

AGENDA
OURAY CITY COUNCIL

Virtual Meeting
MONDAY, July 6, 2020

Work Session – 5pm 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 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

Join Zoom Meeting
<https://zoom.us/j/92339461363>

Meeting ID: 923 3946 1363

Password: 978177

Or by phone:

346-248-7799

408-638-0968

669-900-6833

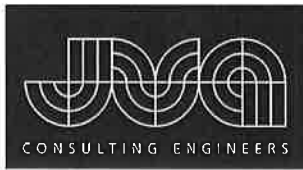
253-215-8782

Work Session – 5pm

Update on Wastewater Treatment Plant and Drinking Water Supply Page 2

Regular Meeting – 6pm

1. CALL TO ORDER
2. ROLL CALL
3. CEREMONIAL/INFORMATIONAL – Digital Messaging Update – Markus Van Meter Page 12
4. CITIZENS' COMMUNICATION
5. APPROVAL OF MINUTES – June 1, 11, 15, 25, 29, 30 #1, and 30 #2 Page 15
6. CITY COUNCIL REPORTS/INFORMATION - Glenn Boyd, Ethan Funk, Peggy Lindsey, John Wood, and Greg Nelson Page 41
7. DEPARTMENT REPORTS
 - a. Acting City Administrator – Director of Finance and Administration Page 47
 - b. Public Works Director Page 50
 - c. City Resources Director Page 102
 - d. Chief of Police Page 105
 - e. Community Development Coordinator - Brief Update on Accessory Dwelling Unit Code Changes
8. CONSENT AGENDA - None
9. ACTION ITEMS Page 106
 - a. Unbudgeted Expense for Title/Survey Search Regarding 300 & 302 Oak Street Page 108
 - b. IGA with WestCO Dispatch Page 110
 - c. Appoint Police Chief Jeff Wood as Board Member for WestCO Dispatch
 - d. Ordinance 9, Series 2020 – Removing the OCRA Seat on the CEDC – First Reading Page 137
 - e. Application for CEDC Membership – Thomas Fedel Page 139
 - f. Geothermal Line Project Page 140
10. DISCUSSION ITEMS - Future Agenda Items
11. EXECUTIVE SESSION - Executive session with City attorney 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), regarding Ouray District Court case 2020CV30002.
12. ADJOURNMENT



www.jvajva.com

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1319 Spruce Street
Boulder, CO 80302
303.444.1951

☐ Fort Collins

213 Linden Street
Suite 200
Fort Collins, CO 80524
970.225.9099

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PO Box 1860
47 Cooper Creek Way
Suite 328
Winter Park, CO 80482
970.722.7677

☒ Glenwood Springs

817 Colorado Avenue
Suite 301
Glenwood Springs, CO
81601
970.404.3100

☐ Denver

1512 Larimer Street
Suite 710
Denver, CO 80202
303.444.1951

M E M O R A N D U M

TO:	<u>Joe Coleman</u>	DATE:	<u>June 30, 2020</u>
FIRM:	<u>City of Ouray</u>	JOB NO.	<u>1008e</u>
ADDRESS:	<u>320 6th Ave</u>	PROJECT:	<u>City of Ouray WWTF Upgrades</u>
	<u>Ouray, CO 81427</u>	SUBJECT:	<u>Background and Path Forward</u>

The purpose of this memorandum is to provide the City of Ouray (City) with an update on the activities completed recently for the Wastewater Treatment Facility (WWTF) project and a look at the recommended path forward for the City.

PNA RFI AND PEL EVALUATION REVIEW MEETING WITH CDPHE

City Staff and JVA, Inc. (JVA) attended a conference call on June 15, 2020 with Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (Division) staff. The conference call, which included staff from Permits and Compliance, the Grants and Loans Unit, and the Engineering Section, was to address comments in both the Project Needs Assessment (PNA) Request for Information (RFI) letter and the Preliminary Effluent Limitations (PEL) Evaluation letter.

The Division addressed the comments from the PNA RFI letter regarding its request to expand the PNA alternatives analysis to include a lagoon enhancement alternative, as well as including a discussion for performing an antidegradation alternative analysis for alternative antidegradation discharge limits. The Division acknowledged that this request was made only due to a request by the City to continue evaluating lagoons; however, the Division does not require a lagoon enhancement alternative to be evaluated and has agreed to drop this request from the PNA RFI letter.

Additional discussion with the Division regarding the Debt Repayment for Loans section of the PNA RFI letter occurred during the conference call. The Division incorrectly used a loan value of \$16,629,000 for the WWTF project cost. CDPHE issued an updated response letter on June 12, 2020 with the following updated financial information:

- Loan amount of \$10.2 million at an estimated interest rate of 2.5%.
- Estimated increased fee now at \$14 per EQR per month.
- If the City takes out a 30-year loan, fee increase decreases to \$5.16 per EQR per month.

NEW WATER QUALITY PLANNING TARGETS

In the call, CDPHE presented a possible permitting path that is new this year. JVA has attended a webinar on this new permitting path and is participating in several stakeholder groups regarding this change. The new permitting path allows a municipality to apply directly for a discharge permit instead of first applying for Preliminary Effluent Limits (PELs). This allows for more flexibility in the discharge limits for site approval. Figure 1 below shows the various ways a municipality can apply for Water Quality Planning Targets and the recommended path forward for Ouray is highlighted in yellow.

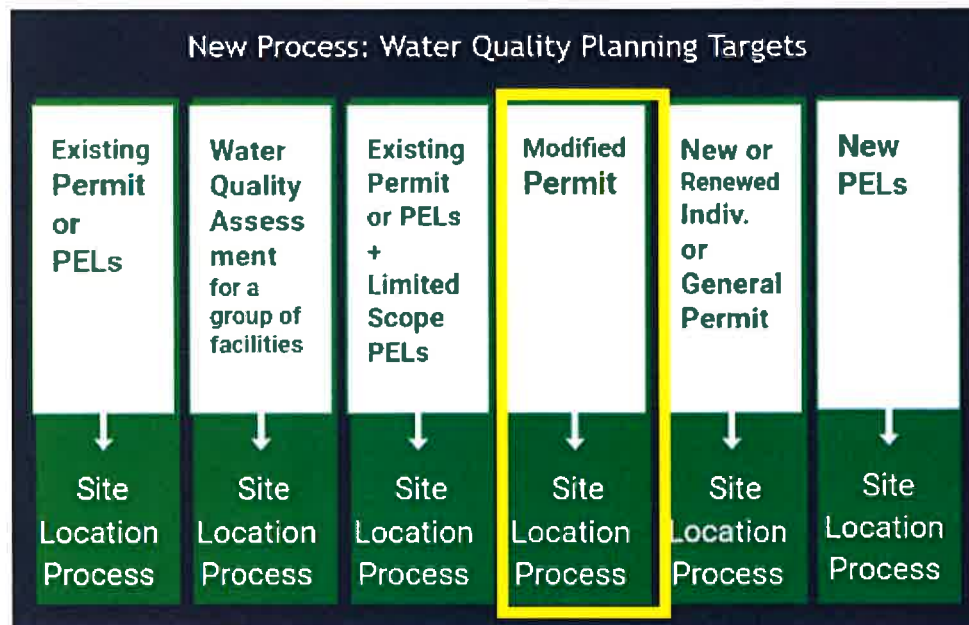


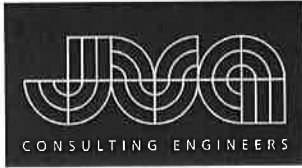
Figure 1. Water Quality Planning Targets

The City would apply for a new wastewater discharge permit. The application has a checkbox that informs CDPHE that this new permit is requested to be used as the Water Quality Planning Targets. After the permit is issued, the City would apply for a Water Quality Planning Target using the Domestic Water Quality Planning Target/PEL application form. Note that the permit would be post-dated to not take effect until after the new treatment facility is constructed.

The Division encourages applicants under 1 million gallons per day (MGD) to consider coverage under one of the surface water domestic general permits because general permits pose several advantages for planning and timing. With the City's dilution factor and smaller size (under 1 MGD), they qualify for a 589 General Discharge permit. The advantages of the general permit are summarized below:

- General permit certifications can be issued far more quickly than individual permits, which may allow the City to skip the PEL stage and use the new permit as the Water Quality Planning Target.
- Certifications under existing general permits may offer dischargers engaged in long-term planning more certainty than individual permits.
- In many cases, general permit certifications can be modified after the general permit has been administratively extended (as long as the general permit itself does not need to be modified). Individual permits cannot be modified after the permit has been administratively extended.
- General permit PELs can be completed more quickly than individual permit PELs.
- General permit PEL and permit fees are lower.

This general permit would cover Water Quality Based Effluent Limits (WQBELs) and Antidegradation-Based Average Concentrations (ADBACs) for all general parameters, and then site-specific parameters would be added as needed. For Ouray, this would include copper. This process would allow the City to potentially use acute whole effluent toxicity (WET) testing to meet copper limits, which would greatly increase the limit for copper, potentially to a level that no longer would require an additional treatment process. JVA recommends that the City pursue this general permit application and can assist with this process. This would replace the current PELs.



HISTORY AND ELIMINATION OF THE LAGOON ALTERNATIVE

In order to clarify for the new City Council why a lagoon option was not pursued previously, City staff requested that JVA reiterate why the lagoon alternative was removed from consideration early on in the design process.

The lagoon alternative was removed from consideration in the City Council Work Session on July 1, 2019. During this Work Session, the improvements required to make the lagoons meet state requirements was explained in detail. The Wastewater Master Plan included a section discussing the existing facilities. A Conditions and Performance Assessment of the lagoons revealed that the design of the existing system does not meet the CDPHE design criteria for the following parameters:

- Volumetric loading
- Lagoon liner thickness
- Seepage

The table below summarizes the comparison of the Ouray WWTF lagoons to CDPHE Design Criteria. The table shows why simply retrofitting the two existing lagoons would be extremely difficult.

Table 1. CDPHE Design Criteria Comparison for Lagoons

Criteria	CDPHE Design Criteria	Ouray WWTP
<i>Aerated Lagoons</i>		
Volumetric Loading Rate	10 - 25 lbs. of BOD ₅ per day per 1000 cubic feet	521 lbs. of BOD ₅ per 1000 cubic feet
Number of Ponds	3	3
HDPE Liner	HDPE 60 mils	40 mils
Seepage, Maximum	10-6 cm/sec	Unknown
Pond Depth, Minimum	6-ft	14-ft
Pond Length to Width Ratio	No less than 1:1, no greater than 5:1	3:1
Pond Side Slope	3 horizontal to 1 vertical	3:1
Freeboard, Minimum	2-ft	2-ft
Aeration Requirements	1.3 lbs. O ₂ /lb. of BOD ₅ (21.7 lbs. O ₂ /hr at 400 lbs. BOD ₅ /day)	24-54 lbs. O ₂ /hr- Cell 1 12-27 lbs. O ₂ /hr- Cell 2
Dissolved Oxygen (DO), Minimum	2.0 mg/L at max. month flow and loading	>2.0 mg/L
Yard Piping	Provide bypass of each pond and must convey design flow rates	Bypass provided; capacity unknown
Level Control Structures	Must maintain consistent and adjustable water surface elevations in each pond	Each pond has a multilevel draw off system to maintain water surface elevation

LOADING

A lagoon system that could treat the planned capacity of 0.465 MGD would require two lagoons, sized at approximately 4 million gallons (MG) each. Sizing was completed using the CDPHE guidance document "*Ammonia Treatment Technologies for Wastewater Lagoons*", using the sizing for partially mixed aerated lagoons. However, the state requires a minimum of three cells. Figure 2 was included in the Work Session presentation with a third lagoon shown as a high-level conceptualization of spacing requirements. For reference, the two current lagoons are sized at 2.09 MG and 1.81 MG respectively, with Basin 2 split into two cells to meet the CDPHE requirement.

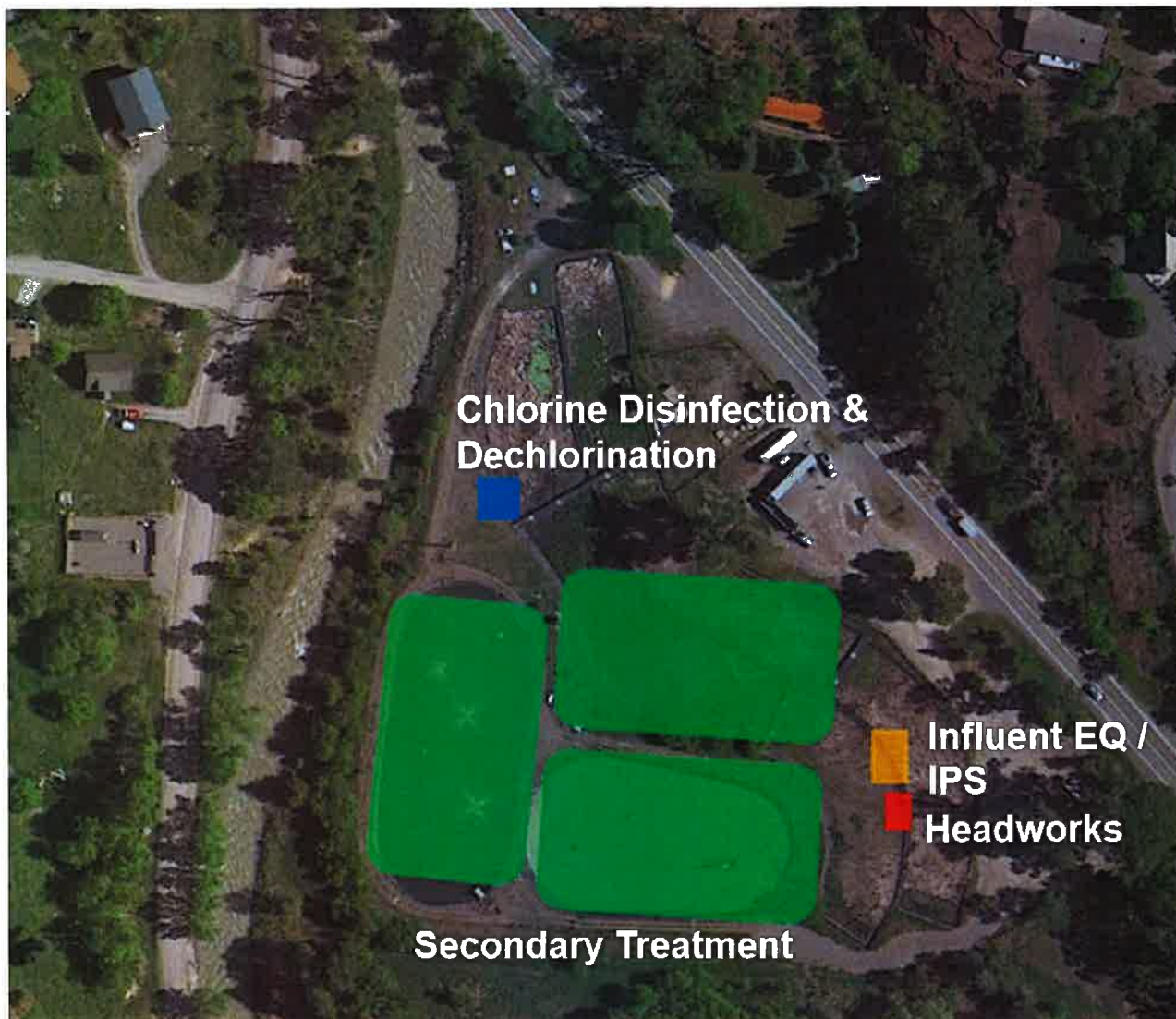


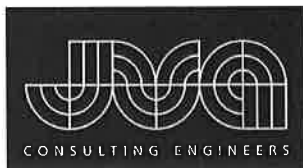
Figure 2. Enhanced Lagoon System

LAGOON LINER THICKNESS

CDPHE requires a liner thickness of 60 mils of HDPE; the existing liner is only 40 mils. Additionally, the liner was installed in 1993. The typical life expectancy of membrane liners is approximately 15 years. The aerated lagoon liners are 25 years old and are at or near the end of their useful life.

SEEPAGE

In August of 2015, JVA performed a seepage study to test the integrity of the lagoon liners using a water balance method as required by the City's 2014 discharge permit. Measurements in lagoon depth, cumulative evaporation, total precipitation, influent flow, and effluent flow were used to determine seepage rates from the lagoons. The results of the seepage study were inconclusive, due to a faulty influent and effluent flow metering device. As a result, the influent and effluent flow measuring devices were both replaced in 2016. The City



continues to monitor influent and effluent flow, as well as the perimeter subsurface drain around the lagoons, for any seepage. However, a complete seepage study would be required if the lagoons are modified.

COMPLIANCE ISSUES

As presented in the City Council meeting on August 20, 2018, the WWTF does not consistently meet permit limits and has had 32 violations from 2012 to 2018; 10 of which were significant noncompliance violations. The recent memo detailing the errors in the Discharge Monitoring Reports (DMRs) uncovered a few more violations as well. A summary of the significant compliance violations is shown in Table 2. The primary noncompliance issues were related to effluent violations for E. coli, CBOD₅, TSS, and failure to submit complete reports. The WWTP experienced several months of significant noncompliance beginning in the summer of 2014 for effluent violations of E. coli which continued through the winter of 2017. The most significant violations occurred from May 2015 to September 2016 when the disinfection system appeared to be offline.

Effluent CBOD₅ concentrations have remained steady over the last several years. The monthly average concentration has only exceeded the permit limit once in the last five years but has been equal to the permit limit twice in the past five years. Fluctuations in effluent concentrations are generally minor throughout the year, however there are peaks during the summer tourism season.

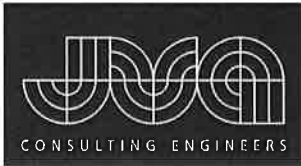
While average effluent TSS concentrations generally are below the permit limit, three of the last five years have seen at least one month of the year where the TSS concentration was above the permit limit. On a few occasions, the effluent TSS concentration has exceeded the influent concentration, indicating an increase in TSS through the treatment process (potentially due to algae or poor settling). Effluent values are fairly consistent throughout the year, with peaks occurring in the spring.

The facility had challenges meeting the discharge limits for E. coli in the latter half of 2015 and the first half of 2016. The remainder of the years, E. coli limits were met, except for another violation in July of 2018. Staff noted that the chlorination system was not operating properly during the period of significant violation in 2015 and 2016.

Effluent flow was exceeded twice in 2014, prompting two notices of noncompliance. Influent and effluent flow meters were replaced in 2016.

Table 2. Summary of Significant Permit Violations

Date	Reported Violation
1/9/2014	Failure to submit DMR
7/9/2014	Effluent Violations for E.Coli, TSS, CBOD ₅ and Effluent Flow
10/22/2015	Effluent Violation - E.Coli, CBOD, TSS
11/27/2015	Effluent Violation - E.Coli, CBOD, TSS
8/26/2016	Effluent Violation - E. coli, CBOD
9/30/2016	Effluent Violation - E.Coli, CBOD, TSS
10/28/2016	Effluent Violation - E. coli
8/18/2017	Failure to Submit Compliance Report – Cadmium, Copper, Iron
11/22/2017	Effluent Violation – E. coli, Cadmium
8/31/2019	Effluent Violation - TSS



ADDITIONAL CONSIDERATIONS

In addition to the limitations presented above, it is JVA's experience that lagoons do not perform well for ammonia removal at low winter temperatures. This is explained in detail in the CDPHE guidance document, "Ammonia Treatment Technologies for Wastewater Lagoons." With more stringent nutrient regulations on the horizon with the upcoming implementation of Regulation 31, it is expected that low ammonia limits will be expected.

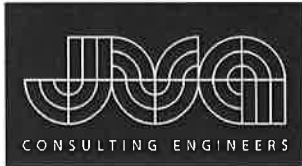
In the Wastewater Treatment Master Plan, an evaluation of each major process area was completed, and deficiencies and concerns were noted. The majority of the existing infrastructure has reached the end of its useful life and requires complete replacement. Additionally, the existing facility would require significant modifications as part of an expansion to meet current CDPHE design criteria. Based on the analysis in the Master Plan, isolated improvements of unit processes are not recommended for the existing facility. To most effectively and efficiently expand the wastewater treatment capacity for the City, a new mechanical wastewater treatment facility was proposed.

Moreover, the improvements required to retrofit the existing system into an enhanced lagoon system are not more cost effective than a new mechanical plant. As presented in the City Council Work Session on July 1, 2019, Alternative 3A (which is the recommended path forward) had an estimated cost of \$10,122,000. This included a new headworks, influent equalization, moving bed biofilm reactor (MBBR) secondary treatment, and disinfection. Alternative 5 had an estimated cost of \$11,761,000. This included a new headworks, influent equalization, enhanced lagoon secondary treatment, and disinfection. In addition to the financial consideration, a new mechanical plant will offer numerous other benefits to City Staff, such as the ability to work indoors during the winter, or additional space onsite for future public works or solids handling facilities.

SRF PROCESS

A flow chart identifying the State Revolving Fund (SRF) Loan Application Steps has been attached to this memorandum. The Division is currently in the process of issuing the City's PNA approval letter, which will include the level of the environmental review process required. If the project does not receive a categorical exclusion, indicating that it's allowed to continue without further environmental review, the City will have to develop an Environmental Assessment (EA) or an Environmental Impact Statement. JVA anticipates that the City will have to develop an EA.

Upon receiving the PNA approval letter, the City will also need to hold a public meeting to comply with Federal public participation requirements. The public meeting will need to be advertised in the local newspaper at least 30 days prior to the scheduled meeting date, and should include a discussion of project alternatives, the preferred alternative, any projected rate increases, and construction related and/or environmental impacts. JVA can assist in developing this presentation. Following the public meeting, the City will need to finalize the Site Application and Process Design Report for the selected alternative. As a reference, JVA has prepared a tentative schedule for project funding, as well as design, permitting, bidding, and construction milestones.

**MEMO**

Joe Coleman, City of Ouray
City of Ouray WWTF Upgrades
Job No.: 1008e
June 30, 2020
Page 7 of 7

Table 3. Tentative Schedule for City of Ouray WWTF Improvements Project

Milestone	Completion Date	To be Completed By
Receive PNA Approval Letter and Environmental Determination	July 31, 2020	CDPHE
Apply for General Permit and Water Quality Planning Targets	July 31, 2020	City/JVA
Hold Public Meeting	August 31, 2020	City/JVA
Prepare and Submit Site Application to CDPHE	September 30, 2020	City/JVA
Prepare and Submit Process Design Report, Plans and Specifications to CDPHE	October 31, 2020	City/JVA
Obtain CDPHE Site Application and Process Design Report Approval	April 31, 2021	CDPHE
SRF Loan Application ¹	June 15, 2021	City
SRF Loan Execution Plans and Specifications Approval	September 15, 2021	CDPHE
Project Bidding and Contractor Negotiations	September 30, 2021	City/JVA/Contractor
Contractor Mobilization and Construction Startup	October 15, 2021	Contractor
Notes: ¹ SRF Loan Application Deadlines are due on the 15 th of the following months, January, February, April, June, August, October, and November		

If you have any questions or concerns, please do not hesitate to contact me directly at (970) 404-3003. We appreciate the opportunity to work with the City of Ouray on this important project.

Signed:

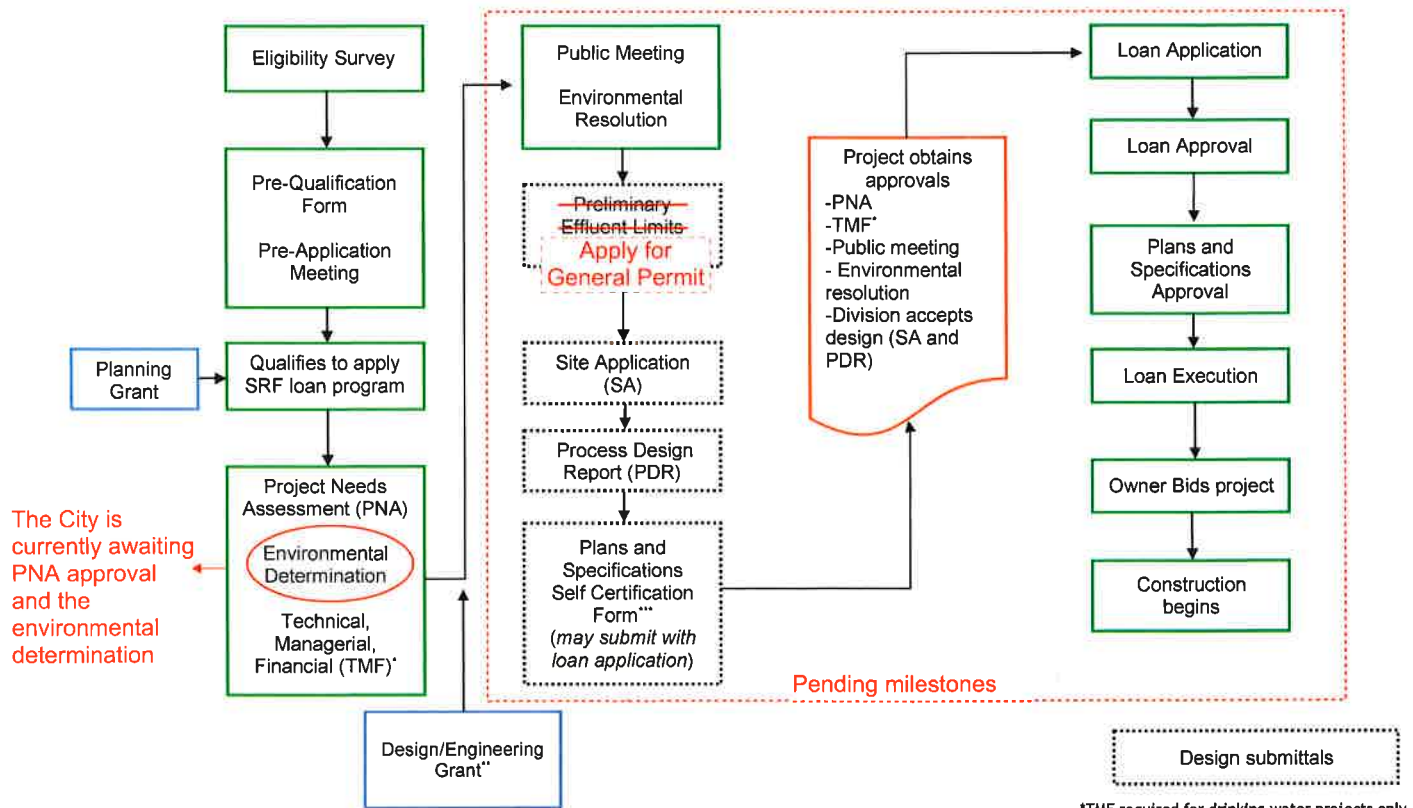
Cooper Best, PE
JVA – Regional Manager

Copies to: Melissa Drake, City of Ouray

Melissa Rhodes, PE, JVA

Janet Hausmann, PE, JVA

SRF Loan Application Steps



*TMF required for drinking water projects only.

**Issued after review of PNA and amount TBD based on project scope. Private nonprofit entities are not eligible for Design/Engineering Grants.
***Borrowers deemed eligible to self certify or streamline design at the PNA stage must submit the appropriate form or letter with the Plans and Specifications to the Project Manager.

JVA Comments - Red Font

Loan application deadlines: Jan. 15, Feb. 15, April 15, June 15, Aug. 15, Oct. 15, and Nov. 15.

For pre-application materials and to contact your regional project manager visit: www.colorado.gov/cdphe/wq-grants-and-loans

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



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Fax 970.325.7212
www.cityofouray.com

ACTION ITEMS (July 6, 2020):

Unbudgeted Expense for Title/Survey Search Regarding 300 & 302 Oak Street

Action Requested – *Will City Council approve an unbudgeted expense for a title/survey search regarding 300 & 302 Oak Street?*

Background – There was a discussion at a past Council meeting about rerouting the geothermal line around a heat exchange vault that services private residences. A title/survey search was suggested and staff has determined costs for this. Since this search cost is unbudgeted, it must be approved by Council to move forward.

Recommendation – Council decision

Intergovernmental Agreement (IGA) with WestCO Dispatch

Action Requested – *Will City Council approve the IGA with WestCO Dispatch?*

Background – This is a standard agreement for dispatch services for City of Ouray Police Department and Ouray Volunteer Fire Department.

Recommendation – Staff recommends approval

Appointment of Police Chief Jeff Wood as a Board Member for WestCO Dispatch

Action Requested – *Will City Council appoint Police Chief Jeff Wood as a Board Member for WestCO Dispatch?*

Background – City Council previously appointed the former Police Chief to serve on this board. Police Chief Jeff Wood has been serving in this capacity unofficially since Justin Perry resigned.

Recommendation – Staff recommends approval

Ordinance 8, Series 2020 – Removing the OCRA Seat on the CEDC – First Reading

Action Requested – *Will City Council approve Ordinance 8 removing the OCRA seat on the CEDC?*

Background – Currently, one seat on the CEDC is assigned to be filled by OCRA. Since the City of Ouray has formally terminated its relationship with OCRA/OTO, it was suggested that this change be made. The seat was previously filled by the OCRA/OTO Executive Director and has been vacant since she resigned.

