

AGENDA
OURAY CITY COUNCIL
320 6th Avenue – Community Center – MASSARD ROOM
February 3, 2020
Work Session 4pm and Regular Meeting 6pm

- 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 Economic 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

Work Session 4pm

Marketing and Visitor Center Contract

Regular Meeting 6pm

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CEREMONIAL/INFORMATIONAL
 - a. Waste Management
 - b. Uncompahgre Watershed
5. APPROVAL OF MINUTES - January 6 and January 21 Regular Meetings **Page 2**
6. CITIZENS' COMMUNICATION
7. CITY COUNCIL REPORTS/INFORMATION **Page 14**
Glenn Boyd, Ethan Funk, Peggy Lindsey, John Wood, and Greg Nelson
8. DEPARTMENT REPORTS
 - a. City Administrator **Page 16**
 - b. Police Chief **Page 19**
 - c. Public Works Director **Page 21**
 - d. City Resources Director **Page 23**
9. CONSENT AGENDA **Page 25**
 - a. Special Events Permit – Paradox Sports, Got Stump Event, February 29th **Page 26**
 - b. Bed & Breakfast Permit Application – China Clipper B & B LLC dba China Clipper B&B **Page 27**
10. ACTION ITEMS **Page 28**
 - a. JVA Master Plan Update **Page 30**
 - b. Request to Remove Restrictive Covenant and Determine Water and Sewer Investment and Tap Fees Owed – 340 9th Ave. **Page 32**
 - c. Ordinance Regarding Refinancing COP – First Reading **Page 38**
11. DISCUSSION ITEMS **Page 51**
 - a. Flume Tax Renewal **Page 52**
 - b. Camp Bird Road Closures
 - c. Future Agenda Items
12. ADJOURNMENT

Posted Date 1/30/2020 By CMC

**Ouray City Council Regular Meeting
Summarized Minutes
Monday, January 6, 2020 at 6:00pm
MASSARD ROOM – Ouray Community Center**

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 6:00 p.m.

2. ROLL CALL

Mayor Greg Nelson - Present
Mayor Pro Tem John Wood – Present
Councilor Glenn Boyd – Present
Councilor Ethan Funk – Present
Councilor Peggy Lindsey – Present

Also present were City Administrator Justin Perry, City Resources Director Rick Noll, Public Works Director Rick Noll, Community Development Coordinator Chris Hawkins, and Finance and Administration Director Melissa Drake

3. THE PLEDGE OF ALLEGIANCE WAS RECITED

4. CEREMONIAL/INFORMATIONAL – Ice Park Pre-season Report

Administrator Perry stated that Ouray Ice Park Inc. Executive Director Dan Chehayl requested a delay on this report.

5. APPROVAL OF MINUTES

a. December 2, 2019

Mayor Nelson asked if there were any corrections to the minutes. There were none. He stated that the minutes stand approved.

b. December 16, 2019

Mayor Nelson asked if there were any corrections to the minutes. There were none. He stated that the minutes stand approved.

6. CITIZENS' COMMUNICATION

Bette Maurer requested changes to snow removal policies so people can more easily remove snow from their properties.

Pam Larson spoke about the charter regarding Councilor Funk's appointment. She noted that Council upheld the Charter in this situation. She also stated that Councilor Funk has done a great job.

Dan Chehayl apologized for not being able to present his report tonight. He noted that the Ice Park is doing very well and gearing up for the Ice Fest.

Sally Clifford stated that the flag at Miner's Park needs to be replaced and offered to purchase a new one if needed.

Tom Tyler asked why the upper pools have ice on them. Rick Noll, City Resources Director, stated that there are new maintenance staff and they are working on it.

7. CITY COUNCIL REPORTS/INFORMATION

- a. **Mayor Pro Tem Wood** – CEDC met briefly to review applications, the IPAT will meet on Thursday, and he asked for updated information to be sent to the pool for council and committee members to get in free
- b. **Councilor Ethan Funk** – none, there were no committee meetings due to the holidays
- c. **Councilor Peggy Lindsey** – none, there were no committee meetings due to the holidays
- d. **Councilor Boyd** – committees haven't met due to the holidays
- e. **Mayor Greg Nelson** – He and Administrator Perry will begin negotiations with OTO

8. DEPARTMENT REPORTS

a. City Administrator

City Administrator Justin Perry asked Council when we can reschedule the budget review work session. Council chose January 27th at 8:30am.

He asked Finance and Administration Director Melissa Drake to update council on the OTO audit. She stated that Blair and Associates should be finished at the end of January and may be able to present findings in February.

Administrator Perry presented a plaque to Gary Ray for his work as acting Police Chief for most of 2019.

b. Police Chief

Chief Jeff Wood is excused from the meeting since he is at the Chiefs Conference.

c. Public Works Director

Nothing to add to the packet

d. City Resources Director

Nothing to add to the packet

9. CONSENT AGENDA

- a. Special Events Permit Application – OIPI, Ice Festival, Box Canyon Park, January 24th & 25th
- b. Special Events Permit Application – BPOE Lodge #492, Burns Supper, January 18th
- c. Liquor License Renewal – Brickhouse 737
- d. Liquor License Renewal – Thai Chili
- e. Liquor License Renewal – Goldbelt Bar & Grill

Councilor Boyd made a motion to approve the Consent Agenda. Councilor Funk seconded the motion and it was approved on unanimous vote.

10. ACTION ITEMS

a. Resolution 1, Series 2020 – Designating a Posting Place

Mayor Pro Tem Wood made a motion to approve the Resolution to designate the official posting place as the bulletin board in City Hall. Councilor Lindsey seconded the motion. The motion was approved on unanimous vote.

b. Ordinance 1, Series 2020 – Modifying Council Meeting Times – First Reading

Councilor Boyd made motion to approve the Resolution changing the meeting time of the second meeting of the month to 1pm instead of 6pm in an effort to attract citizens with varied work schedules. Councilor Funk seconded the motion and it passed on unanimous vote.

c. Approval of Letter of Agreement with JVA Consulting Engineers regarding WWTF Final Design & Permitting

Mayor Nelson noted that discussion of this item was covered in the public work session. Mayor Pro Tem Wood made a motion to table this item Councilor Boyd seconded the motion and it was approved on unanimous vote.

d. Approval of Letter of Agreement with JVA regarding WWTF Discharge Monitoring Report Assistance

Councilor Boyd made a motion to approve this letter of agreement. Councilor Lindsey seconded the motion and it was approved on unanimous vote.

e. OTO Contract – 3 Month Extension

Mayor Pro Tem Wood made a motion to approve the extension agreement. Councilor Funk seconded the motion and it was approved on unanimous vote.

f. Viner Law Fee Agreement

Administrator Perry gave an overview of the history of City Attorney contracts. Council discussed with Administrator Perry and Attorney Viner.

Councilor Boyd made a motion to approve the agreement. Mayor Pro Tem Wood seconded the motion and it was approved on unanimous vote.

g. Victim Services IGA

Administrator Perry gave an overview of the history of this agreement and the services needed.

Councilor Boyd made a motion to approve the IGA. Mayor Pro Tem Wood seconded the motion. Glenn Boyd, speaking as County Emergency Manager and Deputy Coroner, stated the services are invaluable. Administrator Perry stated that it is also required by law. The motion was approved on unanimous vote.

h. Multi-hazard Mitigation Plan

Councilor Boyd stated that all corrections have been incorporated and this is the final version

Councilor Funk made a motion to approve the plan. Councilor Lindsey seconded the motion.

Council discussed the plan. The motion was approved on unanimous vote.

i. Water Rights Ratification

Administrator Perry spoke about a decision he made in participation with Ouray County and the Town of Ridgway regarding water rights for the entire County. City Attorney Carol Viner stated that an application was filed regarding drought years going back to 2002. The application is to create water storage for the City of Ouray, Ouray County, and Tri-County Water

Mayor Pro Tem Wood made a motion to ratify the decision. Councilor Funk seconded the motion and it was approved on unanimous vote.

j. CEDC Appointment(s)

Community Development Coordinator Chris Hawkins stated that the CEDC recommended approval of these candidates. Council discussed

Councilor Boyd made a motion to appoint the candidates listed with plans to appoint more members to get to an odd number of members. Mayor Pro Tem Wood seconded the motion.

Council discussed participation in the by OTO staff and that the new Director of OTO will also be a member. Councilor Boyd modified his motion to appoint Deedra Williams, Travis Cossitt, and Lou Hart and not include Dawn Glanc, so that she may apply as a member at large instead of as part of OTO. Mayor Pro Tem Wood agreed to the modification of the motion.

The motion was approved on unanimous vote.

11. DISCUSSION ITEMS

a. Parking within the City

Mayor Pro Tem Wood spoke about difficulties with parking within the City to include snow plowing, camping in cars on the streets, etc. Council discussed with staff and citizens.

b. Sidewalks

Mayor Nelson spoke about issues with sidewalks in the City. He spoke about the fact that the Flume tax sunsets this year and maybe we should put a new ballot issue out in the fall to replace the Flume tax with something that can be used to replace sidewalks, curbs, etc. on Main Street.

c. Transparency

Councilor Boyd spoke about complaints during the election period about transparency with the City organization. He asked Council to give ideas about improving transparency. Council discussed options.

d. Future Agenda Items

Wood – snow removal

Nelson – sound system for Community Center

Boyd – ballot issues

12. ADJOURNMENT

At 8:08pm, Mayor Pro Tem Wood made a motion to adjourn the meeting. Councilor Lindsey seconded the motion and it was approved on unanimous vote.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on January 6, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 24th day of January 2020.

