is already working on water resources planning in other areas	Not at This Time	The City's water rights and water supply work are ongoing and an additional resource plan is not needed at this time.
Master Plans/Water Supply Plans		Potential	System-Wide	X			X	Master Plan components are included in the CIP and the City's water rights activities	Not at This Time	Master Plan concepts to be included in updated CIP
Capital Improvement Plans		Existing	System-Wide	X	X	X		Existing Master Plan/CIP should be updated to reflect work completed since plan was issued in 2003 and to include major projects	Yes	
Feasibility Studies		Potential	System-Wide	X	X			Cost not effective at this time due to lack of overall data	Not at This Time	More valuable once more meter data is available
Staff										
Water Conservation Coordinator	N/A	Potential	System-Wide	X			X	Not enough infrastructure or data to implement level of conservation requiring coordinator at this time	Not at This Time	More valuable once additional measures are in place

Note: measures for further evaluation highlighted in blue.

Appendix B

Identification and Screening of Targeted Technical Assistance Activities

Appendix B
City of Ouray Water Efficiency Plan
Identification and Screening of Targeted Technical Assistance Incentives

Water Efficiency Activities for Screening	State Statute Requirement	Identification					Qualitative Screening					Carry to Evaluation	Reason for Elimination
		Existing or Potential Activity	SWSI Framework Levels			Targeted Customer Category	Provides or Improves Water Use Data Collection and Monitoring	Provides Operational Cost Information	Helps to Decrease System Losses	Public Acceptance or Public Education	Additional Pro/Cons (i.e. financial feasible, measurable, appropriate for City's current system)		
			Level 1 Municipal Uses	Level 2 Customers with the Largest Water Use	Level 3 Customer Type(s) in Service Area								
Installation of Water Efficient Fixtures and Appliances													
Indoor Audits	I	Potential	X	X	X		X	X	X	X		Not at This Time	Lack of incentives at this time due to lack of metering
Toilet Retrofits		Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Urinal Retrofits		Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Showerhead Retrofits		Potential		X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Faucet Retrofits (e.g. aerator installation)		Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Water Efficient Washing Machines		Potential		X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Water Efficient Dishwashers		Potential		X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Efficient Swamp Cooler and Air Conditioning Use		Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Low Water Use Landscapes													
Drought Resistant Vegetation	II	Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Removal of Phreatophytes		Potential										No	Phreatophytes are not extensive and existing wetlands are beneficially environmentally
Irrigation Efficiency Evaluations/Outdoor Water Audits		Potential	X	X			X	X	X	X		Not at This Time	Lack of incentives at this time due to lack of metering
Outdoor Irrigation Controllers		Potential	X	X			X					Not at This Time	Lack of incentives at this time due to lack of metering
Irrigation Scheduling/Timing		Potential	X	X								Not at This Time	Lack of incentives at this time due to lack of metering
Rain Sensors		Potential	X	X			X					Not at This Time	Lack of incentives at this time due to lack of metering
Residential Outdoor Meter Installations		Potential			X							Not at This Time	Meter program not advanced at this time
Xeriscaping		Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Other Low Water Use Landscapes		Potential	X	X	X					X		Not at This Time	Lack of incentives at this time due to lack of metering
Irrigation Equipment Retrofits		Potential	X	X			X		X			Not at This Time	Lack of incentives at this time due to lack of metering
Water Efficient Industrial and Commercial Water-Using Processes													
Specialized Nonresidential Surveys, Audits, and Equipment Efficiency Improvements	III	Potential	X	X			X	X	X			Not at This Time	Lack of incentives at this time due to lack of metering. Additional education and outreach before targeting individual users.
Commercial Indoor Fixture and Appliance Rebates/Retrofits		Potential		X						X		Not at This Time	Lack of incentives at this time due to lack of metering
Cooling Equipment Efficiency		Potential		X								No	Unlikely to be significant water savings given cold climate
Restaurant Equipment		Potential		X								Not at This Time	Lack of incentives at this time due to lack of metering
Incentives													
Toilet Rebates	X	Potential		X	X				X		Minor decrease in system losses compared to larger infrastructure loss detection; better addressed through education/awareness and state or federal rebates	Not at This Time	Cost of rebates not City's priority for water conservation funds
Urinal Rebates		Potential		X	X				X			Not at This Time	Cost of rebates not City's priority for water conservation funds
Showerhead Rebates		Potential		X	X				X			Not at This Time	Cost of rebates not City's priority for water conservation funds
Water Efficient Faucet or Aerator Rebates		Potential		X	X				X			Not at This Time	Cost of rebates not City's priority for water conservation funds
Water Efficient Washing Machine Rebates		Potential		X	X				X			Not at This Time	Cost of rebates not City's priority for water conservation funds
Water Efficient Dishwasher Rebates		Potential		X	X				X			Not at This Time	Cost of rebates not City's priority for water conservation funds
Efficient Irrigation Equipment Rebates		Potential		X	X				X			Not at This Time	Cost of rebates not City's priority for water conservation funds
Landscape Water Budgets Information and Customer Feedback		Potential		X	X				X	X	Relatively low cost if audits focused on largest irrigated areas; improvements can be educational opportunity, help compare calculated water demands with usage data	Not at This Time	Engage water users in workshop activities (see Appendix D)
Turf Replacement Programs/Xeriscaping Incentives		Potential		X	X					X	Limited amount of grass in City. Building code for new development has some landscape requirements	Not at This Time	Cost greater than benefits
Give-Aways		Potential		X	X				X		Requires sourcing and City to fund	Not at This Time	Cost of give-aways not City's priority for water conservation funds

Appendix C

Identification and Screening of Ordinances and Regulations Activities

Appendix C
City of Ouray Water Efficiency Plan
Identification and Screening of Ordinances and Regulations

Water Efficiency Activities for Screening	State Statute Requirement	Identification					Qualitative Screening					Carry to Evaluation	Reason for Elimination
		Existing or Potential Activity	SWSI Framework Levels: Level 1 Customer Type(s) within the Existing Service Area	SWSI Framework Levels: Level 2 New Development	SWSI Framework Levels: Level 3 Point of Sales on Existing Building Stock	Targeted Customer Category	Provides or Improves Water Use Data Collection and Monitoring	Provides Operational Cost Information	Helps to Decrease System Losses	Public Acceptance or Public Education	Additional Pro/Cons (i.e. financial feasible, measurable, appropriate for City's current system)		
General Water Use Regulations													
Waste Water Ordinance	IX	Existing	X	X	X			X		X		Not at This Time	Existing code adequate at this time (see Section 9-11)
Time of Day Watering Restriction		Existing	X							X		Not at This Time	Existing code adequate at this time (see Section 9-11)
Day of Week Watering Restriction		Existing	X							X		Not at This Time	Existing code adequate at this time (see Section 9-11)
Water Overspray Limitations		Potential									Partially covered under existing code	Not at This Time	Existing code adequate at this time (see Section 9-11)
Landscape Design/Installation Rules and Regulations													
Rules and Regulations for Landscape Design/Installation	IX	Potential	X	X						X	May reduce demands without requiring meters to be installed	Not at This Time	Current building code encourages xeriscaping and drip irrigation (see Section 7.4.D.h).
Landscaper Training and Certification		Potential		X								Not at This Time	Limited amount of outdoor irrigated area exists in City; not high priority
Soil Amendment Requirements		Potential		X								Not at This Time	Limited amount of outdoor irrigated area exists in City; not high priority
Turf Restrictions		Potential	X	X								Not at This Time	Limited amount of outdoor irrigated area exists in City; not high priority
Irrigation Equipment Requirements		Potential	X	X								Not at This Time	Limited amount of outdoor irrigated area exists in City; not high priority
Outdoor Water Audits/Irrigation Efficiency Regulations		Potential	X	X	X		X	X	X	X	Limited availability of city to work with audits therefore not appropriate to mandate at this time	Not at This Time	Limited amount of outdoor irrigated area exists in City; not high priority
Outdoor Green Building Construction		Potential	X	X								Not at This Time	Limited amount of outdoor irrigated area exists in City; not high priority
Indoor and Commercial Regulations													
High Efficiency Fixture and Appliance Replacement	IX	Potential	X	X							High cost to local businesses	Not at This Time	Cost to businesses not supported by data on benefits due to lack of audits/meters
Commercial Cooling and Process Water Requirements		Potential	X	X							High cost to local businesses, not enough data on benefits	Not at This Time	Limited amount of cooling due to climate, lack of data at this time
Green Building Construction		Potential	X	X								Not at This Time	Inadequate data to analyze costs/benefits and support a requirement
Indoor Plumbing Requirements		Potential	X	X					X			Not at This Time	Inadequate data to analyze costs/benefits and support a requirement
City Facility Requirements		Potential	X						X	X	City may incorporate on a voluntary basis when undertaking new projects	Not at This Time	Inadequate data to analyze costs/benefits and support a requirement. May be done voluntarily
Required Indoor Residential Audits		Potential	X	X				X	X		See Appendix B	Not at This Time	Inadequate data to analyze costs/benefits and support a requirement. May be done voluntarily
Required Indoor Commercial Audits		Potential	X	X				X	X		See Appendix B	Not at This Time	Inadequate data to analyze costs/benefits and support a requirement. May be done voluntarily
Commercial Water Wise Use Regulations (Car Washes, Restaurants, etc.)		Potential	X	X						X		Not at This Time	Cost to businesses not supported by data on benefits due to lack of audits/meters

Appendix D

Identification and Screening of Education Activities

Appendix D
City of Ouray Water Efficiency Plan
Identification and Screening of Education Activities

Water Efficiency Activities for Screening	Identification					Qualitative Screening					Carry to Evaluation	Reason for Elimination
	Existing/Potential Activity	SWSI Framework Levels			Targeted Customer Category	Provides or Improves Water Use Data Collection and Monitoring	Provides Operational Cost Information	Helps to Decrease System Losses	Public Acceptance or Public Education	Additional Pro/Cons (i.e. financial feasible, measurable, appropriate for City's current system)		
		Level 1 One-Way	Level 2 One-Way with Feedback	Level 3 Two-Way Communication								
Customer Education												
Bill Stuffers	Existing	X							X	Cost of developing, printing, inserting in bills	Yes	
Newsletter	Potential	X							X	Cost of developing, printing	Not at This Time	Can be accomplished through other less costly measures
Newspaper Articles	Potential	X							X	Low cost; misinformation or misunderstandings possible	Yes	
Mass Mailings	Potential	X							X	Cost of developing, printing	Not at This Time	Can be accomplished through other less costly measures
Web Pages	Existing	X							X	Combine with Existing City website	Yes	
Water Fairs	Potential		X						X		Not at This Time	Given the limited population and limited resources of City staff, water fairs are not practical for the City at this time
K-12 Teacher and Classroom Education Programs	Potential		X						X		Not at This Time	Given the limited resources of City staff and schools, classroom activities are not practical for the City at this time
Message Development/Campaign	Potential		X						X		Not at This Time	To be considered when more user-based conservation measures are appropriate
Interactive Websites	Potential		X						X		Not at This Time	Existing website and contact information sufficient at this time
Social Networking	Potential			X					X		Not at This Time	Existing efforts in small community sufficient at this time
Customer Surveys	Potential		X						X		Not at This Time	To be considered after initial phases of system meters and leak detection have refined customer-sided issues.
Focus Groups	Potential			X					X		Not at This Time	To be considered when more user-sided implementation measures are proposed
Citizen Advisory Boards	Potential			X			X		X		Not at This Time	Existing volunteer boards may overlap some of these functions and already place a large demand on volunteers
Technical Assistance												
Customer Water Use and Landscape Design and Maintenance Workshops	Potential			X					X	Grant or assistance may be available from regional water entities; coordinate outreach with other city-wide services. Landscape workshops may include partnering with other organizations or businesses.	Yes	Customer water use and landscape workshops were combined to improve attendance and reduce staff time requirements.
Xeriscaping Demonstration Garden	Potential	X							X	City does not have adequate resources or locations at this time	Not at This Time	
Water Conservation Expert Available	Potential			X				X	X	Cost prohibitive for City to solely provide expert	Not at This Time	Refer people to experts associated with other regional water entities

Note: measures for further evaluation highlighted in blue.