Recommendation – Council decision

Application for CEDC Membership – Thomas Fedel

Action Requested – *Will City Council appoint Thomas Fedel to the CEDC?*

Background – The CEDC has received an application for a new member, Mr. Thomas Fedel. His application has been reviewed by and recommended for approval by each member of the CEDC. Mr. Fedel is both a resident and business manager in the City of Ouray, and he meets the qualifications to serve on the committee.

Recommendation – Council decision

Box Cañon Geothermal Line Project

Action Requested – *Will City Council reconsider the Box Cañon Geothermal Line Project?*

Background – City Council approved the engineering of Phase III of the Box Canyon Geothermal Line Project by a 4-1 vote. The discussion among City Council was to get the engineering portion of the project complete and to hold off on construction until Council was comfortable with funding the construction phase. There was also discussion about rerouting the line and work that may or may not need to be done on a heat exchange vault that services a private residence. Currently, no decisions have been made on these options.

Options for City Council

1. Continue with engineering phase and continue to wait on construction phase.
2. Continue with engineering phase and approve construction phase.
3. Put both phases of the project on hold until next year when the City has a better understanding of the budget and what the effects the pandemic had on our revenue.

Recommendation – Council decision

60 Day Stats

Ouray Tourism Digital Messaging and Marketing

Markus Van Meter - June 30, 2020



Assets-Stats

Please note: There will be a 10 minute presentation via Powerpoint during the meeting with question and answer period afterwards to expand on these numbers and overall direction with recommendations.

Web Site (May 1-June 30, 2020)

ouraycolorado.com

Unique Visitors: 3,460

Number of Visitors: 61,965 (35.71visits/visitor)

Pages: 383,127 (12.61Pages/Visit)

Bandwidth: 29.75 GB

New Blog (June 4-June 30, 2020 26 days)

blog.ouraycolorado.com

Unique Visitors: 332

Number of Visitors: 1,827 (5.5 visits/visitor)

Pages: 5,259 (2.87 Pages/Visit)

Bandwidth: 1.36 GB

Assets-Stats

Facebook (May 8-June 30)

Page Views: 6,600 (up 458%)

Page Likes: 1,740 (up 1030%)

Post Reach: 286,219 (up 558%)

Post Engagement: 77,759 (up 569%)

Videos: 45,766 views (Up 414%)

Page Follows: 1,855 up (1,834%)

Total Growth of Audience: 3,595

Total Audience: 21,270

Instagram (May 8-June 30, 2020)

Impressions: 448,624 (up 378%)

Engagements: 33,309 (Up 1008%)

Profile Actions: 314 (Up 648%)

New Followers: 1,706 (up 201.41%)

Total Followers: 19,572

Average hours per month of time on task: 112 total hours or 6.69 hours a day

**OURAY CITY COUNCIL VIRTUAL MEETING
SUMMARIZED MINUTES
MONDAY, June 1, 2020, 6 PM**

Join Zoom Meeting
<https://zoom.us/j/92339461363>
Meeting ID: 923 3946 1363
Password: 978177

Or by phone:
346-248-7799 408-638-0968
669-900-6833 253-215-8782

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- 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

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 6:04 pm.

2. ROLL CALL

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

Also present were Acting City Administrator Melissa Drake, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Chief Jeff Wood, Administrative Accounting Clerk Julie Lancaster and City Attorney Carol Viner.

3. PUBLIC HEARINGS

a. Ordinance 5 – Fiber Optic on Poles

No public comments

b. Tavern Liquor License Application – Imogene FB LLC dba The Imogene, 740 Main St, Ouray, CO

Stuart Gillespie said restoration is moving forward to open in July. No other public comments.

4. CEREMONIAL/INFORMATIONAL – OIPI End of Season Report

Lora Slawitschka asked council if there are any questions. Mayor Nelson asked Ms. Slawitschka to double check certain items had been taken down for the summer.

5. CITIZENS' COMMUNICATION

Ryan Hein said he was very disappointed with the council in the last Plaindealer article and said Greg Nelson should resign immediately for his lack of transparency in dealings with Mayor Pro Tem Wood and Councilor Lindsey.

6. CITY COUNCIL REPORTS/INFORMATION

- a. **Glenn Boyd** – Communities That Care meeting last week, they put a mural on the side of the building by the lunch area at Ouray School by kids in the Voyager Youth Program. Coffee with Unified Command every Wednesdays at 9 am for public questions and comments, login info on Facebook. On Friday at 9 am there will be a lodging business sector meeting about new orders coming up. BOCC Board of Health meeting: meeting to discuss potential new orders after orders that came today. Discussions about 24 hour rest period for hotels as a requirement.
- b. **Ethan Funk** – Mt. Sneffels Energy Board meeting will be held soon. Board will help sponsor an energy rebate program for LED lightbulbs for the next year. Councilor Boyd gave Councilor Funk feedback from past years to make the program as easy to understand as possible for the general public.
- c. **Peggy Lindsey** – beautification committee has been working around the pool. Flowers arrive on the 8th or 9th of June, and planting and hanging happen on the 9th or 10th.
- d. **John Wood** –Upcoming meeting of CEDC. Dawn Glanc has been hired by OCRA to take over Google project, need to ensure everyone is included, regardless of memberships to OCRA or OMA. IPAT meeting on June 24th: OIPI to host American Mountain Guide Association discussion with local guide services in upcoming season. Ms. Viner brought up the city creating a list of business licenses to help the city have a valid list of businesses in town without making the license program into a revenue generator (small fee per license, \$10 maybe). Mayor Pro Tem Wood suggested a survey to business owners about their interest and understanding of a business license program.
- e. **Greg Nelson** – Involved in City and County Coronavirus meetings.

7. DEPARTMENT REPORTS

a. Acting City Administrator - Finance and Administration Director

Tentative plan to have pool open on June 16 based on Governor's orders. Hope to have Box Canon Falls open on Monday, June 8.

2019 closed out in a good place except Refuse/Recycling Fund, since Waste Management increased costs more than predicted, and 2020 will be the same, meaning the city will have to catch up in 2021. Pool Renovation fund was closed and balance transferred to Parks fund. April looks good so far, but the hardest hits have not been realized yet. Mayor Pro Tem Wood asked about the Firefighter Pension fund balance, since it was showing as negative. Ms. Drake said this was due to the recent drop in the market.

b. Public Works Director

Nothing to add to report, would like to publicly thank Public Works crew for their hard work during this pandemic.

c. City Resources Director

Working to get Box Cañon Falls and Hot Springs Pool open. Interviews were conducted for cashiers at Box Canon. Red Cross issued guidelines that are similar to the plan the city adopted previously. Cabling

is being run from the lobby to the proposed outdoor admissions area. Council discussed pool capacity and possible limitations that could be in place and how to remain profitable.

d. Chief of Police

Hired a new part time police officer, Justin Westbrook. Police department returned to full normal operations including VIN inspections and full traffic enforcement. Bears are active in town now. Councilor Lindsey asked if choke holds were legal in the city, and Chief Wood said they are not.

e. Community Development Coordinator

Ms. Drake reminded council that this was not normally the week for the Community Development Coordinator's update, but this update is specific to the emergency ordinance about restaurants expanding their outdoor eating areas.

Ms. Tibbs updated council on the Restaurant expansion into sidewalks and right of ways. 2 restaurants are definitely pursuing the permits, a third is interested.

8. CONSENT AGENDA - None

9. ACTION ITEMS

a. Ordinance 5 – Fiber Optic on Poles – Second Reading

Councilor Funk made a motion to approve second reading of the ordinance. Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

b. Tavern Liquor License Application – Imogene FB LLC dba The Imogene, 740 Main St, Ouray, CO

Mayor Pro Tem Wood made a motion to approve the application. Councilor Boyd seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

c. Box Cañon Sign Operations and Maintenance Agreement

This is an agreement between the National Forest and the City for sign maintenance on National Forest property. Councilor Boyd made a motion to approve, Councilor Funk seconded. Mayor Pro Tem Wood asked what the contract term was; Ms. Viner said it was annual.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

d. Agreement with Agency Tourism Marketing for Web Hosting

Councilor Boyd ask for clarification. Agency Tourism Marketing is the host for the ouraycolorado.com website. City Staff would like to stick with the current vendor for the moment at the current service level (\$212 per month). Newsletters through Agency Tourism cost on a per email basis, around \$375 per newsletter currently, which Mr. Van Meter will not be using going forward. If Agency Tourism does any website work for the city, they bill the city at \$150/hr. Mr. Van Meter would be doing most if not all work to the website within his contract with the city, so Agency Tourism Marketing's services wouldn't be needed. It was mentioned that there is a large unpaid balance with Agency Tourism Marketing that OCRA is responsible for, and that the city has been made aware of other overdue bills that OCRA is responsible for.

Councilor Lindsey made a motion to approve, Mayor Pro Tem Wood seconded the motion. Councilor Boyd asked Councilor Lindsey to amend the motion to state that the city would not be using Agency Tourism Marketing's services at \$150/hr. Councilor Lindsey did not want to eliminate that option if it was needed, but agreed to amend the motion to not use Agency Tourism Marketing for email newsletters and to limit the city to no more than 5 hours per month of services from the company. Mayor Pro Tem Wood accepted the change.

Dawn Glanc said it was unfair of Mayor Nelson to attack OCRA on their unpaid bills when it wasn't the topic of conversation.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

e. Appoint/Deputize the Acting City Administrator as the Workplace Coordinator Charged with Addressing COVID-19 Issues to Comply with CDPHE Fourth Amended Public Health Order 20-28 Safer at Home II. I. 1. a.

Ms. Viner and Ms. Drake felt that Ms. Drake would be a suitable choice for this role. A modified safer at home order will be issued on Thursday, and this role will be in charge of making sure vulnerable

employees are safe. Other municipalities are appointing either the administrator or HR director to this role. Mayor Pro Tem Wood made a motion to appoint the city administrator position as Workplace Coordinator from CDPHE Safer at Home II order. Councilor Lindsey seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

10. DISCUSSION - Future Agenda Items

Send future discussion items to Melissa no later than 8 am next Monday.

Ms. Viner will prepare a resolution for waiving fees, alcohol in the park and 12 days to look at encroachment permits.

Executive session at 9 am on June 11th to review city administrator resumes.

11. EXECUTIVE SESSION - For a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S.24-6-402(4)(b) regarding open meetings and public record requests

Councilor Lindsey made a motion to move into executive session at 7:41 pm for the purpose of receiving legal advice or specific legal questions regarding open meetings and public record requests. Councilor Funk seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

The executive session concluded at 8:34 pm.

12. ADJOURNMENT

Councilor Funk made a motion to adjourn at 8:35 pm, Mayor Pro Tem Wood seconded. The motion passed unanimously.

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 June 1, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1st day of July, 2020.

Melissa M. Drake, City Clerk

OURAY CITY COUNCIL SPECIAL VIRTUAL MEETING

THURSDAY JUNE 11, 2020, 9 A.M.

Join Zoom Meeting

<https://zoom.us/j/96421840126>

Meeting ID: 964 2184 0126

Password: 499350

Or by Phone:

+1 408 638 0968

+1 669 900 6833

- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken in open session 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

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 9:08 am

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 was Acting City Administrator Melissa Drake.

3. EXECUTIVE SESSION

Executive session, pursuant to C.R.S. 24-6-402(4)(f), to discuss personnel matters, specifically candidates for the position of City Administrator

Mayor Pro Tem Wood made a motion to go into executive session at 9:10 am. Councilor Funk seconded.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

The executive session concluded at 11:36 am

4. ADJOURNMENT

At 11:37 am, Councilor Funk made a motion to adjourn, Mayor Pro Tem Wood seconded the motion. The motion passed unanimously.

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 June 11, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2nd day of July, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL VIRTUAL MEETING
SUMMARIZED MINUTES
MONDAY, June 15, 2020, 1 PM**

Join Zoom Meeting <https://zoom.us/j/92838992167>
Meeting ID: 928 3899 2167 Password: 318811

Or by phone:

+1 346 248 7799	+1 408 638 0968
+1 669 900 6833	+1 253 215 8782

- 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

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 1:02 pm.

2. ROLL CALL

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

Also present were Acting City Administrator Melissa Drake, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Sergeant Gary Ray, Administrative Accounting Clerk Julie Lancaster and City Attorney Carol Viner.

3. PUBLIC HEARING – A Replat of Parcel 3 of the Hot Springs Subdivision to the City’s Subdivision Regulations section 7-7-C-5 to divide parcel into two lots for residential development. Located on the east side of Oak Street across from the Swiss Village Mobile Home Park. Request made by Mr. John Nixon on behalf of the owner Mr. RW Eberhardt

Ms. Tibbs presented the details of the proposed lot split. Mr. Nixon had no comments. Mayor Nelson opened the floor for public comments. Since there were none, Mayor Nelson closed the floor.

4. CEREMONIAL/INFORMATIONAL – none

5. CITIZENS’ COMMUNICATION – none

6. APPROVAL OF MINUTES – May 4, 7, 18, and 21

May 7 – Section 4 – remove question mark for Councilor Funk seconded.

May 18 – Section 10 (b) contact not contract; (d) – Capitalize “Rick”

May 18 – Section 7 (b) Councilor Funk asked Community Development Coordinator to check on that some Oak street addresses are in R-2 and not R-1.

May 18 – Section 9 (d), Councilor Funk questioned staffing visitor center with volunteers; (i), Councilor Funk wants it noted that he recommended keeping the pool manager and eliminating positions underneath that position

Councilor Boyd made a motion to approve the minutes with mentioned changes. Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Greg Nelson	X			
John Wood	X			
Glenn Boyd	X			
Ethan Funk	X			
Peggy Lindsey	X			

Passed on unanimous roll call vote.

7. CITY COUNCIL REPORTS/INFORMATION

- a. **Glenn Boyd** – COVID informational meeting on Wednesday every other week.
- b. **Ethan Funk** – OIPI meeting at 6 pm Wednesday.
- c. **Peggy Lindsey** – Due to the cold front the flower delivery was delayed, hanging baskets and planting flowers moved to this week.
- d. **John Wood** – CEDC meeting last week, focused on staying coordinated with census and FEMA. There is a grant available from the state to help fund modifications for outdoor seating. Online google training scheduled on the 17th and 18th.
- e. **Greg Nelson** – Number of COVID related meetings, OIPI planning meeting for water line coming up.

8. DEPARTMENT REPORTS

a. Acting City Administrator - Finance and Administration Director

Ms. Drake highlighted that the pool will not be open tomorrow, new target date is next Monday or Tuesday. Plan to have 3 two hour sessions a day. Box Canon is open, 250 people a day on average. OTO webpage with statistics showing uptick in searches since he took over. Pool variance request is being reviewed by BOCC tomorrow before going to state. Mayor Pro Tem Wood has reservations about the profitability of the pool without the variance request being granted and presented a revenue analysis with proposed restrictions. Councilor Funk is not as concerned as Mayor Pro Tem Wood is and worried about minimizing the losses by keeping it closed or opening it. Mayor Pro Tem Wood wants to see a cost analysis of multiple guest and staffing levels before making a decision. Councilor Lindsey suggested going ahead and opening as planned and waiting until we can open further to make more profit. Councilor Boyd brought up the season pass holders who won't be bringing in new income. Ms. Drake said an idea has been proposed where season pass holders only get access in the first session of the day, or would have to pay for the other two sessions, knowing it wouldn't be popular with season pass holders.

Myrna Spaulding was concerned that the audio had been disconnected from the Zoom session.

Mayor Nelson asked if the only way to ask a question about a consent agenda item was to remove it from consent agenda. Ms. Drake confirmed.

Sales tax was only down 28% from last year, and still above the YTD total from this time last year. LOT was down significantly. Councilor Funk asked how many people were taking advantage of the waived interest and late fees for utilities, Ms. Drake said there weren't many.

Mayor Pro Tem Wood asked if the COP has negative amortization applied since the principal is only paid once a year. If it is, that is something to be aware of when refinancing.

Councilor Boyd reported that the Gunnison-Uncompaghe-Mesa Forest Service does not currently have a fire ban in the area, but San Juan County/Silverton does, and the City may want to move that direction soon.

Ms. Viner stated that there is no negative amortization on the COP.

b. Community Development Coordinator

Temporary licenses underway, 3 in consent agenda and one new application turned in. Working on Community Plan with steering committee. Regional Trail Grant Program started, potential participants should be sent to Ms. Tibbs. CEDC has been very active. Planning commission had two public hearings, one was before council today. Councilor Boyd wanted to give a shout-out to Ms. Tibbs for all her work in the past few months. Mayor Pro Tem Wood asked about where Planning Commission is at with Accessory Dwelling Unit process. Ms. Tibbs said the process is very regulated and is on hold until in person meetings can be held. Ms. Viner said the county is holding an in-person session soon and the city should consider holding in-person meetings as soon as possible. Councilor Funk suggested holding outdoor meetings since that would be safer than indoors.

9. CONSENT AGENDA

a. Liquor License Renewal – Ouray Brewery LLP dba Ouray Brewery

b. Liquor License Renewal – Outlaw Tradition LLC dba Outlaw Restaurant

c. Temporary Modification of Premises – Ouray Brewery LLP dba Ouray Brewery

~~d. Temporary Modification of Premises – Outlaw Tradition LLC dba Outlaw Restaurant~~ - Moved to Action Items 10(a)

e. Temporary Modification of Premises – Brickhouse 737 LLC dba Brickhouse 737

Mayor Nelson asked for item (d) to be moved to the beginning of the action items.

Councilor Boyd made a motion to approve the remaining consent agenda, Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote for items, (a), (b), (c) and (e).

10. ACTION ITEMS

a. Temporary Modification of Premises – Outlaw Tradition LLC dba Outlaw Restaurant

Mayor Nelson asked if the adjacent businesses have given permission for the Outlaw to operate in front of their businesses as the diagram shows. Ms. Tibbs affirmed that both property owners have given written permission. Councilor Boyd made a motion to approve, Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

b. A Replat of Parcel 3 of the Hot Springs Subdivision to the City's Subdivision Regulations section 7-7-C-5 to divide parcel into two lots for residential development. Located on the east side of Oak Street across from the Swiss Village Mobile Home Park. Request made by Mr. John Nixon on behalf of the owner Mr. RW Eberhardt

Councilor Boyd made a motion to approve, Councilor Funk seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

c. Emergency Ordinance Regarding Fees and Time Limits on Temporary Encroachment Permits for Sidewalk Sales and Tables & Chairs

Mayor Pro Tem Wood made a motion to approve, Councilor Boyd seconded.

Mayor Pro Tem Wood asked when the ordinance ends. Ms. Drake said September 12th is the current date.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

d. Resolution Encouraging the Use of Face Coverings in the City of Ouray

Councilor Funk made a motion to approve, Councilor Boyd seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

Council discussed how to inform visitors of the mask policy. Banners could be hung at each end of town, copies of the resolution could be distributed to businesses to display. Portable street signs could be used with minimal wording. CDOT sign on Hwy 550 is not available for City use.

Dee Williams recommends a mask up sign for Box Canon Park as well.

Lora Slawitschka offered her property on Main St for a banner placement, and suggested Elks Lodge for another location.

Cindy Carothers suggested hanging a banner at the Visitors' Center as well.

e. Application for a Special Noise Permit – Goldbelt Restaurant

Ms. Drake, Sergeant Ray and Ms. Viner provided background info on the request and noise and nuisance ordinances. No special noise permit has been issued by the city before, so council can dictate the terms of the permit if they choose to issue. Goldbelt has been the subject of previous complaints for their live music and would like a permit to continue the live music. The current noise ordinance does not list a decibel level, only that the noise is "clearly heard" from a certain distance away. Councilor Funk would like to see a measurable standard set in the code on what a noise violation is.

Jackie Lauderdale supports enacting a decibel limit to be clear.

Dee Williams is against permitting Goldbelt to play live music as a neighbor, saying that they are not social distancing as it is, and music will only make that worse.

Don Fehd lives across the street from the Goldbelt and filed the complaints. Mr. Fehd read a message that the Goldbelt sent him when they were informed that Mr. Fehd had submitted a complaint to the police, expressing that he felt the Goldbelt was being selfish and not caring about the community.

Cindy Carothers stated she can hear the music from inside her house with windows and doors closed and wanted to speak out on behalf of her neighbors as well.

Mayor Pro Tem Wood spoke about the neighbor's choice to live near a commercial district.

Councilor Boyd wants to include a clause that says permit holders must obey with all current state health orders.

Sergeant Ray said amplified music is prohibited by the noise ordinance and that is why she would need the permit.

Ms. Viner corrected that amplified music was allowed if it was not broadcast across public property.

Heather Clark, owner of Goldbelt, stated she went to court over this previously and was told to fill out a permit next time, and would just like to be able to play live music during the day.

Councilor Boyd made a motion to approve the noise permit with conditions: allowed amplified music but it cannot be heard within 50 ft. of the property line with the dates listed on the permit, Mayor Pro Tem Wood seconded. If a new date is added it will have to be brought before council for approval.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

11. DISCUSSION

a. Business Licenses

Councilor Boyd said COVID response has shown us why a list of contact information for businesses in town is important. Mayor Nelson agrees with Councilor Boyd on the importance of creating a license/registry for business information. Councilor Funk asked about penalties for not complying. Ms. Viner said that would be written into the ordinance based on existing city code based on the standard penalty, or a new penalty could be set up if desired. Ms. Viner recommended making it effective January 2021, with it being brought back to council sometime in September for approval.

b. Emergency Ordinance to Allow Alcohol in City Parks

Other cities allow alcohol in city parks for the purpose of picnics as long as they are in accordance with all other codes. Councilor Funk would like to reinstate the old ordinance that used to be in place. Councilor Funk asked if that could be dug up in city records.

Sergeant Ray said he didn't believe the Police Dept has the staffing to monitor the parks if alcohol was allowed.

Council clarified for Sergeant Ray that it would be for casual drinking only, like with a picnic.

c. Future Agenda Items

Flume tax renewal: Ms. Viner started on the draft, suggested a work session for council to review.

Any additional agenda items need to be sent to Ms. Drake by Monday.

12. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 4:00 pm, Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

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 June 15, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1st day of July, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL SPECIAL VIRTUAL MEETING
SUMMARIZED MINUTES
THURSDAY JUNE 25, 2020, 9:00 A.M.**

Join Zoom Meeting
<https://zoom.us/j/95661113349>

Meeting ID: 956 6111 3349
Password: 015758

+1 253 215 8782
+1 408 638 0968

If there are issues with the Zoom Meeting, we will go to phone conference:

800-941-0912
Pin: 594536#

- 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

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 9:00 am.

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 Acting City Administrator Melissa Drake, Police Chief Jeff Wood, Administrative Accounting Clerk Julie Lancaster, Community Development Coordinator Aja Tibbs and Public Works Director Joe Coleman.

3. ACTION ITEMS

a. IGA Related to Distribution of CARES Act Funds

Councilor Boyd made a motion to approve the IGA, Councilor Funk seconded.

Mayor Pro Tem Wood questioned section (g) in terms of employees working on Unified Command, and whether their wages should come out of our amount or the amount given to the county. The only thing it would cover would be overtime for non-exempt employees, which would only apply to one employee currently and this amount would cover her overtime. Salaried staff are not being paid extra, so no reimbursement would be expected. Mayor Pro Tem Wood stated that he believes the City is not being adequately reimbursed for the City's costs during the emergency (including employees allocated to other tasks and regular work not being completed as timely), and believes the City needs to look for ways to mitigate emergency costs in the future. Ms. Drake said that City Staff are keeping track of all COVID-19 related expenses in case reimbursement is offered, but it may not happen. Councilor Boyd said response to emergencies are a governmental service and cost money to serve the public. Ouray County and the Town of Ridgway both also loaned some of their employees to the emergency effort as well. Ms. Drake is satisfied with the allocation of funds between the municipalities and that the city has not expended the entire amount they are receiving from this agreement yet.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

b. Emergency Ordinance Regarding Open Alcohol Consumption Areas within the City

Mayor Pro Tem Wood made a motion approve, Councilor Funk seconded the motion.

Councilor Lindsey and Councilor Funk had reservations about the ordinance without a "substantial meal" clause to prevent keg parties or the like and preserve the integrity of the ordinance for family meals.

Councilor Boyd pointed out that the ordinance listed the board of trustees and that should be changed to city council. He is also not comfortable with the ordinance

Mayor Pro Tem Wood, as the owner of a distillery who is familiar with alcohol regulations, believed the attitudes of the other council members lean towards fear-mongering, and that citizens would not abuse the ordinance.

Councilor Boyd referenced a 4th of July in the past where the fireworks were cancelled and alcohol was allowed in the park instead, which created a large draw on law enforcement that day, saying this ordinance could increase law enforcement calls this summer.

Mayor Pro Tem Wood and Councilor Funk want to amend the motion to include that alcohol must be consumed with a substantive meal, and the reference to the board of trustees in the ordinance be changed to city council.

Police Chief Wood stated that he wants to see an end time of day, and an ending for the entire ordinance. Mayor Pro Tem Wood said the hours are 11 am to 8 pm, and ends on September 12, 2020.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd		X		
Peggy Lindsey	X			
Greg Nelson	X			

The motion passes 4-1 with Councilor Boyd dissenting.

c. Formal Creation of Tourism Advisory Committee

Mayor Nelson does not want to exclude business owners that do not live in the city limits, meaning the language needs to be changed to living **or** owning a business within city limits. The city limits would then only apply to the general member not affiliated with a business.

Councilor Boyd made a motion to approve the creation tourism committee as identified in the packet with the 7 categories, changing the phrasing to living or owning a business in the city of Ouray. Councilor Funk seconded the motion.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

4. EXECUTIVE SESSION

Executive session, pursuant to C.R.S. 24-6-402(4)(f), to discuss personnel matters, specifically candidates for the position of City Administrator.

Mayor Pro Tem Wood made a motion to move into executive session at 9:46 am, Councilor Boyd seconded.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

The executive session concluded at 11:24 am.

5. **ADJOURNMENT**

Councilor Funk made a motion to adjourn at 11:25 am, Councilor Boyd seconded the motion. The motion passed unanimously.

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 June 25, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1st day of July, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL SPECIAL MEETING
SUMMARIZED MINUTES
MONDAY JUNE 29, 2020, 9:00 A.M.
VIRTUAL MEETING**

Join Zoom Meeting
<https://zoom.us/j/92807982306>

Meeting ID: 928 0798 2306
Password: 070052

By phone:
+1 408 638 0968
+1 669 900 6833
+1 253 215 8782

- 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

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 10:01 am

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 was Acting City Administrator Melissa Drake.

3. EXECUTIVE SESSION

Executive session, pursuant to C.R.S. 24-6-402(4)(f), to discuss personnel matters, specifically candidates for the position of City Administrator.

Mayor Pro Tem Wood made a motion to go to executive session at 10:03 am. Councilor Funk seconded the motion.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			

Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

Executive session concluded at 12:48 pm.

4. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 12:52 pm, Councilor Funk seconded the motion. The motion passed unanimously.

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 June 29, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2nd day of July, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL SPECIAL VIRTUAL MEETING
SUMMARIZED MINUTES
TUESDAY JUNE 30, 2020, 10:30 A.M.**

Join Zoom Meeting
<https://zoom.us/j/92807982306>

Meeting ID: 928 0798 2306
Password: 070052

By phone:
+1 408 638 0968

- 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

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 10:30 am

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 was Acting City Administrator Melissa Drake.

3. EXECUTIVE SESSION

Executive session, pursuant to C.R.S. 24-6-402(4)(f), to discuss personnel matters, specifically candidates for the position of City Administrator.

Councilor Funk made a motion to go to executive session at 10:33 am. Mayor Pro Tem Wood seconded the motion.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

The executive session concluded at 11:54 am.

4. DISCUSSION AND POSSIBLE ACTION REGARDING FIRE RESTRICTIONS IN THE CITY

Councilor Boyd presented the criteria for a Stage 1 Fire Ban starting at midnight on July 1st. Other counties and fire districts in the area are also entering a Stage 1 Fire Ban, including Ouray County, and suggests that council follow suit on enacting the Fire Ban. Mayor Nelson asked for clarification on what chiminea enclosed fire structures included. Councilor Boyd said it has to be enclosed with a chimney, so a grate or mesh screen cover does not qualify.

Councilor Boyd made a motion to enter a fire ban starting midnight on July 1st. Councilor Funk seconded the motion.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

Council directed staff to create a Mayor's Declaration of same and create and publish digital messaging notifying the public.

5. ADJOURNMENT

Mayor Pro Tem Wood made a motion to adjourn at 12:08 pm, Councilor Boyd seconded the motion. The motion passed unanimously.

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 June 30, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2nd day of July, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL SPECIAL VIRTUAL MEETING
SUMMARIZED MINUTES
TUESDAY JUNE 30, 2020, 2:30 P.M.**

Join Zoom Meeting
<https://zoom.us/j/92807982306>

Meeting ID: 928 0798 2306
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+1 408 638 0968

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1. CALL TO ORDER

Mayor Nelson called the meeting to order at 2:30 pm

2. ROLL CALL

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

Also present was Acting City Administrator Melissa Drake and City Attorney Carol Viner.