Melissa M. Drake, City Clerk

**Ouray City Council Regular Meeting
Summarized Minutes
Tuesday, January 21, 2020 at 6:00pm
MASSARD ROOM – Ouray Community Center**

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 6:03 p.m.

2. ROLL CALL

Mayor Greg Nelson - Present

Mayor Pro Tem John Wood – Present

Councilor Glenn Boyd – Present

Councilor Ethan Funk – Present

Councilor Peggy Lindsey – Present

Also present were City Resources Director Rick Noll, Police Chief Jeff Wood, Public Works Director Joe Coleman, Community Development Coordinator Chris Hawkins, Finance and Administration Director Melissa Drake, and City Attorney Carol Viner.

3. THE PLEDGE OF ALLEGIANCE WAS RECITED

4. PUBLIC HEARING

a. Consideration of Ordinance 01, Series 2020 – Modifying Council Meeting Times

Council explained the change of the meeting time to 1pm for the second meeting of the month. There was no public comment.

b. Consideration of a PUD amendment to (1) allow for a rear addition to the building on the Property for larger hotel rooms (not increasing the number of permitted rooms); (2) expand the rooftop bar/restaurant area; and (3) miscellaneous changes to accomplish the foregoing; 740 Main Street, Lot 13, Block 9, City of Ouray

Community Development Coordinator Chris Hawkins gave an overview of the PUD Amendment. Council discussed with him. Stuart Gillespie, applicant, gave a presentation regarding the project. Council discussed the application with Mr. Gillespie.

Mayor Nelson opened the public hearing.

Steve Gurzenski spoke in favor of the project and allowing the business owner to use umbrellas as needed.

Scott Clifford spoke against Mr. Funk. Mayor Nelson stated that Mr. Clifford's comments were not regarding the PUD and asked him to refrain.

Sally Clifford spoke about her concerns of noise on the rooftop.

Since there were no additional public comments, Mayor Nelson closed the public hearing.

5. CEREMONIAL/INFORMATIONAL – none

6. CITIZENS' COMMUNICATION

Lou Hart, representing OTO, asked about a crosswalk in front of the Visitor Center. Mayor Nelson stated that this is an issue for CDOT. He stated that the request has been rejected once already by CDOT.

7. CITY COUNCIL REPORTS/INFORMATION

- a. **Mayor Pro Tem John Wood** – CEDC is expecting additional applications for membership and the report of the IPAT meeting was positive
- b. **Councilor Ethan Funk** – Ice Park Board meeting - ice conditions good, the 25th Annual Ice Fest this coming weekend, and OIPI has hired security to handle what is needed for the events. Lora Slawitschka gave more details about the Ice Fest. PARC had its Winterfest last weekend and the ice at the rink is in great shape. EcoAction Partners – we may qualify for a grant from San Miguel Power for repairing the electric vehicle charging station at the pool, 3XM is looking at collecting compost with Waste Management, OCHAC meeting set for tomorrow is not cancelled, it is postponed.
- c. **Councilor Peggy Lindsey** – saw a lot of locals at Ironton skiing
- d. **Councilor Glenn Boyd** – Community Plan meeting coming up, FEMA has approved the Multi-hazard Mitigation Plan, Voyager progressing, Blue Mesa CDOT Project upcoming
- e. **Mayor Greg Nelson** –
 - January 15th - met with Administrator Perry and OTO to begin negotiations regarding the upcoming contract, there will be a Council Work Session at 4pm on February 3 regarding this topic
 - CDOT has plans for roadwork on Highway 550 this summer but plan to have 1 lane open at all times; SMPA plans work in 2021 on Highway 550
 - Mayor has been holding office hours at the library and citizens have discussed city communications, sidewalks, crosswalk at visitor center, visibility at intersections, North Corridor, snow removal, Rotary Park improvements, OTO and Ouray Merchants Association

- People have asked what the City is going to do about the issue with the Ouray County Sherriff. He noted that the City is in no way associated with the Ouray County Sherriff. He commented on the high level of professionalism of the Ouray City police Department and the Ouray County Deputies. Police Chief Jeff Wood echoed the Mayor's comments on the professionalism and working relationship with the Sherriff's Deputies. Mayor Pro Tem Wood spoke about his opinions regarding the unprofessional behavior of the Ouray County Sherriff and called for all elected officials in the County to condemn his actions.

8. DEPARTMENT REPORTS

a. City Administrator – Out sick, report in the packet

b. Finance and Administration Director

i. December Disbursements

Councilor Boyd made a motion to approve the December Disbursements. Mayor Pro Tem Wood seconded. Council discussed. The motion was approved on unanimous vote.

ii. November Sales Tax Report

Council discussed.

iii. November LOT Report (October Lodging Activity)

Council discussed.

c. Community Development Coordinator

Community Development Coordinator Chris Hawkins reported on the Planning Commission's work on long-term housing incentives. He introduced the new Building Inspector, Jim Shannon. He stated that Commissioners Dunn and Hein have expressed interest in continuing their service on the Planning Commission. Roughly 80 applications for Short-term Rental Licenses have been received at this point. Council discussed short-term rentals.

9. CONSENT AGENDA

- a. Bed and Breakfast Liquor Permit Application Renewal – KIDO Enterprises LLC dba Ouray Inn**
- b. Huckstering Permit Application – Ouray Café Steakhouse, Ice Festival, January 24th – 26th**
- c. Huckstering Permit Application – The Goods Ouray, Ice Festival, January 24th – 26th**
- d. Huckstering Permit Application – Red Mountain Brewing, Ice Festival, January 24th – 26th**
- e. Huckstering Permit Application – Ouray Meat and Cheese Market, Ice Festival, January 24th – 26th**

Councilor Funk made a motion to approve the Consent Agenda. Councilor Boyd seconded the motion and it passed on unanimous vote.

10. ACTION ITEMS

a. Ordinance 1, Series 2020 – Modifying Council Meeting Times – Second Reading

Councilor Boyd made a motion to approve the Ordinance setting the meeting time of the second meeting of the month to 1pm. Mayor Pro Tem Wood seconded the motion and it passed on unanimous vote.

b. Consideration of a PUD amendment to (1) allow for a rear addition to the building on the Property for larger hotel rooms (not increasing the number of permitted rooms); (2) expand the rooftop bar/restaurant area; and (3) miscellaneous changes to accomplish the foregoing; 740 Main Street, Lot 13, Block 9, City of Ouray

Mayor Pro Tem Wood made a motion to approve the PUD Amendment as set forth in Exhibit C. Councilor Lindsey seconded the motion. Council discussed the PUD. Councilor Boyd spoke about the open space trade off and his safety concerns with 2nd egress. Mayor Pro Tem Wood also voiced concerns with egress on the adjacent building.

Stuart Gillespie stated that structural drawings of the adjacent building are not available. The addition to that building where the 2nd egress is located was built in the 1980s and the snow load requirements were the same as they are today.

Mayor Pro Tem Wood amended his motion to include the following conditions:

1. Amend Section 7 of the draft PUD agreement to require the Applicant pay \$2,406 for the open space payment in-lieu.
2. Prior to recording the PUD agreement, the Applicant will provide site plan and final elevations in the PUD plan set; the AMI for the housing unit will conform to the original Council approval; and the cost of the paint removal will be consistent at \$50,000.
3. The building official will confirm the weight bearing capacity to the south.

Councilor Lindsey seconded the amendment.

Council continued discussion. Lora Slawitschka spoke about the PUD.

Mayor Nelson re-opened the Public Hearing to see if anyone in addition to Ms. Slawitschka had additional comment. There was no additional comment so Mayor Nelson closed the public hearing again.

The amended motion passed on unanimous roll-call vote.

c. CEDC Appointment(s)

Councilor Boyd made a motion to appoint Heather Smith and Steven Gurzenski to the CEDC. Councilor Funk seconded the motion. Council discussed the number of members required for the Committee. The motion passed on unanimous vote.

d. PARC Appointment

Mayor Nelson stated that PARC has recommended approval of Logan Tyler since they have reviewed his application. They would like to review Mr. Shuster's application before the Council considers his appointment.

Councilor Funk made a motion to reappoint the existing members to the PARC. Mayor Pro Tem Wood seconded the motion and it passed on unanimous vote.

Councilor Funk made a motion to appoint Logan Tyler to the PARC. Mayor Pro Tem Wood seconded the motion and it passed on unanimous vote.

e. Dispatch IGA

Councilor Boyd made a motion to approve the Dispatch IGA. Mayor Pro Tem Wood seconded the motion and it passed on unanimous vote.

f. Resolution 3, Series 2020 Regarding Fire Department Special Fund

City Attorney Carol Viner gave an overview of the resolution which adds the City Administrator as a signer on the account.