Appendix E1

Evaluation and Selection of Proposed Water Efficiency Activities (2019 Update)

Appendix E1
City of Ouray Water Efficiency Plan (2019 Update)
Evaluation and Selection of Proposed Efficiency Activities

Water Efficiency Activities for Evaluation	Existing/ Potential Activity	Targeted Customer Category	Review of Qualitative Screening: Qualitative Goals: Provides or Improves Water Use Data Collection and Monitoring	Qualitative Goals: Provides Operational Cost Information	Qualitative Goals: Helps to Decrease System Losses	Qualitative Goals: Promotes Public Acceptance or Public Education	Evaluation: Projected Water Savings: Total Water Savings (gallons)	Projected Water Savings: Average Annual Water Savings (gallons)	Projected Implementation Costs	Quantitative Goals: Improved ability to track water use through main system infrastructure	Quantitative Goals: Provides data on quantity of water processed by system	Quantitative Goals: Reduction in system losses as meter data becomes available	Quantitative Goals: Public approval of funding allocations to activity	Notes on Additional Pros/Cons to Consider	Final Selection: Selected for Implementation	Final Selection: If Eliminated, Reason Why Eliminated
Foundational Activities																
Water Rate Adjustments	Existing	System-Wide		X			0	0	$ 5,250					Is currently done on an annual basis during the City's budget process Recommend implemnting an annual update to the EQR use type categories and analysis.	Yes	
System Wide Water Audits	Potential	System-Wide	X	X	X				$ 31,500	X	X	X	X	In coordination with installing new meters and data tracking, will improve overall data. May reduce amount of leak detection required or increase amount of billing for water.	Yes	
Control of Apparent Losses (Develop Water Measurement Plan)	Potential	System-Wide	X	X	X		29,587,271	2,958,727	$ 45,000	X	X	X	X	Measuring plan will assist in compliance with Water Rights decrees and other agreements the City has entered into with other entities Cost estimates will change over time as planning progresses.	Yes	
Control of Apparent Losses (Implementation of Water Measurement Plan)	Potential	System-Wide	X	X	X				$ 150,000	X	X	X	X	Implementation of measuring plan will be based on priority and funds available for each location and will take place over the planning period. Cost estimate subject to change based on development of Water Measurement Plan.	Yes	
Leak Detection Study	Potential	System-Wide	X	X	X		7,396,818	-	$ 18,500		X	X	X	Reducing leaks will more accurately determine how much water is being used and appropriate billing; cost and ongoing requirement for detection may limit feasibility; updating City's GIS resources for water supply system is integral to managing data and analysis and tracking work completed.	Yes	
Water Line Replacement Program	Existing	System-Wide			X		133,142,719	2,958,727	$ 2,416,000			X	X	A review of the budget process for line replacement may result in changes to the allocation. This will be done in combination with the CIP (see below).	Yes	
Water Service Meter Program (2019 Update)	Potential	System-Wide	X	X	X	X	232,143,000	23,214,300	$ 1,480,000	X	X	X	X	Provides valuable information for both water and wastewater infrastructure planning and development which can ultimately save the City money in water and wastewater system design and construction costs.	Yes	
Capital Improvement Plans	Existing	System-Wide	X	X	X		14,793,635	1,479,364	$ 18,750	X	X	X	X	Existing Master Plan/CIP should be updated to reflect work completed since plan was issued in 2003 and to include major projects.	Yes	
Targeted Technical Assistance																
None at this time	Potential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ordinances and Regulations																
None at this time	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Education and Outreach																
Bill Stuffers	Existing	Residential & Commercial				X	5,748,750	127,750	$ 6,500				X	Cost of developing, printing, inserting in bills	Yes	
Newspaper Articles	Potential	Residential & Commercial				X	5,748,750	127,750	$ 5,600				X	Low cost; misinformation or misunderstandings possible	Yes	
Web Pages and Social Media	Existing	Residential & Commercial				X	5,748,750	127,750	$ 9,800				X	Combine with Existing City website	Yes	
City Demonstration Activities and Public Presentations	Potential	All			X	X	29,587	2,959	$ 7,100				X	Instead of offering incentive programs or rebates, the City will implement various measures such as rain-sensor controlled irrigation, low-flow fixtures, and climate appropriate landscaping to conserve water and provide educational examples. City staff will also make presentations during public council meetings bi-annually on water conservation issues relevant to the City.	Yes	
Customer Water Use Workshops and Landscape Design and Maintenance Workshops	Potential	Residential				X	6,093,675	112,846	$ 3,667				X	Grant or assistance may be available from regional water entities; coordinate outreach with other city-wide services. Landscape workshops may include partnering with other organizations or businesses.	Yes	

Notes:
Only measures selected for further evaluation are included here (see appendices A-D)
See Appendix E2 for detailed cost and water savings assumptions. Costs subject to change during refinement of measure and implementation.

Appendix E2

Cost and Water Savings Calculations for Proposed Water Efficiency Activities (2019 Update)

Appendix E2
City of Ouray Water Efficiency Plan (2019 Update)
Cost and Water Savings Calculations for Proposed Efficiency Activities

Water Efficiency Activities for Evaluation		Total Cost					Total Water Savings*			Cost per Thousand Gallons Saved ($)	Notes on Measure
	Planning Period (No. of Years)	Quantity (#)	One Time Labor/ Material ($)	Average Annual Staff Labor ($ = # hrs x $35/hr)	Annual Materials ($)	Total Cost in Planning Period ($)	Gallons saved per unit	Annual Gallons Saved	Total Gallons Saved		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Foundational Activities											
Water Rate Adjustments	10	10	$ -	$ 525	$ -	$ 5,250	0	0	0	N/A	Assumes 10 hours of staff time to prepare and discuss the budget item for a rate increase and obtain Council approval. Because water is charged at a flat rate, increased cost do not correlate to water conservation by individuals. Increased revenue for the utilities department helps enable necessary operations, maintenance and repairs and thus indirectly assist in conservation. Assumes 5 hours to update the EQR survey use categories and add non-revenue categories for future tracking.
Control of Apparent Losses (Develop Water Measurement Plan)	1	1	$ 40,000	$ 5,000	$ -	$ 45,000	2,958,727	2,958,727	29,587,271	$ 7.66	Measuring plan will address water not billed in current water supply system (i.e. augmentation source, hot springs water supply) so all savings are not shown in estimate. Labor and Materials include consulting assistance, contract work for specifying equipment, and purchase of software and hardware necessary for upgrading SCADA capabilities. Staff time estimated for assistance and coordination with development and SCADA implementation.
Control of Apparent Losses (Implementation of Water Measurement Plan)	10	1	$ 150,000			$ 150,000					Costs should include staff time for OM&R of measuring devices (audit is the monitoring and analysis, may need to revise audit cost/frequency). Rough esitmate of $150,000 for implementation of measuring devices, data loggers, and SCADA connections throughout the water supply system and City's water sources. Costs will be refined during the development of the plan (see measure above).
System Water Audit	10	10	$ -	$ 3,150	$ -	$ 31,500					Assumes 90 hrs/yr of staff time to collect data, compile and analyze water use system wide. Assumed savings of 1% per year due to identifying leaks/losses and improved management. Assumes is implemented in year 1 of the 10 year planning period. Cost savings to reducing volume of water processed by system are not included in this cost analysis.
Leak Detection Study	10	1	$ 4,500	$ 1,400	$ -	$ 18,500	7,396,818	-	7,396,818	$ 2.50	Assumes cost of $4,500 for 11 miles of ductile iron pipe (see quote from UTS, Inc., Appendix J) for total distribution system, excluding the Wehawken spring transmission line, completed once during the plan period and assumes staff time of 40 hours to assist in survey. Savings are 2.5% per year. Cost savings to improved system operations and reduced emergencies are not included. Assumes study is completed in year 1 of the 10 year planning period.
Water Line Replacement Program	10	10		$ 2,100	$ 239,500	$ 2,416,000	2,958,727	2,958,727	133,142,719	$ 18.15	Assumes replacement of 2,500 ft of line using DIP each year by contractor. Estimate material cost of $28/ft of DIP, plus $65/ft for installation, plus $7,000 to connect to existing lines (labor and material), plus 60 hours/year of staff time to coordinate and inspect the work. Assumes burying pipe to 5 ft depth (not anticipated to have significant rock work). Results in 1% savings, cumulative each year.
Water Service Meter Program (2019 Update)	10	1	$ 1,400,000	$ 6,720	$ 1,500	$ 1,480,000	23,214,300	23,214,300	232,143,000	$ 6.38	Outdoor meter pit installation assumed. Meter costs estimated from 2018 Metron-Farnier quote. Meter pit material costs estimated from City of Durango 2018 direct meter pit costs for new development. Equipment and labor costs to excavate and install pits from RSMeans 2018. Additional staff labor costs are estimated at a total of 4 hours per week to manage data. Estimated water savings assumes each EQR reduces average annual indoor and outdoor consumption by approximately 10%.
Capital Improvement Plan	10	1	$ 10,000	$ 875	$ -	$ 18,750	1,479,364	1,479,364	14,793,635	$ 1.27	Assumes a one-time consultant cost of $10,000 to update the current Master Plan/CIP and 25 hours per year of City staff time to integrate the CIP into the annual utilities budget and have approved by council. Water savings from improved condition of infrastructure is estimated to be 0.5% per year in addition to savings from pipe replacement program (see above). Assumes update to CIP is completed in year 1 of 10 year planning period.
Public Education and Outreach											
Bill Stuffers	10	10	$ -	$ 350	$ 300	$ 6,500	127,750	127,750	5,748,750	$ 0.0011	Assumes 5 hours per year to prepare flyer with information, 5 hours per year to prepare mailing, and annual cost of $300 per year to print for 1,000 accounts. Assumes savings of 0.1% from voluntary conservation resulting from education and conservation is cumulative over the planning period.
Newspaper Articles	10	40	$ -	$ 560	$ -	$ 5,600	127,750	127,750	5,748,750	$ 0.0010	Assumes 4 articles per year, 4 hrs of staff time per article. Assumes savings of 0.1% from voluntary conservation resulting from article education over 1,000 account holders.
Web Pages and/or social media	10	40	$ -	$ 980	$ -	$ 9,800	127,750	127,750	5,748,750	$ 0.0017	Assumes 6 hrs of staff time per quarter to provide updated water conservation content to web manager, and put conservation content on Facebook and/or other social media, plus 1 hr per quarter of web managers time. Assumes savings of 0.1% from voluntary conservation over 1,000 account holders and program begins in year 1 of 10 year planning period.
City Demonstration Activities and Public Presentations	10	-	-	$ 210	$ 500	$ 7,100	2,959	2,959	29,587	$ 4.17	Instead of offering incentive programs or rebates, the City will implement various measures such as rain-sensor controlled irrigation, low-flow fixtures, and climate appropriate landscaping to conserve water and provide educational examples. It is assumed that $500 per year is budgeted in staff time or materials purchase to implement conservation measures. Additionally, City staff will make public presentations on water conservation issues relevant to the City during City Council meetings an estimated 2 times per year, requiring 3 hours of staff time per presentation. The resulting saving to the City and through education is assumed to be 0.01%.
Customer Water Use and Landscape Design and Maintenance Workshops	10	3	-	$ 233	$ 133	$ 3,667	338,538	112,846	6,093,675	$ 0.0006	Assumes 1 workshop every 3 years, requiring $400 in supplies/give-aways, and 20 hrs of staff time per event (plus volunteer from local garden community/business). Costs may be reduced by teaming with local watershed partners group or seeking grant funding. Assumes 10 households per event each with a 15% savings on outdoor irrigation of 0.08 acres (average City lawn size) from implementing outdoor water conservation methods and 2% savings on indoor water demands for each household and program begins in year 1 of 10 year planning period..
					Total Cost	**$ 4,197,667**		**Total Water Saved:**	**440,432,955**		

Notes:
(1) Only measures selected for further evaluation are included here (see appendices A-D).
(2) Planning period for implementation of measure. Because of lack of metering, existing conservation efforts have not been quantified and will only be addressed in the future planning period.
(3) Total number of units to be implemented over the planning period for each measure.
(4) Capital costs to implement the program such as purchase of equipment. Labor required to manage the program, install equipment or otherwise carry out the measure is also included. Costs subject to change upon further study and implementation
(5) Annual City staff labor costs for maintaining the equipment or program. Costs subject to change upon further study and implementation
(6) Annual material costs for maintaining the equipment or program. If installation of equipment is annually completed by contractor, the contractor costs are included in this column. Costs subject to change upon further study and implementation
(7) Equals (Column 2 x (Column 5 + Column 6) + (Column 3 x (Column 4 + Column 5)).
(8) May be based on savings per unit x no. of units or may be a percentage of water savings over the entire system (see notes in Column 12).
(9) Equals water saved on an annual basis by the measure.
(10) Equals Column 8 X Column 9 x Column 2.
(11) Equals Column 7 / Column 10. Costs subject to change upon further study and implementation
(12) Notes on implementation of the measures. Notes on the basis of assumptions for the calculations used in this sheet.
* Total gallons as baseline is 908 AF in 2010 (see Table 3) = 295,872,708 gallons. Savings from Public Education and Outreach are based on a household demand of 350 gallons per day (= 75 gpdpc x 3.5 persons/home + 87 gpd averaged outdoor use). Savings associated with existing conservation measures is not shown due to lack of historical meter data to determine savings. All calculations are based on a current baseline and projected forward.