Mayor Nelson announced that plans had changed and that council would be going into executive session at 3:00 when Ms. Viner was available before continuing on the agenda.

Mayor Pro Tem Wood made a motion to go into executive session at 3:01 pm, Councilor Funk seconded.

Council member	For	Against	Abstain	Absent
John Wood	X			
Ethan Funk	X			
Glenn Boyd	X			
Peggy Lindsey	X			
Greg Nelson	X			

The motion passed on unanimous roll call vote.

Executive session ended at 3:47 pm.

3. ACTION ITEM – Announce Finalists for the Open Position of City Administrator

Since there are no longer enough qualified candidates in the final round, the position will be posted for another 30 days to gain more qualified candidates.

4. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 3:49 pm, Councilor Wood seconded the motion. The motion passed unanimously.

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 June 30, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2nd day of July, 2020.

Melissa M. Drake, City Clerk

From: [Frank Robertson](#)
To: [Joe Coleman](#); [Peter Foster](#); [Tom Kavanaugh](#); [Greg Nelson](#)
Cc: [Carolina Brown](#); [Melissa Drake](#); [Ralph Tingey](#); loraslaw@gmail.com; [Bayley Wood](#)
Subject: Minutes of June 22, 2020 Ouray Water Initiative Planning Working Group
Date: Wednesday, July 1, 2020 4:33:17 PM

The To: list attended the Zoom meeting set up by Pete and it would be good if we can all get the material that was presented.

Actions Required are **highlighted**.

Pete reported from initial survey scouting that there are not enough valves along the existing pipeline to support the pressure testing we envisioned in the original grant proposal, so an adjustment decreasing the amount of geotechnical work in favor of environmental assessment has been submitted to and approved by CWCB. We have also received their official notice to proceed, so we are spending against the grant reimbursement/match as of June 18, 2020.

Pete also ran down the invoices for \$9500 of work prior to that notice, which have either been paid directly by OIPI or paid by the City of Ouray and reimbursed by OIPI – **Frank will verify with Melissa Drake that all such reimbursements have cleared.**

Pete will check on the possibility of including those early spends in the grant. Pete will also set up a meeting with Melissa, Carolina Brown and Bayley Wood of OIPI and Frank to lay out the procedures to submit for CWCB grant spending recognition and reimbursement/match.

Joe will ensure all City of Ouray staff time or other contribution is recorded against their commitment of \$10K in-kind.

Frank reported that OIPI has reserved the \$25.7K required for its grant cash input, as well as approximately \$21K in donations (above the \$9500 already spent from early grants) that the OIPI Capital Campaign has raised so far, in a dedicated Water Initiative account. That cash, plus the anticipated full capture of the grant match/reimbursement amounts puts us well over \$100K, which will support completion of the feasibility study under way for the next year or so. We will be receiving invoices for ~\$15K from Monadnock as surveying proceeds and ongoing invoices from WWE for feasibility work.

Pete will open future meetings with a project management tracking dashboard for spending /expected cost vs. budget and scope completed/planned, and schedule performance.

Pete presented the options being evaluated for the alignment of the pipes in the project. It turns out that a significant portion of the existing line is not in the easements that were established for earlier pipes, and a considerable amount of discussion and negotiation with the County, Forest Service and Army Corps of Engineers will be needed to secure the required rights of way and permits. The line crosses in the creek bed at one point, and likely will need to be hung under the bridge instead – engineering on load-bearing and assessment of resilience to 100-year flooding must also be undertaken. Where to pull water from Weehawken Creek, design of diversion structures / a

possible infiltration gallery, route to most effective point of connection with the existing pipe, the nature of the terrain and head provided by grade must all be comprehended in the alignment alternatives.

The City advised us that tax funding of the existing parallel pipes from the Mineral Farms pump house to the storage tanks may preclude use of one of them as the final third of the pipe supplying surface water to the Ice Park. The upshot of not being able to use an existing line would be to increase the amount of new pipe to ~12,300 feet from ~8,400 feet. The City will need to understand the legalities, as well as the treatment protocols required to convert the redundant surface water pipe to use with treatment for municipal distribution, and OIPI will have to evaluate whether an almost 50% increase in new pipe to be laid is financially feasible once cost estimates are completed.

The City also advised us that the State (CDPHE) is likely to find that Weehawken Spring is “Ground Water Under the Influence of Surface Water” by about August, which could require the City to establish more stringent treatment capability. How to handle that costly addition may complicate our use of municipal supply for making ice. We may also have complications in engineering controls to meet separation criteria in using a common trench for pipes carrying water from both origins. At least it would be considered that all lines would be non-potable until treatment at the tanks.

Initial communications with Ouray Silver Mines have been conducted toward possible cost sharing between their utility project and ours on some portion of trenching. San Miguel Power Association has given us a positive initial indication on accepting power from our project if we decide to include a hydroelectric component. We discussed safety, expertise, and cost exposures in such an addition, and may explore possible third-party involvement at an appropriate juncture. The ~43 KW-Hr/Mo potential may or may not be worth pursuing, but we may with additional water be able to expand supply to existing facilities.

We will call our next meeting when indicated.

Thanks to all,
Frank

From: [Frank Robertson](#)
To: [info@alpineinstitute.com](#); [spaniard.elias@gmail.com](#); [katie.e.beringer@gmail.com](#); [Nate Disser](#); [Melissa Drake](#); [Kitty Calhoun](#); [Mike Gibbs](#); [alpinist007@mac.com](#); [Wholebird_](#); [info@irwinguides.com](#); [office@mountainguides.com](#); [Mark Luppenlatz](#); [Grant Kleeves](#); [diane121655@yahoo.com](#); [pormond@hotmail.com](#); [info@mountaintrip.com](#); [info@mountainmadness.com](#); [Rigging for Rescue](#); [climb@skywardmountaineering.com](#); [Lance Sullins](#); [Matt Wade](#); [John Wood](#)
Subject: Minutes of the Ouray Ice Park Advisory Team (IPAT) Special Work Session June 25
Date: Tuesday, June 30, 2020 5:04:03 PM

The Team met with representatives of the OIP Contracted Guide Services (CGSs) in Ouray's Rotary Park on June 25, 2020, and we were able to spread out among the picnic tables. Thanks for keeping respectful distances and having masks for the closer encounters.

Attending were Elías de Andrés Martos, Katie Beringer, Nate Disser, Angela Hawse, John Hulburd, Grant Kleeves, Pat Ormond, Frank Robertson, Todd Rutledge, Lance Sullins, Josh Vincent, Matt Wade, and John Wood. Gary Dunn could not attend so Frank filled him in prior to the meeting.

We talked through a summary of the preliminary analysis of data from the past season as compared to the previous one.

The '19-'20 season was shorter than the '18-'19 season (about 11 weeks vs. about 14), but plentiful water and cold temps gave us a longer plateau with more routes (about 130 open anchors through the prime period vs. about 120 the prior season). These counter-balancing factors resulted in about the same amount of terrain available in the two quite different seasons. Applying the 1.8 people per anchor from the middle case of our model loading scenarios to the raw counts of anchors open through the season gave us a Functional Capacity estimate of 17,000, almost the same as last season in our second season of data collection.

The numbers given, while correct, were unfortunately in one case not the one intended for the key metric and in another misidentified.

Because of confusion in extracting data from multiple sources and attempting to automate the functional capacity model (work in progress), instead of using the daily actuals reported by the CGSs (total of 2015 for the season) I gave the total of the sample counts from the Ambassadors' walk-throughs (about 1500). The upshot is that instead of being under 10%, Commercial use was 12% of Functional Capacity, as compared to about 13% the prior season.

Because of miscommunication on data series underlying the analysis, the total visitors I reported (under 10,000) was in fact only the Recreational Users, with the total of all User categories about 12,000, a smaller reduction from 12,400 across the prior season.

So, use was not off as much as we thought, and the gap to the 15% Commercial target is not as big.

My apologies for these misstatements – *mea maxima culpa*.

Matt Wade gave a quick overview of allocation practices in the broader outdoor recreation and land management arena. The group understands that the Ice Park is unique, in that the ice is built by OIPI each season, and has many factors outside our control in the production of this variable resource. The Management Agreement also specifies the proportions of capacity OIPI should target in managing among the User groups. The subject of the use metric was again raised; OIPI has considered allocation units other than Service Days (SDs) - we actually analyze with User counts - but is not ready to make a change this year.

The Baseline Allocation for the 2020-21 season will remain at 600 Service Days, and the proportions of that allocation among the CGSs will not change at this time. The OIPI Board has approved an incremental 100 Service Days as a Provisional Allocation above Baseline for the coming season as an adaptive management trial increase.

65 SDs of the incremental allocation will be divided among the incumbent CGSs, with the provision that they must be used on weekdays.

35 SDs will be reserved for new entrants (guide services or individual guides who do not currently have a contract with OIPI) who submit proposals to be evaluated by OIPI.

New entrants must meet the same qualifications as incumbent CGSs (insurance and certifications) and make the case that they have the capacity to effectively use their proposed allocations.

New entrants will be able to use any allocations awarded on both weekdays and weekends.

Allocations not awarded may be applied to a renewed Flex Day program, TBD.

The allocation period will again be from opening through Presidents Day and open use for all CGSs will again be pulled in from early March to the Tuesday after Presidents Day as done last season.

Matt has volunteered to lead an off-line discussion among the CGSs as to what is the best way to divide up the incremental 65 SDs for incumbents. That community's recommendation will feed into the August IPAT meeting discussion and OIPI's decision on awarding the Provisional Allocation. If the group can provide a unanimous agreement on which CGSs should get how much in the split, our work is done. If not, OIPI will look at other factors, such as consistency of allocation use, as well as the cases made by CGSs for an increase in proposals after the August IPAT meeting if needed to resolve the question. In any case, allocation letters will go out on September 1 as always.

There was also spirited discussion of how we manage over-capacity traffic in the Park, with the key idea being the opportunity to alleviate crowding by addressing groups other than Commercial ones. We already require Institutional Groups to pre-register and they have typically not exceeded their 10%. OIPI budget does not support staffing or infrastructure to undertake controlling access to the

Park or managing a reservation system for Recreational Users. It was suggested to distribute a limited number of belay tags that could be checked by the Ambassadors. OIPI will consider how we might better control over-crowding on peak weekends and holidays, including getting the word out on our web site that those periods are best avoided if other arrangements can be made.

Thank you, Matt, for taking the off-line CGS discussion lead, and appreciate you all for an interesting discussion and useful inputs.

Frank

From: Frank Robertson

Sent: Friday, June 5, 2020 2:06 PM

To: info@alpineinstitute.com; spaniard.elias@gmail.com; Nate Disser <nate@mtnguide.net>; Melissa Drake <drakem@cityofouray.com>; Kitty Calhoun <kittycalhoun007@gmail.com>; Mike Gibbs <mike.b.gibbs@gmail.com>; alpinist007@mac.com; Wholebird . <wholebird@gmail.com>; info@irwinguides.com; office@mountainguides.com; Mark Luppenlatz <mark@mtnguide.net>; Grant Kleeves <grantk@summitsealants.com>; diane121655@yahoo.com; info@mountaintrip.com; info@mountainmadness.com; climb@skywardmountaineering.com; Lance Sullins <lance@peakguides.com>; Matt Wade <matt@amga.com>; John Wood <woodkj@cityofouray.com>

Cc: Lora Slawitschka <loraslaw@gmail.com>

Subject: Ouray Ice Park Advisory Team (IPAT) Special Work Session June 25

Hello IPAT members and Ouray Ice Park, Inc. (OIPI) Contracted Guide Service Principals,

We did not hold our April meeting, and need to get started sooner than our next regular meeting on discussing Commercial allocations. We wanted to address this topic well ahead of bookings for next season, so setting up June 25 to get going before our August 5 meeting.

The June session will frame the process. I will give a brief report of data from this past season on how Commercial use stacked up against functional capacity. We hope by then to have detailed output, equivalent to the modeling charts from last year but based on more complete data rather than projections of partial data. The OIPI Board will provide a preliminary target for overall allocation and a set of boundary conditions to drive the consideration. Matt Wade of AMGA will provide context on best practices in the broader outdoor resource management arena, e.g. provisional allocations and allocation adjustment processes. We will then discuss as many options for how to approach this complex set of issues as we can.

Guide service principals will then be asked to consider it all and come prepared to make proposals on sharing the allocation among the guide services at the August meeting. For that meeting, John Wood had an excellent suggestion: Matt will lead a discussion among the guide service principals on the best ways to work the sub-allocation among the services, while the IPAT listens. The IPAT will then discuss the allocation system overall while the

guide service principals listen. OIPI will then take all of this consultation into account before issuing allocation letters by September 1, per our Management Agreement with the City of Ouray.

If any guide service principals would like to participate but cannot attend the meetings, please let me know.

See you at Ouray's Rotary Park, 6-8 pm Thursday, June 25, to keep safe distances in the open air. Please bring a face mask.

Thanks,
Frank

320 6th Avenue
PO Box 468
Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
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The Outdoor Recreation Capital of Colorado

Acting City Administrator and Director of Finance and Administration
Report for 7/6/2020 Council Meeting
Last 3 Weeks

- **COVID-19 Pandemic Emergency** – I have sent you updates throughout the weeks.
 - The Hot Springs Pool opened on June 22, 2020. Current Governor's orders allow a maximum of 50 people in the pool at any one time. The Ouray County Public Health Director has prepared a variance request to allow up to 200 people at one time. This request was approved by the County Board of Health on June 16th and was submitted to the State. So far, there has been no response from the State. We are working with the Ouray County Public Health Director on possible options to expand our capacity without an approved variance.
 - Box Cañon Falls opened June 11 and has been very busy. We have already expanded the hours to accommodate visitors.
 - Unified Command is now only meeting Mondays and Thursdays. MAC Meetings are once every 2 weeks on Wednesdays. Policy Group meetings will continue every 2 weeks on Thursdays.
- **City of Ouray – Safer at Home** – City Hall has been open to the public since Monday, June 1, and City Staff may be accessed through the new service window or by appointment. This is working well.
- **Tourism**
 - **Visitor Center** – The Visitor Center is open Thursday – Sunday and is still staffed by volunteers. Thanks again to Markus Van Meter for heading this up.
 - **Digital Messaging** – Markus Van Meter will provide an update on activity in this meeting.
 - **Cooperative Marketing for Tourism** – The City of Ouray has been successfully collaborating with regional entities on continuity of messaging and encouraging regional travel with the following: Town of Ridgway, Ouray County, City of Montrose, and Montrose County. This group meets bi-weekly and may expand to additional entities in the region.
- **COP Refinancing** – We are still working on options for this to lower annual costs.

- **Delta Dental** – Due to the COVID-19 pandemic, dental services were not available for a period of several weeks. Delta Dental, the City’s dental insurance provider, has notified us that we will receive a 50% credit for July and August. This equates to \$2,176.
- **OCRA Annual Meeting** – I attended the Annual OCRA Meeting on June 25th where there was discussion of cardboard recycling being a member benefit. Since the dumpster used for this recycling is contracted by the City with Waste Management, I notified the OCRA Board in that meeting that they cannot charge for its use. I have since spoken with Ryan Hein (OCRA) and we have agreed that OCRA will contract for its own cardboard recycling dumpster by the end of July. When that has been arranged, only the City will use the dumpster and we will re-evaluate its use and need.
- **Administrator Hire** – Much time and energy have been expended by staff and Council on the Administrator Hire process. After virtual interviews with semifinalists, due to the lack of the required number of finalists, the position will be reopened for another 30 days.



June 2020 Recycling Benefits for the City of Ouray

In June 2020, we recycled 9 tons of cans, bottles, paper, and cardboard.

Recycling these materials will save the following resources:

145 Mature Trees

Represents enough saved timber resources to produce 2,466,300 sheets of printing and copy paper!

22 Cubic Yards of Landfill Airspace

Enough airspace to fulfill the annual municipal waste disposal needs for 24 people!

18,461 Kw-Hrs of Electricity

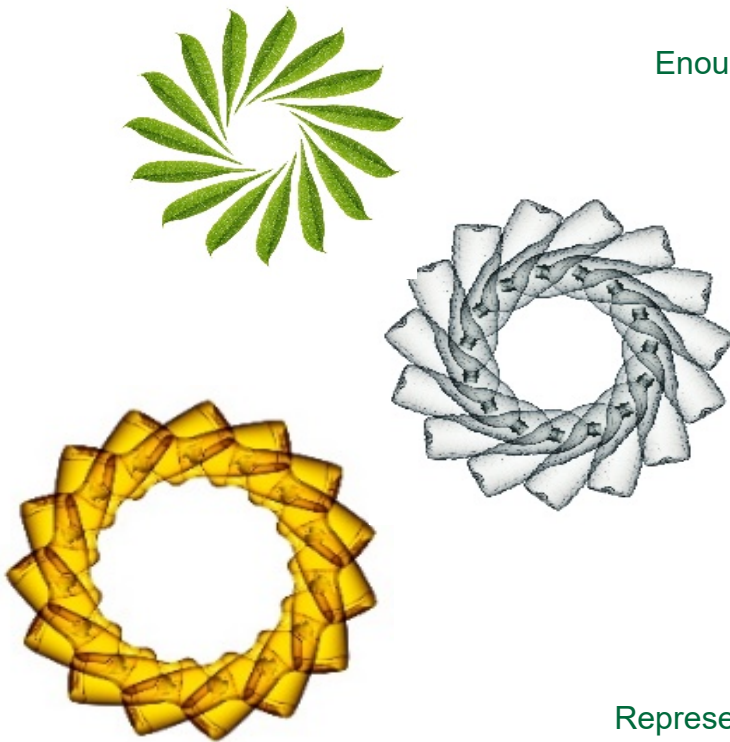
Enough power to fulfill the annual electricity needs of 1 homes!

Avoided 25 Metric Tons (MTCO₂E) of GHG Emissions

The recycling of these materials prevented these GHG emissions!

44,181 Gallons of Water

Represents enough saved water to meet the daily fresh water needs of 589 people!



PREPARED BY WASTE MANAGEMENT

Sources: U.S. Environmental Protection Agency, U.S. Energy Information Administration, Environmental Paper Network-Paper Calculator V4.0, Domtar Paper, Gaylord Corporation, U.S. Forest Products Laboratory, and Waste Management. © Waste Management 2019

Public Works June Update

Water

- Water Usage Numbers for **May**:
 - Influent (Water from spring) – 87,947,200 Gallons
 - Effluent (Water to town) – 22,408,299 Gallons
 - Micro Hydro Pant – 41,619,659 Gallons
 - Mineral Farms – 428,800 Gallons
- **Update** – Weehawken Spring Source Evaluation. Test results have been received on the first of two Microscopic Particulate Analyses (MPA). Based on the score of 30, which classifies the City has high risk, reclassification of the City's water supply as a Ground Water under Direct Influence (GWUDI) is very likely according to CDPHE. The reclassification could come as early as July or as late as January 2021. There are two major changes that will need to happen to the City's water treatment process. The first is a short term compliance measure. Within 60 days of reclassification as GWUDI the City will be required to maintain a higher chlorine residual at the entry points to the distribution system and increases water quality monitoring frequency from once a week to daily. This will require more staff time and more chlorine then we currently use, which will increase operating costs. The second change to the City's water treatment process is a longer term compliance measure. Within 18 months of reclassification as GWUDI the City is required to install a filtration system that meets CDPHE's Surface Water Treatment Rules. This is just a brief summary of a very difficult situation the City is now facing. Please see the attached memo prepared by Wright Water Engineers, the City's water consultant for further details. Or if there are any questions for me, please feel free to contact me at 970-375-7074 or colemanj@cityofouray.com
- **Update** – The City has been put on a Corrective Action Plan by CDPHE for significant deficiencies and violations of the Colorado Primary Drinking Water Regulations, more specifically the City's backflow prevention program. CDPHE found violations based on an inadequate survey compliance ratio, failure to complete an annual backflow report and the inability to meet the backflow assembly testing compliance ratio. This was a program that was being worked on by the previous building inspector, fortunately the current Community Development Coordinator has found some of the past work that has been done and is working to see where we currently stand with compliance. Please see attached notice from CDPHE for further details.
- The Colorado Department of Public Health and Environment offers low-interest loans and grants through the State Revolving Fund (SRF) program. To be considered for this funding, entities must complete the eligibility survey by June 30, 2020. It is not an application and does not obligate an entity to apply for financial assistance. An eligibility survey has been submitted on behalf of the City of Ouray for possible water projects.

Sewer

- The Colorado Department of Public Health and Environment offers low-interest loans and grants through the State Revolving Fund (SRF) program. To be considered for this funding, entities must complete the eligibility survey by June 30, 2020. It is not an application and does not obligate an entity to apply for financial assistance. An eligibility survey has been submitted on behalf of the City of Ouray for possible sewer projects.
- City Staff along with JVA attended a conference call with the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division Staff on June 15th, 2020. The call included staff from Permits and Compliance, the Grants and Loans Unit and the Engineering Section. The Purpose of the call was to get all the departments in CDPHE together and address the Project Needs Assessment (PNA), Request for Information (RFI) letter and the Preliminary Effluent Limitations (PEL) Evaluation letter. This was a great meeting having all of the players involved discussing the issues, by the end of the call everyone seems to be on the same page and everyone involved wanting what is best for the City of Ouray. Please see the attached memo from JVA that goes into further detail about the meeting with CDPHE, the new water quality planning targets and the history and elimination of the lagoon alternative. Also attached is the Project Needs Assessment Review (PNA) along with the response letter from CDPHE.

Streets

- Bridge replacement in the 400 block of 4th Street. City crews demoed and replaced old bridge over the flume. They also built custom metal fencing along the exposed sections of the flume.
- Installed RV parking signs to direct people down 9th St. to park by the catch basin.

City Resources

- Continued geothermal monitoring.
- MWAT Spread sheet for upstream conductivity probe. Downloaded data and added to the spreadsheet for DMR report.
- Started working with SGM on engineering of the Box Canyon Geothermal Line Project. Spent the day in the field with the survey crew and started gathering some preliminary data.
- Rodded Box Canyon Geothermal Line.
- Both the full time and part time seasonal positions started in June.
- Continued daily trash removal from Main St, City Parks, Dog Park and the River Trail.
- Started infield maintenance of the baseball field in Fellin' Park. Youth baseball has started and we are doing are best to drag the field daily.
- Repaired welds on two broken trash cans on Main St.
- Cut and removed fallen trees at Box Canyon Park from the trail as well as the parking lot.
- Repaired broken irrigation system in Woman's Park.
- Assisted the Beautification Committee and volunteers in the flower delivery. Please see attached thank you card. Thank You Cindy!



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

June 26, 2020

Via email: colemanj@cityofouray.com

Joe Coleman, Public Works Director
City of Ouray
320 6th Avenue
Ouray, CO 81427

Re: Weehawken Spring Source Evaluation – May 2020 MPA Results and Preliminary Recommendations

Dear Joe,

Wright Water Engineers, Inc. (WWE) is pleased to provide the City of Ouray (City) with this letter summarizing our preliminary recommendations associated with the microscopic particulate analysis (MPA) sample collected from the City's Weehawken Spring water supply line on May 19, 2020. This letter summarizes the regulatory background for the Colorado Department of Public Health (CDPHE) required source classification evaluation of Weehawken Spring, the water quality sampling collected to date as part of the source evaluation, a list of near-term recommendations to address the May 19, 2020 MPA results, and anticipated next steps in the likely event the Weehawken Spring is reclassified as a ground water under direct influence of surface water (GWUDI).

Executive Summary

The City's drinking water supply comes from Weehawken Spring (see Figure 1) and is currently classified by CDPHE as a ground water supply source. The CDPHE recently required the City to begin a source classification evaluation of Weehawken Spring to determine if the spring is GWUDI. In May 2020 the City collected an MPA sample indicating Weehawken Spring is at "high risk" of being a GWUDI.

Based on this MPA score, reclassification of the City's water supply as a GWUDI is likely and CDPHE will apply the following timeline to the City's drinking water permit. The City may receive the GWUDI reclassification as early as early as July or August 2020 or as late as January 2021:

- Within 60 days of reclassification as a GWUDI the City is required to maintain a higher chlorine residual at the entry point to the distribution system and increase water quality monitoring frequency.
- Within 18 months of reclassification as a GWUDI the City is required to install a filtration system that meets the CPDHE's Surface Water Treatment Rules.

WWE's preliminary recommendations to address the likely GWUDI reclassification include the following

- Minimize risks to public health by maintaining a high chlorine residual in the distribution system.
- Make near term improvements to the Spring Gallery Collection system and collect a subsequent MPA sample to determine if the improvements reduce the MPA score.
- Consider installation of an interim packaged filtration unit to meet the 18-month compliance deadline.
- WWE recognizes the City is already in the final planning stages for design and construction of a new wastewater treatment facility. WWE recommends the City begin looking at its water and wastewater infrastructure needs holistically and determine how the City can economically fund improvements to both systems through a phased approach.
- Complete a State Revolving Fund (SRF) Eligibility Survey for the City's drinking water system to allow the City to apply for grants and loans through the State's SRF program in 2021.
- Apply for an Administrative Planning Grant from the Colorado Department of Local Affairs (DOLA) Energy and Mineral Impact Assistance Fund (EIAF) to develop a financing approach to fund improvements to the wastewater treatment facility and design and construction of a permanent water treatment plant.
- Move forward with installation of residential and commercial water meters to gather water use data for sizing and designing City water and wastewater infrastructure.
- Begin collecting more robust sets of raw water quality data from the Weehawken Spring to inform the design of the interim and permanent filtration treatment process.

CDPHE Required Weehawken Spring Source Water Evaluation

The City's drinking water supply comes from Weehawken Spring (see Figure 1). Weehawken Spring is currently classified by CDPHE as a ground water supply source. A water supply classified as ground water does not have a connection to a surface water source and does not require filtration treatment prior to reaching consumer taps. The City currently disinfects its water supply upon entering the City's drinking water distribution system via chlorine gas injection system. In accordance with its existing CDPHE permit, the City is required to maintain a chlorine residual of greater than or equal to 0.2 milligrams per liter (mg/L) at the entry point to each service tap.

On February 1, 2020 the City of Ouray received a letter from CDPHE outlining the requirements for an evaluation of the classification of the City's primary drinking water supply source (source classification evaluation), Weehawken Spring. The source classification evaluation is pursuant to the CDPHE's Drinking Water Program Policy 3, *Evaluation of Ground Water Sources to Determine Direct Influence of Surface Water*. The evaluation is necessary to determine whether the Weehawken Spring is under the direct influence of surface water. In the event the results of

the source classification evaluation require reclassification as GWUDI, Colorado Primary Drinking Water Regulations would require the water provider to install a filtration treatment process after reclassification.

As part of the source classification evaluation, the City is required to collect and submit water quality data to the CDPHE, including three MPA samples collected in spring, summer, and fall. The results of an MPA identify concentrations of microbiological particulates in the raw water supply, such as algae, or other microorganisms that typically exist in a surface water environment. High concentrations of microbiological particulates in a ground water supply may indicate the water supply has a connection to or is influenced by surface water.

City of Ouray MPA Results

MPA results provide a risk of surface water contamination factor based on EPA (1992)¹ regulations. The potential risk of surface water contamination to a groundwater source by score is summarized as follows:

- Score greater than or equal to 20 = High Risk
- Score between 10 and 19 = Moderate Risk
- Score less than or equal to 9 = Low Risk

The City recently collected three MPA samples from various points in the City's Weehawken Spring supply pipeline, the results of these analysis are provided in Table 1. MPA samples collected in August 2018, August 2019, and May 2020 resulted in MPA Scores of 12 and 13, and 30 respectively. The City collected the August 2018 sample directly from the storage tanks (pre-chlorination) and the August 2019 and May 2020 samples directly from the Mineral Farms service line.

The primary driver for the City's moderate risk factor in 2018 and 2019 was diatom and rotifer concentrations in both samples. The primary driver for the City's high-risk factor in May 2020 was algae and diatom concentrations. It is worth noting that giardia and coccidia (e.g. *Cryptosporidium*) were not found in any of the samples.

Near-Term Conclusions and Recommendations

For clarity regarding WWE's recommendations, WWE generally defines the pieces of the City's water supply system as follows:

- **Spring gallery:** inside the cracks and fissures in the spring formation, water is subsurface.
- **Spring collection system:** water piping which is exposed on the surface and carries water
- from the spring gallery to the spring collection box.

¹EPA, 1992. Consensus Method for Determining Groundwaters Under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA). USPEA. Port Orchard, WA, EPA 910/9-92-029

- **Water supply transmission system:** water piping which carries water from the spring collection box to the City's water storage tanks and treatment process

Currently, it is not clear if the microbiological contaminants identified in the MPA are entering the City's water supply system directly from the spring gallery or if they are entering via the spring collection system or water supply transmission system. However, WWE understands that the Spring Collection System was overflowing during the May 2020 sampling event. This suggests the water supply pipeline between the Spring Collection System and the Mineral Farms Service line was under positive pressure at the time the sample was taken. Under this positive pressure condition, it is less likely that contamination could enter the water supply transmission system due to a leak in the pipeline.