Councilor Lindsey made a motion to approve the Resolution. Councilor Funk seconded the motion and it passed on unanimous vote.

11. DISCUSSION ITEMS

a. Sound System for Community Center

Mayor Pro Tem Wood discussed rough estimates he gathered for possible audio/visual improvements to the Community Center. Councilor Funk discussed the current system and the estimates that are already included in the 2020 budget. Council discussed options and took citizen comments as well.

b. Snow Plowing/Removal

Mayor Nelson gave an overview of the current status of snow removal in the City. Mayor Pro Tem Wood spoke about his personal frustrations with the City snow removal policy. Council discussed the issues with staff and citizens.

c. Box Cañon Road

Mayor Pro Tem Wood spoke about an idea to make the road two-way instead of one-way to give access to County Road 361. Council discussed potential issues with staff and citizens.

d. Possible Charter Amendments

Council discussed possible amendments to the Charter and discussed the possibility of holding a work session on this topic.

e. City Communications

Mayor Nelson spoke about stopping rumors with facts. Council, staff, and citizens discussed communications.

f. Future Agenda Items

Councilor Boyd – form of minutes for land use issues

12. ADJOURNMENT

At 9:50 pm, Mayor Pro Tem Wood made a motion to adjourn the meeting. Councilor Boyd seconded the motion and it was approved on unanimous vote.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on January 21, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 31st day of January, 2020.

Melissa M. Drake, City Clerk

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MEETING MINUTES CITY OF OURAY PARKS AND RECREATION COMMITTEE “PARC”

**“To provide fun, family-friendly activities for the
Community and encourage the use of the city’s resources to get people out to PLAY!!**

**A quorum of City Council may attend this meeting.
San Juan Room – Ouray Community Center – 320 6th Avenue
January 7, 2020 - 6:00 p.m.**

ADMINISTRATIVE

Call to Order – Kim Kelly called the meeting to order at 6:07PM.

Roll Call – Members present: Diane Nelson, Shawn Kitchens, Kim Kelly, Amy Winterrowd, Brock Adams and Kendra Wilcox. Also present: Ethan Funke – City Council, Rick Noll – City of Ouray and Martin Schuster.

Meeting Minutes – The December Meeting Minutes were approved by the committee.

COUNCIL’S REPORT

Ethan Funke reported that parks, recreation and trails would be a topic of discussion at the Community Development Committee Meeting on Tuesday, January 28th, and asked that PARC be represented at the meeting.

TREASURER’S REPORT

Ice Rink Fund - \$8,978.05
PARC - \$1,778

Amy Winterrowd will confirm with Melissa Drake.

OLD BUSINESS

Rotary Park Ice Rink - The ice at the rink is very good this year. It has been extremely busy with an average of 50 people a day using the facility. Martin Schuster reported that the hydrant froze up again and that there is about one week left using the current ice before he will need to make ice again.

The committee also discussed the need for signage at the rink that included information about ice skate rentals at the pool and times the rink is open. The rink is open daily 9:00 AM to 9:00 PM except Wednesday and Thursday when the rink closes early at 5:00 PM due to league play. Shawn and Martin will work on the signage issue. The cost will come out of the PARC Budget. There is also a need for more trash cans by the rink.

NEW BUSINESS

New PARC Members – The group discussed and approved Logan Tyler to fill the vacancy left by Greg Nelson.

Existing PARC Members – Ethan Funke asked each PARC member if they wanted to continue as members for 2020. Each member confirmed they wanted to remain on PARC except Shawn Kitchens who informed the committee that he would be resigning. Shawn did say he will continue to help with the Broomball League this month. The committee will ask the city for information on other candidates that applied for PARC and if they still want to be considered now that there is another vacancy.

EVENT PLANNING & CALENDAR

Winterfest Games will be January 19th from 12 Noon to 4:00 PM. The committee finalized details for the event. Skate rental will continue to be at the pool.

Broomball League 2020 – League play will begin January 8th at 6:30 pm. The committee discussed preparations needed to be ready.

Cabin Fever Days will be Sunday, February 16th from 12 Noon to 4:00 PM. The committee discussed the need to notify EMS in Ouray of the event. Diane Nelson will give the city information to order award ribbons for PARC. Details will be finalized at the February PARC meeting.

ADJOURNMENT

The next meeting will be held Tuesday February 4, at 6:00 pm. The meeting was adjourned at 7:05 PM.

Minutes prepared by: Diane Nelson

Administrator Report 1.30.20

- Met with Mayor Nelson and briefly discussed the Organizational Chart. It was requested to use this during our budget review. Additionally we discussed the Rotary Park Master Plan. Mayor Nelson received copies of the plans we had on record with the City.
- I had a meeting with Melissa regarding the City's financial account. The Fire Department donation account was reviewed and it was discussed that an additional signer from the City be added to this account.
- I attended the San Juan Scenic Byway meeting in Cortez. It was announced that the annual Scenic Byway Symposium will be held in Ouray May 6-8th. This will be an exciting opportunity for the City of Ouray to participate and show support for this important organization. In addition to standard business of the committee, San Miguel Power presented their transmission line project from Burro Bridge to Ouray North. This particular project will impact the City of Ouray, as the main transmission line will be placed on Red Mountain Pass. The line that runs from Ouray to Silverton is the only backup line the City of Ouray has, which was installed in 1928. This line frequently goes down due to rock fall and avalanche, thereby placing the City of Ouray in a situation where we only have one power source.

According to SMPA, this work is tentatively scheduled to begin in the fall of 2021 with single lane traffic on Red Mountain Pass. Although SMPA will try to maintain single lane traffic throughout the entire project, there is the possibility that closures will occur, especially through a .75mile section that includes the Ruby Wall area on Red Mountain Pass. I have requested SMPA to present their project in a work session to City Council and the public on February 18th.

- I provided a letter of support for the Box Canyon Lodge for their new solar power conversion project. The Lodge has contracted with Alternative Power Enterprises-headquartered in Ridgway, CO to install a 57.97 kW solar electric system. The total project cost is \$154,392. This system consists of 187 Mission Energy 310 modules installed as 4 arrays on the various roof pitches. There will be 3- SolarEdge SE7600 inverters and 4- SolarEdge SE 10,000 inverters. The system is expected to produce 78,109 kWh/year and offset 53% of the total estimate usage of the lodge. The system will be interconnected and net metered with San Miguel Power. The system will be monitored with a SolarEdge Zigbee Gateway and the production data will be available to the client.
- I spoke with a citizen about a possible building project in the City of Ouray. They will be working with our Building and Land Use departments for permitting and further planning.
- I have received information from a property owner in Mineral Farms who would like the City to vacate an old City of Ouray waterline that runs through his property. Our attorney and water engineer are currently reviewing the details to determine viability of the request.
- I met with Friends of the Via Feratta board members and discussed their proposed management plan. This plan will be somewhat similar in nature to the OIPI agreement.

The first draft of the agreement has been written and will be sent to City Council for review upon completion of a few edits. The Via Feratta is expected to be completed in Late April and opening in May. \$198,000 was raised for this project. Prior to opening, I have asked the FOVF board to provide a presentation to City Council and the community of the overall project. This will occur in a few months.

- I was out sick on the 21st for work and the council meeting. The following day I conducted a full review of the meeting with Directors Coleman and Drake. In addition, I met with Mayor Nelson and received a full briefing of the meeting.
- I met with representatives from both DOLA and USDA and discussed various funding opportunities for future projects the City of Ouray will be completing. After conducting their review, USDA believes the City of Ouray would qualify for the grant program as well as their low interest program. Currently, their interest rates are at 2.25%. They could work with us on any of our water distribution needs as well as the waste water treatment facility project. As we progress with our projects, we will further explore USDA as a funding source and others that are available.
- I met with DOLA regarding the additional rate study work that the City requested JDS Hydro to complete. DOLA advised that the additional work is outside the scope of the original rate study and therefore would not be handled through them. They did advise however that the City can obtain an administrative grant that would cover the costs and we could contract directly with them. I am currently researching the options for this.
- I met with Pete Blair (with Blair and Associates) and Melissa via phone and discussed our budget session. Pete will present on the City's financial standing at our budget review.
- I met with Citizen State Bank and discussed City accounts and finances.
- Attorney Viner and I had a meeting and discussed various legal issues the City is working on. We will be having an executive session in the near future to discuss water rights issues and our overall water situation.
- City staff conducted a budget review with City Council. The following are items that came from that work session and direction to staff:
 - Organize a Geothermal discussion to have an overall review of our geothermal resources
 - Further discussion on the Waste Water Treatment Facility – (FYI - Monday I have an action item for consideration for JVA to conduct additional lagoon research)
 - Refuse and Recycle research for business recycle program
 - Research software for expired items that will help with maintenance and budgeting
 - More research on the housing allowance possibility for next year using a percentage based on rental costs
 - Research the Conservation Trust Fund to determine if the fund can be used for debt service on the pool
 - Research pooling of benefits and organize a work session with the school board
 - Work with Jenn and CEDC on grants for CEDC
 - Complete the Massard room sounds system ASAP. Meet with Ethan on this

- Research side by sides vs. golf carts for PD and Public Works. Also, discuss with Carol to determine the most viable way to approach amendments to the OHV ordinance if needed
- Complete an overall Fleet Management Plan – look into the software proposed by John
- Organize a work session to discuss broadband. Include all stakeholders involved, i.e. County, Region 10, local providers, etc.
- Research current residential geothermal contracts with the City.
- Research the possibility of improved pedestrian routes to Box Canyon
- Research the possibility of the City filing a lawsuit against the pool project engineers

City of Ouray Police Department

January 2020

Week 1)

Officers handled: 11 traffic/parking complaints

Officers conducted: 19 patrol/security checks

Week 2)

Officers investigated: a report for felony commercial burglary

Officers handled: 11 traffic/parking complaints

Officers conducted: 42 patrol/security checks

Officers received training in: Community Relations, Cultural Awareness and Diversity, Hate Crimes, Community Policing, De-escalation and Minimizing Use of Force, and Subject Control.