Appendix F

Proposed Implementation and Monitoring Plan (2019 Update)

Appendix F
City of Ouray Water Efficiency Plan (2019 Update)
Proposed Implementation and Monitoring Plan

Selected Water Efficiency Activities	Period of Implementation	Implementation Actions	Milestone Deadlines	Total Budget	Entity/Staff Responsible for Implementation	Entity/Staff Responsible for Data Collection	Schedule of Data Collection	Coordination and Public Involvement	Additional Comments
Water Rate Adjustments	10 years	Annual Budget Item	Annual City Budget Approval	2 percent increase on existing rates and $3,500 of staff effort	City Administrator			Public comment during Council adoption of budget	City policy is to propose a 2% rate increase every year. This percent increase may be adjusted annually based on that years budget considerations.
Control of Apparent Losses (Develop Water Measurement Plan)	1 year	Develop water measurement plan; Identify meters to be purchased and have budget approval	1 year	$45,000	City Administrator Public Works Director Consultant/Supplier	Public Works Director Assistance as needed from consultants	Review Measurement Plan as it is being implemented.	Public Comment during budget process	Resources will be put into developing a comprehensive measurement plan that captures all of the locations that require measurement and integrating them into the City's SCADA system to facilitate regular reporting and review of water use. Controlling losses will reduce system operational costs by reducing the amount of water treated and delivered into the system. The amount of losses and costs of operations may be compared to estimate savings once baseline loss data is available.
		Create meter monitoring and database program	1 year		Public Works Director	Public Works Ditector	Biannually	public input during presentations and budget process	
Control of Apparent Losses (Implementation of Water Measurement Plan)	10 years	Installation of measurement devices per Measurement Plan and evolving water management needs	Annually	$150,000	City Administrator Public Works Director Consultant				City will have on ongoing process to seek funding and staff availability to implement measurement device improvements and installations based on the Measurement Plan. The measuring devices will help improve system management and overall water resources management.
System Wide Water Audits	8 years (beginning once meters are in place)	bi-annual data entry and review	bi-annual once meters in place	$31,500	Public Works Director	Public Works Director	January and June		Monitoring will begin once meters are installed. At installation, the City's database for meter records will be revised to incorporate new data and analyze results to help to identify un-metered water and losses which will reduce operational costs without reducing revenues.
		annual reporting of data and analysis as a City Council presentation	annual once meters are in place		Public Works Director	Public Works Director	Meeting before budget process	public input during presentations and budget process	
Leak Detection Study	2 years	Obtain funding and contract approval from City	1 year	$18,500	City Administrator Public Works Director				Results of study will be used to identify losses in the meter data and to direct replacement and repair program. The results of the study can be used to estimate losses to the system and the reduction in the amount of water needed in the system.
		Conduct leak detection study	2 years		Public Works Director Contractor	Public Works Director	Once during leak detection study		
Water Line Replacement Program	10 years	annual budget item and contract approval	Annual City Budget Approval	$2,416,000	City Administrator Public Works Director			Public Comment during budget process	Line replacement will coincide with system metering and savings from reduced losses may be identified in the meter data.
		City staff and contractor complete line replacements	Annually		Public Works Director Contractor				
Water Service Meter Program (2019 Update)	3 years	Identify and apply for Grant Funding opportunities.	1 year	$1,480,000	City Administrator Public Works Director			Public Comment during budget process	Results of the data collection will be used to a better understand system operations and variable use patterns. After data collection, share with the public to create a heightened water use awareness at the customer level. Use results to provide valuable information for both water and wastewater infrastructure planning and development.
		Identify and apply for Loan to provide City match to meet grant match requirements.	1 year		City Administrator Public Works Director				
		Install service meters	2 years		City Administrator Public Works Director and Contractor	Public Works Director	Monthly	Public awareness after data has been collected and analyzed.	
Capital Improvement Plans	2 years (CIP affects funding plan for all other measures)	Obtain funding and contract approval from City	1 year	$18,750	City Administrator Public Works Director			Public Comment during budget process	CIP update may identify thresholds water volume that would require new infrastructure (such as storage or treatment facilities). The costs from the CIP can be used to estimate savings from reducing system losses and overall demands through conservation.
		City staff and consultant complete CIP updates	2 years		Public Works Director Consultant				
		City staff integrate into annual budget process each year	Annually after 2 years		City Administrator Public Works Director			Public Comment during budget process	
Bill Stuffers	10 years	city staff prepare flyers and include in billing notices	Annually	$6,500	Community Development Coordinator			Public will receive flyers	Flyers to include City staff contact information
Newspaper Articles	10 years	city staff work with local newspaper quarterly	Quarterly	$5,600	Community Development Coordinator			Public audience through local newspaper	Articles to include City staff contact information
Web Pages and Social Media	10 years	city staff incorporate water conservation issues into existing social media and web page presence	Quarterly	$9,800	Community Development Coordinator			Social media provides opportunity for 2-way communications	
City Demonstration Activities and Public Presentations	10 years	City install water conservation features (landscape, fixtures, etc.)	when retrofits or new work is being undertaken	$7,100	Public Works Director Community Development Coordinator			The City's conservation measures will be publicly visible	
		Public presentations at City Council meetings	Bi-annually		Public Works Director Community Development Coordinator			Public audience at Council Meetings	This measure will help to provide information to decision makers on conservation issues and the City's Water Conservation Plan implementation
Customer Water Use Workshops and Landscape Design and Maintenance Workshops	10 years	City sponsored workshop for residents	Every three years	$3,667	Public Works Director Community Development Coordinator			Public participation and feedback	

Total Cost for Implementation of All Proposed Measures: $4,195,917

Notes:
All measures selected for implementation are included (see Appendix E)
Deadlines are based on time from the approval of the Water conservation Plan. For example '1 year' is 1 year from the time the plan is approved
Data collection is only for system-wide meters and the leak detection study. Future updates to the plan may consider more extensive monitoring once system baseline data is available.
For cost estimate basis, see Appendix E2: Cost and Water Savings Calculations for Efficiency Measures

Appendix G

Section 9-10 City Code

Water and Sewer Use Rate

A. No water or sewer main, or facilities of the City may be extended without the approval of the City.

B. The City may, at its own expense, extend its water or sewer mains as deemed feasible or necessary. The City may provide for such extensions in accordance with its Subdivision Regulations, by contract with any person desiring such extensions, or by improvement district. Any such contract shall be on terms approved by the City and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent connections onto such extension, or such other provisions as City Council deems in the public interest.

C. All such mains, lines, easements, and facilities connected to the City system shall be conveyed and dedicated to the City, free and clear of all liens and encumbrances.

9-9 Right of Entry

A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this Chapter, any authorized City representative may enter upon any building or premises served by City water or sewer at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry. If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court.

B. The right of entry shall apply but not be limited to the following functions: to determine the location and conditions of all hydrants, pipes, fixtures, plumbing, and meters, to read meters, to make repairs, to perform dye and smoke tests, and to investigate violations of this Chapter.

9-10 Water and Sewer Use Rates

A. Water and sewer use rates will be calculated on the basis of a single family dwelling. An equivalency factor (EQR) will be applied to the base rate to scale fees to normal usage for the particular structure or business.

B. Rate Structure

TYPE OF FACILITY	PER UNIT/SPACE	SERVICE FEE	ADDITIONAL EQR
Single Family Dwelling	1.00	$36.00 per property	
Multiple Family Dwelling Townhouse	1.00	$36.00 per unit	.25 per public washing machine

Condominium			
Apartment Building	1.00 per apartment	$36.00 per property	.25 per public washing machine
Permanent Trailers Mobile Home Park	1.00 per space	$36.00 per property	
Overnight Mobile Home Park RV Park Campground	1.00 per Manager's Unit; .22 per space with sewer hookup; .11 per all other spaces	$36.00 per property	.25 per public washing machine; 1.00 per public dump station
Hotels, Motels, Bed and Breakfasts	1.00 per Manager's Unit; .16 per bed; .02 per kitchen facility	$36.00 per property	.05 per 1,000 gallons for swimming pools, hot tubs, etc; .25 per public washing machine .03 per bed
Hospitals Nursing Homes	.20 per bed	$36.00 per property	
Churches	1.00 per parsonage .01 per seat	$36.00 per property	.70 per social area or kitchen facility
Private Clubs	.01 per seat	$36.00 per property	.70 per social area or kitchen facility 1.00 per bar
Schools	.06 per student	$36.00 per property	
Offices Day Workers Medical Center	.30 per 1,000 sq. ft	$36.00 per property	
Small Shops	.30 per space	$36.00 per property	
Factories Plants Livery Barns	.50 per 1,000 sq. ft	$36.00 per property	
Movie Theaters Arenas	.50 per 1,000 sq. ft	$36.00 per property	
Grocery Store Market	.30 per 1,000 sq. ft	$36.00 per property	
Service Station	.50 per pump	$36.00 per property	
Car Wash	1.20 per wash bay	$36.00 per property	
Laundry (Public)	.25 per machine	$36.00 per property	
Laundry Business	1.00 per machine	$36.00 per property	
Taverns/ Bar	2.00 per 1st 20 seats .60 per additional 10 seats	$36.00 per property	
Food Service	2.00 per 1st 20 seats .60 per additional 10 seats	$36.00 per property	
Deli, Ice Cream Parlor	1.00 per 1st 20 seats .30 per additional 10	$36.00 per property	

	seats		
Beauty/Barber Shop	1.00 per property	$36.00 per property	
Private Swimming Pool	.05 per 1,000 gallon if on City Water or Sewer System		
Ouray County Historical Society Museum	1.00 per museum unit	$36.00 per property	
Daycare	.02 per child capacity	$36.00 per property	
Emergency Response Facility	1.00 per facility	$36.00 per property	

C. Water and Sewer Rates

1. Water Base Rate is $16.59 per month per EQR

2. Water Debt Repayment Surcharge is $7.00 per month per EQR, prorated for the first 1.0 EQR, plus $3.50 for additional EQR's. For a master billing account, each lot with a single-family residence or each RV space shall be charged $7.00 per month per unit. Section 9-10-D-2 shall not apply to the Water Debt Repayment Surcharge calculation with respect to doubling the rate for users outside of the City limits.

3. Sewer Base Rate $25.94 per month per EQR.

4. Service Fee is set out in Subsection B.

5. A discount of $36.00 shall be allowed if charges for entire year are paid in advance by February 15th.

D. Special Charges

1. If any user is discharging toxic or other pollutants in concentrations higher than that of a residential user which causes increased treatment or system costs, a surcharge may be imposed based upon the excess concentrations.

2. All water user rates for users outside of the City limits shall be classified according to the above contained and set forth classifications, but the rates therefore shall be twice the rates applicable to users inside the City limits.

3. In all special cases where the water and sewer user does not come within any of the above set forth classifications and does not use a water meter due to unusual circumstances, or to unusual or intermittent requirements of the use of water and sewer, City Council may establish a special rate therefore, but no such special water and sewer rate contract shall be entered into for a period longer than one (1) year at a time and the rate or

rates for such special usage of sewer and sewer under any special contract shall be based as nearly as may be practical upon general water and sewer rate structure herein provided.

4. In cases where there is a transfer of City utility account customers due to the conveyance of property served by the City's water and sewer system, there shall be a $25.00 Utility Account Transfer Charge billed to the new property owner as a new customer of the utility account. This charge shall be incurred and billed at the time of such transfer, with payment due within thirty (30) days of billing.

E. Additional Provisions

All customers shall be required to properly complete and submit to the City, information, declarations, and surveys upon the City's request, as appropriate to facilitate the administration of this Chapter and the EQR system.

9-11 Restriction of Water Use

A. City Council, by a majority vote, may limit the use of City water to specific times, days, and uses as appropriate. Water use contrary to such limits is unlawful.

B. Action to limit the use of water shall comply with the local disaster emergency provisions of Chapter 2 of this Code.

C. No watering hose larger than 3/4" diameter and no watering nozzle larger than 1/4" diameter may be used.

D. All watering and continuous water flows shall be terminated during fire alarms.

E. Unlawful Acts

The following shall be considered unlawful and are declared a nuisance:

1. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized. The City may authorize temporary use at construction sites or in emergencies.

2. It shall be unlawful to open or close any fire hydrant, stop, or curb valve, or to turn on, or turn off, the water service to any property without lawful authority to do so.

3. It shall be unlawful to cause or allow any pollutant to be introduced in the City water system or to cross connect it with any irrigation water system or other system.

4. It shall be unlawful to waste water.

9-12 Use of Fire Hydrants

Appendix H

City of Ouray Resolution No. 7 - 2012

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF OURAY, COLORADO
(RESOLUTION NO. 7, 2012)

A Resolution of the City of Ouray implementing water conservation standards for 2012.

WHEREAS, the City of Ouray received notice from the Colorado Division of Water Resources ("Division") that the City' s water rights were called on May 3, 2012; and

WHEREAS, the City submitted an Emergency Substitute Water Supply Plan to the Division in response to the water call on June 13, 2012 in order to allow the City to still draw the allocated water right amounts; and

WHEREAS, the Division has notified the City that the Emergency Substitute Water Supply Plan must include that the City demonstrate efforts by the citizens of the community to conserve water; and

WHEREAS, pursuant to Section 9-14 of the City of Ouray Municipal Code, the City Council has authority to limit the use of City water to specific times, days and uses as appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, as follows:

THE CITY COUNCIL ASKS CITIZENS WHOSE PROPERTY IS EAST OF THE CENTERLINE OF MAIN STREET TO LIMIT YARD IRRIGATION TO ONLY TUESDAYS, THURSDAYS, AND SATURDAYS. THE CITY COUNCIL ASKS CITIZENS WHOSE PROPERTY IS WEST OF THE CENTERLINE OF MAIN STREET TO LIMIT YARD IRRIGATION TO WEDNESDAYS, FRIDAYS, AND SUNDAYS. THE CITY COUNCIL ASKS THAT ALL CITIZENS NOT CONDUCT YARD IRRIGATION ON MONDAYS NOR BETWEEN THE HOURS OF 10:00 AM AND 4:00 PM. WATERING BY A HANDHELD HOSE IS EXEMPTED FROM THESE WATER CONSERVATION STANDARDS.

THE CITY OF OURAY WILL ONLY CONDUCT DUST CONTROL OPERATIONS THREE DAYS A WEEK AS NEEDED. LIKEWISE, THE CITY OF OURAY WILL LIMIT IRRIGATION OPERATIONS IN ALL CITY PARKS TO ONE DAY A WEEK.

THIS RESOLUTION SHALL BE EFFECTIVE UPON ADOPTION.

ADOPTED this 6th day of August, 2012, by the Ouray City Council.

CITY OF OURAY, COLORADO

By_____
Robert E. Risch, Mayor

ATTEST:

_____
Kathy Elmont, City Clerk

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Appendix I

Leak Survey Proposal- UTS, Inc.

UTILITY Technical Services, Inc.