The existing Weehawken Spring collection system is situated on the ground surface where water from the spring daylight. Given the steep terrain and age of the collection system is possible that some surface water is mingling with spring water, especially during the high flow conditions typically present during the spring and early summer seasons. Improvements to the spring collection system are likely expensive and it is difficult to guarantee that any improvements to the spring collection system will sufficiently isolate the Weehawken Spring water to prevent GWUDI reclassification. WWE recommends the following near-term next steps:

- Interim measures to minimize risks to public health include maintaining a high chlorine residual in the distribution system. WWE recommends the City adjust its existing disinfection operations to maintain a chlorine residual of 2.0 mg/L at the entry point to the distribution system. Based on WWE's preliminary calculations, maintaining a chlorine residual of 2.0 mg/L at the entry point provides enough contact time to achieve 4 log removal of viruses prior to the first service tap.
- During a recent field visit, WWE observed standing water located immediately behind the main collection box associated with the spring collection system. WWE recommends pumping out this standing water and checking the collection box for any leaks or voids. Any leaks or voids should be patched and sealed. Install a drain to keep standing water from backing up behind the vault or filling the void space with concrete per the recommendations outlined in the City's 2003 Water System Master Plan.
- Collect another MPA sample after this work is performed. In the event the MPA sample generates another high or moderate risk result, the CDPHE will likely reclassify the City's water source as GWUDI. In the event the MPA sample generates a low risk result, it may indicate that improvements to the spring collection system are feasible, however WWE does not recommend the City plan on this outcome.
- Installation of a filtration treatment process is required within 18 months of receiving the GWUDI classification. WWE recommends the City consider options for installation of an interim packaged filtration unit while developing plans for a more permanent drinking water treatment plant. Consult with U.S. Forest Service regarding potential land acquisition needs for the system. Consult with CDPHE on submittal requirement for installation of the interim filtration system.

GWUDI Classification Timeline and Next Steps

In the event the City's water supply is reclassified as GWUDI, the following timeline is applied to the City's drinking water permit:

- Within 60 days of being reclassified as a GWUDI the City is required to maintain a minimum 2.0 mg/L chlorine residual at the entry point to the distribution system. The City is required to take daily turbidity and chlorine residual water quality samples at the entry point and report to CDPHE monthly.
- Within 18 months of being reclassified as GWUDI, the City is required to install a filtration system that meets the CDPHE's Surface Water Treatment Rules. In the event the City does not have a filtration system installed in this time frame, the City will receive failure to filter notices of violation from the CDPHE.

WWE recognizes the City is already in the final planning stages for design and construction of a new wastewater treatment facility. WWE recommends the City begin looking at its water and wastewater infrastructure needs holistically and determine how the City can economically fund improvements to both systems. WWE's longer-term recommendations to address this include the following:


- Complete a State Revolving Fund (SRF) Eligibility Survey for the City's drinking water system. Completing this survey allows the City to apply for grants and loans through the States SRF program in 2021. Please note it is not an application and does not obligate the City to apply for financial assistance.
- Apply for an administrative planning grant from the DOLA EIAF to develop a financing approach to fund improvements to the wastewater treatment facility and design and construction of a permanent water treatment plant (see Attachment A for grant application guidelines).
- Expand the recently completed wastewater rate study analysis performed by JDS Hydro to include drinking water infrastructure.
- Move forward with installation of residential and commercial water meters. Gathering detailed residential and commercial water use data is invaluable information for sizing and designing a more permanent drinking water treatment plant and informing the design of a wastewater treatment facility.
- Begin collecting more robust sets of raw water quality data from the Weehawken Spring to inform the design of the interim and permanent filtration treatment process.

Please feel free call or email us if you have any questions regarding this letter.

Sincerely,

WRIGHT WATER ENGINEERS, INC.

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

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

Attachments:

Table 1. City of Ouray Source Water Evaluation Water Quality Data

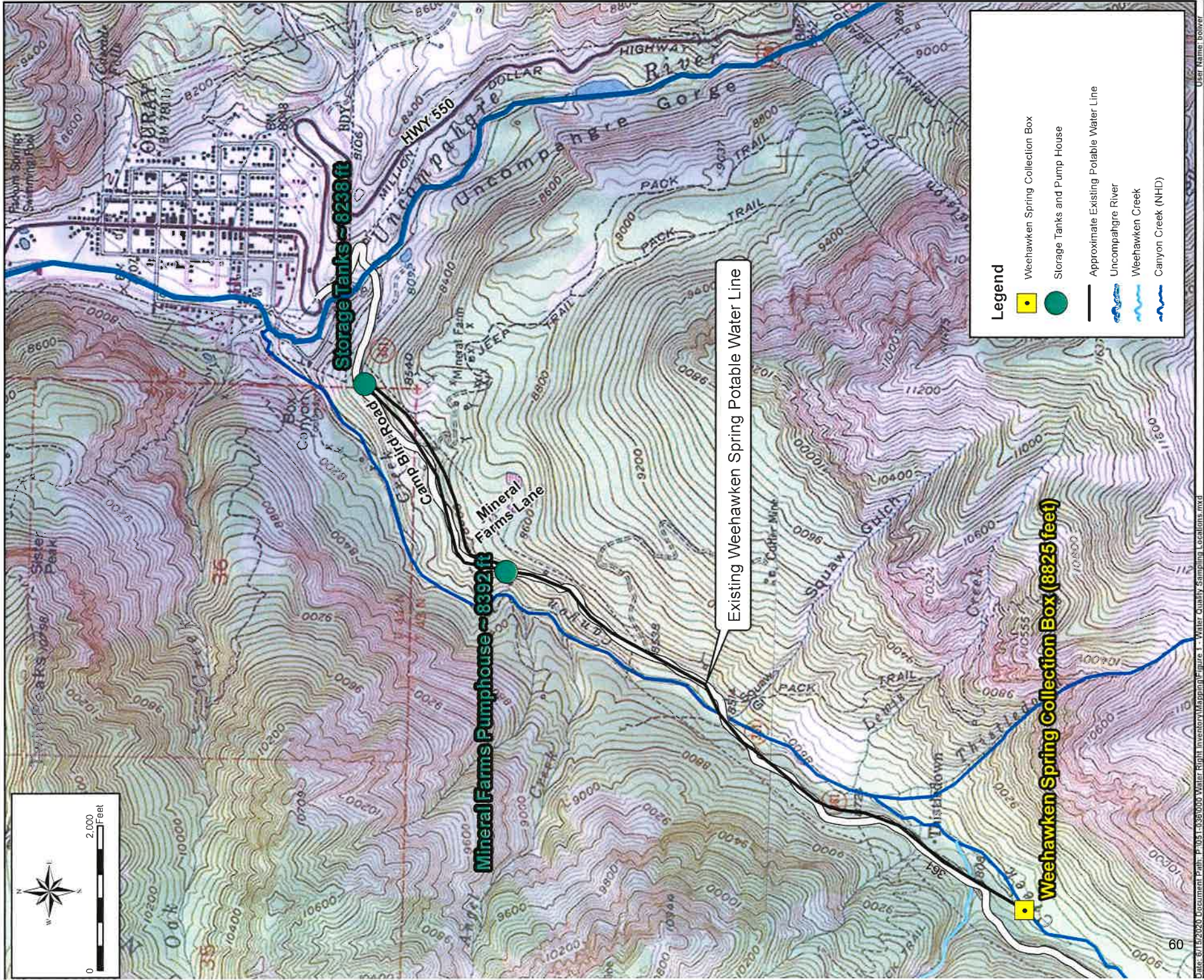
Figure 1. Source Water Evaluation Water Quality Sampling Points

Attachment A – DOLA EIAF Program Grant Application Guidelines

P:\051-036\000 Municipal Water Supply (Non Water Rights)\Source Evaluation\WWE Memorandums and Letters\MPA Results Letter\20200623
- MPA Results Summary and Recommendations.docx

Table 1.
Source Evaluation Water Quality Data Summary for Weehawken Spring
City of Ouray
Work In Progress

Sample Date	Sample Point: Weehawken Spring Collection Box				Sample Point	MPA Score	MPA Results											
	Temperature		Conductivity	Total Coliform			Algae	Diatoms	Plant Debris	Rotifers	Nematodes	Pollen	Ameba	Ciliates	Colorless Flagellates	Crustaceans	Other Arthropods	Other
	Degrees C	Degrees F	uS/cm	MPN/100mL			#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal	#/100 gal
8/28/2018					Water Storage Tanks (pre-chlorination)	12	ND	21	ND	2	1	ND	7	77	11,046	ND	ND	ND
8/5/2019					Mineral Farms Service Line at Pump House	13	ND	41	ND	1	ND	1	4	ND	25	ND	ND	ND
4/1/2020				5.3														
4/6/2020	5.6	42.1	621.2															
4/10/2020	5.6	42.1	614.1															
4/15/2020	5.5	41.9	612.0															
4/17/2020	5.5	41.9	620.3															
4/20/2020	5.9	42.6	624.1															
4/23/2020	6.2	43.2	614.4															
4/28/2020	6.0	42.8	605.1															
4/30/2020	6.5	43.7	599.2															
5/4/2020	6.0	42.8	560.4															
5/6/2020				<1														
5/7/2020	6.1	43.0	518.2															
5/13/2020	7.4	45.3	469.1															
5/14/2020	6.5	43.7	454.8															
5/19/2020	5.9	42.6	432.8		Mineral Farms Service Line at Pump House	30	318	5249	9	ND	11	28	64	ND	18	ND	ND	ND
5/21/2020	6.3	43.3	402.2															
5/26/2020	6.2	43.2	377.8															
5/28/2020	6.1	43.0	343.3															



OURAY COUNTY, COLORADO

WATER QUALITY SAMPLING LOCATIONS

FIGURE
1

PROJECT NO.
051-036.000

CITY OF OURAY



Wright Water Engineers, Inc.
1656 N. Main Ave., Ste. C
Durango, CO 81301
(970) 269-7411, ph. 259-8758 fx

Path: P:\051-036.000 Water Right Inventory\Map\Figure 1 - Water Quality Sampling Locations.mxd Date: 6/15/2020 Document Path: P:\051-036.000 Water Right Inventory\Map\Figure 1 - Water Quality Sampling Locations.mxd User Name: doliver

ATTACHMENT A



COLORADO

Department of Local Affairs

Division of Local Government

ENERGY AND MINERAL IMPACT ASSISTANCE FUND PROGRAM GRANT APPLICATION GUIDELINES

The following guidelines are designed to assist potential applicants in achieving funding within the Energy and Mineral Impact Assistance Fund (EIAF or Impact) program. Any organization applying for a grant in this program will be required to certify that the project for which funding is being requested has been well planned, evaluated, and that no state or federal laws will be broken.

Potential applicants are required to contact their Regional Manager for guidance and questions prior to applying. Please visit the Department of Local Affairs website at <https://www.colorado.gov/pacific/dola/regional-managers> where the contact information for Regional Managers can be found.

Table of Contents

Grant Program Purpose	3
Eligibility	3
Financial Assistance	6
Matching Dollar Requirements	8
Application Form	9
Application Deadlines	10
Application Review	10
Funding Decisions	14
Appendix A: Policies Related to Specific Grant Requests, by Type	15
Appendix B: Statewide Programs and Initiatives	19

Grant Program Purpose

The Department of Local Affairs' (DOLA) Energy and Mineral Impact Assistance Fund (EIAF) program was created to assist political subdivisions that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels. Funds come from the state severance tax on energy and mineral production and from a portion of the state's share of royalties paid to the federal government for mining and drilling of minerals and mineral fuels on federally-owned land. The creation of the fund is outlined in C.R.S. 34-63-102 (Federal Mineral Lease) and C.R.S. 39-29-110 (Severance). Grant dollars are awarded for the planning, construction, and improvement of public facilities, and for the provision of services by political subdivisions.

Eligibility

Political subdivisions of the State of Colorado (local governments) are eligible to apply for grants through this program. Local governments must be in compliance with all laws and provisions governing their operations as well as in compliance with all Department of Local Affairs programs prior to receiving an award.

DOLA's intent in administering this grant program is to do as outlined in statute utilizing a philosophy of supporting rural local governments that need financial and technical resources to promote sustainable community development, and to increase the livability and resilience of communities through strategic investments in asset-building activities. The most successful applications into this program are those that:

- demonstrate urgency and local commitment to complete the project;
- show a high priority for the proposed application;
- are prepared to start work quickly; and
- demonstrate a relationship to energy and mineral impact
- demonstrate financial need

Grants are meant to strengthen community governance through technical assistance, planning, and construction. Applicant projects can range from community strategic plans, comprehensive or master plans, and land use codes, to the construction of community capital assets.

Funds for this program are derived from Severance tax and Federal Mineral Lease (FML) dollars. The following parameters are taken into consideration when assigning severance tax and FML dollars:

- Local governments must disclose whether they can receive Severance tax funds without impacting their TABOR limits. If Severance funds cannot be used, the department may assign FML dollars.
- Counties will not receive FML dollars due to the impact of the dollars onto the organization's Payment in Lieu of Taxes (PILT) payments.

- Statewide locations where FML production occurs and for enterprise operations are prioritized when assigning FML dollars .
- An enterprise fund may request Severance dollars, however, the local government must evaluate the impact of these dollars to the enterprise status before these funds will be assigned by DOLA.

Education

Given the demand from local governments for limited grant funds, applications from higher education institutions and school districts (K-12) are generally not successful when reviewed with local government applications, due to other grant sources available specifically to them.

Requests from K-12 for funding:

- School districts should seek funding for design, and construction through the Colorado Department of Education or, in the case of energy efficiency projects, the Colorado Energy Office, or other appropriate departments before applying to this program.
- DOLA will give preference to support facility improvements that create a needed community asset available for broad public use. Collaboration with local governments in the development of these types of project applications is strongly encouraged and an inter-governmental agreement must be in place before grant contract execution. For example, school buildings often function as community centers for social events, as recreational centers, and as community libraries or service centers for outreach assistance for the elderly or at-risk families. The use of the building as a community asset must be agreed to by the local government and school.
- Applicants requesting support for capital facilities to be used exclusively for K-12 or higher education activities (classrooms, administration buildings and sport complexes) are not competitive.

State Agencies

State agencies are eligible to apply for and receive assistance from a portion of the Energy and Mineral Impact Fund derived from Federal Mineral Leasing revenues as found in C.R.S. 34-63-102(7). State agencies must have legislative spending authority if a Federal Mineral Lease Fund grant award is made. However, per statute (C.R.S. 34-63-102(7)(b)), state-supported institutions of higher education that provide job training or facilities related to energy development for counties or communities with energy impacts may expend moneys from the Local Government Mineral Impact Cash Fund without separate legislative authority.

State agency requests must have the support of benefiting local governments and meet one or more of the following conditions:

- The project must have a direct benefit or service to local governments and, if an award is made, an inter-governmental agreement must be in place before grant contract execution;
- The project addresses the impacts of energy and mineral development at the local, regional, or statewide level;

- The state coordinates efforts related to the planning or implementation of mitigation activities that relieve the impacts of energy/mineral development;
- Communities have identified the need for state involvement in the solution of local problems that may extend beyond municipal, county, or regional jurisdictional boundaries.

Volunteer Firefighter Departments

Per C.R.S. 39-29-110 (1) (b) (IV), the DOLA Executive Director may allocate moneys to privately organized volunteer fire departments serving areas that are socially or economically impacted by energy and mineral development. Given the demand among local governments for limited grant funds, applications from Volunteer Fire Departments are generally not successful.

It is strongly recommended that Volunteer Fire Departments first pursue funding through the Local Firefighter Safety and Disease Prevention Fund (in 24-33.5-1231), administered by the Division of Fire Prevention and Control with the guidance of the Fire Service Training and Certification Advisory Board.

To be considered eligible, the Volunteer Fire Department must:

- Have been organized under C.R.S. 24-33.5-1208.5;
- Have been in existence for three years;
- Be able to provide three years of financial data; and
- Be registered with the Division of Fire Prevention and Control.

In alignment with C.R.S. 24-33.5-12.08.5(6)(c), Volunteer Fire Departments requesting funds must first consider inclusion of the proposed service area into one or more existing fire protection districts, metropolitan districts, or an adjacent or nearby fire department.

Definitions

Fire Department means the duly authorized fire protection organization of a town, city, county, or city and county, a fire protection district, or a metropolitan district, or county improvement district that provides fire protection. Fire Department also includes volunteer fire departments organized under C.R.S. 24-33.5-1208.5.

Volunteer Fire Department means a nongovernmental unit organized in accordance with C.R.S.24-33.5-1208.5 as a nonprofit organization with a primary purpose of firefighting, fire protection, or other emergency services to a defined service area recognized by the appropriate governmental entity with jurisdiction for the area the unit serves.

Financial Assistance

Local governments applying for a grant are required to consult with their area Regional Manager communicating their intent to seek DOLA funding support prior to application submission.

Discretionary Grants

Administrative Planning Grants (up to \$25,000; 50/50 match; total project limit \$100,000)

- Applications for administrative planning grants are accepted year-round and approved administratively, as long as funds are available. Project types include preliminary design, engineering, or feasibility studies. Projects are reviewed and approved by DOLA staff.
- A letter of request signed by the Chief Elected Official is required, addressing the following:
 - The project scope;
 - A budget and timeline;
 - Financial need;
 - Project urgency and readiness to begin work;
 - The energy and mineral impact; and
 - Jurisdiction's financial data.

Tier I Grants (up to \$200,000; 50/50 match)

- Applications for Tier I grant awards are reviewed, rated, and recommended for funding by Program staff to the DOLA Executive Director who makes the final decision on grant awards. Applications are due annually on April 1, August 1, and December 1.

Tier II Grants (over \$200,000 to \$1,000,000 or \$2,000,000 depending on fund availability; 50/50 match)

- Applications for Tier II grant awards are reviewed and scored by the Energy Impact Assistance Advisory Committee, and recommended for funding by the committee and program staff to the DOLA Executive Director who makes the final decision on grant awards. Applications are due annually on April 1, August 1, and December 1

Tier III Grants (\$2,000,000 or more)

- Applications require regional or multi-jurisdictional collaboration to solve a multi-jurisdictional problem. Applications for Tier III grant awards are reviewed by the Energy Impact Assistance Advisory Committee and recommended for funding by staff to the Executive Director who makes the final decision on grant awards. ***Tier III funding is dependent on revenue availability.*** Local governments receiving a Tier III grant may be asked to withdraw from future funding application cycles.

Councils of Government

DOLA has established an annual application process specifically for Regional Councils of Government (COG). Eligible applications may include the following:

- Mini-grant programs, capped at \$5,000 per project, on a cost-sharing basis between local governments and COGs;
- Technical assistance projects or programs such as: GIS services, organizational facilitation, retreat facilitation, support for planning efforts such as Broadband

Local Technology Planning Groups, and project-specific support (e.g., grant writing, project development, and documentation);

- Regional studies and plans such as: second home studies, regional benchmark reports, regional salary comparisons, and regional housing studies;
- Funding is not available for general administration (defined as the costs associated with the overhead operations and personnel costs of a COG). However, a COG that proposes to use existing, or new contracted personnel to work on a specific project for which grant money has been requested may be eligible.

NOTE: COGs are discouraged from applying in regular tiered grant cycles unless applying for a special Statewide Program Initiative grant, e.g.: Broadband.

Emergency Funds

Colorado communities experiencing disasters ranging from tornadoes, wildfires, and floods may request emergency grant funding through this program. Local emergencies may include unexpected or early closure of energy and mineral extraction activities.

Written requests for emergency funds must detail the applicant's financial conditions and be provided to the DOLA Regional Manager from the Chief Elected Official. Requests for funding must include one or more of the following:

- Significant negative impact on public health, safety, and/or welfare that the requested funding will address ;
 - A description of the emergency situation resulting from the disaster and the number of people affected;
 - Unforeseen or unanticipated circumstances;
 - The need for funding is time-sensitive and/or an opportunity to mitigate a future emergency will be missed (not merely delayed) without these funds;
 - Local resources to address the emergency have been exhausted;
 - Details on a federal, state, or locally-declared disaster.

Prior to awarding and contracting emergency funds, DOLA may follow the written administrative planning grant approval process for requests up to \$200,000. For requests exceeding \$200,000, the request will be sent to the Energy Impact Assistance Advisory Committee for recommendation prior to a funding determination by the Executive Director.

If approved, funding will be provided (*only*) up to the amount necessary to address the immediate threat or alleviate the immediate crisis and provide the local government time to access other funding resources.

Statewide Program Initiatives

The requirements for special funding initiatives are based upon established program criteria and additional criteria that may be established to meet the initiative's intent. Typically, a set-aside of funds is made and criteria for the initiative are posted on the DOLA website. All initiatives are reviewed by the Energy Impact Assistance Advisory Committee before they are adopted. Some initiatives are funded administratively, some require partnership with other

state agencies, and some must go through the Committee for a hearing, depending upon urgency or other guidelines.

For information on current funding initiatives, please visit the DOLA website at <https://www.colorado.gov/pacific/dola/regional-managers> or contact a [Regional Manager](#) for more information in your area.

Matching Dollar Requirements

All tiered and administrative grant requests require 50/50 matching funds from applicants unless extreme financial hardship is demonstrated, or another allowance is made by project type. For example, matching requirements may be reduced for Statewide Initiatives based on the program purpose. Typically, projects with higher matching funds receive a higher rating and are more successful in receiving grant funding. Matching funds are considered to be any cash and/or in-kind dollars brought to the project by the applicant. For further information, review the Scoring Criteria Table on page 14 of this document. If a grant award is made, local in-kind matching funds are evaluated and confirmed during the contracting phase of the project. If an applicant is using an in-kind match, the applicant must have prepared a project-tracking method to verify the in-kind match is being met.

Land purchased within the previous year may be used as in-kind matching funds. Land purchased more than 12 months prior to a grant application cannot be used as in-kind match, but will be considered in the project's "readiness to go" score. Applicants are encouraged to note land purchases completed in advance of a project to ensure they are ready to complete work, should funding be awarded.

Application Form

The application for this program can be found on the DOLA website. Because the application is routinely revised, applicants should first download the application from the DOLA website. All grant applications and attachments must be submitted via email to ImpactGrants@state.co.us copying your DOLA Regional Manager.

High Performance Certification Program

Colorado Revised Statute (C.R.S. 24-30-1305.5) requires all new facilities, additions, and renovation projects that meet the following criteria to conform with the High Performance Certification Program (HPCP) policy adopted by the Office of the State Architect (OSA):

- The project receives 25% or more of state funds; **and**
- The new facility, addition, or renovation project contains 5,000 or more gross square feet; **and**
- The building includes an HVAC system; **and**
- In the case of a renovation project, the cost of the renovation exceeds 25% of the current property value .

The HPCP requires projects that meet the criteria to achieve third party verification with the target goal of LEED Gold or Green Globes-Three Globes. Projects that meet the criteria must complete the DOLA registration and tracking process. Please visit DOLA's HPCP web page at <https://www.colorado.gov/pacific/dola/energymineral-impact-assistance-fund-eiaf-high-performance-certification-program>.

In instances where the achievement of LEED Gold or Green Globe-Three Globes certification is not possible, an applicant may request a modification of the HPCP policy or a waiver, if certain conditions exist. DOLA staff will work with applicants to identify workable solutions to meet the program's intent to maximize energy efficiencies.

Local government applicants must review and complete the HPCP Section E of the Energy/Mineral Impact Assistance Fund application. If the proposed project meets the HPCP criteria, the applicant should also complete and submit the HPCP Registration Form and Checklist along with the grant application.

State Historic Register-listed Properties

All applicants requesting funds for projects listed on the State Register of Historic Properties must indicate in their application that the History Colorado, Office of Archaeology and Historic Preservation (OAHP) is engaged in the project before applying for a grant. Prior to awarding a grant for a state-listed site, DOLA will seek a determination of effect from the OAHP via official board action—no grant dollars can be awarded by DOLA without a determination of effect being completed first.

Application Deadlines

Primary Grant Program

Requests for Administrative Planning grants are accepted year round. All Administrative Planning grant requests must be submitted to the area's Regional Manager.

Tier I and Tier II Applications are due annually on April 1, August 1, and December 1.

Councils of Government (COG)

Every October, a notice of funding availability is posted to the DOLA website at <https://www.colorado.gov/pacific/dola/energymineral-impact-assistance-fund-eiaf>.

Potential applicants should contact their Regional Manager for further information.

Statewide Program Initiatives, and Emergency Funds

Applications for Statewide Initiatives and emergency funds vary. Potential applicants should visit the DOLA website at www.colorado.gov/dola for details or contact a Regional Manager for further information.

Application Review

Program Staff and Regional Managers

It is important to involve your area's Regional Manager in the early stages of any project for which you expect to submit a grant application. DOLA Regional Managers are available to assist in project development and application preparation. Upon receipt of an application, the Regional Manager and DOLA staff work together to review all applications. In addition to the Regional Manager, DOLA staff may meet with the applicant to discuss the application and project and assist applicants in preparing a project summary to help evaluate the application against the grant program rating criteria. Depending upon the project and dollar amount of the request, a review by the State's Energy and Mineral Impact Assistance Advisory Committee will be required.

Energy Impact Assistance Advisory Committee

The State's Energy Impact Assistance Advisory Committee reviews applications for Tier II and, if applicable, Tier III, grant funding at a public hearing. At the hearings, applicants present their grant request and answer Committee questions. Following the presentation, the Committee will make its recommendation to DOLA's Executive Director, who is responsible for the final funding decision. Hearings are typically held annually in March, July, and November.

The Committee is an advisory body. Applicants should not assume a grant is awarded or denied solely on the basis of the Committee's recommendation. The Executive Director makes all final funding decisions taking into consideration the recommendation from the Committee and DOLA staff.

By statute, the Committee consists of:

- Executive Director, Colorado Department of Local Affairs (Chair);
- Colorado Commissioner of Education;
- Executive Director, Colorado Department of Transportation;
- Executive Director, Colorado Department of Natural Resources;
- Executive Director, Colorado Department of Public Health and Environment; and
- Seven residents of areas impacted by energy conversion or mineral resource development.

The residents of impacted areas are appointed by and serve at the pleasure of the Governor for terms not exceeding four years. Members are eligible for reappointment. State department directors serving on the Committee may designate agency representatives to act on their behalf.

Grant Program Rating Criteria

All applications are summarized by DOLA staff, with applicant input, into a project summary that evaluates the merits of the grant request in line with the project scoring criteria.

Applications for Tier I and II grants are evaluated and scored by the Energy Impact Assistance Advisory Committee and DOLA staff based on alignment with program criteria.

Applicants are rated based on their past ability to successfully manage grant projects, that it possesses the appropriate professional and technical capacity to initiate and complete the project successfully and within the planned implementation schedule and on the following rating criteria

- **Demonstration of Need:**

The problem is clearly identified and quantifiable need is adequately described and documented.

- Maximum score: 20

- **Priority, Community Goal, Outcome:**

The project is clearly a priority of the applicant, has been well planned, and has well-defined outcomes. It addresses an identified community need or problem and is specified in documents such as a capital improvement plan, community master plan, engineering report, annual budget, and/or other related planning and development resource publications adopted or otherwise approved by the local governing body. The applicant has adequately compiled and reviewed the goals of the community at-large and has identified the project as a highly ranked need against other initiatives.

- Maximum score: 10

- **Local Effort:**

The amount of local government cash contribution and/or revenue generated from debt financing is of primary importance in demonstrating the importance of the project to the applicant. In addition, the amount of funding firmly committed from sources other than local government cash match such as in-kind contributions (i.e., the value of local government labor and equipment dedicated for use in the project), state and federal grants, and private foundation and industry financial support is also considered. While dollar-for-dollar cash match from the local government applicant is strongly encouraged to improve the application's success, the minimum local match requirement (which can be composed of local government cash and other sources described above) is 50 percent of the total project cost. If a 50 percent match cannot be committed, the applicant must provide appropriate documentation and justification for its current fiscal constraints that limit the ability to meet the program's minimum matching requirements.

The Committee will also assign 10 points based on whether: 1) the cash match is reasonable based on a review of the applicant's financial information; 2) in-kind match is appropriately leveraged given the low unrestricted fund balance; 3) the applicant attempted to or succeeded in raising rates, fees, or has a voter initiative to raise revenues; 4) the applicant has made every effort to contribute as much as

possible to the project; 5) applicant water, sewer sales, and/or mill rates are higher than statewide averages; 6) the applicant has exhausted all matching partner options (when applicable); 7) the project was deferred due to lack of funding.

- Maximum score: 15

- **Readiness to Go:**

The project can be implemented in a reasonable period of time, i.e., within 6 months following grant award. Funding sources beyond the Impact Assistance grant are pledged and ready for expenditure. The applicant has demonstrated through past performance that it possesses the appropriate professional and technical capacity to initiate and complete the project successfully and within the planned implementation schedule. Preliminary engineering has been completed and plans and permits are approved and the plan is ready for bid. In the case of design/build projects, a project contractor has been selected by the applicant.