Week 3)

Officers made arrests for: burglary to Ouray Liquors

Domestic violence and later the same individual for Violation of Protective Order

Officers handled: 13 traffic/parking complaints

Officers conducted: 34 patrol/security checks

Officers received training in: Use of Force, Control Techniques and Vehicle Pursuits.

Week 4)

Officers handled: 12 traffic/parking complaints

Officers conducted: 29 patrol/security checks

Officers received training in: Defensive Tactics

Week 5) (partial)

Officers handled: 14 traffic/parking complaints

Officers conducted: 15 patrol/security checks

Ouray Police Department

Ouray Police Officer

Ouray Police Officer Canfield has successfully completed the Field Training process and has been released to solo patrol.

Events

Ouray PD spent three very long and busy days assisting with the Ice Fest. Some improvements for traffic safety have been noted and will be addressed at an upcoming critique. Overall the event was very successful from a public safety perspective with only a single incident of theft being reported.

Training

Chief Wood attended the Colorado Chiefs of Police conference in Loveland.

(see weekly call breakdown for addl.)

Calls for Service

(see weekly breakdown)

Submitted by:

Chief Jeff Wood

Public Works January Update

Water

- Water Usage Numbers for **December:**
 - Influent (Water from spring) – 33,383,296 Gallons
 - Effluent (Water to town) – 11,588,234 Gallons
 - Ice Park – 4,904,912 Gallons
 - Mineral Farms – 194,100 Gallons
- Responded to a call about a frozen water service line. Public Works was able to unthaw the line with no issues. The house had been previously vacant.
- Noticed some pressure issues at the City Shop. Crews were able to remove rocks and other debris from a PRV before a larger issue was created.

Sewer

- Stopped monitoring sludge levels and dissolved oxygen levels in Sewer Lagoons. Conditions are currently unsafe due to ice buildup in the lagoons. Also have concern about shutting off aerators and causing more freezing issues.
- Continued skimming lagoons of debris and cleaning aerators when necessary.
- Browns Hill Engineering was scheduled to be onsite Monday January 27th to work on SCADA system but cancelled due to weather. We are working on a new date .

Street

- Hauled snow from HWY 550 parking spaces four different times in the month of January. Approximate cost \$8500.
- Plowed snow on several occasions, also made an effort to widen roads as much as possible.
- Effort to spot grade throughout town where needed. Frozen ground and saturated ground make this very difficult.
- Effort to cut ice around town and make travel/parking easier.
- Removed snow from business parking spaces along the streets in town.
- Hauled snow piles from different areas around town.
- Had a meeting to discuss snow plowing operations with a local citizen.
- Watched two CIRSA safety videos, Industrial Ergonomics and Slips, Trips and Falls.
- Purchased two way radios for the Public Works crew. This will help with communications in the field and help make operations more efficient.
- Meeting with Dan Quigley from Dowl Engineering to discuss scope of work and engineering service for the Box Canyon Road repair. Working on having a report to City Council by the second council meeting in February.

City Resources

- Hot Springs Pool ORC was onsite in January. Worked with him to collect samples and go over some new observation sheets that need to be filled out by staff. CDPHE will be conducting a sanitary survey of the Hot Springs Pool in April.
- Continued geothermal monitoring.
- MWAT Spread sheet for upstream conductivity probe. Downloaded data and added to the spreadsheet for DMR report.
- Unthawed fire hydrant at Rotary Park. Supplied a pump to the seasonal employee to pump down the barrel of the fire hydrant after each use.
- Cleaned out the Micro Hydro Building for a school tour provided by a local citizen.
- Removed Christmas tree from Main St. for the Beautification Committee.

City Resources Department

February 3, 2020

The Otis Elevator mechanic has repaired the emergency lights and alarm that were identified as defective during the required annual third party inspection. A Certificate of Operation has been issued by the State of Colorado Conveyance Office. This work was covered within the service contract with Otis Elevator. At the same time, interior lights were replaced by City Resource staff.

The dish sanitizing machine in the Community Center commercial kitchen was serviced by a technician from Western Paper Supply. The chemical feed was calibrated and water temperature was checked. Jets in the lower spray arm were removed and cleaned.

A photographer from Pinpoint Imagery took photos at the Community Center for updating the 360° view information on Google maps. These new images should be online within the next few weeks.

City Resource Department staff, and the Event and Communications Coordinator, provided support to the 25th annual Ice Climbing Festival events that took place at the Community Center. Arrangements were made for staff to be available every day of the event in case needs arose.

The previously open position of Pool Maintenance Supervisor was filled in early January. The individual who was hired brings much experience with pool maintenance. His work on raising pool water temperatures has allowed the pool staff to open the lap lanes. In the near future he will clean and service the lap pool heat exchangers which should further improve those temperatures. The automated system that controls the OX2 geothermal well malfunctioned during Christmas and New Year's. Pool staff is now verifying through visual inspection that OX2 is turned off, and turned back on again, to assure proper geothermal flow to the pool.

Hot Springs Pool maintenance personnel and the City Resource Director met with one of the Public Works Maintenance Operators to discuss operation of the filtration plant at the pool. This provided an additional orientation opportunity for the new Pool Maintenance Supervisor and provided opportunity for clarity around responsibility for activities within the filtration building and discussion of solutions to some of the concerns regarding water balancing and temperatures.

There have been problems with chlorine lines that feed the pre-treatment vault becoming clogged. Alternative delivery methods for pre-treatment are currently being tested. Pre-treatment is to reduce manganese and iron concentrations before water enters the hot pools. A chlorine gas detector has been purchased for use by Pool employees in the filtration building.

Hot Springs Pool front desk employees are participating in Optimization and Refresher training related to the point of sale and membership management systems at the pool. This training is provided by Active Network, developer of the software. Staff are also scheduled for cyber-security training as required by federal regulations.

An ad was developed on short deadline this week by the City Resource Department for the Hot Springs Pool for placement in a regional travel magazine. This was on a short deadline because an ad slot became open and the publisher offered a reduced price if the ad could be submitted that same day. Also on short notice, information and photographs have been provided to a front-range Colorado magazine for an article on Ouray. This article will include the Hot Springs Pool and other community amenities.

Planning is taking place for Cabin Fever Day at Lee's Ski Hill. Cabin Fever Day is Sunday February 16.

The Box Canon Falls Lead CSA and City Resource Director are developing materials and activities associated with the 100th anniversary of the Box Canon Falls.

City Resource Director participated in the all-day budget work session with City Council January 27, 2020.



CONSENT AGENDA ITEMS (February 3, 2020):

Special Events Permit – Paradox Sports, Got Stump Event, February 29th

Action Requested – *Does City Council approve the Special Events Permit for the Paradox Sports, Got Stump event to be held February 29th?*

Staff Recommendation – The City Staff has reviewed the application and found it complete, posted correctly, and everything is in order. I recommend City Council approve the special events permit for the Paradox Sports, Got Stump fundraising event to be held on February 29th.

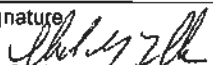
Bed and Breakfast Liquor Permit Applications – China Clipper B&B LLC dba China Clipper B&B

Action Requested – *Will City Council approve the Bed and Breakfast Liquor Permit Application for China Clipper B&B LLC dba China Clipper B&B?*

Background – This is an established business within the City of Ouray that currently possesses a liquor license. As is required by State Statute for all liquor license holders, they must renew their liquor license annually. All the necessary paperwork and administrative requirements have been met and everything is in order for renewal. No issues have been identified with local law enforcement or State Liquor Enforcement for this renewal.

Recommendation – City Staff recommends that City Council approve the Bed and Breakfast Liquor Permit for China Clipper B&B LLC dba China Clipper B&B.