PO Box 3613, Englewood, CO 80155
Phone: 303-773-2808 Fax: 303-799-3436

WATER SYSTEM LEAK SURVEY PROPOSAL
FOR THE
Town of OURAY, COLORADO
For
Wright Water Engineers

Ryan Huggins
Water Resource Consultant
Wright Water Engineers
Durango, CO

Februray 14, 2014

Per our phone conversation this morning, the cost of a water main leak survey for the Town of Ouray, Colorado water system would be $3500-4500 which cover up to 60,000 lineal feet of pipeline. Expenses are not included. Expenses added would be mileage to and from Ouray @ .55 per mile, lodging and meals. The survey would be completed in 3-4 days. Terms are net 30 days. These prices could change if conditions stated were to change.

If awarded, UTILITY TECHNICAL SERVICES, INC. proposes that the survey take place before summer irrigation systems are turned on. This will allow the survey to proceed without usage interference. This leak survey proposal is valid for ninety (90) days after receipt. A certificate of insurance can be provided upon your request.

Please note that this does require accurate mapping/drawings of the portion of the system being survived and the help of one knowledgeable water employee.

We hope that this proposal meets with your approval. Please feel free to call or email with any questions.

Attached is our proposed leak survey equipment and procedure

Dave Anderson

1

Thank you for your inquiry to **UTILITY TECHNICAL SERVICES, INC**. As a qualified contractor for your water system leak survey, we would like to offer the following for your consideration.

UTILITY TECHNICAL SERVICES, INC. specializes in helping municipal and private water districts locate unaccountable water losses throughout their systems. Established in 1985, this Colorado owned and operated firm has helped hundreds of communities throughout the western region of the United States in solving their water problems with excellent results.

As an active member of the Colorado Rural Water Association, the Wyoming Rural Water Association, the Wyoming Water Quality & Pollution Control Association, and the Rocky Mountain AWWA for the past twenty years, **UTILITY TECHNICAL SERVICES, INC**. understands the current problems facing the water industry.

The two major factors concerning unaccountable water loss are 1) leakage and 2) inaccurate metering. **UTILITY TECHNICAL SERVICES, INC**. addresses these two problems by providing complete water system leak surveys, leak locates, and comprehensive leak reports. UTILITY TECHNICAL SERVICES, INC. also offers a yearly leak detection survey contract. This yearly contract includes a no charge follow-up call on problem areas when our technician is in the area, less any expense charges incurred while there. Please let us know if you would like more information regarding our yearly contract

Proposed Methodology

The leak survey begins at one end of the system (or portion of the system) to be surveyed, and proceeds section by section until that portion is completed. The sensors are placed at intervals determined in part by the pipe size, material, as well as availability of access and pressure. Larger pipe diameters, non-metallic pipe, and low pressures require closer contact points. Generally, the set-up length desired on a water distribution system is one city block. Commercial set-ups vary depending on external noise loads. On metallic pipelines, magnetic sensors are placed on gate valves, fire hydrants, or service line connections.

The key to our method is that all spans of pipeline are scanned for leak noise through the full frequency range and not just at convenient contact points. This is crucial, since we have seen leaks that are not detectable by any other method. If pipeline access is relatively easy, as in main line valves or fire hydrants at each intersection, the survey can proceed quite rapidly. Minimum survey quantity is two miles per day, but with proper preparation, along with knowledgeable assistance, four to five miles are possible. The equipment will also detect multiple leaks on a single set-up. If necessary, leaks can be detected and pinpointed at much greater distances, over 2,000 lineal feet in some cases.

Weather conditions generally do not affect the survey, however, snow cover and frozen valve boxes will hamper the progress of pinpointing leaks.

Leaks can be pinpointed later, after the entire system is surveyed, or at the time of the survey. If pinpointing is carried out during the survey, the utility department can start excavating and making repairs early. Pinpointing later reduces the chances of chasing down consumption noises.

2

Equipment

The equipment used is the SubSurface LC-2500 leak noise correlator. This includes the correlator (micro-processor) itself, radio transmitters, which amplify and send the noise (vibration) signals to the correlator, accelerometers, which are used for metallic pipe contact. Accelerometers pick up the noise from the pipe wall. The correlator includes multiple noise frequency filters, with a total of 20 ranges that can be combined in a number of arrangements. This allows the technician to scan many overlapping frequency range location, and size estimation. The correlator computes and gives the results on an LCD screen, whereby the operator can make his determining decision.

The Subsurface LD-18 Professional Water Leak Detector is also used. This instrument includes an amplifier with meter display, filter controls, ground microphone and hand switch. The large meter display of sound loudness, allows the user to pinpoint the exact leak location. This instrument is used to verify the correlator results.

Procedure

The leak survey begins at one end of the system (or portion of the system) to be surveyed and proceeds section by section until completed. The sensors are placed at intervals determined in part by the pipe size and material, as well as the availability of access and pressure. Generally, the set-up length desired on a water distribution system is one city block, or approximately 350 feet. Before we arrive, the city should locate and clean valve boxes as needed, as well as provide a detailed map that includes pipe size, type, and location to avoid delays in the survey. We require that the district furnish one knowledgeable person with a vehicle to assist in the survey. This person will:

1. help the technician in placement of sensors on the pipeline;
2. offer helpful information on pipe size, type, or layout, if different than mapping;
3. act on behalf of the district concerning public relations;
4. open or close PRVs, related valves, fire hydrants, or customer service valves;
5. aid in directing traffic, if required, in order to insure the safety of all.

Results

Records of all Set-Ups, measurements, and leak locations are kept in a Daily Report. The Leak Location Form is provided to the district for each leak found. The district provided map is also clearly marked with leak noise locations, which are in turn keyed to the individual leak record sheets. Leak noises are classified from slight to heavy based on the frequency with which they best respond. This information is utilized by the client to set priorities for repairs as well as to estimate the quantity of water loss. An average survey will produce one leak per mile of pipeline with the average leak size at 5 to 6 gpm. Results will vary depending on pipe age, system pressure, bedding materials, and total percentage of unaccounted for water. Using one truck with equipment, a survey will take in four to five miles a day under normal working conditions. Individual leak locates average about thirty minutes each, if there is no interference.

Technician

In the distribution field since 1973, **David Anderson** has a background that puts him in touch with the needs of the water industry. Firstly, Dave was in sales for two of the leading suppliers of waterworks equipment in the Midwest and Western United States, and secondly, he was a manufacturing representative for MUELLER CO. Dave has also contributed papers to the AWWA, which were published in the national handbook "Introduction to Water Distribution Systems".

He has helped conduct leak detection seminars for the AWWA, Washington State Department of Social and Health Service, Colorado Rural Water, Wyoming Rural Water, South Dakota Rural Water, New Mexico Rural Water and for the National Rural Water Association. Dave has also received factory meter training.

REFERENCES

1.	Town of Castle Rock Mr. John Chrestensen Water Superintendent Phone: 303.814.6408	25 – 50 miles, surveys annually since 1990
2.	Town of Gunnison Mr. Joe Doherty Water Superintendent Phone: 970.641.8330 Email: joe@cityofgunnison.co.gov	surveys annually since 1986
3.	Town of Breckenridge Mr. Gary Roberts Water Superintendent Phone: 970.485.0156 Email: gary@townofbreckenridge.com	approx. 25 miles, surveys annually since 1989
4.	Town of Laramie Mr. Cal VanZee Water Superintendent Phone: 307.721.5206 Fax: 307.742.7174 Email: cvanzee@ci.laramie.wy.us	approx. 25 miles, surveys annually since 1993

Appendix J

Public Notices and Request for Comments

Affidavit of Publication

COUNTY OF OURAY)
) SS.
STATE OF COLORADO)

Alan Todd

being duly sworn, deposes and says:

1. That he is publisher of the **Ouray County Plaindealer**, a weekly newspaper printed and published in the City of Ouray, County of Ouray, and State of Colorado.

2. That the said Ouray County Plaindealer was established and has been printed and published in said County continuously and uninterruptedly during a period of at least 52 consecutive weeks prior to the first issue thereof containing said **LEGAL NOTICE**, a copy of which is hereto attached.

3. That the said Ouray County Plaindealer is printed and published in whole or in part in the said County of Ouray.

4. That the said Ouray County Plaindealer is a weekly newspaper within the meaning of "An Act Concerning Legal Notices, Advertisements and Publications and The Fees of Printers and Publishers Thereof and To Repeal All Acts and Parts of Acts in Conflict with the Provisions of this Act," being Chapter 139 of the Session Laws of Colorado of 1923 as amended by Chapter 113 of the Session Laws of Colorado of 1931. The Act amended and repealed by Chapter 139 of the Session Laws of the State of Colorado of 1923 is Chapter 169 of the Session Laws of the State of Colorado of 1921, the same being Sec. 5392 to 5400, both inclusive, of the Compiled Laws of the State of Colorado of 1921, as well as all subsequent statutes governing legal publications.

5. That the said annexed **Legal Notice** was published in the regular and entire editions of the Ouray County Plaindealer, a duly qualified newspaper for that purpose, within the terms of the above named Acts.

6. That the said annexed **Legal Notice** is a full, true and correct copy of the original which was regularly published in each of the regular and entire issues of said weekly newspaper, a legally qualified newspaper for that purpose, for 1 successive weeks, and that the publication thereof was in the issue(s) dated:

July 10, 2014

Legal Notice No. 1341165

NOTICE OF PUBLIC COMMENT PERIOD

The City of Ouray has prepared a draft Water Efficiency Plan in order to evaluate, prioritize and implement water efficiency activities. The implementation of the Plan will help the City to improve water demand forecasts, plan for infrastructure needs, and manage its water demands within its physically and legally available water supply. All of the measures are voluntary and are subject to City Council approval and budget constraints. The Ouray City Council will consider adoption of the Plan at the August 4, 2014 Council meeting, Public comments on the Plan must be submitted by 10:00 am on August 1, 2014. The plan is available for review at www.cityofouray.com. A paper copy of the plan is available for review between 8:00 am and 4:00 pm at the City Hall front desk, 320 6th Avenue, Ouray, CO 81427. Comments may be submitted in person at City Hall or via email to morgenthalera@cityofouray.com.

Published: Ouray County Plaindealer: July 10, 2014

BEECHER THREATT NOTARY PUBLIC STATE OF COLORADO

Publisher

Subscribed and sworn to before me this 4 day of August 2014

My Commission expires: 6/14/2015

Beecher Threatt, Notary Public

PUBLICATION FEE: 16 53

the WATCH

OURAY – The City of Ouray is calling for public input on the draft Water Efficiency Plan the city council is considering for adoption at its Aug. 4 regular council meeting.

The plan has been crafted to evaluate, prioritize and implement water efficiency activities in Ouray. Its implementation will help the city to improve water demand forecasts, plan for infrastructure needs and manage water demands within its physically and legally available water supply.

“It will help us to understand what our usage is, also looking at how we are managing and, in appropriate places, conserving water in a smart way, while getting utilization we want,” said Ouray Mayor Pam Larson when the draft water plan was first introduced last spring.

The plan was created by Wright Water Engineers, Inc., with funding provided by a grant from the Colorado Water Conservation Board. It follows the CWCB’s municipal water efficiency plan guidance document.

According to City Administrator Patrick Rondinelli, having an adopted Water Efficiency Plan is often a requirement in order for municipalities to access grant funds from the CWCB to pay for further water projects.

“Once the plan is adopted, it opens up opportunities to access grants we can’t do today,” he said.

The proposed plan focuses on collecting data to better understand how water is used in Ouray, and how the city can achieve cost savings and decrease uses that do not bring the city revenue.

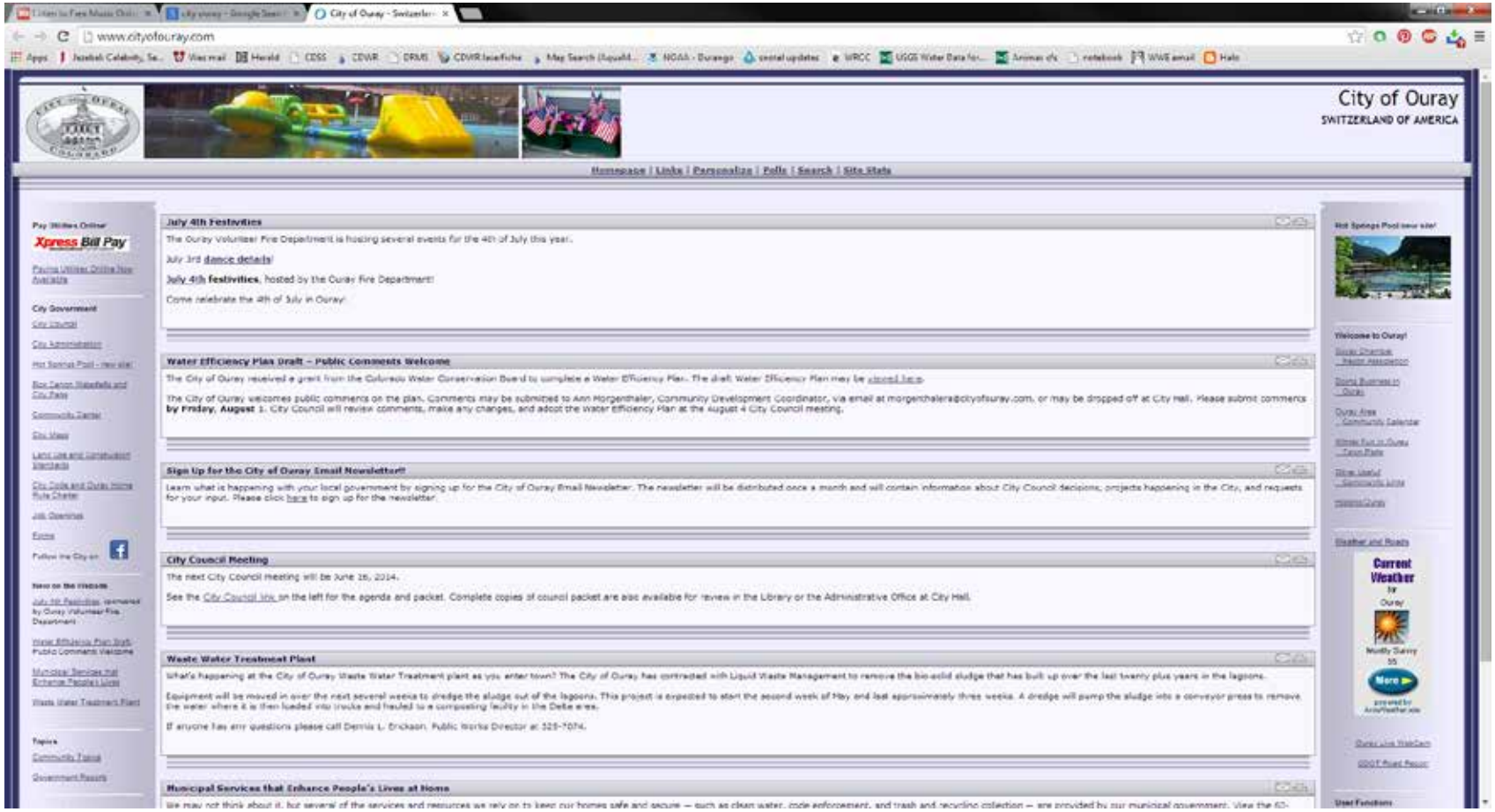
“For example, if the city could decrease inefficient use or leaks in the water system, the city may have additional water available to run through the micro-hydro system, which is revenue generating,” Rondinelli explained.