- Maximum score: 15

- **Energy/Mineral Relationship:**

The degree to which the applicant is socially or economically impacted by the development, processing, or energy conversion of fuels and minerals. This includes current energy and mineral impacts as determined by metrics (energy worker residency, permits issued, and mineral production levels) as well as documentation of historical impacts that continue to affect the applicant, or impending impacts that will potentially affect the applicant in the future.

- Maximum score: 20

CRITERIA (points per criteria)		CRITERIA DESCRIPTION
Demonstration of Need (1-20)		<ul style="list-style-type: none"> • Problem, Opportunity or Challenge is clearly identified. • Quantifiable need is well described and documented. • Urgency and Severity of Need may increase score • Health and Safety projects may increase score • Project is a mandatory priority that must be completed
Priority, Community Goal, Outcome (1-10)		<ul style="list-style-type: none"> • The project is identified in their comprehensive or other plan • Project is the local priority • Completing the project solves the problem • Identified expected outcomes
Local Effort	Pre-scored (1-5)	<ul style="list-style-type: none"> • Cash Match is worth a potential 5 points: (50% Match Required, unless financial circumstance warrants reduction) % are rounded to nearest whole number <ul style="list-style-type: none"> ▪ Less than 25% match, 1 point ▪ 25% - 35% match, 2 points ▪ 36% - 49% match, 3 points ▪ 50% - 74% match, 4 points ▪ 75% or higher match, 5 points
	Committee Scored (1-10)	<ul style="list-style-type: none"> • Cash Match is appropriate given unrestricted fund balance • In-Kind Match is appropriate leverage given the low unrestricted fund balance • Attempted/Succeeded to raise rates, fees or voter initiative to raise revenues. • Have made every effort to contribute as much to the project as possible. • Rates are higher than statewide average • Exhausted all matching partner options (when applicable) • Deferred due to lack of funding
Readiness to Go	Pre-scored (1-15)	Pre-scored based on: <ul style="list-style-type: none"> • Project financing secured • Preliminary engineering, plans, permits, zoning, final design etc. has been completed, is being completed, has not begun at all, etc.
Energy/Mineral Impact	Pre-Scored (1-10)	<ul style="list-style-type: none"> • Pre-scored using metrics
	Committee Scored (1-10)	<ul style="list-style-type: none"> • Project directly addresses or mitigates industry impacts (current or historic). • Project diversifies economy - post industry
		Maximum Possible Score = 80 TOTAL SCORE

Funding Decisions

A letter from the DOLA Executive Director announcing a decision to provide project funding is not a formal obligation of funds by the State, but rather an offer to enter into a grant contract for the dollar amount and project specified. Conditions, such as the formation of a taxing district, increased local government project matching funds, or development of necessary plans, may be stated as a contingency in the letter. Such conditions must be met either prior to or during the project performance period at the discretion of the department.

The grant award offer is valid for up to one year. In unforeseeable circumstances when the grantee is unable to execute the contract within the one year period, the grantee *must request an extension of the award prior to its expiration through the Regional Manager.* There is no guarantee that an extension request will be granted, and if denied, the award offer will be withdrawn.

Applicants are notified of award decisions via letter to the Chief Elected Official of the applicant jurisdiction.

Tier I applications will receive award notifications within eight weeks of application.

Tier II applications submitted on:

- April 1 will be presented to the Committee at Hearings in July.
- August 1 will be presented to the Committee at Hearings in November.
- December 1 will be presented to the Committee at Hearings in March.

Award notifications will be made three weeks after each grant Hearing.

NOTE: Grantees cannot begin work on the project awarded grant funds until after receiving an executed grant agreement from DOLA, i.e., an executed grant contract is one that has been signed by the State Controller.

Appendix A: Policies Related to Specific Grant Requests, by Type

Administrators/Managers

DOLA works to promote the professional local government management field and to increase the management capacity of local governments in Colorado through the placement of professional city/town managers in communities who have not employed one in the past. These jurisdictions must work with their Regional Managers to determine the most appropriate path forward to hire a professional manager. Grant funding for local government administrators/managers will constitute a three year commitment by DOLA to the jurisdiction. This commitment could include salary, benefits, and new operational expenses incurred in establishing a new position. In the first year, DOLA will match 75% to local 25% match; the second year, 50% DOLA to 50% local match; and the third year, 25% DOLA to 75% local match.

Hazardous Waste, Hazardous Materials and Contaminated Properties

DOLA does not fund projects that occur on contaminated properties or that will result in a potential liability to DOLA as the responsible party. While it is understood that at times a project may require disposal of hazardous waste or the transportation of hazardous material, DOLA will not fund these activities.

Housing

Due to the immense deferred maintenance of critical local government infrastructure, this program is not intended to be used as funding for housing related projects. The program funds public facilities open to the general public and are seen as a community asset. If an application is submitted for housing work, the applicant will first be asked to contact DOLA's Division of Housing. This program will fund community-wide housing needs assessments; however, assessments to prepare development plans for a neighborhood may not be successful. Additionally:

- Affordable housing projects are the only projects supported through this program.
- The program will only fund infrastructure below ground and off-site for utilities like storm drainage, and will not fund actual housing construction, including underground utilities.
- Applications for housing projects must be a top priority of all participating local governments and demonstrated as such in their comprehensive plan or a related community plan.
- A connection to energy and mineral impacted areas must be clear.

Land Use Plans and Regulations

Historically, DOLA has funded comprehensive plans and land use regulations submitted by municipalities and counties. The department uses best practices to support improved long-term community development outcomes.

When funding comprehensive plans, the department **requires** that the following project components be included in the scope of work:

- A plan for three miles outside municipal boundaries also known as the three mile plan per C.R.S. 31-12-105(1)(e)(I).
- The plan should identify the risks and vulnerabilities of natural and human caused hazards and goals, strategies, and/or actions to address these hazards. (This is not to be confused with the county's hazard mitigation plan, but would take information from that plan and consider how to address that information in the comprehensive plan's goals and strategies for future development.)
- Identify recommendations for land use code updates to conform to an updated comprehensive plan. The department may fund land use code updates.
- Demonstrate the engagement of neighboring jurisdictions and major service providers/special districts impacted by growth and development

The department **strongly encourages** the following when reviewing comprehensive plans:

- Land use code updates: Because the land use code implements a comprehensive plan, a complete land use code update is strongly recommended, and may be required in the grant contract to accompany or immediately follow a comprehensive plan update. The department also encourages the inclusion of hazards planning in land use codes.
- Intergovernmental agreement(s) (IGA) with neighboring jurisdiction(s) to establish the mutually agreed upon area outside the municipality's boundaries that would be subject to a joint review process for development proposals to ensure consistency with plans. In addition, the IGA will address how infrastructure will be provided or upgraded and maintained in areas of mutual interest and engage major service providers/special districts, as applicable.
- A water supply and conservation component to ensure sufficient water supply for the projected development and an overall water conservation strategy. (*Colorado Water Conservation Board may be able to fund this element*)

Parks, Recreation, and Trail Projects

Due to the limited amount of Impact funds available, local governments interested in funding for outdoor recreation projects will be directed to consider other outdoor recreation funding sources, such as Great Outdoors Colorado (GOCO). Grant applications are often more successful when they leverage funding and are a community priority.

Power Purchase Agreement in Energy Improvements

DOLA will consider the use of Power Purchase Agreements (PPA) in certain circumstances. The benefit of the PPA must support a qualified government and the equipment must eventually be owned by the qualified government. In the event the qualified local government does not want to own the equipment used to create the PPA, DOLA may consider funding under the following conditions:

- The PPA must benefit a qualified government:
- The term of the PPA between the vendor and the qualified local government must generate savings equal to or greater than the grant award.

Road, Bridge and Street Improvements

The construction or replacement of a bridge or culvert is considered a major infrastructure project. Applications are more successful when there is a strong connection to industry activity. The total volume of vehicle traffic, also known as an Average Daily Traffic count (ADT), is required from applicants for all road, bridge, and street improvement projects.

Road and street improvements and maintenance are the responsibility of the local government. DOLA may fund a local government road or street project under these circumstances

- Paving projects on county roads and municipal streets directly impacted by the energy and mineral industry. NOTE: Projects on roads and streets with little relationship to the impacts of the energy and mineral industry are not considered competitive.
- Paving projects must utilize a permanent material.
- Applicant should demonstrate that any paving projects are improvements rather than maintenance.
- Road and street paving projects important to economic development including those identified in Main Street Program project areas.
- Engineering of the road and street improvement being requested must be completed before application submission for DOLA to ensure that projects will be successful once implemented. Unsigned review by an engineer is not sufficient to satisfy this requirement.
- Residential and/or private roads not constructed or maintained by local governments are not eligible for grant applications.
- Drainage improvement projects directly related to roads impacted by the energy and mineral industry or with an identified safety hazard will be considered. Curb, gutter, valley pans, culverts, etc. are eligible for street and road projects when coordinated with a road or street improvement.
- Sidewalk improvements related to road and drainage funded projects must implement a management plan or study and an implementation schedule before grant award.
- Grant applications will not be accepted for work on federal or state highways.

Rolling Stock/Vehicle Replacements

DOLA does not invest grant dollars in rolling stock (road maintenance equipment, firefighting apparatus, ambulances, public safety vehicles, etc.) for local governments. It is the position of the department that local governments should be planning for and building into their budgets necessary funds to replace vehicles and equipment on an ongoing basis. DOLA may assist a local government with the establishment of a rolling stock replacement program.

Circumstances in which DOLA may be willing to consider funding equipment are as follows:

- Documented evidence of firefighting apparatus shortages in past response to or in preparation for response to wildfires.
- Situations wherein road maintenance or emergency response capabilities directly related to energy or mineral impact activities require equipment purchases that might otherwise exhaust local financial capability and local revenue-raising has been insufficient.

Local governments wishing to diversify fleet fuels, build aggregated demand for private investment in fueling stations, or that have adopted fleet sustainability goals may request funding for the increment upgrade costs associated with replacement of fleet vehicles to alternative fueled vehicles (AFV). AFVs may include compressed natural gas (CNG), CNG bi-fuel, propane, or plug-in electric vehicles. The local government is required to provide a financial match that is equivalent to 100% of the cost of a standard vehicle and demonstrate the ability to build replacement of the alternative fuel vehicle into its fleet management program.

Short-term Equipment and Assets Replacement

DOLA does not provide funding for short-term equipment purchased for local governments. It is the position of the department that local governments should be planning for and building into their budgets the necessary funds to replace short-term assets and equipment on an ongoing basis. However, DOLA may assist a local government with the establishment of a replacement program.

Digital Trunked Radio (DTR) Communications

DOLA will consider funding the purchase of DTR communication consoles for local governments under the following conditions:

- The DTR Communications console equipment is compatible with the current State DTR Communications system. The equipment proposed for funding in this program should be consistent and compatible with the area's Regional Communications Interoperability Plan.
- The local government must demonstrate that they cannot acquire this equipment through other funding mechanisms such as a lease purchase agreement, local financial institutions, or with cash.
- The local government must provide a 50% cash match.
- If the jurisdiction is dispatching for other entities within its region (i.e. fire districts, EMS, municipalities etc.), they must establish a charge-for-service for dispatch service.
- The local government must demonstrate that the requested funding for equipment is one time funding and that the local government has a fiscal and operational model in place that is self-sufficient, sustainable, and locally funded for the future. If such financial planning is not in place, the local government will be required to implement a fee to ensure future replacement as a condition of the grant.
- The local government must demonstrate that the funding assistance requested is the only method available to secure safe and reliable communications for their region and

that all cooperative and regional solutions have been investigated and eliminated as unworkable.

E-911 Policy:

If a local government can demonstrate that they have established their E-911 tariff at the maximum allowable charge through the Colorado Public Utilities Commission waiver process, the application for E-911 related projects will be more successful.

Uranium Mill Tailings:

Per 39-29-110 (1)(b)(III)(C), up to \$50,000 is made available each state fiscal year to political subdivisions that include mill sites designated for cleanup pursuant to federal Public Law 95-604 for reimbursement of actual, documented costs related to the cleanup of uranium mill tailings. To ensure appropriate documentation, applicants for these funds must submit their request for reimbursement through the appropriate Tier I application cycle. Funds awarded will be on top of the cycle award amount and these applications will not need to compete against other applications submitted. However, all documented costs related to the cleanup must be provided as an attachment to the application.

Alternative Fuels**Objective**

To support local government efforts in the use of alternative fuel vehicles, and the construction of alternative fueling stations.

Application Process

Before submitting an application, local governments are required to first consult with the DOLAs partner agencies: Colorado Energy Office and the Regional Air Quality Council regarding fueling stations and the purchase of alternative fuel vehicles.

Applications will follow the regular grant application guidelines, amounts, cycles, and timelines.

Funding Opportunities Include

- Increment upgrade on the replacement of a vehicle to one that is alternative fuel.
- Alternative fueling station infrastructure for publicly-owned fleets.

Additional Funding Requirements and/or Consideration

- DOLA partners with the Colorado Department of Transportation (CDOT), the Colorado Energy Office (CEO), and the Regional Air Quality Council (RAQC) to support the use of alternative fuel vehicles throughout the state by assisting with the purchase of alternative fuel vehicles and fueling station infrastructure.
- Matching fund requirements for alternative fuel vehicles are the primary replacement cost. In the case of fueling stations, matching funds required are 50% unless an applicant can show that their financial conditions are such that only 25% match is available.

- School districts are generally not competitive applicants when reviewed with local government applications, due to the other grant sources available specifically to them.

Broadband

Objective

To support local government efforts to provide public institutions, private businesses, and local citizens with access to reliable broadband service at affordable costs.

Application Process

Applications follow the regular grant application amounts, cycles, and timelines.

Funding Opportunities Include

- Regional Planning and Interconnectivity
- Middle-mile Infrastructure

Additional Funding Requirements and/or Consideration

- Because of the technical complexity of these grants, a more in depth review by DOLA staff is required. Applicants must contact their Regional Manager prior to submitting a grant application.
- A 25% match is required for regional planning grants
- A 50% match is required for middle-mile infrastructure

Appendix B: Statewide Programs and Initiatives

Please contact your Regional Manager for current information on these programs and initiatives or visit the DOLA website at www.colorado.gov/dola. The following is summary and does not cover all programmatic or initiative requirements.

Statewide Programs

Best and Brightest Management Intern Program

Objective

To support local government management interns in partnership with participating local governments and the University of Colorado.

Application Process

Local governments must contact the respective Regional Manager for application process details.

Funding Opportunities Include

- Participating towns and counties will be provided with one full time (40 hours per week) general management intern for two years.
 - Students accepted into the University of Colorado's program will complete a master's degree in Public Administration or Political Science with an emphasis in politics and public policy.
 - Students receive an annual salary and benefits package totaling \$46,000.
- Each jurisdiction will match DOLA's award of 50% toward each student's annual salary and benefit package.

Additional Funding Requirements and/or Consideration

- Local governments will determine the necessary job requirements for interns.
- Local governments must develop a job description and work plan, as well as a plan for mentoring the intern throughout their time in the position.
- Upon completion of the two-year program, each student will have completed all of the requirements for a master's degree in Public Administration or Political Science with an emphasis in politics and public policy while also gaining two years of invaluable applied experience.

Main Street Program

Objective

To strengthen local governments and downtown organizations through a nationally-proven process that implements community needs and ideas to create a downtown revitalization strategic plan. If accepted into the Main Street program, communities are eligible for financial and technical support. While the program focuses on the participating Main Street

communities, other communities may benefit by joining as Affiliates or attending trainings to learn the methodology and lessons learned from other communities.

Funding Opportunities Include

- Mini-grants offered to communities participating in the Main Street program based on their annual work plan.
- Through a prequalified consultant pool, financial assistance is offered for extensive technical expertise and assistance.

University Technical Assistance

Objective

In collaboration with the University of Colorado, the University Technical Assistance (UTA) program provides rural local governments with planning and preliminary design assistance. The UTA program engages higher education interns in real-world projects that benefit rural communities, saving local governments money, and providing students with valuable work experience. All projects and interns are supervised by university professionals.

Application Process

Local governments interested in assistance must contact the University of Colorado Technical Assistance group through their area Regional Manager.

Opportunities Include

- This program provides public engagement, planning and preliminary design assistance through the University Technical Assistance interns.
- Students complete preliminary plans and designs that can be used to inform and engage community members in a project and to apply for project implementation grants.

Funding Requirements and/or Consideration

Once a project is identified, a scope of work, timeline, and budget are created and approved by the community, UTA, and DOLA. The local government receiving technical assistance will provide 50% of the project costs and 50% of the cost will be provided through the program.

Statewide Initiatives

Fiscal Stability Initiative

Objective

Support local government efforts in implementing financial management best practices.

Application Process

Applications follow the regular grant application amounts, cycles, and timelines.

Funding Opportunities Include

- Five-Year Capital Project Planning
- Financial Capacity Analysis
- Financial Checkup
- Asset Inventory and Management
- Fiscal Health Diagnostic Tool
- Program Costing

Additional Funding Requirements and/or Consideration

- Matching funds required at 50% unless extreme financial hardship is demonstrated.



COLORADO
**Department of Public
Health & Environment**

June 9, 2020

Mr. Joe Coleman
City of Ouray
PO Box 468
Ouray, CO 81427

RE: Corrective Action Plan Approved
Community Drinking Water System;
City of Ouray, CO0146588, Ouray County

Dear Mr. Coleman:

The Field Services Section of the Colorado Department of Public Health and Environment's Water Quality Control Division (the department) conducted a sanitary survey at City of Ouray (the supplier) on August 21, 2019. The department sent a sanitary survey findings letter on October 8, 2019 that provided the supplier with written notice of significant deficiencies and/or violations identified during the sanitary survey. The sanitary survey findings letter required a written response for significant deficiencies and/or violations of the *Colorado Primary Drinking Water Regulations* (Regulation 11), 5 CCR 1002-11 by February 5, 2020.

As of the date of this letter, the department received the following response to the sanitary survey letter:

- January 30, 2020 email response sent by and telephone conversation with Joe Coleman, Public Works Director, City of Ouray
- June 8, 2020 email response sent by and telephone conversation with Joe Coleman, Public Works Director, City of Ouray

In accordance with Regulation 11, Section 11.38(3) (f), the supplier is required to resolve significant deficiencies and/or violations within 120 days of the sanitary survey findings letter or be in compliance with a department approved corrective action plan and schedule. The 120-day deadline for the supplier is February 5, 2020. Based upon the communications received to date by the department, the following actions have been taken by the supplier to address the significant deficiencies and/or violations and a proposed schedule for completing the remaining actions are as follows:

1. Based upon the communication received to date by the department, the following corrective action plan and schedule is approved:

- a. Resolve the following violations by **September 14, 2020**:

- i. **M612 - Management:**

Inadequate Survey Compliance Ratio (T2): Supplier has not adequately surveyed their public water system for cross connections. This is BPCCC treatment technique violation of Regulation 11 Section 11.39(6)(a)(iii).

In accordance with Section 11.39(3)(c) of Regulation 11, suppliers of water are required to survey waterworks and non-single-family-residential connections to achieve the survey compliance ratio's specified in Table 11.39-I. For the calendar year 2018 the survey compliance ratio must be greater than 0.80. During the sanitary survey, the supplier's survey methods and survey compliance ratio were evaluated by the department inspector. The supplier stated during the sanitary survey that they did not perform any recorded surveys for the BPCCC program prior to late 2018. The supplier started the BPCCC surveying process in late 2018 and continue into 2019. The supplier demonstrated that they were not capable of meeting the survey compliance ratio due to lack of surveys and records prior to



late 2018. Not achieving the survey compliance ratio constitutes a BPCCC treatment technique violation of Regulation 11, Section 11.39(6)(a)(iii).

The department expects that the supplier meet the survey compliance ratio requirements. The department expects that the supplier submit an updated annual BPCCC report with the applicable survey compliance ratio documented.

ii. **M613 - Management:**

Failure to Complete an Annual Backflow Report (T3): Supplier failed to develop a written annual BPCCC program report. This is a BPCCC violation of Regulation 11 Section 11.39(6)(b)(ii).

In accordance with Section 11.39(4) of Regulation 11, suppliers of water must complete an annual written backflow prevention and cross-connection control (BPCCC) program report. At the time of the sanitary survey, the department inspector found that the supplier did not have written program reports for calendar years 2016, 2017, or 2018, which constitutes a BPCCC violation of Regulation 11, Section 11.39(6)(b)(ii). The supplier did not generate reports for the years prior to late 2018 as they started the BPCCC surveying process in late 2018. The department expects that the supplier complete the annual report for calendar year 2019 and submit the written program report along with any other required information to the department inspector.

iii. **M614 - Management:**

Backflow Assembly Testing Compliance Ratio (T2): Supplier has not met the annual backflow assembly testing compliance ratio. This is a BPCCC treatment technique violation of Regulation 11 Section 11.39(6)(a)(v).

In accordance with Section 11.39(3)(e) of Regulation 11, suppliers of water must ensure that backflow prevention assemblies used to control cross connections are tested annually by a Certified Cross-Connection Control Technician and must achieve the backflow prevention assembly annual testing compliance ratios specified in Table 11.39-II. For the calendar year 2018 the backflow prevention assembly annual testing compliance ratio must be greater than 0.70 (70%).

During the sanitary survey, the supplier's methods for tracking annual assembly testing and the backflow prevention assembly annual testing compliance ratio were evaluated by the department inspector. The supplier demonstrated that they were not capable of meeting the annual backflow assembly testing compliance ratio and were not able to determine the ratio as the suppliers BPCCC program was implemented prior to late 2018. The supplier did not achieve the backflow prevention assembly annual testing compliance ratio by the previous compliance date, which constitutes a backflow prevention and cross-connection control (BPCCC) treatment technique violation in accordance with Section 11.39(6)(a)(v). The department expects that the supplier meet the backflow prevention assembly testing annual compliance ratio requirements. The supplier is expected to submit a BPCCC program to the department inspector outlining how they will achieve compliance with the annual backflow assembly testing ratio. Additional information on cross-connection control is available on the department's web site at:
<https://www.colorado.gov/pacific/cdphe/drinking-water-cross-connection-control-program>.

The supplier is expected to complete the corrective actions by the schedule listed above. The supplier then must supply evidence of the corrections to the Department and the date the corrections were made in accordance with Regulation 11, Section 11.38(3)(g). Evidence can be in the form of photographs, documents, or other material that will function as proof that the significant deficiencies and/or violations

have been resolved. If the supplier does not provide resolution to the deficiencies and violations cited in the sanitary survey, the supplier will be in violation of Regulation 11, Section 11.38(3)(f).

Regulation 11 can be found on the department's website at <http://wqcdcompliance.com>.

Thank you for your time and cooperation in this matter. If you have any questions or need additional information, please contact me by phone (970) 248-7154 or via email at casey.kay@state.co.us.

Sincerely,

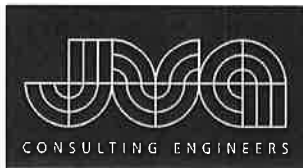
Casey Kay

Digitally signed by Casey Kay
Date: 2020.06.09 07:57:52 -06'00'

KC Kay, Environmental Protection Specialist
Field Services Section
Water Quality Control Division
Colorado Department of Public Health & Environment

Encl: Sanitary Survey Written Response Form

cc: Ouray County Health Department
Danny Wilbur, ORC
Aja Tibbs
Drinking Water File, PWSID No. CO0146588
Aquifer Case No. FS.19.INSP.04944
Cameron Wilkins, PE, CDPHE-FSS Unit Manager
Dan Romero, CDPHE-FSS, Sanitary Survey Follow-up Technician
Emily Clark, CDPHE-DWCAS, Enforcement & Field Findings Compliance Lead
Tim Jones, CDPHE-DWCAS, Field Violation Compliance Specialist
Jorge Delgado, CDPHE-DWCAS, Unit Manager



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☐ Denver

1512 Larimer Street
Suite 710
Denver, CO 80202
303.444.1951

M E M O R A N D U M

TO:	<u>Joe Coleman</u>	DATE:	<u>June 30, 2020</u>
FIRM:	<u>City of Ouray</u>	JOB NO.	<u>1008e</u>
ADDRESS:	<u>320 6th Ave</u>	PROJECT:	<u>City of Ouray WWTF Upgrades</u>
	<u>Ouray, CO 81427</u>	SUBJECT:	<u>Background and Path Forward</u>

The purpose of this memorandum is to provide the City of Ouray (City) with an update on the activities completed recently for the Wastewater Treatment Facility (WWTF) project and a look at the recommended path forward for the City.

PNA RFI AND PEL EVALUATION REVIEW MEETING WITH CDPHE

City Staff and JVA, Inc. (JVA) attended a conference call on June 15, 2020 with Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division (Division) staff. The conference call, which included staff from Permits and Compliance, the Grants and Loans Unit, and the Engineering Section, was to address comments in both the Project Needs Assessment (PNA) Request for Information (RFI) letter and the Preliminary Effluent Limitations (PEL) Evaluation letter.

The Division addressed the comments from the PNA RFI letter regarding its request to expand the PNA alternatives analysis to include a lagoon enhancement alternative, as well as including a discussion for performing an antidegradation alternative analysis for alternative antidegradation discharge limits. The Division acknowledged that this request was made only due to a request by the City to continue evaluating lagoons; however, the Division does not require a lagoon enhancement alternative to be evaluated and has agreed to drop this request from the PNA RFI letter.

Additional discussion with the Division regarding the Debt Repayment for Loans section of the PNA RFI letter occurred during the conference call. The Division incorrectly used a loan value of \$16,629,000 for the WWTF project cost. CDPHE issued an updated response letter on June 12, 2020 with the following updated financial information:

- Loan amount of \$10.2 million at an estimated interest rate of 2.5%.
- Estimated increased fee now at \$14 per EQR per month.
- If the City takes out a 30-year loan, fee increase decreases to \$5.16 per EQR per month.

NEW WATER QUALITY PLANNING TARGETS

In the call, CDPHE presented a possible permitting path that is new this year. JVA has attended a webinar on this new permitting path and is participating in several stakeholder groups regarding this change. The new permitting path allows a municipality to apply directly for a discharge permit instead of first applying for Preliminary Effluent Limits (PELs). This allows for more flexibility in the discharge limits for site approval. Figure 1 below shows the various ways a municipality can apply for Water Quality Planning Targets and the recommended path forward for Ouray is highlighted in yellow.

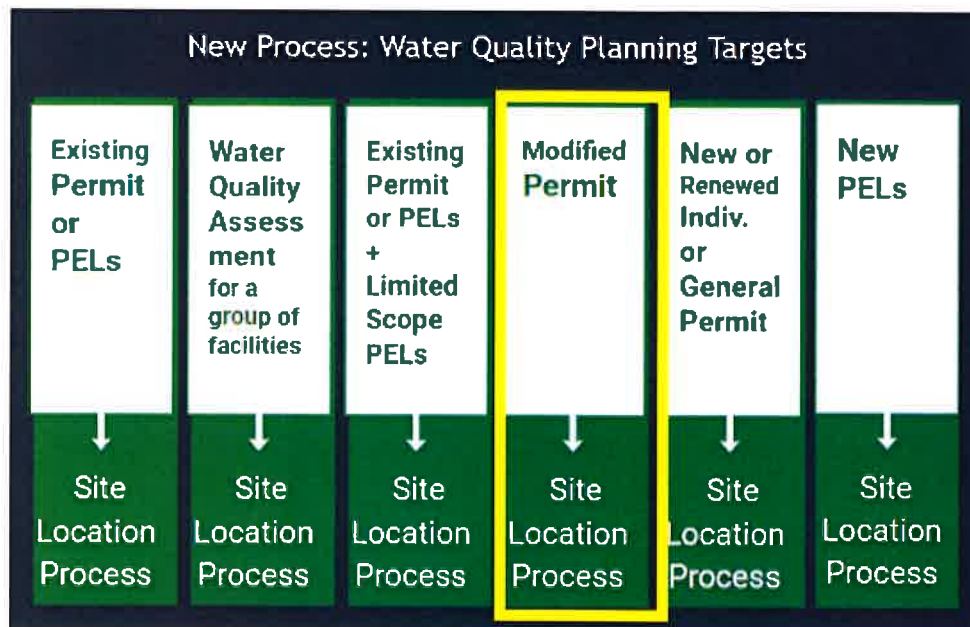


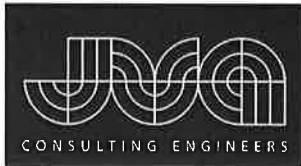
Figure 1. Water Quality Planning Targets

The City would apply for a new wastewater discharge permit. The application has a checkbox that informs CDPHE that this new permit is requested to be used as the Water Quality Planning Targets. After the permit is issued, the City would apply for a Water Quality Planning Target using the Domestic Water Quality Planning Target/PEL application form. Note that the permit would be post-dated to not take effect until after the new treatment facility is constructed.