Bed and Breakfast Permit Application

2341 Bed and Breakfast Permit				<input type="checkbox"/> New		<input checked="" type="checkbox"/> Renewal		\$71.25					
1. Name of Applicant CHINA CLIPPER B&B LLC				Liquor License Number 03-11312									
2. Trade Name of Establishment (DBA) CHINA CLIPPERS													
3. Address 525 2ND STREET				Phone Number 9703250565									
City Ouray			County Ouray			State CO		ZIP Code 81427					
4. Mailing Address (Number and Street) PO BOX 465			City Ouray			State CO		ZIP Code 81427					
<ul style="list-style-type: none"> • 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 <p>Pursuant to 12-47-410, 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:</p> <p><input checked="" type="checkbox"/> That it has no more than 20 sleeping rooms, and</p> <p><input checked="" type="checkbox"/> That it provides at least 1 meal per day at no charge other than for overnight lodging, and</p> <p><input checked="" type="checkbox"/> That it does not sell alcohol beverages by the drink or in sealed containers, and</p> <p><input checked="" type="checkbox"/> That it will not serve alcohol beverages for more than 4 hours in any one day, as follows:</p>													
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 Owner/Manager				Date 01/21/2020			

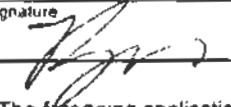
Report and Approval of Local Licensing Authority (City/County)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Articles 46 and 47, 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 12, Article 47, 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
2341-100	(999)	2102 750 (999) TOTAL

Application for a Special Events Permit

Departmental Use Only

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input checked="" type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:		DO NOT WRITE IN THIS SPACE	
2110 <input checked="" type="checkbox"/> Malt, Vinous And Spirituous Liquor	\$25.00 Per Day	Liquor Permit Number	
2170 <input type="checkbox"/> Fermented Malt Beverage	\$10.00 Per Day		
1. Name of Applicant Organization or Political Candidate Paradox Sports		State Sales Tax Number (Required) PO	
2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) PO Box 273 Eldorado Springs, CO 80025		3. Address of Place to Have Special Event (include street, city/town and ZIP) Ouray Community Center 320 6th Street, Ouray, CO 81427	
4. Authorized Representative of Qualifying Organization or Political Candidate David Elmore		Date of Birth	Phone Number
Authorized Representative's Mailing Address (if different than address provided in Question 2) 1362 10th Ave, Longmont, CO 80501			
5. Event Manager Rebecca Lindstrom		Date of Birth	Phone Number
Event Manager Home Address (Street, City, State, ZIP) 400 Oneida St, Boulder, CO 80303		Email Address of Event Manager becky@paradoxsports.org	
6. Has Applicant Organization or Political Candidate been issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? _____		7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____	
8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
List Below the Exact Date(s) for Which Application is Being Made for Permit			
Date 02/29/20 Hours From 5:00 p m To 9:00 p m	Date From m To m	Date Hours From m To m	Date Hours From m To m
Date From m To m	Date Hours From m To m	Date Hours From m To m	Date Hours From m To m
Date Hours From m To m	Date Hours From m To m	Date Hours From m To m	Date Hours From m To m
Oath of Applicant			
I declare under penalty of perjury in the second degree that I have read the foregoing application that all information therein is true, correct, and complete to the best of my knowledge.			
Signature 		Title Development Manager	
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 event and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5.			
THEREFORE, THIS APPLICATION IS APPROVED.			
Local Licensing Authority (City or County)		Telephone Number	
<input type="checkbox"/> City <input type="checkbox"/> County			
Signature		Title	
DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY			
Liability Information			
License Account Number	Liability Date	State	
		-750 (999)	\$

(Instructions on Reverse Side)



ACTION ITEMS (February 3, 2020):

JVA Master Plan Update

Action Requested – *Will City Council approve the additional work for JVA to update the Master Plan to include Lagoon alternatives?*

Background – In our last work session with JVA, City Council requested they provide additional detailed information in the Master Plan regarding an alternative solution of utilizing the existing lagoons. JVA has advised that this request is outside the current scope of work and are requiring additional fees for the Wastewater Treatment Facility Master Plan update. JVA has discussed the project needs with the City staff and presented to the Council, which is when Council expressed the need for as much information about the existing lagoons as possible. The final WWTF Master Plan will serve as a planning and guidance tool for the City of Ouray as improvements are made at the WWTF to maintain compliance with current and future CDPHE discharge regulations.

Request to Remove Restrictive Covenant and Determine Water and Sewer Investment and Tap Fees Owed – 340 9th Avenue.

Action Requested – *Will City Council remove the covenant restrictions to 340 9th Avenue and determine what the water and sewer investment and tap fees owed are?*

Background – This house had been damaged in a fire years back requiring it to be rebuilt in its pre-existing location. At that time, the City took the position that upon the house being re-built, the owners would have to pay water and sewer investment fees totaling \$4,400. They executed the Covenant on March 10, 1997, which was then recorded in the Ouray County public records on April 14, 1997. In reviewing their application for a short-term rental permit under the City's new ordinance, the City's Building Inspector at the time, Dave Doherty, advised that if they wished to rent this house on a short-term basis instead of long-term as was established in the covenant, they would have to pay the current tap fees for water and sewer (\$7,500 X 2 = \$15,000). The owners have asked for an alternative

solution instead of the full \$15,000. The owners have proposed to pay the City the investment fees in the original total of \$4,400. Due to the fact this matter involves the recording of a document rescinding the Covenant, it must be signed by the Mayor and attested to by the City Clerk. Therefore, it is up to this Council to determine whether this offer is acceptable. Please see the documents in this packet for additional details.

Ordinance Regarding Refinancing the COP – First Reading

Action Requested – *Will City Council approve the first reading of the ordinance to refinance the COP?*

Background – The City Council has determined that it is in the best interests of the City and its residents to undertake the refinancing of the 2017 COP. Following a recent request for proposals delivered by the City to a number of financial institutions, the City has received several proposals, and wish to delegate to the City Administrator and the Finance and Administrative Services Director the final selection of the financial institution (the “Bank”) with whom to undertake the project. This ordinance was prepared by our Bond Attorney and is standard practice with these types of public financial transactions. Please refer to the ordinance documentation within the packet for further details.

Recommendation – City staff recommends City Council approve the first reading of the ordinance to refinance the 2017 COP.

January 27, 2020

Ms. Justin Perry, City Administrator
City of Ouray
320 6th Avenue, PO Box 468
Ouray, CO 81427

Reference: Wastewater Treatment Facility Master Plan Update – Additional Engineering Services

Dear Justin:

JVA, Inc. (JVA) has been requested by the City to provide engineering services outside our current scope of work for the above referenced project. We are requiring additional fees for the Wastewater Treatment Facility (WWTF) Master Plan (MP) Update. JVA has discussed the project needs with the City staff and presented to the Council. Based on our subsequent discussions with City staff, the primary goal herein will be to update JVA's 2019 Wastewater Treatment Facility (WWTF) Master Plan (MP) to include a lagoon improvement alternative.

The final WWTF Master Plan will serve as a planning and guidance tool for the City of Ouray as improvements are made at the WWTF to maintain compliance with current and future CDPHE discharge regulations.

PROJECT UNDERSTANDING

The following scope of services was developed based on discussions with City of Ouray and our knowledge of the previous planning projects completed and experience with similar wastewater master plans.

SCOPE OF WORK

Specific project tasks are described in further detail below.

Task 1 - Master Plan Update

1. JVA will update the MP to include a lagoon improvement alternative. The information and analysis will include a discussion on process improvements, footprint and equipment, operation, process flow diagram, preliminary layout, capital costs, operation and maintenance costs as well as advantages and disadvantages.
2. JVA will submit a draft of the updated MP to the City for review and comment.
3. We will conduct another review meeting with City staff to gather City comments and input.
4. JVA will present the findings of the final MP to the City Council.
5. Following the presentation, JVA will incorporate the City's comments and provide the final WWTF MP.

Please modify our current lump sum fee of \$50,000, by the additional service amount of \$10,000, and JVA will be sending updated invoices accordingly.

These fees are based upon the above assumptions and our discussion to date. Surveying; geotechnical investigations; design drawings and specifications; permit and review fees; and additional regulatory reviews are not included.

SCHEDULE

We can begin working on the project immediately and plan to complete the master plan update in four (4) weeks from Notice to Proceed.

If you are in agreement with the scope in this letter, please indicate by signing below and returning a copy by email as our authorization to proceed. We look forward to assisting the City with completion of this important project. If you have any questions about this letter or the scope described herein, please do not hesitate to contact me.

Sincerely,



Cooper D. Best, P.E.
Regional Manager/Associate

Accepted by:
CITY OF OURAY

Title

Date

AGREEMENT AND DECLARATION OF COVENANTS

THIS AGREEMENT is entered into this 10th day of March, 1997, by and between GLORIA J. PARRY AND WILLIAM H. PARRY, Co-Trustees Under Declaration of Trust dated October 5, 1978, hereinafter called Declarant and the CITY OF OURAY, COLORADO, hereinafter called City or Grantee.

WITNESSETH: WHEREAS, the City has waived payment of a \$2,200 water investment fee and \$2,200 sewer investment fee to serve the below described property on the condition that the Declarant execute this Agreement and Declaration of Covenants.

THEREFORE: 1. Declarant is the owner of the real property located in Ouray County, Colorado, described as

Lots III, IV and V of the Shultis Subdivision, Ouray County, State of Colorado, according to the plat recorded in Plat Book 1 at Page 28, Ouray County public records; LESS that portion conveyed to the City of Ouray by deed recorded 7/22/83 in Book 202, Page 103, Ouray County public records.