One of the goals outlined in the plan is to add meters on pressure regulating valves in key places throughout the city’s water system, to help understand overall water usage in the town.

All of the measures outlined in the plan are voluntary, and are subject to City Council approval and budget constraints.

The plan is available for viewing on the city website (cityofouray.com), as well as at the City Hall front desk. Questions or comments can be submitted via e-mail to Ann Morgenthaler, Community Development Coordinator, atmorgenthalera@cityofouray.com. Written comments can also be submitted at the City Hall. In either case, written comments must be submitted by 10 a.m. on Friday, Aug. 1.

swright@watchnewspapers.com or Tweet @iamsamwright



http://www.cityofouray.com/

http://www.cityofouray.com/docs/CommunityTopics/WaterEfficiencyPlan-DRAFT04-17-14.pdf

City of Ouray Monthly Newsletter

July 11, 2014

Another Amazing 4th

Thank You from City Administrator Patrick Rondinelli

Another 4th of July has come and gone in the City of Ouray. This year was another success with what many people feel was the largest crowd ever to come to the City for the holiday. With this wonderful day, it is important to recognize the many groups, organizations, and volunteers that work very hard to pull together all the events throughout the day. I would like to thank the Ouray Chamber Resort Association, the Mountain Air Music Series, the City's Public Works Crew, the Ouray Police Department, and the Ouray Volunteer Fire Department for everything they do to make the 4th of July spectacular.

Read more information about the 4th of July from Patrick Rondinelli by clicking here.

Share your Feedback:

What did you love about this year's 4th of July celebrations in Ouray? What would you like to see changed or improved? Please email us at newsletter@cityofouray.com to share your feedback.

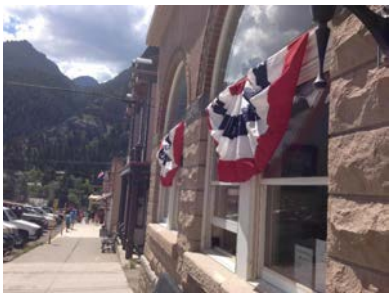
Ouray Police Department

Updates from Chief Justin Perry

The Ouray Police Department finished up a great month in June, handling 381 incidents and kicking off City of Ouray's community policing programs. We had meetings with our Neighborhood, Business, and Traffic Safety groups, all of which were dedicated to community policing education and program initiation. The programs are completely community-oriented, with an emphasis dedicated to building partnerships within the community to solve problems and prevent crime. Our next Neighborhood meeting will occur on July 23rd at 7pm, and the Business meeting on July 30th at 7pm, both of which will be held at the Community Center. Dates for the Traffic Safety Program and School Program will be forthcoming. The Ouray Police Department invites all citizens to attend and participate in any or all of the programs. Together, we will ensure that the City of Ouray maintains the safe, family-oriented environment we all love and respect. Contact Chief Perry at perryj@cityofouray.com with questions.

City Council Vacancy

Details of Procedure for Filling Vacancy



The Ouray City Council regretfully accepted the resignation of Council member John Ferguson during the Council meeting on Monday, July 7th. While Council member Ferguson's resignation was a surprise, the City Council and staff greatly appreciate his service to our community and we all wish him the best in the future.

Per section 2-5-C of the Home Rule Charter for the City of Ouray:

> Vacancies on the Council shall be filled by the affirmative vote of a majority of the remaining Council members. A person appointed to the vacancy shall serve until the appointed term concludes.

The City Council has chosen to follow the same format as they have for other appointments to fill Council vacancies. They are asking any qualified citizen that is interested in serving on the City Council to submit a letter of interest to the City outlining why you would like to serve as well as what your qualifications are to serve on the City Council. Any citizen that is interested must meet the qualifications for elected officials as stated in section 2-1 of the Home Rule Charter:

> Registered electors of the City of Ouray, Colorado, who have resided within the City boundaries for one (1) year immediately preceding their election or appointment to office are eligible for nomination and service as Council members. Residency within an area annexed by the City during this time frame shall count toward the residency requirement. No Council member may be an employee of the City. A City employee must terminate his or her employment with the City upon commencement of the term of office as a Council member.

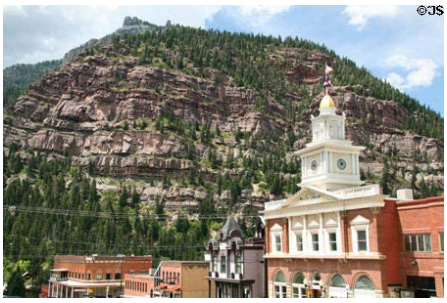
City Council is requesting that all letters of interest be submitted to City Hall by 4:00 PM on Monday, August 11th. In addition, City Council will ask all individuals that submit a letter of interest to attend the City Council meeting on Monday, August 18th to provide a

brief statement to Council and answer questions from the Council. It is at that meeting that the City Council will take action to appoint an individual to fill the remaining 3+ years of Council member Ferguson's term (until November of 2017).

If any citizen is interested but would like more information, the City staff is happy to share information about the role of a City Council member and any information about the City organization, policies, or City Code. Please contact Patrick Rondinelli at 325-7060 or at rondinellip@cityofouray.com.

Water Efficiency Plan Draft

Public Comments Welcome



The City of Ouray has prepared a draft Water Efficiency Plan in order to evaluate, prioritize and implement water efficiency activities. The implementation of the Plan will help the City to improve water demand forecasts, plan for infrastructure needs, and manage its water demands within its physically and legally available water supply. All of the measures are voluntary and are subject to City Council approval and budget constraints. The City will consider adoption of the Plan at its August 4, 2014 Council Meeting. Public comments on the Plan are welcome, and must be submitted by 10:00 am on August 1, 2014. The plan is available for viewing on the website by clicking here, and is also available at the City Hall front desk. You may submit questions or comments via email to Ann Morgenthaler, Community Development Coordinator, at morgenthalera@cityofouray.com, or you may submit them at the City Hall front desk.

Wastewater Treatment Plant

Pond Dredging Continues

Crews are continuing to dredge material from the wastewater treatment plant ponds. Thank you for your patience during this lengthy process. The City expects that the dredging will be complete by July 25. Please contact Dennis Erickson, Public Works Director, at ericksond@cityofouray.com or 325-7074 with questions.

Contact: City of Ouray
320 6th Avenue
PO Box 468
Ouray, Colorado, 81427

Like us on Facebook

www.cityofouray.com

Appendix K

City of Ouray Resolution

No. 10 (Series 2014)

RESOLUTION NO. 10 (Series 2014)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF OURAY ADOPTING A WATER EFFICIENCY PLAN

WHEREAS, on May 19, 2014, the Ouray City Council was presented with a draft water efficiency plan created by City staff and Wright Water Engineers, Inc.; and

WHEREAS, the City is committed to water resources sustainability and water conservation; and

WHEREAS, the City of Ouray understands the needs and benefits of long term water conservation measures and is committed to implementation of the Water Efficiency Plan; and

WHEREAS, a Water Efficiency Plan is a valuable tool to implement sustainability through responsible water management and conservation measures; and

WHEREAS, the City Council of the City of Ouray desires to approve a Water Efficiency Plan and submit said Plan to the Colorado Water Conservation Board for approval; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, THAT THE WATER EFFICIENCY PLAN AS PRESENTED FOR USE BY THE CITY BE ADOPTED AND UTILIZED AS THE PRIMARY RESOURCE FOR WATER EFFICIENCY IN THE CITY OF OURAY.

ADOPTED this 15th day of September, 2014, by the Ouray City Council.

CITY OF OURAY, COLORADO

By Pamela J. Larson
Pamela J. Larson, Mayor

ATTEST:

Kathy Elmont
Kathy Elmont, City Clerk

Appendix L

City of Ouray Resolution

No. 09 (Series 2018)

CITY OF OURAY

ORDINANCE NO. 09 (Series 2018)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO AMENDING 9-10-C AND 12-3-A OF THE CITY OF OURAY MUNICIPAL CODE TO INCREASE THE WATER, SEWER, REFUSE, AND RECYCLE BASE RATE, TO CHANGE THE REFUSE SERVICE FEE TO A FLAT RATE, AND TO ADD A WATER METER INSTALLATION SURCHARGE, A WASTE WATER TREATMENT FACILITY REPLACEMENT SURCHARGE AND A WATER DEBT SURCHARGE, AND TO REPEAL ORDINANCE NO. 2 (SERIES NO. 2017).

WHEREAS, the City is authorized to prescribe, revise and collect from any user of City utilities any rates, fees, tolls or charges for the delivery of City utility services pursuant to C.R.S. 31-35-402(f) and City of Ouray Home Rule Charter, 8.3;

WHEREAS, the City has operated its water, sewer, and refuse collection facilities at a deficit for several years and finds it necessary to increase the charges for delivery of these utilities to consumers as a part of its comprehensive regulatory scheme for the primary purpose of defraying the reasonable direct and indirect costs of providing the services;

WHEREAS, in addition to operating at a deficit, the City must incur additional costs to comply with regulations concerning water and sewer for conducting a backflow cross connection contamination survey, OCR certifications necessary to comply with CDPHE permit requirements, increased salary costs for a certified OCR, increased engineering costs associated with required testing for the waste water treatment facility permit, grease trap maintenance, and increased engineering costs due to a lack of water meters within the City;

WHEREAS, the City's water fund is a self-supporting (enterprise) fund which follows generally accepted accounting principles (GAAP) and borrowed $132,000.00 from the City's general fund in 2014 to install a second water tank which was necessary to preserve City water and this loan is still due and owing to the general fund such that it is necessary to enact a fee of $1.87 per EQR (Water Debt Surcharge) for five years with no interest charged to the Water Fund from the General Fund;

WHEREAS, the City currently has no way to measure consumer water usage as it does not have individual water meters and it is necessary to enact a new water meter installation fee of $6.50 per EQR (Water Meter Surcharge) to implement a plan to install water meters throughout the City over the next few years;

WHEREAS, the waste water sewer treatment plant is currently at 80% capacity and pursuant to C.R.S. 25-8-501(5((d) and (e), the City must initiate engineering and financial planning for an expansion or replacement of the domestic waste water treatment facility such that it is necessary to enact a fee of $15.00 per month, per EQR (Waste Water Treatment Surcharge) to meets its statutory obligations under discharge permit issued by CDPHE;

WHEREAS, the City issued an RFP for its refuse collection services and Council selected Waste Management, its longtime service provider to collect the City waste and it is necessary to increase the fee to collect refuse to $18.95 per month (Refuse Base Rate) and the recycle fee (Recycle Base Rate) to $6.75 per month;

WHEREAS, the service fee charged to consumers for delivery of customer service duties has been charged as a percentage of the bill and is now changed to be a flat fee of $1.50 (Refuse Service Fee) per month; and

WHEREAS, Ordinance No. 2 (Series No. 2017), passed in 2017 to increase fees on an emergency basis is hereby repealed.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO:

SECTION 1

Chapter 9, section 10, Subsection C, paragraphs 1 and 3 are repealed and replaced as follows:

C. Water and Sewer Rates

1. Water Base Rate is $29.36 per month, per EQR.

3. Sewer Base Rate is $46.56 per month, per EQR.

SECTION 2

Chapter 9, Section 10, Subsection C shall be amended to add new paragraphs 5, 6, and 7, as follows:

5. Water Debt Surcharge is $1.87 per month, per EQR.

6. Water Meter Surcharge is $6.50 per month, per EQR.

7. Waste Water Treatment Facility Replacement Surcharge is $15.00 per month, per EQR.

SECTION 3

Chapter 12, Section 3, Subsection A, shall be repealed and replaced to read as follows:

1. Consumers are limited to a maximum of three (3) cans, per dwelling unit, per weekly pickup.

2. Refuse Base Rate is $18.95 per month.

3. The Recycling Base Rate is $6.75 per month.

4. The Refuse Service Fee is $1.50 per month.

SECTION 4

Ordinance No. 2 (Series No. 2017) is hereby repealed.