The Division encourages applicants under 1 million gallons per day (MGD) to consider coverage under one of the surface water domestic general permits because general permits pose several advantages for planning and timing. With the City's dilution factor and smaller size (under 1 MGD), they qualify for a 589 General Discharge permit. The advantages of the general permit are summarized below:

- General permit certifications can be issued far more quickly than individual permits, which may allow the City to skip the PEL stage and use the new permit as the Water Quality Planning Target.
- Certifications under existing general permits may offer dischargers engaged in long-term planning more certainty than individual permits.
- In many cases, general permit certifications can be modified after the general permit has been administratively extended (as long as the general permit itself does not need to be modified). Individual permits cannot be modified after the permit has been administratively extended.
- General permit PELs can be completed more quickly than individual permit PELs.
- General permit PEL and permit fees are lower.

This general permit would cover Water Quality Based Effluent Limits (WQBELs) and Antidegradation-Based Average Concentrations (ADBACs) for all general parameters, and then site-specific parameters would be added as needed. For Ouray, this would include copper. This process would allow the City to potentially use acute whole effluent toxicity (WET) testing to meet copper limits, which would greatly increase the limit for copper, potentially to a level that no longer would require an additional treatment process. JVA recommends that the City pursue this general permit application and can assist with this process. This would replace the current PELs.



HISTORY AND ELIMINATION OF THE LAGOON ALTERNATIVE

In order to clarify for the new City Council why a lagoon option was not pursued previously, City staff requested that JVA reiterate why the lagoon alternative was removed from consideration early on in the design process.

The lagoon alternative was removed from consideration in the City Council Work Session on July 1, 2019. During this Work Session, the improvements required to make the lagoons meet state requirements was explained in detail. The Wastewater Master Plan included a section discussing the existing facilities. A Conditions and Performance Assessment of the lagoons revealed that the design of the existing system does not meet the CDPHE design criteria for the following parameters:

- Volumetric loading
- Lagoon liner thickness
- Seepage

The table below summarizes the comparison of the Ouray WWTF lagoons to CDPHE Design Criteria. The table shows why simply retrofitting the two existing lagoons would be extremely difficult.

Table 1. CDPHE Design Criteria Comparison for Lagoons

Criteria	CDPHE Design Criteria	Ouray WWTP
Aerated Lagoons		
Volumetric Loading Rate	10 - 25 lbs. of BOD ₅ per day per 1000 cubic feet	521 lbs. of BOD ₅ per 1000 cubic feet
Number of Ponds	3	3
HDPE Liner	HDPE 60 mils	40 mils
Seepage, Maximum	10-6 cm/sec	Unknown
Pond Depth, Minimum	6-ft	14-ft
Pond Length to Width Ratio	No less than 1:1, no greater than 5:1	3:1
Pond Side Slope	3 horizontal to 1 vertical	3:1
Freeboard, Minimum	2-ft	2-ft
Aeration Requirements	1.3 lbs. O ₂ /lb. of BOD ₅ (21.7 lbs. O ₂ /hr at 400 lbs. BOD ₅ /day)	24-54 lbs. O ₂ /hr- Cell 1 12-27 lbs. O ₂ /hr- Cell 2
Dissolved Oxygen (DO), Minimum	2.0 mg/L at max. month flow and loading	>2.0 mg/L
Yard Piping	Provide bypass of each pond and must convey design flow rates	Bypass provided; capacity unknown
Level Control Structures	Must maintain consistent and adjustable water surface elevations in each pond	Each pond has a multilevel draw off system to maintain water surface elevation

LOADING

A lagoon system that could treat the planned capacity of 0.465 MGD would require two lagoons, sized at approximately 4 million gallons (MG) each. Sizing was completed using the CDPHE guidance document "*Ammonia Treatment Technologies for Wastewater Lagoons*", using the sizing for partially mixed aerated lagoons. However, the state requires a minimum of three cells. Figure 2 was included in the Work Session presentation with a third lagoon shown as a high-level conceptualization of spacing requirements. For reference, the two current lagoons are sized at 2.09 MG and 1.81 MG respectively, with Basin 2 split into two cells to meet the CDPHE requirement.



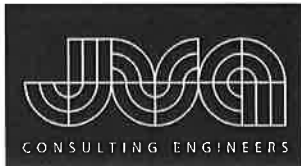
Figure 2. Enhanced Lagoon System

LAGOON LINER THICKNESS

CDPHE requires a liner thickness of 60 mils of HDPE; the existing liner is only 40 mils. Additionally, the liner was installed in 1993. The typical life expectancy of membrane liners is approximately 15 years. The aerated lagoon liners are 25 years old and are at or near the end of their useful life.

SEEPAGE

In August of 2015, JVA performed a seepage study to test the integrity of the lagoon liners using a water balance method as required by the City's 2014 discharge permit. Measurements in lagoon depth, cumulative evaporation, total precipitation, influent flow, and effluent flow were used to determine seepage rates from the lagoons. The results of the seepage study were inconclusive, due to a faulty influent and effluent flow metering device. As a result, the influent and effluent flow measuring devices were both replaced in 2016. The City



MEMO

Joe Coleman, City of Ouray
City of Ouray WWTF Upgrades
Job No.: 1008e
June 30, 2020
Page 5 of 7

continues to monitor influent and effluent flow, as well as the perimeter subsurface drain around the lagoons, for any seepage. However, a complete seepage study would be required if the lagoons are modified.

COMPLIANCE ISSUES

As presented in the City Council meeting on August 20, 2018, the WWTF does not consistently meet permit limits and has had 32 violations from 2012 to 2018; 10 of which were significant noncompliance violations. The recent memo detailing the errors in the Discharge Monitoring Reports (DMRs) uncovered a few more violations as well. A summary of the significant compliance violations is shown in Table 2. The primary noncompliance issues were related to effluent violations for E. coli, CBOD₅, TSS, and failure to submit complete reports. The WWTP experienced several months of significant noncompliance beginning in the summer of 2014 for effluent violations of E. coli which continued through the winter of 2017. The most significant violations occurred from May 2015 to September 2016 when the disinfection system appeared to be offline.

Effluent CBOD₅ concentrations have remained steady over the last several years. The monthly average concentration has only exceeded the permit limit once in the last five years but has been equal to the permit limit twice in the past five years. Fluctuations in effluent concentrations are generally minor throughout the year, however there are peaks during the summer tourism season.

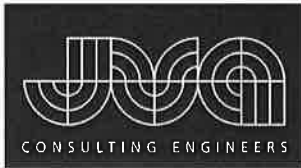
While average effluent TSS concentrations generally are below the permit limit, three of the last five years have seen at least one month of the year where the TSS concentration was above the permit limit. On a few occasions, the effluent TSS concentration has exceeded the influent concentration, indicating an increase in TSS through the treatment process (potentially due to algae or poor settling). Effluent values are fairly consistent throughout the year, with peaks occurring in the spring.

The facility had challenges meeting the discharge limits for E. coli in the latter half of 2015 and the first half of 2016. The remainder of the years, E. coli limits were met, except for another violation in July of 2018. Staff noted that the chlorination system was not operating properly during the period of significant violation in 2015 and 2016.

Effluent flow was exceeded twice in 2014, prompting two notices of noncompliance. Influent and effluent flow meters were replaced in 2016.

Table 2. Summary of Significant Permit Violations

Date	Reported Violation
1/9/2014	Failure to submit DMR
7/9/2014	Effluent Violations for E.Coli, TSS, CBOD ₅ and Effluent Flow
10/22/2015	Effluent Violation - E.Coli, CBOD, TSS
11/27/2015	Effluent Violation - E.Coli, CBOD, TSS
8/26/2016	Effluent Violation - E. coli, CBOD
9/30/2016	Effluent Violation - E.Coli, CBOD, TSS
10/28/2016	Effluent Violation - E. coli
8/18/2017	Failure to Submit Compliance Report – Cadmium, Copper, Iron
11/22/2017	Effluent Violation – E. coli, Cadmium
8/31/2019	Effluent Violation - TSS



ADDITIONAL CONSIDERATIONS

In addition to the limitations presented above, it is JVA's experience that lagoons do not perform well for ammonia removal at low winter temperatures. This is explained in detail in the CDPHE guidance document, "Ammonia Treatment Technologies for Wastewater Lagoons." With more stringent nutrient regulations on the horizon with the upcoming implementation of Regulation 31, it is expected that low ammonia limits will be expected.

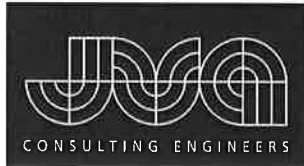
In the Wastewater Treatment Master Plan, an evaluation of each major process area was completed, and deficiencies and concerns were noted. The majority of the existing infrastructure has reached the end of its useful life and requires complete replacement. Additionally, the existing facility would require significant modifications as part of an expansion to meet current CDPHE design criteria. Based on the analysis in the Master Plan, isolated improvements of unit processes are not recommended for the existing facility. To most effectively and efficiently expand the wastewater treatment capacity for the City, a new mechanical wastewater treatment facility was proposed.

Moreover, the improvements required to retrofit the existing system into an enhanced lagoon system are not more cost effective than a new mechanical plant. As presented in the City Council Work Session on July 1, 2019, Alternative 3A (which is the recommended path forward) had an estimated cost of \$10,122,000. This included a new headworks, influent equalization, moving bed biofilm reactor (MBBR) secondary treatment, and disinfection. Alternative 5 had an estimated cost of \$11,761,000. This included a new headworks, influent equalization, enhanced lagoon secondary treatment, and disinfection. In addition to the financial consideration, a new mechanical plant will offer numerous other benefits to City Staff, such as the ability to work indoors during the winter, or additional space onsite for future public works or solids handling facilities.

SRF PROCESS

A flow chart identifying the State Revolving Fund (SRF) Loan Application Steps has been attached to this memorandum. The Division is currently in the process of issuing the City's PNA approval letter, which will include the level of the environmental review process required. If the project does not receive a categorical exclusion, indicating that it's allowed to continue without further environmental review, the City will have to develop an Environmental Assessment (EA) or an Environmental Impact Statement. JVA anticipates that the City will have to develop an EA.

Upon receiving the PNA approval letter, the City will also need to hold a public meeting to comply with Federal public participation requirements. The public meeting will need to be advertised in the local newspaper at least 30 days prior to the scheduled meeting date, and should include a discussion of project alternatives, the preferred alternative, any projected rate increases, and construction related and/or environmental impacts. JVA can assist in developing this presentation. Following the public meeting, the City will need to finalize the Site Application and Process Design Report for the selected alternative. As a reference, JVA has prepared a tentative schedule for project funding, as well as design, permitting, bidding, and construction milestones.

**MEMO**

Joe Coleman, City of Ouray
City of Ouray WWTF Upgrades
Job No.: 1008e
June 30, 2020
Page 7 of 7

Table 3. Tentative Schedule for City of Ouray WWTF Improvements Project

Milestone	Completion Date	To be Completed By
Receive PNA Approval Letter and Environmental Determination	July 31, 2020	CDPHE
Apply for General Permit and Water Quality Planning Targets	July 31, 2020	City/JVA
Hold Public Meeting	August 31, 2020	City/JVA
Prepare and Submit Site Application to CDPHE	September 30, 2020	City/JVA
Prepare and Submit Process Design Report, Plans and Specifications to CDPHE	October 31, 2020	City/JVA
Obtain CDPHE Site Application and Process Design Report Approval	April 31, 2021	CDPHE
SRF Loan Application ¹	June 15, 2021	City
SRF Loan Execution Plans and Specifications Approval	September 15, 2021	CDPHE
Project Bidding and Contractor Negotiations	September 30, 2021	City/JVA/Contractor
Contractor Mobilization and Construction Startup	October 15, 2021	Contractor
Notes: ¹ SRF Loan Application Deadlines are due on the 15 th of the following months, January, February, April, June, August, October, and November		

If you have any questions or concerns, please do not hesitate to contact me directly at (970) 404-3003. We appreciate the opportunity to work with the City of Ouray on this important project.

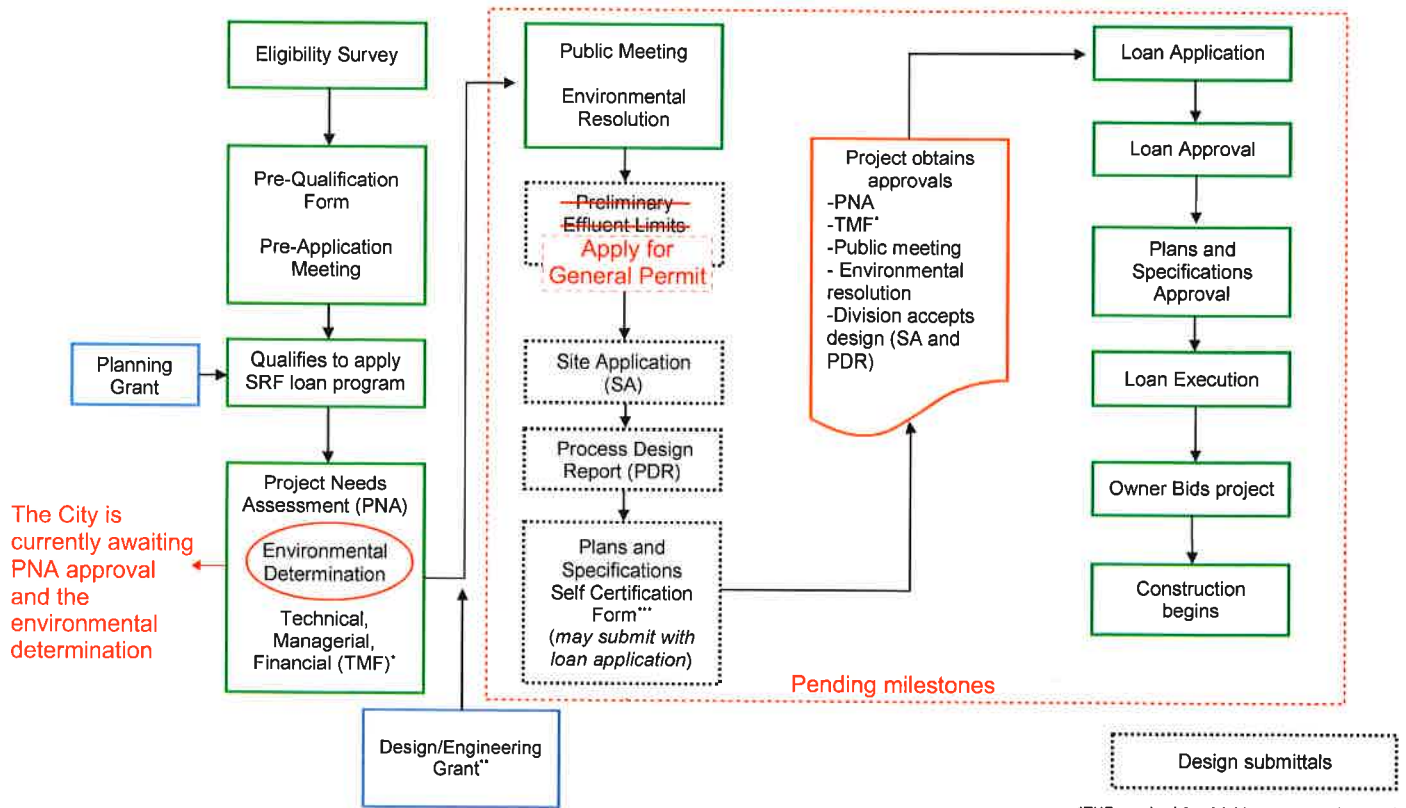
Signed: 
Cooper Best, PE
JVA – Regional Manager

Copies to: Melissa Drake, City of Ouray

Melissa Rhodes, PE, JVA

Janet Hausmann, PE, JVA

SRF Loan Application Steps

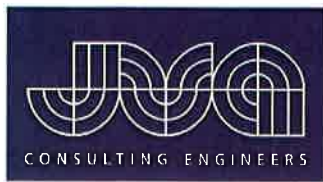


**Issued after review of PNA and amount TBD based on project scope. Private nonprofit entities are not eligible for Design/Engineering Grants.
 ***Borrowers deemed eligible to self certify or streamline design at the PNA stage must submit the appropriate form or letter with the Plans and Specifications to the Project Manager.

JVA Comments - Red Font

Loan application deadlines: Jan. 15, Feb. 15, April 15, June 15, Aug. 15, Oct. 15, and Nov. 15.

For pre-application materials and to contact your regional project manager visit: www.colorado.gov/cdphe/wq-grants-and-loans



June 2, 2020

JVA, Incorporated
1512 Larimer Street
Suite 710
Denver, CO 80202
303.444.1951
info@jvajva.com

Erick Worker, Project Manager, Grants and Loans Unit
CDPHE Water Quality Control Division
4300 Cherry Creek Drive South
Denver, Colorado 80246

www.jvajva.com

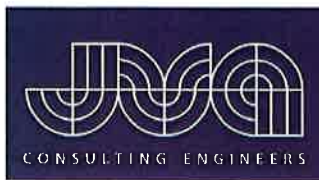
RE: Project Needs Assessment Review – Wastewater Treatment Facility Expansion
City of Ouray, CDPS No. CO0043397, Ouray County
JVA Job Number: 1008e

Dear Erick:

This letter serves as a response to the Colorado Department of Public Health and Environment (CDPHE) Project Needs Assessment Review letter dated January 6, 2020 regarding the City of Ouray's Wastewater Treatment Facility (WWTF) Expansion Project Needs Assessment (PNA) submittal. Please note that we are still waiting on a response from Michelle DeLaria in the Permits division before we can satisfactorily respond to all comments. To show that all comments are addressed, CDPHE's comments will be listed in **bold** with JVA's responses below in *italics*.

1. Section 7 – Assessment of Alternatives:

Section 7.1 of the Water Pollution Control Project Needs Assessment requires the system to discuss a description of the reasonable alternatives that were considered in planning a solution to meet the identified needs. The submittal appears to include three evaluated alternatives including: sequencing batch reactor, moving bed biofilm reactor and a Sequox biological nutrient removal system. The submittal does not appear to include an evaluation of upgrading the existing lagoon system. Based on the Division's preliminary effluent limits (PELs) dated May 31, 2019, the anticipated effluent limits will include both water quality based effluent limits and antidegradation based effluent limits which are more stringent than the water quality based effluent limits. When considering antidegradation based limits some regulatory flexibilities may apply. In accordance with Regulation 31.8(3)(d), the Division may approve alternative permit limits based upon a permittee's alternative analysis if the analysis meets criteria outlined in Regulation 31.8. Based on the preliminary effluent limits in PEL200587 dated May 31, 2019, a lagoon may be capable of meeting the water quality based effluent limits for BOD, TSS, E. coli and nitrogen parameters but may be unable to meet the antidegradation based limits for ammonia. However, a lagoon enhancement project may be a reasonable alternative if considering a potential antidegradation alternative analysis for new discharge limits. Please expand the submitted PNA alternatives analysis to include a lagoon enhancement alternative including a discussion for performing an antidegradation alternative analysis for alternative antidegradation discharge limits. The alternative must also include expected capital and operational costs and advantages/disadvantages. Please note, the Division is currently updating the antidegradation alternative analysis process. For additional information on



antidegradation alternative analysis process please contact Michelle DeLaria by email at michelle.delaria@state.co.us or by phone at 303-692-3615.

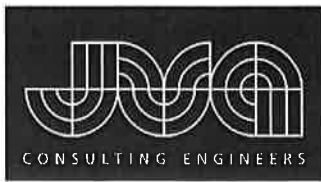
JVA has not received a response from the Permits Division yet, but preliminary conversations indicated that Permits was not requiring the City to pursue further analysis. JVA cannot effectively evaluate a lagoon option without a response from Permits on possible limits. However, JVA believes it is not in the City's best interest to complete a second PEL request for lagoons without first having an idea of what the permit limits might be. A second PEL request would cost the City more money, and at this time the City has not allocated funds to complete this task.

The City has also reached out to the Division regarding a possible scenario in which they could continue using lagoons. The suggestion received was to apply for a tiered permit so that there are less stringent standards during the winter, when lagoons do not perform as well. However, the City already has a tiered permit and more stringent limits can be anticipated in the near future, as regulations continue to be developed and revised. A lagoon system was not evaluated as part of the PNA at the express request of the previous City Council and City Staff, who continue experiencing compliance issues with the current lagoon operations. There is also minimal room to expand the lagoons, and they require relining, all of which was as expensive, and less effective, than the new mechanical plant that was evaluated. Leonard Rice Engineers, Inc. (LRE) reviewed the PEL Evaluation and presented comments back to CDPHE regarding several parameters, but the request to revisit many of the stringent requirements was denied.

Additionally, JVA wrote the alternative analysis feasibility guidance document that was mentioned by CDPHE above, "Ammonia Treatment Technologies For Wastewater Lagoons." It is JVA's experience that lagoons do not perform well for ammonia removal at low winter temperatures, which is supported by this document. The technologies that could be used to enhance the lagoon were not more cost effective than a new mechanical plant, which offered numerous other benefits to City Staff. City Council directed JVA to proceed with only evaluating mechanical options. The City is requesting to not have to evaluate a lagoon enhancement alternative and the associated antidegradation alternative analysis for alternative antidegradation discharge limits. These tasks would result in significant engineering costs to the City, and once again, enhancing the existing lagoon system would not guarantee that the discharge limits could be met given the constraints previously mentioned.

2. Section 8.4 – Appropriateness of Treatment Technologies

Section 8.4 of the Water Pollution Control Project Needs Assessment requires the system to discuss appropriateness of the proposed treatment process(es) to meet proposed discharge limits considering anticipated influent wastewater quality. In review of PEL200587 dated May 31, 2019, Table 2 includes dissolved copper daily maximum and 30-day average discharge limits of 13 ug/L and 8.9 ug/L, respectively. In review of Ouray WWTF discharge monitoring report data from the last two years, dissolved copper effluent concentrations ranged from approximately 20-60 ug/L. The submittal does not appear to discuss the permittee's proposed plan (i.e. treatment process(es) or source control) to meet the dissolved copper limits



identified in the preliminary effluent limits. Please discuss the permittee's plan to meet the dissolved copper preliminary effluent limits.

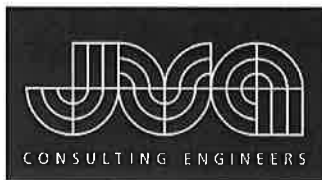
LRE reviewed the PEL Evaluation for copper as well. Their analysis indicates that the discharge limits referred to in Table 2 in PEL200587 should be reevaluated. Their analysis of the calculation for the copper discharge limit indicates that the City can meet the copper discharge limit if their requests are granted. These requests included recalculating the copper limit using the correct hardness value. The Permits unit did not grant LRE's request to reevaluate copper.

However, copper was not included as part of the treatment process evaluation in the PNA, as it was not anticipated to be an issue when the PNA was submitted. Metals removal in a wastewater plant is a complicated additional requirement and would require an entirely separate treatment train, regardless of the selected alternative. JVA has estimated that this addition could be valued at approximately \$1 million due to the required process for low-level metals removal (ion exchange, reverse osmosis, electrocoagulation, etc). We understand the Division's response to Question 1 was based primarily on their concern for the City's ability to fund a new wastewater plant; adding a copper removal process train would add significant cost to the City.

3. Debt Repayment for Loans

The Department of Local Affairs (DOLA) has performed a financial analysis for the project as proposed in the PNA. The following comments are provided as a result of that analysis:

- a. A \$16,629,000 loan with an estimated 3% interest rate and a 20-year term has an annual debt service of \$1,111,719. Based on 2018 financial statements and using 1,351 EQRs, additional annual revenue of \$1,222,135, or \$75.38 per tap per month, would be required to meet the 110% coverage ratio including tap fee revenue. The per EQR rate increase decreases to \$47.66 after taking the 2019 rate increase into consideration.**
 - b. The selected alternative is estimated to increase operating expenses by about \$575,430. To cover the increased expenses, the required annual additional revenue would be \$1,309,553, or \$80.78 per tap per month, (\$53.06 after the 2019 rate increase).**
 - c. Indicators relating to debt relative to the size of the community are weak, demonstrating that the loan amount may be burdensome to the community.**
- a. The estimated project cost, as listed in the response to Section 8.9 in the PNA, was \$12.5 million, not \$16.6 million. A note was made in this section stating, "Costs provided in Attachment 9 were further refined for this PNA." This was intended to show that the background costs in the Attachment were high-level costs from a previous assessment. Further evaluation narrowed the cost to the \$12.5 million as stated in the PNA form. Please note that since the PNA was submitted, the City has removed some items from the project to be held to a later date, which reduced the estimated project cost to \$10.2 million. However, should metals removal be required, it is expected that this cost would increase to accommodate the additional required treatment train.*



- b. *The annual operating expenses for the new WWTF are estimated at \$375,430; it does not represent the increase over the current annual expense. The current O&M expenses for the entire sewer department is approximately \$578,000, with the majority of this cost being personnel expenses (i.e. staff hours). The \$375,430 cost also included an estimate of staff hours. The overall increase to the current annual O&M expenses is expected to be minimal, and the increase relates primarily to the addition of solids hauling (an expense the City is currently delaying) and a small increase in electricity due to the addition of UV disinfection. The additional \$200,000 (\$575,430 - \$375,430) was taken from the "additional sewer utility operating expenses" listed in the rate analysis. However, that cost was extrapolated from the City of Ouray 2017 and 2018 audits and was noted that it is possible to vary significantly each year. Additionally, it is reflective of the entire sewer utility and is not for the WWTF alone.*
- c. *DOLA's financial analysis will need to be reconsidered with these new values.*

4. Environmental Assessment

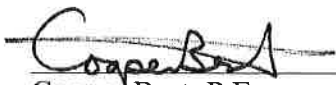
To comply with the requirements of the National Environmental Policy Act, it was determined by the division that the project has the potential to impact federal crosscutters and does not meet the criteria of the State Environmental Review Policy for a categorical exclusion as it includes a new wastewater treatment facility. The project is required to prepare an Environmental Assessment (EA) to analyze potential environmental impacts. Projects subject to an EA must send state and federal agency contact letters while preparing the EA within 45-60 days after the date of this letter. Copies of the contact letters, responses to contact letters, and the EA must be submitted as a packet to the division. Please note, in consideration of the recommended additional alternative analysis for facility upgrades, should the scope of the proposed project change from construction of a new facility, the project will be further evaluated for a possible categorical exclusion.

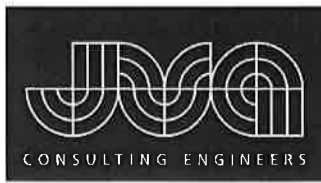
An Environmental Assessment will be submitted; however, the City is waiting until the State agrees on the path forward. The EA will vary depending on whether it is a mechanical plant as requested, or a modified lagoon as described in Question 1. The EA Checklist was submitted as part of the PNA, as is required at this stage.

5. Public Participation

The City recognizes this requirement and will submit documentation of the public meeting as required by the SRF process after this RFI response is completed.

Sincerely,
JVA, INCORPORATED

By: 
Cooper Best, P.E.
Project Manager / Associate



Attachments: N/A

CC: Joe Coleman, Ouray Public Works Director
Kevin Tone, P.E., JVA, Inc.
Melissa Rhodes, P.E., JVA, Inc.
Janet Hausmann, P.E., JVA, Inc.



MEMORANDUM

To: Erick Worker, WQCD Grants and Loans Unit
Cc: Beth Williams, CWRPDA
From: Desi Santerre, Division of Local Government
Date: June 12, 2020
Re: PNA review letter response from the City of Ouray (the "City")

We have reviewed the June 2, 2020 letter from JVA regarding the PNA review letter for the City's proposed WPCRF project.

The City's engineer states that some elements of the project have been put on hold and the new estimated loan amount is \$10,200,000. The financial analysis has been updated with this new loan amount. Additionally an estimated 2.5% interest is used for this updated analysis instead of an estimated 3% interest rate due to the continued low interest rate environment.

- Based on 2018 financials, for a loan of \$10,200,000 with an estimated interest rate of 2.5% and a 20-year loan term, additional annual revenue of approximately \$715,562, or \$44.14 per EQR per month, would be required to meet the 110% coverage ratio. The City's engineer has clarified that any increases to O&M costs are expected to be minimal. The City increased sewer rates by \$27.72 in 2019 and an additional \$2.40 in 2020 according to the City budget. The remaining required increase is estimated at \$14 per EQR.
- The indicators measuring current and projected debt compared to population and customer base are still weak, showing that the debt is large compared to the size of the community. Several indicators including current and projected debt to assessed and actual value improve from weak to average, and projected rates to MHI move from average to strong with the lower debt amount.
- With a design life of 30 years, the City is also eligible for a 30-year loan term. For that longer loan term, an estimated additional annual revenue of \$533,091, or \$32.88 per tap per month, or \$5.16 after the 2019 rate increase, would increase the coverage ratio to 110%.
- Rate increase recommendations in a credit report will be based on the most current available financial statements. Depending on the timing of the loan application, the analysis may change if new statements are available.

Please contact us if we can provide additional information.