2. Declarant hereby declares that the following terms, covenants, conditions, restrictions, and obligations shall be deemed to run with the land described in paragraph 1 above, and shall be binding and accrue to the Declarant, its successors and assigns and any person acquiring and holding an interest in said property, their grantees, successors, heirs, executors, administrators or assigns.

3. Declarant hereby agrees that the Auxiliary house built upon the above described property at 340 9th Avenue, shall only be leased to and occupied by, residents of the City of Ouray on a permanent residential basis using leases of at least 9 months in duration, written copies of which shall be filed with the City. (This paragraph shall not apply to the main house located at 905 Main Street.

4. If Declarant fails to abide by the condition of paragraph 3 or the premises are not leased in compliance with paragraph 3 for more than 9 months in any calendar year, City may declare Declarant in breach of these conditions and add to the City utility bill for such premises, the greater of \$4,400 or the water and sewer investment fees, tap fees or similar fees in effect for such residence at the time.

5. If Declarant, in his own discretion, no longer desires to be bound by these covenants, Declarant may, tender the greater of \$4,400 or the water and sewer investment fees, tap fees or similar fees in effect for such residence at the time to the City. This tender shall be accompanied by written notice of intent to terminate this Agreement. The City shall accept such tender.

6. Once City has declared Declarant in breach pursuant to Paragraph 3 herein and Declarant has paid the amount called for under that paragraph or ~~Declarant~~ ^{Declarant} has given notice and made payment pursuant to Paragraph 5 the City shall, within thirty days, deliver to Declarant and record in the records of the Ouray Clerk and Recorder a statement, signed by the Mayor and attested to by the City Clerk, that this Agreement and Declaration of Covenants is of null and void and of no further effect.

EXECUTED the day above first written.

CITY OF OURAY, COLORADO

By

James H. Miller
Mayor

DECLARANT

William H. Parry - Trustee
William H. Parry as ~~Co~~ Trustee under
Declaration of Trust dated October 5, 1978

ATTEST:

By

Colleen Bifler
City Clerk

Gloria J. Parry - Trustee
Gloria J. Parry as Co-Trustee under
Declaration of Trust dated October 5, 1978

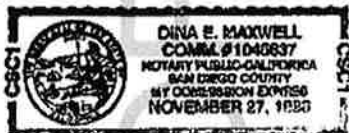
CALIFORNIA
STATE OF ~~COLORADO~~)
SAN DIEGO) SS:
COUNTY OF ~~MONTROSE~~)

The foregoing instrument was acknowledged before me this 26th day of MARCH, 1997, by William H. Parry and Gloria J. Parry as Co-Trustees under Declaration of Trust dated October 5, 1978.

Witness my hand and official seal.

My commission expires: NOVEMBER 27, 1998

(SEAL)

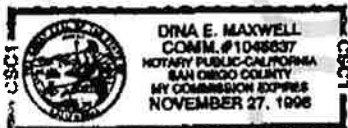


Dina E. Maxwell
Notary Public
3455 Del Mar Heights Rd.
San Diego CA 92130
Address (619) 792-8428

STATE OF COLORADO)

) SS:

COUNTY OF MONTROSE)



The foregoing instrument was acknowledged before me this 10th day of MARCH, 1997, by JAMES H MILLER, Mayor and COLLEEN BIFLER, City Clerk of the City of Ouray, Colorado.

Witness my hand and official seal.

My commission expires: 10-30-99

(SEAL)

All M Hudson
Notary Public

PO Box 280 Ouray Co 81427
Address



Carol Viner

From: Michael Hockersmith <michael@Ouraylaw.com> on behalf of Michael Hockersmith
Sent: Monday, December 2, 2019 9:55 AM
To: Carol Viner (cav@mastersviner.com)
Cc: Krista Ficco
Subject: Covenant/Tap Fee Issue
Attachments: 19970310 Parry City of Ouray Agm #164045.pdf

Carol: You and I have discussed this matter previously, but I don't believe that you have received a copy of the attached. My clients, who are the daughters of the original Declarants, have until very recently rented the subject building on a long-term basis. Their experience with long-term renters has been uniformly awful. As a result, they decided to explore a short-term rental option through a local company, Ouray Premier Vacation Rentals. During the permitting process, the attached covenant was discovered. Up until that moment, my clients were unaware of its existence. Dave Dougherty took the position that if my clients wanted to rent the adjoining house on a short-term basis, they would have to pay the current tap fees for water and sewer (\$7,500 X 2 = \$15,000). Because this amount was untenable, they asked me to see if a reasonable alternative could be found. Toward that end, I met with Justin about this issue in October. He indicated that he thought a resolution could be found, but that he wanted to talk with you. My understanding is that he hasn't done that. Because, my clients are in limbo on this issue, I would like to talk with you about the best approach to take. I would like to give you a call today to discuss, if you are available. My clients are in town, but leaving later today. Let me know of a good time. Thanks.

Sincerely,

Michael D. Hockersmith



**HOCKERSMITH
& WHITMORE, LLC**

ATTORNEYS & COUNSELORS at LAW

Alpine Bank Building, 917 Main Street, 2nd Floor
PO Box 646
Ouray, Colorado 81427-0646
Phone: 970.325.4414
Fax: 970.325.7333
www.ouraylaw.com

CIRCULAR 230 DISCLOSURE: Pursuant to Regulations Governing Practice Before the Internal Revenue Service, any tax advice contained herein is not intended or written to be used and cannot be used by a taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer.

NOTICE: CONFIDENTIAL AND PRIVILEGED MATERIAL

This electronic communication may contain privileged and/or confidential material which is intended only for the named recipient. If you have received this transmission in error, please destroy any hard copies, delete any electronic versions from your computer and either notify the sender or Hockersmith & Whitmore, LLC at office@mdhlawpc.com or phone: 970-325-4414 or fax 970-325-7333. Thank you.

January 13, 2020

Ouray City Council
320 6th Ave.
Ouray, CO 81427

Sent via email: administrator@cityofouray.com

Re: Removal of Restrictive Covenant

Dear Council Members:

I represent Jay Parry and Piper Parry who are the owners of a house located at 340 9th Avenue. My clients have, until very recently, rented this house on a long-term basis. However, their experience with long-term renters has been uniformly awful. As a result, they decided to explore a short-term rental option through a local company, Ouray Premier Vacation Rentals. During the permitting process with the City, the attached Agreement and Declaration of Covenants (the "Covenant") was discovered. Up until that moment, my clients were unaware of its existence.

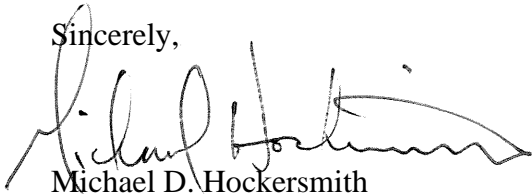
Apparently, this house had been damaged in a fire requiring it to be rebuilt in its pre-existing location. At that time, the City apparently took the position that upon the house being re-built, Gloria and William Parry, my clients' parents, would have to pay water and sewer investment fees totaling \$4,400. While I would question whether this was an appropriate position to have been taken by the City, Mr. and Mrs. Parry executed the Covenant on March 10, 1997, which was then recorded in the Ouray County public records on April 14, 1997.

In reviewing my clients' application for a short-term rental permit under the City's new ordinance, Mr. Dougherty, then employed by the City, told my clients that if they wished to rent this house on a short-term basis, they would have to pay the current tap fees for water and sewer (\$7,500 X 2 = \$15,000). Because this amount is untenable, my clients have asked me to see if a reasonable alternative could be found. I have already discussed this matter with City Administrator Perry and the City Attorney. My clients have proposed to pay the City the investment fees in the original total of \$4,400. It is my understanding that both Mr. Perry and Ms. Viner believed that this offer was reasonable. However, because this matter involves the recording of a document rescinding the Covenant, it must be signed by the Mayor and attested to by the City Clerk. Therefore, it is up to this Council to determine whether this offer is acceptable. In the interests of moving this matter forward, I have attached a proposed statement

that, if approved by Council, will be signed by the Mayor and City Clerk and then recorded in the Ouray County public records.

I look forward to discussing this matter directly with you and look forward to an equitable resolution for both the City and my clients.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Hockersmith", with a stylized, flowing script.

Michael D. Hockersmith

Attachments

xc: Clients
Carol Viner, City Attorney

RESCISSION OF AGREEMENT AND DECLARATION OF COVENANTS

For good and valuable consideration, the sufficiency of which is hereby acknowledged, the City of Ouray, Colorado, hereby agrees and acknowledges that the Agreement and Declaration of Covenants, dated March 10, 1997, recorded on April 14, 1997, in the records of the Ouray County Clerk and Recorder at Reception No. 164045, encumbering the following described real property:

Lots III, IV, and V of the Shultis Subdivision, Ouray County, State of Colorado, according to the plat thereof recorded in Plat Book 1 at Page 28, Ouray County public records; LESS that portion conveyed to the City of Ouray by deed recorded 7/22/83 in Book 202, Page 103, Ouray County public records.

is null and void and of no further legal effect.

Executed this ____ day of _____, 2020.

City of Ouray, Colorado

By: _____
_____, Mayor

ATTEST:

_____, City Clerk

[illegible]

The foregoing instrument was acknowledged before me this____ day of _____, 2020, by _____, Mayor and _____, City Clerk, City of Ouray, Colorado.