SECTION 5: EFFECTIVE DATE

The provisions of this Ordinance shall become effective on the thirty-first day following publication pursuant to C.R.S. 31-16-105.

SECTION 6: SEVERABILITY

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

SECTION 7: SAVINGS CLAUSE

The amendment of provision of the Ouray Municipal Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right or duty established or accruing before the effective date of this ordinance.

INTRODUCED, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 4-0 vote of the Ouray City Council this 7th day of NOVEMBER, 2018.

CITY OF OURAY, COLORADO

By Pamela J Larson
Pamela J. Larson, Mayor

ATTEST:

Beverly Martensen
Beverly Martensen, Deputy Clerk/Treasurer

INTRODUCED, READ AND ADOPTED on second reading by 4-1 vote of the Ouray City Council this 19TH day of NOVEMBER, 2018.

CITY OF OURAY, COLORADO

By Pamela J Larson
Pamela J. Larson, Mayor

ATTEST:

Melissa M. Drake
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 9 (Series No. 2018), was introduced, read and passed by the Ouray City Council on first reading on NOVEMBER 7, 2018. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on NOVEMBER 8, 2018, and thereafter introduced, read and adopted by the Ouray City Council on NOVEMBER 19, 2018, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake

Melissa M. Drake, City Clerk

DENVER
2490 W. 26th Avenue Suite 100A
Denver, Colorado 80211
Phone: 303.480.1700
Fax: 303.480.1020

GLENWOOD SPRINGS
818 Colorado Avenue
P.O.Box 219
Glenwood Springs, Colorado 81602
Phone: 970.945.7755
Fax: 970.945.9210

DURANGO
1666 N. Main Avenue Suite C
Durango, Colorado 81301
Phone: 970.259.7411
Fax: 970.259.8758

www.wrightwater.com

Wright Water Engineers, Inc.

J. David Reed, P.C.
ATTORNEYS AT LAW
J. David Reed | James D. Mahoney | Bo James Nerlin | Sarah H. Abbott
MONTROSE • RIDGWAY • TELLURIDE

CITY ATTORNEY RFQ/P

CITY OF OURAY, COLORADO

ATTN: KATHLEEN ANN SICKLES
PO BOX 468
OURAY, CO 81427

OFFICE: (970) 249-3806 • FAX: (970) 249-9661 | PO Box 196 • Montrose, Colorado 81402 | JDREEDLAW.COM

J. David Reed, P.C.
ATTORNEYS AT LAW
J. David Reed | James D. Mahoney | Bo James Nerlin | Sarah H. Abbott
MONTROSE • RIDGWAY • TELLURIDE

J. David Reed
jdreed@jdreedlaw.com

January 11, 2019

City Administrator
City of Ouray
Attn: Kathleen Ann Sickles
PO Box 468
Ouray, CO 81427

RE: City Attorney RFQ/P

Ms. Sickles,

This letter is to express the interest of J. David Reed, P.C., in serving as the City Attorney for the City of Ouray. Our firm has over twenty-seven (27) years of experience in representing municipalities and special districts, as well as a vast knowledge of issues specific to municipalities located on the western slope of Colorado. We believe our specialized experience would be a valuable asset to the City of Ouray.

As senior attorney for our firm, I have represented various municipalities and special districts since 1989, including serving as General Counsel to the Town of Mountain Village from 1997 through the present time.

Bo Nerlin has been practicing law for ten (10) years. During this time, he has focused primarily on municipal law and related issues, working for the Town of Mountain Village, the Town of Ridgway, the Town of Hotchkiss, the Town of Paonia, the Town of Crawford, the Montrose Fire Protection District, the North Fork Ambulance District, the Telluride Fire Protection District, the Olathe Fire Protection District, the Montrose Recreation District, Colorado Flights Alliance, the Montrose County Emergency Telephone Service Authority, the Ouray County Emergency Telephone Service Authority and the San Miguel County Emergency Telephone Service Authority, among other clients.

In addition to Bo Nerlin and me, our firm includes two other experienced attorneys. Jim Mahoney, who has been with the firm for fourteen (14) years, devotes a substantial part of his time to representing the Town of Mountain Village as well as other municipal and special district clients. Sarah H. Abbott is the most recent addition to our firm, having joined us in October, 2015.

As municipal attorneys for the Town of Ridgway, our firm maintains an office in Ridgway and a presence in Ouray County. We also represent a number of entities and individuals in the County.

Current hourly rates for the attorneys in our firm range from $250 to $300. My current rate in Montrose County is $260. However, we are willing to offer a substantial discount to the City of Ouray and bill each of our attorneys at a rate of $195 per hour, plus any out-of-pocket expenses. In the event an attorney must travel to Ouray, we will not charge for travel. The rate of $195 per hour would remain our standard billing rate for the City of Ouray through at least January 1, 2020. Any rate change after that date would include a corresponding discount from our normal hourly rates.

Should our firm be engaged to represent the City of Ouray in its legal matters, we are prepared to assign a primary attorney to handle day-to-day matters, as well as attending the Council meetings and other meetings, as requested. Further, our support staff will assist as needed with the Town's legal requirements.

Enclosed herewith are the following documents:

1. Scope of Legal Services;
2. Our firm profile;
3. Memorandum on conflicts of interest;
4. A list of representative clients;
5. A list of references; and
6. A list of hour hourly rates.

Please feel free to contact me should you have any questions or need additional information. I look forward to speaking with you soon.

Sincerely,

J. David Reed

Encls.

SCOPE OF LEGAL SERVICES

1. General Government: As general legal counsel to five municipalities on Colorado's western slope, our office is well versed in providing legal advice and written and/or oral opinions for municipal issues as they arise, including document drafting, contract review, working within the City Charter and Municipal Code, making amendments to the same, reviewing and interpreting state statutes and keeping the City Council and staff apprised of changes in Colorado law.

2. City Council: We regularly attend Council meetings, regular and special, for our other municipal clients and we are in a position to do the same for the City of Ouray. With four attorneys on staff, it is anticipated that a representative of our office would be able to attend meetings as needed. With meeting attendance, we are in a position to provide legal analysis and opinion, as needed, as requested and when appropriate, in open or executive session.

3. Real Estate: Our office frequently assists clients, both municipal and private, with real estate matters. With offices in Mountain Village, Ridgway and Montrose, we work closely with local real estate agents, title companies and lenders. Our office has eminent domain and adverse possession experience.

4. Land Use and Building: Our firm has extensive land use and building experience, working directly with community development and building officials in the Town of Mountain Village, the head of planning in the Town of Ridgway, and with staff members regarding planning for our various North Fork Valley municipal clients. Further, our office has represented private developers and individuals participating in the land use and development process. With this experience, we are well versed in these matters and would provide legal counsel to the Ouray Planning Commission and City Council regarding the Ouray Land Use Code, Building Code and Municipal Code Regulations. Having worked extensively with Town of Mountain Village staff in drafting its Community Development Code in 2015, we have extensive experience in drafting land use code and amendments thereto.

5. Criminal Law: For our various municipal clients we serve, as needed, as municipal prosecutors. As General Counsel for the City of Ouray, our office would be able to advise the Ouray Police Department on operating procedures, code enforcement, and assist or provide counsel at Municipal Court.

6. Personnel: For our municipal clients, special district clients and the businesses that our office represents, our office provides legal advice on personnel matters. We have drafted various employee handbooks and personnel policies, and provided general legal advice regarding personnel issues, as needed or as requested. Our office has also worked extensively with Mountain States Employers Council and Colorado Intergovernmental Risk Sharing Agency, as needed or requested by our various clients.

7. Litigation: Our office provides a limited amount of litigation services. On behalf of our municipal clients, we have initiated and/or defended in civil courts. For complex litigation, our office generally works with outside or special counsel.

8. Water/Outdoor Recreation Capital of Colorado: As counsel for a number of municipalities, we are experienced in working with public works departments on various municipal water systems and permitting. For specific water rights and water right acquisition, our office generally works with special counsel and water rights attorneys. On behalf of the Town of Mountain Village, our office has worked with the USFS regarding outdoor recreation. Our office also has worked with the Telluride Ski Area regarding outdoor recreation, access, liability issues, sales taxes and other matters related to the operation of a ski area. We have also helped develop and fund various other recreational facilities including the Montrose Recreation District and the Town of Mountain Village trail and bike system, working with GOCO and other state agencies.

J. David Reed, P.C.
ATTORNEYS AT LAW

FIRM-PROFILE:
For over twenty-seven years the firm has provided general and specialized counsel to clients throughout the western slope of Colorado with offices in Montrose, Ridgway and Mountain Village. With a highly qualified staff and the most recent technology available, our attorneys provide top-quality legal work and timely service.

Representative clients include financial institutions, special districts (metropolitan and fire), municipal entities, home owner associations, creditors, major corporations, public utilities, and real estate developers. The firm serves as local counsel for law firms located in other parts of the state and nation.

The firm employs numerous para-professionals in its practice and is a member of the Sherman & Howard Professional Firm Alliance, giving us access to the resources and knowledge of one of the oldest and most respected firms in the state.

The firm also makes a positive statement in the Montrose, Ridgway and Telluride/Mountain Village communities with long-standing participation in community development, charities, organizations and projects throughout the region.

STATEMENT OF PRACTICE:
Municipalities; Municipal Condemnation Rights; Special Districts; Real Estate; Real Estate Contracts; Zoning; Planning and Land Use; Easements; Business/Commercial; Condominium and Homeowners Association Law; Leases; Real Estate Brokerage Law; Real Estate Foreclosure; Real Property Development; Collections; Foreign Judgments; Contracts; Corporate Law; Civil Litigation; Estate Planning and Probate.

J. DAVID REED: Admitted to bar, 1973, Texas; 1979, Colorado. Education: University of Louisiana at Lafayette (B.A., 1969); South Texas College of Law (J.D., magna cum laude, 1973). Delta Theta Phi. Member, Order of Lytae. E.E. Townes Scholar. Recipient, American Jurisprudence Award. Assistant Editor, South Texas College Law Journal, 1973. Member: Colorado Bar Association and State Bar of Texas. Mr. Reed is a former City Council member and former Mayor of the City of Montrose. Mr. Reed has also served on the local school board and is a former president of the Montrose Chamber of Commerce. Mr. Reed currently serves as Vice Chairman and Chairman elect of the Colorado Mesa University Board of Trustees, as past President of the Board of Directors of the San Juan Health Care Foundation, and Vice President on the Board of the Montrose Community Foundation.

JAMES D. MAHONEY: Admitted to bar, 2004, Colorado. Education: Loyola University New Orleans (B.A., 2000); University of Denver (J.D. 2004). Recipient, American Jurisprudence Award in Legal Profession, Recipient Clarence L. Bartholic Award for outstanding achievement in legal ethics. Member: Colorado and Southwest Colorado Bar Associations.

BO JAMES NERLIN: Admitted to bar, 2008, Colorado. Education: University of Colorado (B.A., 2004); Phoenix School of Law (J.D. 2008). Recipient, CALI Award for outstanding achievement in administrative law. Member: Colorado Bar Association. Mr. Nerlin is a former Town Council member for the Town of Ridgway.

SARAH H. ABBOTT: Admitted to bar, 2010, Colorado, 2009, Illinois (inactive). Education: Wake Forest University (B.A., 2004); Chicago-Kent College of Law (J.D. 2008). Member: Colorado Bar Association. Member: Board of Directors, Montrose Community Foundation.

J. David Reed, P.C.
ATTORNEYS AT LAW
J. David Reed | James D. Mahoney | Bo James Nerlin | Sarah H. Abbott
MONTROSE • RIDGWAY • TELLURIDE

Memo

To: City of Ouray

From: J. David Reed, P.C.

Date: January 11, 2019

Re: Request for Qualifications/Proposal

This memorandum is in response to the City of Ouray's Request for Qualifications/Proposal for the City Attorney. The Request for Qualifications/Proposal asks for a memorandum regarding potential conflicts of interest.

Potential Conflicts

At this time, we are only aware of one client wherein our representation of that client would create a conflict of interest, the Town of Ridgway. Both Ridgway and Ouray are in Ouray County and on occasion there are issues that affect both municipalities. That being said, it is the opinion of our firm that it is unlikely that any conflict of interest with the City would be substantial.

Over the past three years, while we have served as general legal counsel for the Town of Ridgway, our office has not had any dealings or legal issues with the City of Ouray. In the past, Mr. John Kappa served as legal counsel to both the City of Ouray and the Town of Ridgway.

This issue is something that we also examine on a regular basis, as we represent three towns in Delta County; however, to date, the representation of the three towns has not risen to a conflict on any issue, and we have been able to negotiate different positions on behalf of the respective municipalities within Delta County dealing with the same adverse party.

As for our firms' presence in Ouray County, we do represent private citizens who will potentially have legal issues or concerns in the City; and in such event, we would need to refer that client to another firm, and our office would continue to represent the City.

Addressing Conflicts

In the event a conflict arises, we would need to evaluate the actual conflict and provide the City and any other parties all of their options, so that an informed decision and course of action can be undertaken.