Dear Public Works
Crew,
Please know how
much your
contribution to
making the flower
project possible
is appreciated!
Sincerely,
Cindy McCord
OBC Flower Chair

City Resources Department

July 6, 2020

The Box Canon Falls opened daily from 10 am to 5 pm beginning Thursday June 11. The park has been busy with daily admissions averaging more than 400 people for the first fifteen days of operation. The 2020 daily admission count, so far, is approximately 85% of the daily admissions in 2019. On June 27 hours were increased to 8 am to 8 pm to better accommodate the number of visitors.

Three new cashiers have been hired for the Box Canon Falls to replace those who did not return this season. The new staff members are well qualified with much knowledge of the area. They are tremendous assets to the park. The two staff members who returned this summer are appreciated for the support they have provided to the new staff and for their support in getting the park open this year. The level of hard work and staff dedication has been instrumental in the success of the Box Canon Falls.

Several of the vendors who supply items for resale at the Box Canon Falls are behind in their ordering or are no longer in business. This results in fewer items available in the gift shop until replacement vendors are located.

A work crew from the Southwest Youth Conservation Corps (SWYCC) began work to improve drainage and reduce erosion on the upper trail at the Box Canon Falls. In addition to erosion control, the crew is improving the area where the Perimeter Trail intersects the Box Canon Falls Trail and are assisting with preparations for the black swift nesting research scheduled for 2021. The crew consists of four youth and two leaders. This crew numbers half the size that would have been sent if there were no pandemic. Crew members all come from the Durango area. Recruitment took place in Ouray County but there were no applicants from Ouray County. To fulfill the required education component of this grant funded activity I have arranged for a local geologist and ornithologists from the Colorado Field Ornithologists to meet with the group. I meet with the crew daily. The SWYCC is a well-run organization providing meaningful work experience for youth and needed improvements to the Box Canon Falls.

Researchers who will be studying nesting activity of the Box Canon Falls black swift colony have met at the Falls to identify ways the research can occur and be non-intrusive. Research activities are designed to have no negative impact upon the visitors to the park and no negative impact upon the birds. It is likely that this project will result in an additional interpretive display at the Box Canon Falls Visitor Center.

The Ouray Trail Group has offered to assist the City with replacement of the wire trail fence near the upper bridge at the Box Canon Falls. Work could occur as soon as this autumn after the park is closed. Some of the materials will be donated. Cost estimates for other materials are being developed. The volunteer contributions of the Southwest Conservation Corps and the

Ouray Trail Group are greatly appreciated for these necessary maintenance activities at the City's park.

An AED (Automatic External Defibrillator) has been installed at the Box Canon Falls Visitor Center. Thank you to Ouray County EMS.

Two trees located above the kiosk at Cascade Falls are leaning, posing a threat to the kiosk and possibly to hikers who are resting at the kiosk. The Ouray Trail Group has offered to contract a professional tree trimmer to safely cut these trees. Approval for this has been granted to the OTG.

The Hot Springs Pool opened on June 22, 2020. During the first week of being open there were 1,194 guests, which is an average of 171 visitors per day. In 2019 during the same week the pool averaged 1,124 daily visitors.

The Hot Springs Pool is currently offering three 2-hours soaking sessions daily. In between these sessions the facility is cleaned and wiped down with disinfectant. State Health Department restrictions currently limit the facility to 50 people. The 50 person limit is typically reached within a few minutes of opening. Recent interpretation from the State Health Department may allow the Ouray Hot Springs to increase the total number of soakers to 70 or 80. To accomplish this will require opening of an additional pool which will require additional lifeguard staffing, and will also require requiring soakers to remain in a specific pool during the entire time they are in the facility. Soakers enjoy the ability to move from pool to pool to take advantage of different water temperatures. To comply with health regulations, and increase capacity by 20 more people, this freedom would be eliminated. Other strategies for increasing daily attendance while fulfilling health department requirements are also being discussed with pool staff.

Aqua-fitness classes are valued by the Hot Springs Pool staff and will be resuming soon.

With reopening of the Hot Springs Pool staff that had been furloughed have been reactivated by Human Resources. Some of the lifeguards that had worked at the Hot Springs Pool last summer have returned this season and are now actively employed at the pool.

Through conversations with the American Red Cross strategies have been developed that will support safe recertification of lifeguards during this time of covid-19. It will be necessary to increase staffing levels at the Hot Springs Pool when bather capacity is increased.

The Fitness Center remains closed. City Resource staff have prioritized opening and operating other facilities and will turn their attention towards the Fitness Center when staff time becomes available.

Staff at City facilities are following state guidelines and diligently cleaning and disinfecting throughout each day. With the high numbers of people visiting facilities some staff have expressed worry over the possibility of transmission of covid-19, especially in high traffic areas.

City of Ouray Police Department

June 2020 Chief's Report

During the month of June the OUPD conducted approximately:

- 239 Patrol Checks
- 23 Traffic Complaints (includes speeding, parking and accidents)
- 12 VIN Certifications
- 10 Bear Calls
- 4 Assist other agencies

In addition Chief Wood completed 121 hours of in service training on the following topics:

- Driving Skills
- Firearm Qualifications
- Community relations
- De-escalation
- Anti-Bias training
- Civil and Criminal liability
- Updated arrest control techniques

Upcoming items: OUPD is working with the city attorney to review and update the city ordinances relating to trespass on city flumes, water ways and Off-Highway-Vehicle use and others.

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



970.325.7211
Fax 970.325.7212
www.cityofouray.com

ACTION ITEMS (July 6, 2020):

Unbudgeted Expense for Title/Survey Search Regarding 300 & 302 Oak Street

Action Requested – *Will City Council approve an unbudgeted expense for a title/survey search regarding 300 & 302 Oak Street?*

Background – There was a discussion at a past Council meeting about rerouting the geothermal line around a heat exchange vault that services private residences. A title/survey search was suggested and staff has determined costs for this. Since this search cost is unbudgeted, it must be approved by Council to move forward.

Recommendation – Council decision

Intergovernmental Agreement (IGA) with WestCO Dispatch

Action Requested – *Will City Council approve the IGA with WestCO Dispatch?*

Background – This is a standard agreement for dispatch services for City of Ouray Police Department and Ouray Volunteer Fire Department.

Recommendation – Staff recommends approval

Appointment of Police Chief Jeff Wood as a Board Member for WestCO Dispatch

Action Requested – *Will City Council appoint Police Chief Jeff Wood as a Board Member for WestCO Dispatch?*

Background – City Council previously appointed the former Police Chief to serve on this board. Police Chief Jeff Wood has been serving in this capacity unofficially since Justin Perry resigned.

Recommendation – Staff recommends approval

Ordinance 8, Series 2020 – Removing the OCRA Seat on the CEDC – First Reading

Action Requested – *Will City Council approve Ordinance 8 removing the OCRA seat on the CEDC?*

Background – Currently, one seat on the CEDC is assigned to be filled by OCRA. Since the City of Ouray has formally terminated its relationship with OCRA/OTO, it was suggested that this change be made. The seat was previously filled by the OCRA/OTO Executive Director and has been vacant since she resigned.

Recommendation – Council decision

Application for CEDC Membership – Thomas Fedel

Action Requested – *Will City Council appoint Thomas Fedel to the CEDC?*

Background – The CEDC has received an application for a new member, Mr. Thomas Fedel. His application has been reviewed by and recommended for approval by each member of the CEDC. Mr. Fedel is both a resident and business manager in the City of Ouray, and he meets the qualifications to serve on the committee.

Recommendation – Council decision

Box Cañon Geothermal Line Project

Action Requested – *Will City Council reconsider the Box Cañon Geothermal Line Project?*

Background – City Council approved the engineering of Phase III of the Box Canyon Geothermal Line Project by a 4-1 vote. The discussion among City Council was to get the engineering portion of the project complete and to hold off on construction until Council was comfortable with funding the construction phase. There was also discussion about rerouting the line and work that may or may not need to be done on a heat exchange vault that services a private residence. Currently, no decisions have been made on these options.

Options for City Council

1. Continue with engineering phase and continue to wait on construction phase.
2. Continue with engineering phase and approve construction phase.
3. Put both phases of the project on hold until next year when the City has a better understanding of the budget and what the effects the pandemic had on our revenue.

Recommendation – Council decision

From: [Aja Tibbs](#)
To: [Melissa Drake](#)
Subject: Title Estimates
Date: Friday, May 1, 2020 2:30:54 PM
Attachments: [image004.png](#)
[image009.png](#)
[image011.png](#)

Good Afternoon Melissa,

Per your request I have reached out and gathered estimates for a title report on the two parcels you had requested. Below is a summary of the results:

Original Estimate Request (sent to four title companies in both Ridgeway and Montrose):

The City of Ouray is looking for a full title on two properties to verify a geothermal easement and the terms that may or may not exist on the properties. General property descriptions are listed below. If you are interested providing these services, please respond with a general description of the scope of work, estimated cost, and estimated timeline.

Property 1:

302 Oak Street – Parcel # 451531320001

Owned by John & Nancy Nixon, .459 acres

Property 2:

300 Oak Street – Parcel # 451531321003

Owned by Peter Howell, .185 acres

I received three estimates in response to the request:

Colorado Title & Closing Services:

\$500 per parcel – Insurance would be an additional –

Timeline: 10 work days

Land Title Guarantee Company:

\$231 per parcel + \$125/hr. for additional research (estimated 2 hours) - \$945 for insurance policy –

Total of \$1,657

- Also includes a TBD Title to address and search for possible issues with recorded documents.

Timeline: 1 week

Fidelity National Title:

\$1200 per parcel (includes the insurance policy) – Total of \$2400

Timeline: 3 weeks

My Recommendation would be to go through Land Title Guarantee Company – they seem the most comfortable with our request and have a better understanding of what we need. They do not think

that we need an insurance policy on the title, and would be the easiest to work with as far as timeline goes. We can always add the insurance policy onto the title if needed, and they would keep the title “open” if we need to get anything corrected or further recorded on the properties within the next two years.

I hope this is helpful. Happy to help move forward with whomever you and/or the council select.

Thanks!

Aja



Aja Tibbs

Community Development Coordinator

Office: 970-325-7087

Cell: 970-316-1889 (call or text)

City of Ouray

P.O. Box 468 / 320 6th Ave.

Ouray, CO 81427

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**AMENDED & RESTATED INTERGOVERNMENTAL AGREEMENT CONCERNING
THE ESTABLISHMENT OF THE WESTERN COLORADO REGIONAL DISPATCH
CENTER PROVIDING EMERGENCY DISPATCH SERVICES THROUGHOUT
WESTERN COLORADO.**

THIS AMENDED & RESTATED INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into as of this _____ day of _____, 2020, by and between the City of Montrose, Montrose County, the Montrose Fire Protection District, the Telluride Fire Protection District, the Town of Telluride, the Town of Mountain Village, the City of Ouray, Ouray County, the Town of Ridgway, the Town of Olathe, and the Olathe Fire Protection District.

RECITALS

WHEREAS, Article XIV, Section 18(2)(a) of the Colorado Constitution, Part 2 of Article 1, Title 29, C.R.S, encourages and authorizes governments to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, jurisdictional entities throughout Ouray, San Miguel, and Montrose Counties, including multi-jurisdictional representation from law enforcement, fire protection, emergency medical services, and bodies politic, believe that an advisory board with operational capacity will provide the most cost efficient and effective emergency dispatch services throughout Western Colorado; and

WHEREAS, the member jurisdictions and residents of Ouray, San Miguel, and Montrose Counties would benefit in terms of life safety and efficiency of service from a consolidated 9-1-1 Public Safety Answering Point (PSAP) providing services for the counties, municipalities, fire protection districts, and emergency medical service providers throughout Western Colorado; and,

WHEREAS, the undersigned governmental jurisdictions wish to establish and maintain a consolidated PSAP known as the “Western Colorado Regional Dispatch Center;” (“WestCO”) and

WHEREAS, the establishment of the PSAP will provide improved police, fire, and emergency medical service communications within the boundaries of the participating jurisdictions; and

WHEREAS, some of the parties to this Agreement entered into an Intergovernmental Agreement Concerning the Establishment of the Western Colorado Regional Dispatch Center on September 21, 2015 and accompanying Bylaws, and WestCO has been in continuous operation since that time; and

WHEREAS, The Board of Directors of the Western Colorado Regional Dispatch Center wish to amend and restate the aforementioned Intergovernmental Agreement and Bylaws;

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

I. GENERAL PROVISIONS

The parties to this Agreement agree to support the Western Colorado Regional Dispatch Center (“WestCO” and “Dispatch Center”) and shall comprise the Governing Body represented by the Board of Directors. The Western Colorado Regional Dispatch Center shall provide emergency dispatch services throughout the service area its Members occupy. The operation of the Western Colorado Regional Dispatch Center shall be set forth in this Agreement.

II. THE WESTERN COLORADO REGIONAL DISPATCH CENTER BOARD

- A. Membership.** Membership of the Western Colorado Regional Dispatch Center shall consist of the following Agencies: City of Montrose, Montrose County, the Montrose Fire Protection District, the Telluride Fire Protection District, the Town of Telluride, the Town of Mountain Village, the City of Ouray, Ouray County, the Town of Ridgway, the Town of Olathe, and the Olathe Fire Protection District. . Any future Agency that wishes to join the Western Colorado Regional Dispatch Center as a Member must meet a threshold burden in order to qualify for Membership, which is one percent (1%) of the Western Colorado Dispatch Center’s total services based on that Agencies Computer-Aided Dispatch “CAD” Radio Logs for the prior calendar year. Any individual Agency, or any combination of Agencies who together, meets the aforementioned threshold burden may apply to the Board of Directors for Membership. The Board of Directors must vote to approve a new Member by a two-thirds majority vote of all current Members.
- B. Board Members and Representatives.** A Board of Directors shall act as the Governing Body of the Western Colorado Regional Dispatch Center and shall consist of one representative from each of the eleven (11) members listed below, who each represent a Governmental Entity or Political Subdivision. Each Member’s Governing Board, Council, Commission, or Entity shall select its representative, and shall appoint said representative by formal action or resolution.

MEMBERS:

- 1) The City of Montrose, Colorado;
- 2) The Montrose Fire Protection District;
- 3) The Town of Telluride, Colorado;
- 4) The Town of Mountain Village, Colorado;
- 5) Telluride Fire Protection District;
- 6) The Town of Olathe, Colorado
- 7) Montrose County
- 8) The Town of Ridgway
- 9) The City of Ouray

- 10) Ouray County
- 11) The Olathe Fire Protection District

C. Administrative Representative. Under Section V, Subsection (G), the City of Montrose commits to providing support staff and administrative services for the Dispatch Center. So long as the City continues to provide such support services, the City of Montrose may appoint an administrative representative with voting capacity to serve on the Board of Directors. However, the Board of Directors may, at their discretion and by resolution, remove the City of Montrose's administrative representative. Only voting members, listed under Section II, Subsection (A), shall participate in that resolution.

III. RULES AND REGULATIONS

The Board of Directors of the Western Colorado Regional Dispatch Center may pass supplementary rules and regulations as it deems necessary, provided the supplementary rules and regulations are in compliance with this Agreement.

IV. POWERS OF THE GOVERNING BODY

- A. Dispatch Services.** The purpose of the Western Colorado Regional Dispatch Center, located at 1140 North Grand Ave Suite 100, Montrose, Colorado 81401, is to provide emergency dispatch services throughout the jurisdictions and service areas occupied by its Members. The Board of Directors shall have all authority over personnel at the Western Colorado Regional Dispatch Center and performing services related to this Agreement. The Board of Directors may, from time to time, delegate authority to an employee or employees to manage operations and services provided at the Dispatch Center.
- B. Reports.** Members of the Western Colorado Regional Dispatch Center shall receive monthly management reports, which shall consist of financial, personnel, and operational information. Upon request, the Board of Directors shall also receive monthly dispatch reports, which shall provide the following information, CAD incidents, CAD radio log, and radio push to talk. Members are entitled to receive any additional reports or information concerning the financials, management, and operations of the Western Colorado Regional Dispatch Center upon request, allowing a reasonable time for response depending on the scope of the report. Members shall not be charged for any requested report or information.
- C. Ownership of Records and Data.** All records of the Western Colorado Regional Dispatch Center related to calls dispatched, including electronically stored data, geographic information system ("GIS") data, computer aided dispatch ("CAD") data, and audio tapes, shall be collectively owned by the Members. Copies of any such records may be made at any Member's request, and shall not be disposed of without prior authorization from, or in compliance with a retention schedule adopted by, the Board of Directors.

- i. **Access to Data.** Each Member shall have access to all data and audio recordings maintained by the Dispatch Center for use in internal analysis and criminal investigations. It is the responsibility of each Member to provide any criminal justice records for case filing purposes directly to the respective courts or district attorney's office(s).
- ii. **Colorado Open Records Act.** Records owned, created, or maintained by the Western Colorado Regional Dispatch Center shall be subject to the provisions and limitations of C.R.S. § 24-72-201, et. seq.

D. Separate Legal Entity. Part 2, Section 203 of Article 1, Title 29, C.R.S, allows any combination of counties, municipalities, special districts, and other political subdivisions of the State of Colorado to enter into a contract to establish a separate legal entity. The parties to this agreement hereby establish and support a separate legal entity that is the Western Colorado Regional Dispatch Center.

V. ADMINISTRATION

- A. Operational Bylaws.** All members to this Agreement hereby approve the Bylaws of the Western Colorado Regional Dispatch Center, attached and incorporated as *Exhibit A*.
- B. Administrative Core Team.** It is the overriding and critical desire of all Members to ensure that the working relationship of all Parties to this agreement remain strong and united. To accomplish that objective, the Parties may form an Administrative Core Team, which may comprise the Officers of the Board of Directors and the Executive Director. Administrative Core Team Meetings may be called by any member, upon seventy-two hours advance notice. All decisions made by the Administrative Core Team must be ratified by the Board of Directors. The Administrative Core Team may consider the following:
 - i. **Operating Procedures.** The Administrative Core Team may develop and establish Standard Operating Procedures and Dispatch Performance Standards for the Dispatch Center.
 - ii. **Purchasing Procedures.** The Administrative Core Team may establish purchasing procedures for equipment and services necessary to provide emergency dispatch services.
 - iii. **Personnel Matters.** The Administrative Core Team may establish employee regulations and make staff recommendations for the Dispatch Center.

- iv. **Budget.** The Administrative Core Team may draft a preliminary budget for the upcoming fiscal year to present to the Board of Directors.
 - v. **Dispute Resolution.** The Administrative Core Team will conduct preliminary discussion of all disputes, between Members, or otherwise, and may discuss with legal counsel.
 - vi. **Matters of Concern.** The Administrative Core Team may consider other matters of concern related to the operation and management of the Western Colorado Regional Dispatch Center, this Agreement, or any future agreements.
- C. **Capital Equipment Purchases.** It is necessary to purchase hardware, software, and all other equipment necessary to serve the needs of the Dispatch Center and provide dispatch services. All Parties to this Agreement agree that on the date of execution of this Agreement, all personal property used by or purchased by WestCO is the permanent property of WestCO, as a separate legal entity, regardless of how acquired. No agency will be refunded any property or money if that Agency chooses to terminate its membership or this Intergovernmental Agreement. All purchases must be made in compliance with budget and purchasing procedures approved by the Board of Directors, and will be incorporated into the Budget described in Section D, below.
- D. **Budget.** Each member agrees to pay a pro-rated share of the costs to operate WestCO. The costs allocated to each member shall be assessed based on the actual percentage of total resources used by that member. The assessments shall be estimated and set forth in the Annual Budget, as described below, which shall be approved by the Board of Directors. However, each member agrees that it is responsible for actual costs, once those are determined after services provided, even if such costs are higher than projected in the Annual Budget. The formulation of an Annual Budget for Dispatch Services shall be by mutual agreement of the Board of Directors and shall include an estimate of the operational costs for each Member.
- i. **Preliminary Budget.** An initial preliminary planning budget and cost estimates for Dispatch Services for the next fiscal year shall be presented to the Board of Directors on or before July 31 of each year.
 - ii. **Recommended Budget.** No later than August 31, each Member shall provide the Recommended Budget to their Governing Board, Council, or Entity for comment.
 - iii. **Final Budget.** The Final Budget for Dispatch Services for the next fiscal year shall be approved by the Board of Directors no later than September 30 of each year.

- iv. **Default Budget.** In the event the Board of Directors fails to pass a resolution approving a Final Budget, the Default Budget for the upcoming fiscal year shall be capped at a three percent annual inflation increase of the current budget.
- E. **Billing:** WestCO shall invoice each member its actual share of costs on a quarterly basis, and each member agrees to remit payment of that invoice within thirty (30) days of the end of each quarter.
- F. **Employees.** The Board of Directors shall have the authority to hire individuals to perform operational and administrative duties for the Western Colorado Regional Dispatch Center, including but not limited to a Dispatch Center Director, Financial Officers, Managers, and Dispatchers. Employees of the Western Colorado Regional Dispatch Center shall receive compensation for their services, which shall be paid out of the yearly budget.
- G. **Administrative Services.** The City of Montrose shall provide support staff and administrative services for the Dispatch Center; however, nothing in this Agreement nor the Bylaws shall compel the Board of Directors to exclusively utilize nor shall the Board provide the City of Montrose compensation for these administrative services. An appendix of services provided shall be attached and incorporated as *Exhibit B*.

VI. BOOKS AND RECORDS

- A. **Records and Accounts.** The Board of Directors shall maintain adequate and correct accounts of its funds, properties, business transactions, annual audits or exemptions, and such records shall be open to inspection at any reasonable time by members, their attorneys, or agents.
- B. **Annual Audit.** The books and records of the Board of Directors shall be subject to an annual audit. The audit shall be conducted by an independent Certified Public Accountant licensed to practice in the State of Colorado.

VII. DEFAULT

- A. **Intent to Terminate.** In the event that any Member fails to pay its share of the operating expenses due or to perform any of its covenants and undertakings under this Agreement, the Governing Authority shall consider that Member in default and shall provide written notice of intent to terminate the defaulting Member's from membership in the Board of Directors of the Western Colorado Regional Dispatch Center. Notice of default shall be provided to the defaulting Member's Governing Board, Council, or Entity, providing such Member thirty days from the date of such notice to cure the default. Upon failure to cure, the defaulting member shall no longer have voting rights as a Member, shall not be entitled representation as a Member on the Board of Directors, and shall not receive services from the Dispatch Center.

- B. Forfeiture.** Any Member which is terminated under the provisions of this Section shall forfeit all right, title and interest in and to any property or monies, liquid or investment funds, acquired or held by the Governing Body to which the Member may otherwise be entitled upon the dissolution of this Agreement. This Section is not intended to limit the right of any Member to this Agreement to pursue any and all other remedies it may have for breach of this Agreement.

VIII. TERMINATION OF AGREEMENT

- A. Term.** This Agreement shall be in full force and effect upon execution of this Agreement by all of the Members to this Agreement, and shall continue in full force and effect, subject to amendments and addendums, or until sooner terminated by a majority vote of the Members.
- B. Termination.** Any Member's participation in this Agreement may be terminated by written notice from the Member or Members to the Board of Directors at least sixty days prior to January 1 of any given year. Upon termination, the terminating Member shall forfeit all right, title, and interest in and to any property or monies, liquid or investment funds, acquired or held by the Board of Directors.
- C. Dissolution.** Upon termination of the Western Colorado Regional Dispatch Center by mutual agreement of a majority of the Members to this Agreement, the powers granted to the Board of Directors under this agreement shall continue to the extent necessary to make an effective disposition of the property, equipment, and monies required to be held pursuant to this Agreement.
- D. Appropriation.** Pursuant to Article X, Section 20 of the Colorado Constitution, the Parties' financial obligations under this Agreement and the renewal of this Agreement are specifically contingent upon annual appropriation of funds sufficient to perform such obligation. Should adequate appropriations not be made by either Party, this Agreement shall automatically terminate. This Agreement shall never constitute a debt of either Party within any statutory or constitutional provision.

IX. MISCELLANEOUS

- A. Notices.** Any formal notice, demand, or request provided for in this Agreement shall be in writing and shall be deemed properly served, given, or made if delivered in person, by facsimile, or sent by certified mail, postage prepaid to the Members at the addresses as set forth on each attached signature page.
- B. Insurance.** The Board of the Directors of the Western Colorado Regional Dispatch Center agree to procure and maintain the following insurance coverages:
- i.** Workers Compensation Insurance that compliant with the Colorado Workers Compensation Act found under C.R.S. Section 8-40-101, *et seq.*

- ii. General Liability Insurance, including without limitations, insurance covering employment related claims, and;
- iii. Property Insurance to cover all Dispatch Center property, including equipment and facilities utilized by the Dispatch Center.

C. **Amendments.** This Agreement may be amended by the Board of Directors from time to time. Any such amendment must be in writing and executed by the majority of the Members to this Agreement.

D. **Governing Law.** This Agreement shall be governed by, and construed in accordance with, the laws of the State of Colorado and venue for any legal action arising out of this Agreement shall be in Montrose County, Colorado.

E. **Severability.** If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions shall remain in full force and effect.

F. **Integration.** This Agreement constitutes the entire agreement between the parties and no additional or different oral representation, promise, or agreement shall be binding on any party with respect to the subject matter of this Agreement.

G. **No Third-Party Beneficiaries.** There are no intended third-party beneficiaries to this Agreement.

H. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, and each of their respective successors, assigns, or heirs.

I. **Governmental Immunity.** Nothing in this Agreement shall be construed or deemed as a waiver of any and all rights and immunities of any Party, any Director, Officer, or Employee under the Colorado Governmental Immunity Act, codified under C.R.S. Section 24-10-101, *et seq.* Further, nothing in this Agreement shall be construed as an indemnification between and among the contracting Parties.

J. **Duplicate Originals.** This agreement shall be executed in several counterparts, each of which shall be an original, but all of which together shall constitute one in the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

EXECUTED by the parties on the _____ day of _____, 2020

THE CITY OF MONTROSE, COLORADO

William Bell, City Manager

Attest:

Lisa DelPiccolo, City Clerk

MONTROSE FIRE PROTECTION DISTRICT, COLORADO

Tad Rowan, Fire Chief

Attest:

Name:

Title:

TELLURIDE FIRE PROTECTION DISTRICT, COLORADO

John Bennett, District Chief

Attest:

Name:

Title:

THE TOWN OF TELLURIDE, COLORADO

Ross Herzog, Town Manager

Attest:

Name:

Title:

THE TOWN OF MOUNTAIN VILLAGE, COLORADO

Kim Montgomery, Town Manager

Attest:

Name:

Title:

THE TOWN OF OLATHE, COLORADO

Patty Gabriel, Town Manager

Attest:

Name:

Title:

THE TOWN OF RIDGWAY, COLORADO

, Town Manager

Attest:

Name:

Title:

THE CITY OF OURAY, COLORADO

, City Administrator

Attest:

Name:

Title:

THE COUNTY OF OURAY, COLORADO

, County Manager

Attest:

Name:

Title:

THE COUNTY OF MONTROSE, COLORADO

Keith Caddy, Chair

Attest:

Name:

Title:

THE OLATHE FIRE PROTECTION DISTRICT, COLORADO

, Fire Chief

Attest:

Name:

Title:

**AMENDED & RESTATED BYLAWS
OF
THE WESTERN COLORADO REGIONAL DISPATCH CENTER**

RECITALS

WHEREAS, THE WESTERN COLORADO REGIONAL DISPATCH CENTER was created by execution of a September 21st, 2015 Intergovernmental Agreement, concerning the establishment and operation of a regional dispatch center and creating Board of Directors, by and between the following parties: the City of Montrose, the Montrose Fire Protection District, the Town of Telluride, the Telluride Fire Protection District, the Town of Mountain Village, the Town of Olathe, Montrose County, the Town of Ridgway, the City of Ouray, Ouray County, and the Olathe Fire Protection District. The Board of Directors approved an amended and restated Intergovernmental Agreement on _____, 2019.

ARTICLE I. NAME & PURPOSE

The name of the authority shall be THE WESTERN COLORADO REGIONAL DISPATCH CENTER. The Western Colorado Regional Dispatch Center Board of Directors shall oversee and manage the Western Colorado Regional Dispatch Center.

ARTICLE II. PRINCIPAL OFFICE

The principal office of Western Colorado Regional Dispatch Center shall be located at 1140 North Grand Ave Suite 100, Montrose, Colorado 81401. At any time and by majority vote, the Board of Directors may change the principal office of the Western Colorado Regional Dispatch Center. Upon approval of the Board of Directors, other office locations may be established to facilitate communication and ease of access for Board Members.

ARTICLE III. MEMBERS

The Western Colorado Regional Dispatch Center Board of Directors. The Board of Directors shall comprise the eleven Members that have signed the 2019 Amended and Restated Intergovernmental Agreement Concerning the Establishment of the Western Colorado Regional Dispatch Center. Other Entities may petition the Board of Directors to join as a Member. Admission of additional Members must receive two-thirds majority approval of all current Members of the Board of Directors.