Witness my hand and official seal
My commission expires:_____.

(SEAL)

Notary Public

ORDINANCE NO.02 SERIES 2020

AN ORDINANCE CONCERNING THE REFINANCING OF THE LEASE PURCHASE AGREEMENT BY AND BETWEEN THE CITY AND TELLURIDE REAL ESTATE SOLUTIONS I, LLC AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF LEASE PURCHASE AGREEMENT AND RELATED DOCUMENTS.

WHEREAS, the City of Ouray, (the “City”), is a municipal corporation duly organized and existing as a home rule city pursuant to Article XX of the Constitution of the State of Colorado (the “Constitution”) and the home rule charter of the City (the “Charter”); and

WHEREAS, pursuant to Section 8.1 of the Charter and Section 6 of Article XX of the Constitution, the City is authorized to enter into one or more leases for land, buildings, equipment and other property for governmental or proprietary purposes; and

WHEREAS, the City is authorized pursuant to Section 10.6 of the Charter, to, without an election, acquire real or personal property for any public purpose by entering into rental or lease purchase agreements, limited to a period not exceeding the useful life of the property acquired, which leased property may be mortgaged or assigned, all or in part, during the term of the lease, which lease purchase obligations shall be subject to annual appropriations by the City; and

WHEREAS, the City has previously entered into a Lease Purchase Agreement dated as of June 19, 2017 (the “2017 Lease”) between the City, as lessee, and Telluride Real Estate Solutions I, LLC, as lessor, for the purpose of providing funds for the financing of the cost of planning, constructing, acquiring and equipping improvements to the City’s hot springs pool facility (the “2017 Project”); and

WHEREAS, the leased property under the 2017 Lease is the property more specifically described in Exhibit A, attached hereto and incorporated herein (the “2017 Leased Property”); and

WHEREAS, the City Council of the City (the “Council”) has determined that it is in the best interests of the City and its residents to undertake the refinancing of the 2017 Project by exercising its option to purchase the 2017 Leased Property under the 2017 Lease and to pay the costs of issuance in connection therewith (collectively, the “Refunding Project”); and

WHEREAS, upon the exercise of its purchase option under the 2017 Lease, the City will be the owner of the fee simple interest in the real property and improvements described in Exhibit A to the Site Lease (defined below) (the “Leased Property”); and

WHEREAS, following a recent request for proposals delivered by the City to a number of financial institutions, the City has received several proposals, and wish to delegate to the City Administrator and the Finance and Administrative Services Director the final selection of the financial institution (the “Bank”) with whom to undertake the Refunding Project;

WHEREAS, upon final selection by the City Administrator and Administrative Services Director, the City wishes to enter into that certain Site Lease to be dated as of its date of execution and delivery (the “Site Lease”) between the City, as lessor, and the Bank, as lessee, a leasehold interest in the Leased Property for a lump-sum payment of not to exceed \$2,800,000 and sublease the Leased Property back from the Bank pursuant to that certain Lease Purchase Agreement dated as of the date of the Site Lease (the “Lease”) between the Bank, as sublessor, and the City, as sublessee; and

WHEREAS, by entering into the Site Lease and the Lease with respect to the Leased Property, the City can have the use, on a current basis, of the Leased Property while paying installments of rent not exceeding the fair rental value of the Leased Property; and

WHEREAS, the Council has been presented with or had made available to it forms of the Site Lease and the Lease; and

WHEREAS, the Council is desirous of authorizing and approving the execution of the agreements and instruments described above and the transactions evidenced thereby; therefore

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

Section 1. Ratification of Actions. All action heretofore taken, not inconsistent with the provisions of this ordinance (the “Ordinance”), by the Council or the officers of the City, directed toward the implementation of the Refunding Project, including without limitation the preparation of the forms of the Lease and the Site Lease and related documents, are hereby ratified, approved and confirmed.

Section 2. Findings; Authorizations. The Council hereby finds and determines, pursuant to the City’s home rule powers and all applicable laws of the State of Colorado, that the Refunding Project is necessary, convenient, and in furtherance of the governmental purposes of the City and in the best interests of the City and its inhabitants; and the Council hereby authorizes the Refunding Project. The City hereby elects to apply all of the provisions of the Supplemental Public Securities Act, Part 2 of Article 57, Title 11, C.R.S. (the “Supplemental Securities Act”), to the extent applicable and not inconsistent herewith, to the Lease.

Section 3. Approval and Execution of Documents; Authorized Officers; Variations in Documents; Delegation. The Site Lease and the Lease, in substantially the forms delivered to the office of the City Clerk prior to the final adoption of this Ordinance, are in all respects approved, authorized and confirmed, and the Mayor of the City or his designee or designees are hereby authorized and requested to execute and deliver, and the City Clerk of the City are hereby authorized and directed to affix the seal of the City to, and attest, the Site Lease and the Lease in substantially the forms so delivered to the City Clerk, with such changes as are not inconsistent with the intent of this Ordinance and are approved by bond counsel or the City Attorney. The Council hereby authorizes and requested the Mayor and the Finance and Administrative Services Director (and any persons authorized by law to act on their behalf in their absence) to act as the “Authorized Officer” under the Lease. Prior to the execution of the Site Lease, the Lease or any other instrument contemplated by this Ordinance, the final forms thereof and the final Base Rentals (as defined in the Lease) due under the Lease shall be approved by a certificate signed by the

Finance and Administrative Services Director (a “Final Terms Certificate”). On behalf of the City, the City Administrator and Finance and Administrative Services Director are hereby authorized to select the financial institution to serve as the Bank based on the responses to the requests for proposals previously submitted in connection with the Refunding Project.

Section 4. Additional Documents. The City Clerk is hereby authorized and directed to attest all signatures and acts of any official of the City in connection with the matters authorized by this Ordinance. The Mayor, his designee(s) and the Authorized Officers are hereby authorized to execute and deliver for and on behalf of the City any and all related agreements, certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Ordinance. The appropriate officers of the City are also authorized to execute on behalf of the City agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this Ordinance.

Section 5. Lease Terms. The Lease shall provide for the payment of Base Rentals consisting of an interest component and a principal component, and the schedule of Base Rentals incorporated in the Lease shall be approved by Final Terms Certificate, subject to the following limitations:

- (a) the aggregate amount of the principal component of Base Rentals shall be determined by Final Terms Certificate and shall not exceed \$2,800,000;
- (b) the interest component of Base Rentals shall accrue at a net effective interest rate not to exceed 3.50%, or, in an event of taxability or an event of default, at a taxable rate not to exceed 4.45% a default rate not to exceed 8%;
- (c) the Lease, including all renewal terms thereof, shall terminate not later than December 31, 2030; the Site Lease, including all renewal terms thereof, shall terminate not later than December 31, 2040; and
- (d) the City shall have the option to purchase the Bank’s interest in the Leased Property and terminate the Site Lease in the manner provided in the Site Lease and the Lease.

Section 6. No General Obligation or Other Indebtedness. The obligation of the City to make rental payments under the Lease is subject to annual appropriation by the Council and constitutes an undertaking of the City to make current expenditures. No provision of this Ordinance, the Lease or the Site Lease shall be construed, individually or collectively with other provisions, as constituting or giving rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the City within the meaning of any home rule, constitutional or statutory debt limitation nor a mandatory charge or requirement against the City in any ensuing fiscal year beyond the current fiscal year. The City shall have no obligation to make any payment except in connection with the payment of the Base Rentals and certain other payments under the Lease, which payments shall be subject to termination and nonrenewal by the City in accordance with the provisions of the Lease.

Section 7. Expression of Need. The City hereby declares its current need for the use and possession of the Leased Property. It is hereby declared to be the present intention and expectation of the Council that the Lease will be renewed annually until the Site Lease is terminated and all of the Bank's interest in the Leased Property is acquired by the City pursuant to the Lease; but this declaration shall not be construed as contractually obligating or otherwise binding the City.

Section 8. Reasonable Rentals. The Council hereby determines and declares that the Base Rentals due under the Lease, so long as they are within the limits provided in this Ordinance, will represent the fair value of the use of the Leased Property, and that the Purchase Option Price (as defined in the Lease) will represent, as of any date upon which the City may exercise its option to purchase the Bank's interest in such Leased Property, the fair purchase price thereof. The Council further hereby determines and declares that the Base Rentals due under the Lease and authorized hereby will not exceed a reasonable amount so as to place the City under an economic or practical compulsion to renew the Lease or to exercise its option to purchase the Bank's interest in the Leased Property pursuant to the Lease. In making such determinations, the Council has given consideration to the cost of acquiring the Leased Property, the uses and purposes for which the Leased Property is employed by the City, the term of the Site Lease, the use of the Leased Property pursuant to the terms and provisions of the Site Lease and the Lease, the City's option to purchase the Bank's interest in the Leased Property, the City's right to cause the termination of the Lease by declining to appropriate funds, and the expected eventual vesting, release or reversion in or to the City of both title to and possession of the Leased Property, free and clear of the Site Lease. The Council hereby determines and declares that the leasing of the Leased Property pursuant to the Lease will result in facilities of comparable quality and meeting the same requirements and standards as would be necessary if the acquisition and installation of the Leased Property were performed by the City other than pursuant to the Lease. The Council hereby determines and declares that, after execution and delivery of the Lease, the maximum duration of the Lease, or the portion thereof allocable to any item of Leased Property separately identified in the Lease, will not exceed the weighted average useful life of such item or items of Leased Property.