Representative Governmental Clients

Town of Mountain Village – General Counsel
Town of Hotchkiss – General Counsel
Town of Ridgway – General Counsel
Town of Norwood – Special Counsel
Town of Paonia – General Counsel
Town of Crawford – General Counsel

Montrose Fire Protection District – General Counsel
Telluride Fire Protection District – General Counsel
Olathe Fire Protection District – General Counsel
Lake City Area Fire Protection District – General Counsel
Ouray Fire Protection District – General Counsel
Arrowhead Fire Protection District – Special Counsel
Log Hill Fire Protection District – Special Counsel
Norwood Fire Protection District – Special Counsel

Mountain Village Metropolitan District (Dissolved) – General Counsel

Norwood Water Commission – Special Counsel

Montrose Recreation District – General Counsel
North Fork Pool & Park and Recreation District – Special Counsel

Montrose Emergency Telephone Service Association – General Counsel
San Miguel Emergency Telephone Service Association – General Counsel
Ouray Emergency Telephone Service Association – Special Counsel

Colorado Flights Alliance – General Counsel
A cooperative organization consisting of Montrose and San Miguel Counties, the City of Montrose, the Town of Mountain Village and the Town of Telluride

References

Kim Montgomery, Town Manager
Town of Mountain Village
kmontgomery@mtnvillage.org
(970) 369-6411

Tad Rowan, Fire Chief
Montrose Fire Protection District
tad.rowan@montrosefire.org
(970) 249-9181

William E. Bell, City Manager
City of Montrose
wbell@ci.montrose.co.us
970-240-1420

Stephen P. Alcorn, City Attorney
City of Montrose
salcorn@ci.montrose.co.us
970-240-1441

Robert E. Youle, Attorney
Sherman & Howard Law Firm
ryoule@shermanhoward.com
Website: https://shermanhoward.com
(303) 299-8452

Calvin Hanson, Attorney
Sherman & Howard Law Firm
chanson@shermanhoward.com
Website: https://shermanhoward.com/
(303) 299-8234

Wendell A. Koontz, former Mayor
Town of Hotchkiss
wkoontz@bowieresources.com
Website:
http://www.townofhotchkiss.com/
(970) 263-5151

Gerald Dahl, Attorney
Murray Dahl Kuechenmeister & Renaud LLP
gdahl@mdkrlaw.com
Website: http://mdkr.wpengine.com/
(303) 493-6670

Matt Skinner, Executive Director
Colorado Flights Alliance
matt@coloradoflights.org
(970) 728-3911

Michael Martelon, CEO
Telluride Tourism Board
michael@visittelluride.com
(970) 728-3041

Dirk dePagter, Managing Broker
Telluride Real Estate Brokers
Board President, Colorado Flights Alliance
dirkdepagter@telluridecolorado.net
(970) 708-3918

Hon. Richard J. Brown, Ret.
Montrose Municipal Judge
Dispute Resolution Services, LLC
(970) 240-7942

Hon. Dennis Friedrich, Ret.
Dispute Resolution Services, LLC
(970) 249-4704

Jen Coates, Town Manager
Town of Ridgway
(970) 626-5308
jcoates@town.ridgway.co.us

John Clark, Mayor
Town of Ridgway
(970) 417-8434
jclark@tonwn.ridgway.co.us

Larry Wilkening, Mayor
Town of Hotchkiss
(970) 872-3663
mayor.wilkening@townofhotchkiss.com

J. DAVID REED, P.C.

2019 RATE SHEET

	REGULAR / CHARGE BACK RATE	2019 MUNICIPAL RATE
ATTORNEYS:		
J. DAVID REED "DAVID"	260.00/HR	195.00/HR
JAMES D. MAHONEY "JIM"	260.00/HR	195.00/HR
BO JAMES NERLIN	260.00/HR	195.00/HR
SARAH H. ABBOTT	250.00/HR	195.00/HR
LEGAL ASSISTANTS:		
PAMELA "PAM" JOHNSON	100.00/HR	100.00/HR
JENNIFER "JEN" MOEWS	100.00/HR	100.00/HR
VICKI LAW	100.00/HR	100.00/HR

HOCKERSMITH & WHITMORE, LLC
ATTORNEYS & COUNSELORS at LAW

Alpine Bank Building
917 Main Street (2nd Floor)
Post Office Box 646
Ouray, CO 81427-0646

t: 970.325.4414
f: 970.325.7333
marti@ouraylaw.com

Martha P. Whitmore

January 16, 2019

Via Hand Delivery
City of Ouray
320 6th Ave.
Ouray, CO 81427

Re: Request for Qualifications/Proposal for Legal Services

Dear Mayor Larson and Members of the Council:

Our firm is unable to provide a full proposal in response to your December 18, 2018 Request for Qualifications/Proposals for legal services as the firm represents other clients with business in the City of Ouray, resulting in multiple conflicts of interest. We would like to offer a narrow proposal to provide services in the area of water rights and water quality, including permitting of a wastewater facility under the Colorado Water Quality Act, and compliance with the pertinent regulation, as well as water court matters, water supply planning and strategic actions.

I have attached a copy of my professional biography for your information. I have practiced law in Colorado since 1978, with special emphasis in water rights, water supply planning, acquisitions and transactions involving water, as well as permitting and compliance with state and federal water quality regulations. I have assisted municipalities, special districts and private industrial clients obtain, renew, and remain in compliance with wastewater treatment regulations, and have worked with clients to get new facilities permitted.

Our firm does maintain professional liability insurance, all members are in good standing with the Supreme Court of the State of Colorado, and we have no outstanding claims for liability or violation of professional standards of ethics and conduct.

We propose entering into limited representation agreements with the City on an "as needed" basis. Depending on the nature of the matter, we can discuss a flat fee or hourly fee billing. For matters involving the City, we would propose a discounted rate of $200 per hour, plus out of pocket expenses and costs such as court filing fees, mileage, and other expenses. Where possible, we use experienced paralegal services to ensure efficient and cost-effective legal services.

This proposal is not responsive to your published request. However, if you would like to pursue discussions regarding this limited representation, please contact me.

Best regards,

HOCKERSMITH & WHITMORE, LLC

Martha P. Whitmore

By: _____

Martha P. Whitmore

Enclosure - Bio

Martha "Marti" (Allbright) Whitmore

Marti Whitmore has practiced law in Colorado since 1978, primarily in water, environmental permitting and compliance, public lands and natural resources. Her experience includes representation of municipal water providers and other water users on both sides of the Continental Divide. She represents Ouray County on the Gunnison Basin Round Table, is co-chair of the Club 20 Water Committee, and is the Ouray County board member on the Colorado River Water Conservation District board. She has enjoyed an AV rating by Martindale-Hubbell for over thirty (30) years.

Her water experience has included representation of municipalities, special districts, irrigators, mining companies, brewing company, ski area, and land developers. She has planned and developed water supplies using ground water, non-tributary water, developed water, and surface stream water. She has appeared in Colorado Water Divisions 1, 2, 4, 5, 6, and 7 in new water rights appropriations, changes of water rights, and diligence applications. Marti has also represented clients in negotiating and acquiring water rights in purchase and lease transactions. In addition, she has represented clients in water quality matters, including obtaining or renewing discharge permits, compliance matters, and rule making hearings.

She served as the County Attorney for Ouray County, Colorado from May, 2012 through July 2017 and as Montrose County Attorney from August 2017 through July 2018. She also served as the Town Attorney for Rico, Colorado. Her representation of these local governmental agencies included open meetings and open records law, providing advice on land use, roads, and various regulatory matters, including development of the marijuana licensing ordinance and accompanying regulations for Ouray County.

Marti has served as Chief Deputy Attorney General for the State of Colorado under Attorney General Gale Norton; as General Counsel to the U.S. Senate Committee on Commerce, Science and Transportation during the chairmanship of Senator John McCain; and as an appointee in the George W. Bush Administration, working for Secretary Gale Norton as Special Assistant to the Secretary of the Interior, and chairing the Everglades Restoration Task Force.

In addition to legal experience, she has been both on staff reviewing and drafting legislation as well as a lobbyist drafting and proposing or opposing legislation. She has extensive communications experience and media training, and has served as a public information officer for state and local government entities.

When not practicing law, Marti enjoys skiing, hiking and horseback riding. She and her husband Jim live in Ouray County. She is a member of Gamma Phi Beta sorority, PEO, is a Fellow of the Colorado Bar Foundation, and a member of the University Club of Denver. A native of Muscatine, Iowa, she graduated from the University of Denver with a B.A. in Mass Communications, and a J.D.

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
LIQUOR ENFORCEMENT DIVISION
1375 SHERMAN STREET
DENVER CO 80261
(303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU **MUST BE NONPROFIT AND ONE OF THE FOLLOWING** *(See back for details.)*

- ☐ SOCIAL
- ☐ ATHLETIC
- ☒ FRATERNAL
- ☐ CHARTERED BRANCH, LODGE OR CHAPTER
- ☐ PATRIOTIC
- ☐ OF A NATIONAL ORGANIZATION OR SOCIETY
- ☐ POLITICAL
- ☐ RELIGIOUS INSTITUTION
- ☐ PHILANTHROPIC INSTITUTION
- ☐ POLITICAL CANDIDATE
- ☐ MUNICIPALITY OWNING ARTS FACILITIES

LIAB **TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:**

2110 ☒ MALT, VINOUS AND SPIRITUOUS LIQUOR $25.00 PER DAY

2170 ☐ FERMENTED MALT BEVERAGE (3.2 Beer) $10.00 PER DAY

DO NOT WRITE IN THIS SPACE
LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE: Ouray Elks Lodge - Robert Burns Supper
State Sales Tax Number (Required)

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)
PO Box 647
Ouray CO 81427

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)
421 Main St
Ouray CO 81427

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES /SEC'Y OF ORG. or POLITICAL CANDIDATE: John Lorimer			
5. EVENT MANAGER: Jim Pettengill			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
☒ NO ☐ YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
☐ NO ☒ YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? ☐ Yes ☐ No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
2.2.19	2.3.19			
Hours From 2 p.m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To 2 A.m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE	TITLE	DATE
Butte Mauer	Club Manager	1-3-19

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	☐ CITY ☐ COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	$.

(Instructions on Reverse Size)

CITY OF OURAY

ORDINANCE NO. 01 (Series 2019)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO TO ESTABLISH A TEMPORARY NEW SEWER TAP CONNECTION LIMITATION UNTIL A NEW OR UPGRADED WASTE WATER TREATMENT FACILITY IS COMPLETED AND OPERATION BEGINS AND SETTING FORTH PENALTIES FOR VIOLATIONS.

WHEREAS, the City of Ouray (City) is authorized operate and maintain its sewerage facilities for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality pursuant to C.R.S. 31-35-402(b) and City of Ouray Home Rule Charter, 8.3-A;

WHEREAS, any rights granted by the City to the its sewer system, are subject to the most comprehensive oversight, control, and management by the City to ensure that nothing can be done that would interfere with the successful long-term operation of the sewer systems or impair such systems for the benefit of the people of the City pursuant to City of Ouray Home Rule Charter, 8.3-D;

WHEREAS, the City holds a valid Colorado Discharge Permit, being Permit Number CO0043397, from Colorado Department of Public Health and Environment (CDPHE) to operate its current wastewater treatment plant;

WHEREAS, the Discharge Permit requires the City to reduce any activity to maintain compliance with the effluent limitations of the permit by controlling production, sources of wastewater or discharges until an alternative method of treatment is provided;

WHEREAS, if the City exceeds ninety-five percent (95%) of the City's permitted discharge limits, the permit requires that expansion commence or cease issuance of building permits;

WHEREAS, in 2018, the City hired JVA, Inc. a consulting engineering firm, to evaluate the City's current and historic wastewater flows to the existing wastewater treatment plant (WWTP) and to provide recommended guidelines for future development;

WHEREAS, JVA, Inc. determined that the City is at risk of exceeding ninety-five

percent (95%) of the City's permitted hydraulic and organic discharge limits and that the City requires a new WWTP or significant modifications to the existing WWTP;

WHEREAS, the City's has determined that a new or upgraded WWTP will be fiscally feasible in 2023;

WHEREAS, JVA, Inc. conducted an evaluation of the treatment plant capacity, including any permitted development in progress to determine how many additional taps may issue between now and 2023 and still allow the City to meet its discharge limits under its permit;

WHEREAS, the recommendations for development guidelines by JVA, Inc. are based upon the current understanding of the influent flows and organic loading to the WWTP and that continued daily flow monitoring, particularly during the winter months, and weekly influent Biological Oxygen Demand (BOD) sampling may require further refinement of these guidelines to maintain compliance with the City's discharge permit;

WHEREAS, the City previously enacted a wastewater treatment surcharge of $15.00 per month, per EQR, to be used for engineering and financial planning for an expansion or replacement of the City's WWTP and to meet its statutory obligations under C.R.S. 25-8-501(5)(d) and (e);

WHEREAS, the City finds it necessary to establish a limit on the number of new sewer connections and to limit development by requiring the submission of calculations for proposed flow and organic matter loading to demonstrate that the development will not exceed the daily hydraulic and organic loading guidelines; and

WHEREAS, the recommended guidelines for future development set forth by JVA, Inc. in this ordinance are conservative and subject to change such that this ordinance shall be a stand-alone ordinance and not be codified to the City of Ouray Land Use Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO:

The City of Ouray hereby declares a temporary new sewer connection limitation until such time as a new or upgraded wastewater treatment plant is commissioned, as follows:

1. A maximum of thirty-five (35) additional sewer connections (Maximum Connections) are allowed, as amended from time to time.

2. One (1) sewer connection shall not exceed daily influent wastewater flow of 330 gpd and organic loading of 0.6 lbs./day (Maximum Load) to the existing wastewater treatment plant.

3. Any approved building permits or site development permits as set forth on attached Exhibit A, shall be allowed to connect to the sewer and these additional sewer connections shall not be included in the Maximum Connections calculation so long as:

   a. the building permit or site development permit has not expired;

   b. the capacity of each connection shall not exceed Maximum Load; and

   c. the issuance of the sewer connection will not reasonably cause the wastewater treatment plant to exceed ninety-five percent (95%) of the discharge limits.

4. The redevelopment or change of use and/or occupancy for existing buildings shall not exceed the Maximum Load per connection.

5. New development, redevelopment or change of use and/or occupancy that intends to connect to the existing wastewater treatment plant shall comply as follows:

   a. submit an engineering evaluation of the wastewater influent flow and organic loading measured as a five (5) day biological oxygen demand (Engineering Calculations) for review and approval, as follows:

   b. the Engineering Calculations shall not exceed Maximum Load;

   c. a licensed wastewater engineer or the City's wastewater engineer shall be used to perform required Engineering Calculations, at the applicant's choosing and the City shall not bear any responsibility or expense for such Engineering Calculations;

d. Only one (1) sewer connection per development is allowed;

e. the development or redevelopment of a Single Family Dwelling Unit, as defined under OLUC 7-2, shall not require submission of Engineering Calculations by a licensed wastewater engineer and the City shall determine whether the proposed use exceeds Maximum Load; and

f. Accessory Dwellings are subject to Maximum Load limits.

6. If a new or upgraded wastewater treatment plant will be commissioned within twenty-four (24) months, new building permits may issue that exceed the limitations set forth in Paragraph 5 so long as the permit contains an express condition that the building shall not be occupied or receive a certificate of occupancy until the new or upgraded wastewater treatment plant is operational.

7. The City of Ouray may establish further conditions on sewer connections as may be necessary, by ordinance.

8. The City of Ouray shall not allow any additional sewer connections for existing or new Recreational Vehicles (RV) or Recreational Vehicle (RV) Parks (RV Parks) until such time as a new or improved wastewater treatment plan is operational to limit any adverse impacts to the existing wastewater treatment plant caused by recreational vehicles dumping waste into the municipal sewer system. An RV Park shall not accept any discharge of effluent into its dump stations from an RV unless the RV is currently registered with and staying at the RV Park.

9. It shall be unlawful to violate any provision of this ordinance and any violation shall be subject to the general penalties set forth under OLUC 1-4, as amended from time to time.

10. The provisions of this Ordinance shall become effective on the thirty-first day following publication pursuant to C.R.S. 31-16-105.

11. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be

adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

12. The amendment of provision of the Ouray Municipal Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right or duty established or accruing before the effective date of this ordinance.

13. All other conditions of connection to sewer system pursuant to OLUC 9-3 shall apply and this ordinance does not supplant any other conditions required to connect to the City of Ouray sewer system.

INTRODUCED, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 4 to 0 vote of the Ouray City Council this 7th day of January, 2019.

CITY OF OURAY, COLORADO

By Pamela J. Larson
Pamela J. Larson, Mayor

ATTEST:

Melissa M. Drake
Melissa M. Drake, City Clerk

INTRODUCED, READ AND ADOPTED on second reading by _____vote of the Ouray City Council this ____day of January, 2019.

CITY OF OURAY, COLORADO

By_____
Pamela J. Larson, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 1 (Series No. 2019), was introduced, read and passed by the Ouray City Council on first reading on JANUARY 7, 2019. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JANUARY 10, 2019, and thereafter introduced, read and adopted by the Ouray City Council on JANUARY, 2019, and thereafter published in the *Ouray County Plaindealer*, as required by law.

_____

Melissa M. Drake, City Clerk

ORDINANCE NO. 2 (Series 2019)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING CHAPTERS 12-3-A AND B, AND 12-4-B AND C OF THE OURAY MUNICIPAL CODE TO PROVIDE FOR MANDATORY WILDLIFE RESISTANT REFUSE CONTAINERS FOR ALL RESIDENTIAL AND SHORT-TERM RENTALS WITHIN THE CITY OF OURAY.

WHEREAS, the City Council for the City of Ouray desires to ensure the safety of the general public and the safety of wildlife;

WHEREAS, when wildlife has access to refuse, it brings them closer to homes, businesses and public places, creating a potentially dangerous situation for the public and for the animals, and creates a nuisance for the community by dispersing large amounts of refuse;

WHEREAS, there has been an increased presence of bears within City limits and law enforcement has had several altercations with bears accessing refuse containers;

WHEREAS, Chapter 12-4-C of the Municipal Code encourages the use of wildlife-resistant refuse containers;

WHEREAS, the Council has determined it is necessary to require animal resistant containers be used for curbside refuse pickup unless the refuse container is stored inside and taken to the curb on the day refuse is picked up; and

WHEREAS, the City Council is empowered to preserve the public health, safety and welfare by C.R.S. § 31-15-103.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, as follows:

SECTION 1:

Chapter 12-4-B and C are hereby repealed and replaced, as follows:

B. All residential refuse containers, including short-term rental containers, shall be wildlife resistant unless the refuse containers are stored inside a building which is inaccessible to wildlife and only placed at the curb on the day refuse is collected.

C. All refuse containers shall be either 32- or 64-gallon animal resistant poly containers.

SECTION 2:

Chapter 13-3-A and B are repealed and replaced as follows:

A. Owners may have a maximum of three (3) animal resistant poly containers per dwelling unit.

B. Charges for all owners using City refuse collection services shall be set in accordance with the City's refuse collection contract which may be amended from time to time.

SECTION 3: EFFECTIVE DATE

The provisions of this Ordinance shall become effective on the thirty-first day following publication pursuant to C.R.S. § 31-16-105.

SECTION 4: SEVERABILITY

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 4 to 0 vote of the Ouray City Council this 7th day of January, 2019.

CITY OF OURAY, COLORADO

By Pamela J Larson
Pamela J. Larson, Mayor

ATTEST:

Melissa M. Drake
Melissa M. Drake, City Clerk

INTRODUCED, READ AND ADOPTED on second reading by _____vote of the Ouray City Council this _____ day of _____, 2019.

CITY OF OURAY, COLORADO

By_____
Pamela J. Larson, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 2 (Series No. 2019), was introduced, read and passed by the Ouray City Council on first reading on JANUARY 7, 2019. The Ordinance was published, in summary, in the Ouray County Plaindealer on JANUARY 10, 2019, and thereafter introduced, read and adopted by the Ouray City Council on _____, 2019, and thereafter published in the Ouray County Plaindealer, as required by law.

_____
Melissa M. Drake, City Clerk

320 6th Avenue
PO Box 468
Ouray, Colorado 81427

970.325.7211
Fax 970.325.7212
www.cityofouray.com

The Outdoor Recreation Capital of Colorado

MEMO

From the Desk of Ouray City Administrator Kathleen "Katie" Sickles

Date: January 17, 2019

To: Ouray City Council

RE: Hot Springs Pool Closure April 14 7pm to April 19 noon

Public Works List of Maintenance Work Requiring Shutdown

This is not an exhaustive list of the work we intend to accomplish over the shutdown, these are **only** the tasks that would likely disrupt normal pool operation for an extended period of time.

- Cleaning of pool surfaces with muriatic or citric acid while patrons are not present within the facility.
- Media replacement of the pre-treat geothermal sand filters. See picture:
    - This involves draining and opening the two primary pre-treat sand filters (4 cells) and replacing the media (sand, gravel) as well as swapping out some of the internal components with new ones. We will then clean the old components for the next time we replace the media. (Lateral lines
    - These filters are responsible for ALL initial water filtration before the water is sent to the pools, it is speculated that the media within the filters has become too impregnated with debris (mostly iron and manganese deposits) to be able to be removed efficiently via backwashing.
    - The degrading water clarity can likely be attributed to filters that have "channeled" and/or become too full of filtered matter.

    - Servicing these filters can't be done with the pool open because we will need to divert any geothermal water from entering the facility for a day at least.

- Media replacement in the individual sand filters for the three geothermal pools; the process is essentially the same as the pre-treat filters.
    - Each pool has two, stacked high-rate sand filters.
- Deep cleaning of the bath house and other buildings in preparation for summer.
- The chlorine injection lines, which have developed excessive scaling buildup can be thoroughly cleaned, and replaced if necessary, during this time.
- It would be preferable if during this time the settling tanks were also serviced and the sludge removed from the bottom of the tanks.
- We can inspect/perform maintenance on the heat exchangers located within the heat reclamation tank (HRT) below the maintenance office, as well as any other valves and serviceable parts associated with the HRT. Again, a difficult job, which requires forced ventilation and working in an enclosed space.
    - In order to be able to work in the HRT none of the geothermal pools will be allowed to drain, thus prohibiting us from maintaining acceptable temperatures. Geothermal water will have to bypassed around the facility.
- P101, the pump responsible for pushing all the geothermal water through the facility, can be replaced with the spare that we already have, and sent off for maintenance/rebuild. This is a difficult, and time consuming process as the work will be done in the sub-grade vault where the pump is located near the fish pond. The pump is very heavy, and we can only do this with water diverted from the facility for as long as it takes to swap out the pump. Being proactive and not waiting for the pump to fail is in the best interest of everyone involved. (See picture)

JVA List of Work Requiring Shutdown

- Isolate box canyon hot spring source and ball park canyon source to determine influent flow contributions and therefore outfall flow approximations
- Drain settling tanks and determine elevations (survey inverts) into and out of the existing settling tanks to better understand future hydraulic limitations/bottlenecks
- Flow rate from shallow pool drain valve (this was gathered by John Volk on 11/23, would be good to verify though)
- Flow rate on geothermal bypass to the HRT (this was gathered by John Volk on 11/23, would be good to verify though)
- Smartball for the pipe from the HRT to the settling tank would be helpful to see the elevation of that line without having to dig up the parking lot. The pipe would ideally be empty to complete this. Would be very helpful to have this information if the office overflows again next year and modifications are needed from the HRT tank due to hydraulic bottlenecks in the yard piping.

City Resources Bathhouse List of Repairs Needed Requiring Shutdown

Approximately 170,000 people visited the Ouray Hot Springs Pool in 2018.

Lobby

- Patch and repaint wall near lobby restroom

- Update display area and repair the walls

- Refinish wood bench under south windows

- Patch and repaint ceiling near south entry doors

- Repair baseboard near men's locker room, lifeguard room, cashier office

- Repaint entire lobby

Women's Locker Room

- Repair light above north exit to pools
- Repair and repaint benches in center of locker room

- 11 lockers are missing locks

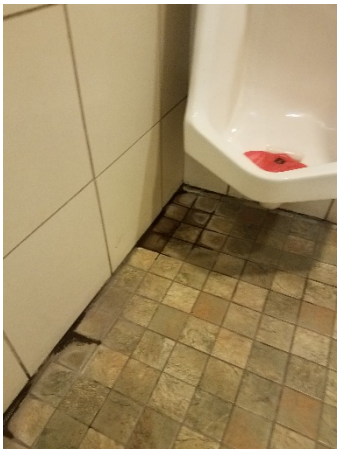
- Repair ceiling near suit spinner
- Touch-up or completely repaint walls in women's locker room
- Repair and repaint exterior door frame

- Deep clean and disinfect all surfaces, including interior of lockers

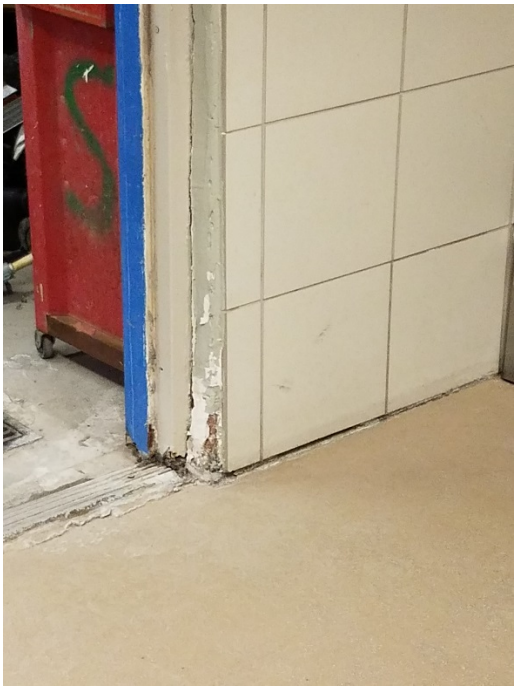
<u>Men's Locker Room</u>

- Repair ceiling patches and repaint entire ceiling
- Lockers are missing locks
- Deep clean and disinfect all surfaces, including interior of lockers

- Repair floor low spots in corners in urinal area



- Replace shower mixing valve handle.
- Repair plaster near door to maintenance / utility room



<u>Poolside</u>

- Change downspouts so water flows to deck drains instead of onto wooden support posts

- Repaint pool vacuum closet (nears men's locker room)

- Repair concrete sidewalk near managers office

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TO: City Council

FROM: Chris Hawkins, Community Development Coordinator

DATE: January 15, 2019

SUBJECT: **Planning Commission Appointments**

This memo is in regards to Planning Commission appointments. Section 2-12-A of the Municipal Code states:

> "The Ouray Planning Commission shall consist of five (5) members, who shall be appointed by City Council for two-year staggered terms, two of which shall commence at the first Planning Commission meeting in March of the even numbered years, and three of which shall commence at the first Planning Commission meeting in March of the odd numbered years. City Council should announce its proposed appointments at the organizational meeting of City Council in January of the even years, and at the first regular meeting in January of the odd numbered years, that should be acted upon by City Council by the second regular City Council meeting in February."

Three Planning Commission members' terms are expiring since it is an odd numbered year. Jeff Skoloda, Tamara Gulde and Tom Tyler's terms are up in March. In addition, Ann Morgenthaler recently resigned from the Planning Commission due to work commitments.

Staff recommends that the City Council announce to the public that three (3) Planning Commission members' terms are expiring and subject to reappointment and that there is an open seat on the Commission. Staff will advertise and seek applications for the open seat on the Planning Commission.