Section 9. Exercise of Purchase Option. The Council hereby authorizes the exercise of the City's purchase option under the Lease. The Council hereby determines and declares that such action is in the best interests of the City and its inhabitants.

Section 10. Severability. If any section, paragraph, clause or provision of this Ordinance, the Lease or the Site Lease (other than provisions as to the payment of Base Rentals by the City during the term of the Lease, provisions for the quiet enjoyment of the Leased Property by the City during the term of the Lease, and provisions for the conveyance or release of the Bank's interest in the Leased Property to the City under the conditions provided in the Site Lease and the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 11. Repealer of Measures. All acts, orders, resolutions, ordinances or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof heretofore repealed.

Section 12. Public Inspection. Council deems it appropriate that this Ordinance be published by title and summary prepared by the City Clerk and that this Ordinance be available for inspection and acquisition in the office of the City Clerk.

Section 13. Effective Date. The provisions of this Ordinance shall become effective thirty days after the public hearing and final action.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED
PUBLISHED on first reading by _____ vote of the Ouray City Council this 3rd day of February,
2020.

CITY OF OURAY, COLORADO

Greg Nelson, Mayor

(SEAL)

ATTEST:

Melissa M. Drake, City Clerk

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED
PUBLISHED on second reading by _____ vote of the Ouray City Council this 18th day of
February, 2020.

CITY OF OURAY, COLORADO

Greg Nelson, Mayor

(SEAL)

ATTEST:

Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify Ordinance No. [____] (Series 2020), was introduced, read and passed by the Ouray City Council on first reading On February 3, 2020. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on _____, 2020, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake, City Clerk

EXHIBIT A
DESCRIPTION OF LEASED PROPERTY

Legal Description:

PARCEL 1:
THE WEST 50 FEET OF LOTS 21, 22, 23, AND 24 IN BLOCK 18,
CITY OF OURAY, COUNTY OF OURAY, STATE OF COLORADO.

PARCEL 2:
ALL OF THE EMERGENCY SERVICES CENTER CONDOMINIUMS ACCORDING TO THE
CONDOMINIUM MAP RECORDED APRIL 4, 1983 UNDER RECEPTION NO. 133542, AND
THE CONDOMINIUM MAP DECLARATION RECORDED APRIL 4, 1983 UNDER
RECEPTION NO. 133541, COUNTY OF OURAY, STATE OF COLORADO.

STATE OF COLORADO)
)
COUNTY OF OURAY) SS.
)
CITY OF OURAY)

I, Melissa M. Drake, the duly appointed City Clerk of the City of Ouray, Colorado (the “City”) do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council of the City of Ouray, Colorado (the “City Council” and the “City” respectively), on second reading at a regular meeting of the City Council held on February 3. A quorum of the City Council was in attendance at each meeting.

2. That the passage of the Ordinance on second reading was duly moved and seconded at a regular meeting of the Council on February 18, 2020, and the Ordinance was approved as follows:

<u>City Council member</u>	<u>Voting Yes</u>	<u>Voting No</u>	<u>Absent</u>	<u>Abstaining</u>
Greg Nelson, Mayor				
Glenn Boyd, Council member				
Ethan Funk, Council member				
K. John Wood, Council member				
Peggy Lindsey, Council member				

3. That the Ordinance has been authenticated by the Mayor and sealed with the corporate seal of the City, attested by me as the City Clerk, and duly recorded in the official records of the City.

4. That notice of the meeting of first reading on February 3, in the form attached hereto as Exhibit A, was duly given to the City Council members and was posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

5. That notice of the meeting of second reading and public hearing on February 18, in the form attached hereto as Exhibit B, was duly given to the City Council members and was

posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

6. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on _____, 2020, and thereafter published in the *Ouray County Plaindealer*, as required by law, and a copy of the affidavit of publication is attached hereto as Exhibit C.

7. Copies of the Ordinance have been made available to the public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this ___ day of February, 2020.

(SEAL)

Melissa M. Drake, City Clerk

Exhibit A

AGENDA
OURAY CITY COUNCIL
320 6th Avenue – Community Center – MASSARD ROOM
February 3, 2020
Work Session 4pm and Regular Meeting 6pm

- 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 Economic 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

Work Session 4pm

Marketing and Visitor Center Contract

Regular Meeting 6pm

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CEREMONIAL/INFORMATIONAL
 - a. Waste Management
 - b. Uncompahgre Watershed
5. APPROVAL OF MINUTES - January 6 and January 21 Regular Meetings
6. CITIZENS' COMMUNICATION
7. CITY COUNCIL REPORTS/INFORMATION

Glenn Boyd, Ethan Funk, Peggy Lindsey, John Wood, and Greg Nelson
8. DEPARTMENT REPORTS
 - a. City Administrator
 - b. Police Chief
 - c. Public Works Director
 - d. City Resources Director
9. CONSENT AGENDA
 - a. Special Events Permit – Paradox Sports, Got Stump Event, February 29th
 - b. Bed & Breakfast Permit Application – China Clipper B & B LLC dba China Clipper B&B
10. ACTION ITEMS
 - a. JVA Master Plan Update
 - b. Request to Remove Restrictive Covenant and Determine Water and Sewer Investment and Tap Fees Owed – 340 9th Ave.
 - c. Ordinance Regarding Refinancing COP – First Reading
11. DISCUSSION ITEMS
 - a. Flume Tax Renewal
 - b. Camp Bird Road Closures
 - c. Future Agenda Items
12. ADJOURNMENT

Posted Date _____ By _____

Exhibit B

Exhibit C

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



970.325.7211
Fax 970.325.7212
www.cityofouray.com

DISCUSSION ITEMS (February 3, 2020)

Flume Tax Renewal

Background – City Council has requested to have a discussion regarding the renewal of the City of Ouray Flume Tax. This tax was voted upon and approved in 1999 and expires December 31, 2020. The revenue was to be used to pay the debt service on outstanding flume bonds to be paid off in 2000, and to be used for flume and drainage repairs and improvements, and street surfacing. Please refer to the 1999 resolution that can be found in this packet.

Camp Bird Road Closures

Background – This item was requested to be on this agenda by Mayor Larson and Mayor Pro Tem Wood. The discussion is regarding the closures of County Road 361 and the impacts the City of Ouray could potentially sustain with regards to waterline maintenance and backcountry access with the ice climbing community.

Future Agenda Items – Council discussion about future agenda items.

NEW BUSINESS
Resolution 14, 1999

There were two options for Resolution 14, 1999, which stated the proposed ballot question regarding street surfacing and flume/drainage repair. These options had been prepared by Attorney John Kappa. Motion by Councilman Uhles, seconded by Councilman Larson, to approve Resolution 14, 1999, (Option 2, which includes the limit for 20 years, as well as preferred wording). Unanimously approved. (In full here).

RESOLUTION 14, 1999

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, AS FOLLOWS:

SECTION 1:

A Special Municipal Election is hereby called for November 2, 1999, to be conducted as part of the coordinated election at which the referred measure described in Section 2 shall be submitted to the voters.

SECTION 2:

The Ballot Title and Text of the Measure are fixed as follows:

SHALL THE CITY OF OURAY BE PERMITTED TO COLLECT, RETAIN AND EXPEND ANNUALLY, COMMENCING IN 2001, WITHOUT ANY INCREASE IN ITS CURRENT AGGREGATE AD VALOREM PROPERTY TAX MILL LEVY, ALL AD VALOREM PROPERTY TAX REVENUE GENERATED BY RETAINING UNTIL THE YEAR 2021, THAT MILL LEVY, WHICH IS CURRENTLY 2.477 MILLS AND IS USED TO PAY THE DEBT SERVICE ON OUTSTANDING FLUME BONDS DUE TO BE PAID OFF IN 2000, WITH SUCH ANNUAL AMOUNTS TO BE USED FOR FLUME AND DRAINAGE REPAIRS AND IMPROVEMENTS AND STREET SURFACING; AND SHALL SUCH REVENUE, AND INVESTMENT INCOME THEREON, CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE CITY WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE CITY?

SECTION 3:

Any protest to the Ballot Title must be filed in writing with the City Clerk within 10 days to the date of this Resolution. The City Council will resolve any protest following a hearing thereon with 10 days published notice thereof.

SECTION 4:

All prior acts of the City Clerk and City Council related to the election and matters contained hereinabove are hereby ratified and approved as of the date of such acts. The City shall utilize the requirements and procedures of the Uniform Election Code of 1992. The City Clerk is hereby authorized to enter into an agreement with the Ouray County Clerk for the conduct of the election.

ADOPTED THIS 7th day of September, 1999.

CITY OF OURAY, COLORADO

By James H. Miller
James H. Miller, Mayor

ATTEST:

Colleen Beyer
City Clerk