The Members of the Western Colorado Regional Dispatch Center Board of Directors include the following Entities:

- The City of Montrose
- The Montrose Fire Protection District
- The Town of Mountain Village
- The Town of Telluride
- The Telluride Fire Protection District
- The Town of Olathe

- Montrose County
- The Town of Ridgway
- The City of Ouray
- Ouray County
- The Olathe Fire Protection District

ARTICLE IV. BOARD OF DIRECTORS

Section 1. General Powers and Number. The Board of Directors shall have voting capacity to manage the business and affairs of the Western Colorado Regional Dispatch Center. Each Member shall have one appointed Board Member.

Section 2. Appointment. Each Member participating in the Western Colorado Regional Dispatch Center shall appoint, by official action or resolution, one voting Representative to the Board of Directors.

- i. **Administrative Representative.** In addition to a voting Member, the City of Montrose may also appoint an administrative voting representative, who shall represent the interests of the City Departments providing administrative support for the Western Colorado Regional Dispatch Center.
- ii. **Removal of Administrative Representative.** The Board of Directors may, at their discretion and by resolution, remove the City of Montrose's administrative representative. Only voting members shall participate in that resolution.

Section 3. Tenure and Qualifications. Each Board Member shall hold office until one of the following events occurs: An appointing Governmental Entity, Board, Council, or Official revokes the appointment of the Board Member and a successor is chosen. The Board Member is unable to perform his or her duties due to sustained illness or death. The Board Member is no longer associated or employed by the appointing Governmental Entity, due to termination, resignation, or removal. With the exception of the preceding events, Board Members shall serve unlimited terms. The Board of Directors may not impose term limits without amending these Bylaws.

Section 4. Compensation. The Western Colorado Regional Dispatch Center shall not compensate any Board Member for his or her service on the Board of Directors, through operational funds or otherwise.

ARTICLE V. MEETINGS

Section 1. Annual Meetings. The Board of Directors shall hold an Annual Meeting. The Annual Meeting shall occur each January, and the Board shall designate a time and location for the Annual Meeting. In the event the Board of Directors fails to designate a time and a place, the Annual Meeting shall occur at 1:30 P.M. on the Fourth Monday of January, and shall be held at the Principal Office, designated under Article II of these Bylaws. The Board of Directors may reschedule an Annual Meeting by majority vote and with adequate notice of no less than seventy-two hours prior. However, Annual Meetings must occur on a yearly basis, and may not be

cancelled. The Officers of the Board of Directors shall be elected by a majority vote of Board Members present at the Annual Meeting.

Section 2. Regular Meetings. During the Annual Meeting, the Board of Directors shall establish a calendar scheduling Regular Meetings throughout the year, which must occur at minimum upon a quarterly basis. The Board of Directors shall decide the time and location of Regular Meetings by majority vote. In the event the Board of Directors fails to designate a time and a place, the Regular Meeting shall occur at 1:30 P.M. on the fourth Monday of the Month, at least every three Months, and shall be held at the Principal Office, designated under Article II of these Bylaws. The Board of Directors may cancel or reschedule a Regular Meeting by majority vote and with adequate notice of no less than seventy-two hours prior.

Section 3. Special Meetings. The Board of Directors may hold a Special Meeting by request of the Chairperson or by the request of any three Board Members. The Chairperson or the Board Members requesting the Special meeting may request the time and location for the Special Meeting. All Special Meeting requests, including the requested time and location, must be ratified by a majority vote of the Board of Directors.

Section 6. Notice of Meetings.

A. Regular Meetings. In accordance with Article V, Section 2, the Board of Directors shall adopt a resolution fixing the time and place where Regular Meetings shall occur. The adopted resolution shall constitute formal notice of Regular Meetings. The Executive Director shall notify all Board Members by email and exert a good faith effort to notify all members at least seven days prior to a Regular Meeting.

B. Special Meetings. Special Meetings shall be limited to the scope and purpose set forth in the notice or request. Unless exigent circumstances require, the Executive Director shall provide Board Members with at minimum three days prior notice for any Special Meeting. Such notice may be provided in writing, and may be provided personally, through first class mail, email, or by facsimile. Notice of all Special Meetings must contain the following information:

- i.** The date, time, and place where the Special Meeting shall take place; and
- ii.** The purpose for which the Special Meeting was requested.

C. Notice. The Secretary shall maintain a list of current contact information, including an email distribution list, for all Board Members. If a Board Member has not specified a preferred method of notice, email shall be the default form of notice. Notice in the case of personal delivery, facsimile, or email shall be provided at minimum seventy-two hours prior to any meeting. Notice in the case of first class mail, shall be delivered at least four calendar days prior to the meeting, and shall be deemed delivered when deposited with United States Mail, postage prepaid. Notwithstanding the above, notice for any meetings at which the Bylaws or an Intergovernmental Agreement is to be amended shall be provided and confirmed received at least ten calendar days prior to

the meeting, no matter what method of notification is utilized. The Secretary may delegate duties to the Executive Director as prudent and necessary.

Section 7. Notice of Waiver. Where notice is required prior to any meeting under Article V, any Board Member may waive the right to notice through either written waiver, or through attendance and participation in the meeting. Notice is not waived where a Board Member attends a meeting for the sole purpose of objecting to the transaction of business at that meeting due to insufficient notice. Business to be transacted at any Special Meeting shall be specified in the notice or waiver of notice of that meeting.

Section 8. Electronic Meetings. Where it is not possible or practical for Board Members to be physically present at any scheduled meeting, any Board Member may attend Regular and Special Meetings through an electronic method of communicating by which all participating Board Members may simultaneously hear each other during the meeting.

Section 9. Public Meetings. All business of the Board shall be conducted only during Annual, Regular, or Special Meetings and shall be open to the public. Any such meeting shall be held within any County where dispatch services are provided by the Western Colorado Regional Dispatch Center. The Board may meet in executive session in accordance with C.R.S. § 24-6-402(4), and only upon the vote of a majority of the Members present. No vote or other formal action shall be taken in any executive session.

ARTICLE VI. CONDUCT OF BUSINESS

Section 1. Quorum and Voting. A majority of current Board Members shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. Board Members may vote either in person, by United States Mail, facsimile, email, or verbally where Article V, Section 7 permits.

Section 2. Order of Business. All meetings of the Board of Directors shall be governed by commonly accepted parliamentary procedures. The following order of business shall be used as a guide insofar as applicable and desirable:

- i. Determination of Quorum;
- ii. Proof of Due Notice and Meeting;
- iii. Reading and Disposition of Minutes;
- iv. Report of Officers and Committees;
- v. Report of Personnel;
- vi. Unfinished Business;
- vii. New Business;
- viii. Election of Officers (when applicable); and
- ix. Adjournment.

Section 3. Manner of Acting. The Board of Directors shall act only in form of resolution and motions. Board Members may vote in person, or by written or electronic proxy. All proxy votes must be delivered and received by the Secretary prior to the commencement of that meeting. Proxy votes are only valid for one meeting and must be noted in the written proxy. Unless the

Intergovernmental Agreement or these Bylaws requires a majority vote of all Board Members, a majority vote among a quorum of Board Members present at any meeting shall constitute an official act of the Board of Directors.

Section 4. Conduct of Meetings. The Chairperson, or Vice Chairperson if absent, shall call Board Meetings to order and shall act as the Presiding Officer. In the event the Chairperson and Vice Chairperson are both absent, the Secretary shall act as the presiding officer of any Board Meeting.

Section 5. Vacancy of a Board Member. If a vacancy of a Board Member occurs, the unrepresented or underrepresented Governmental Entity shall appoint a new member.

Section 6. Presumption of Assent. A Board Member's presence and attendance at any meeting, Special, Annual, Regular, or otherwise, where any official action is taken, shall be considered assent to that official action. Any Board Member who desires to dissent from any action must enter such dissent into the minutes of that meeting, or must submit an official dissent, in writing, to the Secretary during that meeting or immediately after that meeting adjourns. Board Members who vote in favor of an official action shall not have the right to submit a dissent.

Section 7. Committees. The Board of Directors may establish committees by resolution and majority vote. The establishing resolution must clearly state the duties and responsibilities of the Committee. The powers of any committee must not exceed the powers of the Board of Directors.

Section 8. Unanimous Consent without Meeting. The Board of Directors may take action without a meeting if the Board Members provide unanimous written consent setting forth the action to be taken. The Board Members must all sign the written consent and may do so in counterparts, by facsimile, or by scanned copy.

Section 9. Conflict of Interest. Board Members shall not conduct private business in any manner which places them at a special advantage because of their association with the Western Colorado Regional Dispatch Center. Board Members with a possible conflict of interest must disclose that interest to the Board of Directors. In the case of a clear conflict of interest, the conflicted Board Member shall not be allowed to vote or provide advisement. The decision of a majority of the Board Members present at the meeting shall control as to whether or not there is a clear conflict of interest.

ARTICLE VII. BUSINESS ADMINISTRATION

Section 1. Budget. The annual budget cycle and fiscal year shall conform to the City of Montrose. The fiscal year shall begin one minute past midnight on January 1 and shall end at Midnight on December 31. The budget shall be provided to each Board Member and their appointing Government Entity no later than September 30 of each calendar year. The Board of Directors must approve the annual budget by majority vote of all Board Members. The Board of Directors may approve any amendments to an existing budget by majority vote at any meeting where notification was provided to all Board Members that a budget issue would be discussed.

Section 2. Audit. An audit of the Western Colorado Regional Dispatch Center finances for the previous year shall be conducted by an independent Certified Public Accountant licensed to practice in the State of Colorado. The annual audit shall be submitted to each Board Member and their appointing Board, Council, or Entity no later than September 30 of each calendar year.

Section 3. Administrative Support. The City of Montrose shall provide support staff and administrative services for the Dispatch Center; however, nothing in these Bylaws shall compel the Board of Directors to exclusively utilize the City's services, nor require the Board to provide the City of Montrose Compensation for such services.

ARTICLE VIII. OFFICERS

Section 1. Officers of the Board of Directors. The Board of Directors shall elect three Officers: a Chairperson, a Vice Chairperson, and a Secretary. Each Officer shall serve a one year term. The Board of Directors shall hold an election for Officers at each Annual Meeting. The Board of Directors may hold a special election to fill a vacancy in any office at a Regular or Special Meeting, where notice is provided.

Section 2. Removal. Where it serves the best interests of the Western Colorado Regional Dispatch Center, the Board of Directors may remove any officer by resolution and majority vote of current Board Members.

Section 3. Vacancy of Office. A vacancy in office due to death, resignation, removal, or otherwise shall be resolved by a majority vote of the Board of Directors during a Regular or Special Meeting, where the purpose of such meeting has been provided through sufficient notice.

Section 4. Chairperson of the Board of Directors. The Chairperson shall preside over all meetings. Subject to these Bylaws, the Chairperson has the authority to sign, execute and acknowledge all deeds, mortgages, bonds, contracts, leases, reports and other documents or instruments necessary or proper to be executed in the course of regular business of the Western Colorado Regional Dispatch Center, or which shall be authorized by resolution of the Board of Directors. The Chairperson may authorize the Vice Chairperson to act as his or her agent with the authority of the Chairperson under these Bylaws.

Where exigent circumstances require, the Chairperson may act without the Board of Directors approval by resolution. However, the Chairperson may never incur debt without approval from the Board of Directors. All actions taken by the Chairperson without first obtaining the Board of Directors approval or resolution, must then be ratified by the Board of Directors during the next meeting proceeding such action. If not stated in this section, the Chairperson shall have all authority as provided elsewhere in these Bylaws.

Section 5. Vice Chairperson of the Board of Directors. In the absence of the Chairperson, or in the event of the Chairperson's death, sustained illness, or inability to act, the Vice Chairperson shall perform the duties of the Chairperson. When so acting, the Vice Chairperson shall have all the powers of and is subject to all the restrictions upon the Chairperson. The Vice Chairperson shall perform such other duties and have such authority as may be assigned by the Chairperson of the Board of Directors.

Section 6. Secretary of the Board of Directors. The Secretary shall act as the custodian of records for the Western Colorado Regional Dispatch Center. The Secretary shall keep minutes at all meetings of the Board of Directors. The Secretary shall assure that all notices are provided in accordance with these Bylaws and as required by Colorado law. The Secretary shall keep, arrange, and record contact information, including email addresses, for all Board Members. The Secretary shall have general oversight of the books and financial records of the Western Colorado Regional Dispatch Center, and shall provide updates and reports to the Board of Directors on all financial matters. In general, the Secretary shall perform all duties incident to the office of the Secretary, and may delegate those duties to the Executive Director as prudent and necessary.

Section 7. Assistants to Officers. The Board of Directors shall have the power to appoint an assistant to aid in performance of duties of any Officer in the event it is impracticable for such officer to act personally. The appointed Assistant shall have the power to perform the duties of the office only as delegated by the Board of Directors. Assistants need not be members of the Board of Directors.

ARTICLE IX. INTERGOVERNMENTAL AGREEMENT

Intergovernmental Agreements Control. In the event a conflict arises between any provisions of these Bylaws and any provisions of the Intergovernmental Agreement, the later shall control.

ARTICLE X. AMENDMENTS

Amendment or Repeal & Adoption of Bylaws. The Board of Directors may amend and alter these Bylaws, or may repeal and adopt new Bylaws, by affirmative vote of the majority of Board Members present at any Annual, Regular, or Special Meeting, so long as the Secretary provided notice to all Board Members that the meeting would involve the amendment, adoption, or repeal of the Bylaws.

Exhibit B – APPENDIX OF ADMINISTRATIVE SERVICES

Appendix of Administrative Services. Pursuant to Section 5, Subsection (F) of the Amended and Restated Intergovernmental Agreement, executed on _____, 2019, at the request of the Western Colorado Regional Dispatch Center Board of Directors, the City of Montrose shall provide the following administrative services free of charge.

- a. Legal Services.** The City of Montrose Office of the City Attorney shall represent the Western Colorado Regional Dispatch Center in all matters of legal concern and provide legal counsel when requested.
- b. Financial Services.** The City of Montrose Financial Department shall assist the Western Colorado Regional Dispatch Center Board of Directors with any financial requirements related to the operation of the Dispatch Center. The City of Montrose Finance Director shall assist the Board of Directors and the Administrative Core Team with formulating the annual budget, as well as providing any other financial services as reasonably requested by the Board of Directors.
- c. Human Resources.** The City of Montrose Human Resources Department shall provide all employment related services necessary to operate the Western Colorado Regional Dispatch Center, including, but not limited to, hiring, termination, consultation, and personnel issues.
- d. Information Technology Services.** The City of Montrose Information Services Department shall provide general information technology services, including routine maintenance of equipment. However, any equipment that requires specific training, expertise, or certification shall be handled by outside services or the equipment manufacturer.

Facilities & Maintenance Services. Ongoing maintenance and upkeep of the Western Colorado Regional Dispatch Center Facilities shall be governed pursuant to the Lease between Montrose County and WestCO, entered into on December 19, 2018.

ORDINANCE NO. 9 (Series No. 2020)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING OURAY MUNICIPAL CODE SECTION 2-14-A TO REMOVE THE OURAY CHAMBER RESORT ASSOCIATION (OCRA) AS A MEMBER OF THE COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE (CEDC).

WHEREAS, the City of Ouray Council (City) finds it necessary to remove Ouray Chamber Resort Association as a member of the CEDC; and

WHEREAS, the Council has the power to act by ordinance pursuant to City of Ouray Home Rule Charter, Article 3.5.

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

SECTION 1:

Chapter 2, Section 14, Subsection A, of the Code of the City of Ouray, Colorado, is repealed and replaced as follows:

- A. At its first meeting in January, City Council shall appoint a minimum of five (5) and a maximum of nine (9) members to the Community Economic and Development Committee (CEDC) for three (3) year staggered terms. The CEDC shall not have an even number of members. One (1) member shall be from City management, four (4) members shall be residents of the City of Ouray, and a maximum of three (3) members shall be residents or business owners in the area served by the City of Ouray telephone prefix.

SECTION 2: Effective Date

The provisions of this Ordinance shall become effective thirty (30) days following publication.

SECTION 4: Savings Clause

The repeal and amendment of various provisions 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.

SECTION 5: 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 _____ vote of the Ouray City Council, this 6th day of July 2020.

CITY OF OURAY, COLORADO

By _____
Greg Nelson, Mayor

ATTEST:

Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by _____ vote of the Ouray City Council, this ____ day of _____, 2020.

CITY OF OURAY, COLORADO

By _____
Greg Nelson, Mayor

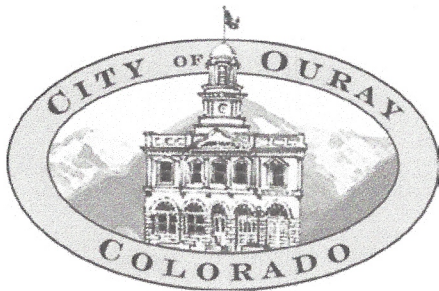
ATTEST:

Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 9 (Series No. 2020), was introduced, read, passed on first reading on _____, 2020. The Ordinance was published, by title and summary, in the *Ouray County Plaindealer* on _____, 2020, and thereafter introduced, read, and adopted by the Ouray City Council on _____, 2020, and thereafter published in the *Ouray County Plaindealer* as required by law.

Melissa M. Drake, City Clerk



APPLICATION FOR PARTICIPATION
ON A CITY COMMITTEE

City of Ouray
320 6th Avenue
PO Box 468
Ouray, Colorado 81427
Telephone: (970) 325 7211 FAX: (970) 325 7212

An Equal Employment Opportunity Employer

Thank you for your interest in applying to serve on a City Committee. Please complete the following on your background. This information will allow us to select and appoint a balanced membership for each of our committees.

PART 1: PERSONAL DATA

Full Name: THOMAS MICHAEL FEDEL
Physical Address: XXXXX S 3rd AVE, Ouray, CO, 81427
Mailing Address: POB 403, Ouray, CO, 81427
E-Mail Address: thomasmfedel@gmail.com
Home Telephone Number: (970)-XXXXXXX
Business Telephone Number: (970)-209-4765
Present job title: Owner - Ouray Grocery
Present employment is (check one) ☒ Full-time ☐ Part-time
May we contact you at work for committee related issues? ☒ Yes ☐ No
For short-term/long-term rental committee:
Do you _____ rent or _____ own your home? If you own, do you have vacation rentals? _____

PART 2: BACKGROUND INFORMATION

Please write the name of the committee for which you would like to be appointed:

Community Economic Development Committee

How long have you lived in the City of Ouray? Born & raised, left after high school, back in May 2020

What do you think are the major issues affecting our City?

- ① Lack of diversity in tax-revenue generating industries
 - ② Lack of affordable housing
 - ③ Increase in seasonal residents (drives up real estate prices & makes living in Ouray unattainable for younger professionals/families)
- How do you envision your contribution to this committee? As an engineer I bring a very analytical/data based problem solving mindset. More importantly, I have a deep passion for this town. I grew up here and plan to raise my family here as well. I very much want to contribute any way possible to helping develop a stronger town.

Thomas M. Fedel
Signature

6/25/2020
Date

THOMAS M. FEDEL
Print Name

If you are interested in this opportunity to serve your community, please fill out the application and return to the above address. For more information, please call Human Resources at 325-7062.

320 6th Avenue
PO Box 468
Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
www.cityofouray.com

TO: Ouray City Council
FROM: Joe Coleman, Director of Public Works
DATE: July 6th, 2020
SUBJECT: Box Canyon Geothermal Line Project

BACKGROUND

City Council approved the engineering of Phase III of the Box Canyon Geothermal Line Project by a 4-1 vote. The discussion among City Council was to get the engineering portion of the project complete and to hold off on construction until Council was comfortable with funding the construction phase. There was also discussion about rerouting the line and work that may or may not need to be done on a heat exchange vault that services a private residence. Currently, no decisions have been made about either one of those topics.

STAFF ANALYSIS

SGM is ready to start this project immediately. Without guidance or direction from City Council there is a concern that we will be duplicating work in the field as well as doing work that is not needed if Council decides to reroute the line entirely. It is also unclear to staff as to what direction Council would like to go regarding the heat exchange vault that serves a private residence. An engineering quote has been provided to look into upgrading the vault. Also, if we complete the engineering phase this year and wait to start construction we will more than likely be duplicating work next year with things in the field. It's staff's opinion that it is much easier to do both phases, engineering and construction in the same year. It's a much more fluid process and you get a better product in the end.

OPTIONS FOR THE CITY COUNCIL

Per staff's analysis above, below are options for the City Council to consider:

1. Continue with engineering phase and continue to wait on construction phase.
2. Continue with engineering phase and approve construction phase.
3. Put both phases of the project on hold until next year when the City has a better understanding of the budget and what the effects the pandemic had on our revenue.

ATTACHMENTS

Exhibit A: SGM scope of services including heat exchange vault

Exhibit B: SGM signed professional service agreement

Exhibit C: Letter from resident regarding work they would perform on heat exchange vault



City of Ouray
Attn: Joe Coleman
P.O. Box 468
Ouray, CO 81427

February 21, 2020

RE: Box Canyon Hot Water Infrastructure Improvements

SGM appreciates this opportunity to provide you a proposal for City Hot Water Line delivery design and construction support.

We understand that the City would like to replace a portion of the hot water delivery line from Box Canyon. The work will extend from just above the Nixon property to the manhole at 7th Street. We see our scope of work as follows:

1. Order engineering utility locates from 7th avenue to above the Nixon property.
2. SGM will make a site visit and review the utilities as located with City Public Works staff. During this site visit we will identify the routing for the new hot water transmission line. The concept will be to keep the existing line operational as much as possible during the construction to minimize disruptions at the pool.
3. During the site visit of task 2, we would recommend a meeting with the private property owner (Mr. Nixon) to discuss work on his property and how to address the heat exchange vault on his property. We have NOT included engineering time in our fee estimate re-design of the heat exchange portion of the vault. This service can be provided as requested.
4. Perform field existing condition survey of the new alignment. The field survey work will gather the existing utility locates, topography and other features that will be needed for the design and construction. The survey work will be used for both plan and profile for the new line. The survey work will set the survey control for eventual construction. Ideally this task would be performed concurrent with task 2.
5. Prepare bid documents (plans and specs) for competitive bidding process.
6. Prepare an engineer's opinion of probable construction costs.
7. SGM will assist the City through the bidding process. This will include preparing the documents, bid advertisement, facilitate a pre-bid meeting, answer contractor bid related questions and provide a recommendation to the City for a construction contractor based on the bids received. This will include issue a notice of award to the successful contractor.
8. SGM will assist the City with the construction administration. This work will include facilitating a pre-construction meeting (if needed), reviewing submittals, answer contractor requests for



information, attending weekly project meetings and being available as City staff needs. SGM will prepare contract closeout documentation.

For the scope of work described above, our estimated fee is \$24,200.00. For this project we propose to work on a time and materials basis as directed by the City. Our initial estimate would be a "not to exceed" amount unless approved in advance.

Our fee estimate breaks down as follows:

Survey and Existing Conditions Mapping:	\$4,600.00
Engineering, Plans, Specs, Proj. Coord., Cost Estimates:	\$11,500.00
Bid Process/Assistance:	\$600.00
<u>Construction Admin Assistance (Based on 5-week project):</u>	<u>\$7,500.00</u>

Total estimate: \$24,200.00

If you have any questions or would like additional detail regarding this proposal, please let me know. Please contact me at 970.707.8152 or by email at jerryb@sgm-inc.com with any questions or concerns. We look forward to helping the City of Ouray with this important project.

Sincerely,

Gerald E. Burgess, PE
Senior Engineer/Principal

City of Ouray
Attn: Joe Coleman
Via email: colemanj@cityofouray.com

March 6, 2020

RE: Box Canyon Hot Water Infrastructure Improvements – Heat Exchange Vault

Joe,

SGM recommends the following approach for the Heat Exchange Vault located on the Nixon property. Currently, how well the heat exchange tubing and system in place at the Nixon residence functions is an unknown. Prior to making any modifications to the vault and exterior piping we believe that the existing system should be tested, and heat balance measurements taken. This will enable us to put a modified system back in place equal to or better than the current system. This work would be followed by a design for modifications or replacement. Main work elements for this task would include:

- Test and Balance measurement – (one of the tools used is a glycol spectrometer).
 - Test and Balance includes measuring the following:
 - Hot side (source side):
 - Entering water temperature
 - Leaving water temperature
 - Flow rate
 - Cold side (private side):
 - Entering water temperature
 - Leaving water temperature
 - System pressure drop
 - Glycol concentration (if glycol is used)
 - Flow rate

The aforementioned will be followed up with:

- Basic design and specification of new heat exchanger, general consulting and support. Calculate rate of heat exchange.
 - Does not include review of owner's system beyond the (5) measurements above.
 - Includes an opinion of cost.

Our fee estimate breaks down as follows:

Test and balancing measurements:	\$1,800.00
Basic design, specs, general consult, opinion of cost est.:	\$2,500.00
<u>Bid and construction support:</u>	<u>\$600.00</u>
Total estimate: \$4,900.00	

If you have any questions or would like additional detail regarding this proposal, please let me know.

Sincerely,



Exhibit B

CITY OF OURAY

Professional Service Agreement

THIS AGREEMENT is entered this 16th day of March 2020 by and between:

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

Schmueser Gordon Meyer, Inc. d/b/a SGM Inc., a Colorado Corporation,
(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 attached 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, upon termination of this agreement by either party, or if the services are not completed, this agreement will expire on December 31, 2020 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 a sum not to exceed of Twenty-Four Thousand Two-Hundred Dollars (\$24,200.00).
4. PAYMENT FOR SERVICES. The Contractor shall submit a detailed invoice monthly or every other month to the City describing the professional services rendered. The invoice shall document the hours spent on the project identifying by work category and subcategory the work performed

for the period, the hours worked by employee, and the hourly rate charged for that work. The City shall have access to backup payroll documentation identifying individual employee, date, and hours worked. The City shall pay the invoice within thirty (30) days of receipt unless the work or the documentation therefore is unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefore.

5. CITY REPRESENTATIVE. The City designates the City Administrator as its representative and authorizes him 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. INSURANCE. The Contractor agrees to procure and maintain, at its own cost, a policy or policies of insurance as called for in this agreement. Insurance

shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained during the term of this agreement. Each shall be primary insurance and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. The Contractor shall provide the City with certificates of insurance, or other acceptable evidence, showing the required coverages. The City reserves the right to request and receive a certified copy of any policy.

- a. The Contractor shall procure and maintain the minimum insurance coverages listed below.
 - i. Workers' compensation insurance to cover obligations imposed by the Workers' Compensation Act of Colorado and any other applicable laws for any employee of the Contractor engaged in the performance of work under this agreement.
 - ii. Professional liability errors and omissions or general liability coverage, as appropriate, with minimum limit of One Million Dollars (\$1,000,000.00).
- b. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, duration, or types.
- c. Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this contract, or at its discretion the City may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by the Contractor

upon demand, or the City may offset the cost of the premiums against any monies due to the Contractor.

- d. The Contractor shall be responsible for any deductible under any policy required above.
8. 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, C.R.S. § 24-10-101, *et seq.*
9. 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.
10. EMPLOYMENT OF ILLEGAL ALIENS. Pursuant to COLO. REV. STAT. § 8-17.5-101, *et seq.*, the Contractor certifies the following:
 - a. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.
 - b. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.

- c. The Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through participation in either (a) the E-Verify Program, (the electronic employment verification program jointly administered by the U.S. Department of Homeland Security and the Social Security Administration, or its successor program) or (b) the Department Program (the employment verification program established pursuant to C.R.S. § 8-17.5-102(5)(c).
- d. The Contractor shall not use the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.
- e. If the Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, the Contractor shall be required to: (a) notify the Subcontractor and the City within three (3) days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (b) terminate the subcontract with the subcontractor if within three (3) days of receiving the notice, the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
- f. The Contractor shall comply with any reasonable request by the Department of Labor and Employment in the course of an investigation that the Department undertakes pursuant to C.R.S. § 8-17.5-102(5).
- g. If the Contractor violates these illegal alien provisions, the City may terminate this Contract for a breach of contract. If this Contract is so terminated, the Contractor shall be liable for actual and consequential

damages to the City. The City will notify the Office of the Secretary of State if the Contractor violates these provisions and the City terminates this Contract for that reason.

- h. The Contractor shall notify the City of participation in the Department Program and shall within twenty (20) days after hiring an employee who is newly hired for employment to perform work under this Contract affirm that the Contractor has examined the legal work status of such employee, retained file copies of the documents required by 8 USC § 1324a, and not altered or falsified the identification documents for such employee. Contractor shall provide a written, notarized copy of the affirmation to the City.
- 11. ASSIGNMENT. The Contractor shall neither assign any responsibilities nor delegate any duties arising under this agreement without the prior written consent of the City.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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. Each person signing the contract warrants that they have authority to bind the City or Contractor.

16. BINDING EFFECT. This agreement shall inure to the benefit of and be binding on the parties, their heirs, executors, administrators, assignees, and successors.
17. 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.
18. 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.
19. 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.
20. 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.
21. FACSIMILE SIGNATURES. For the convenience of the parties, signatures to this agreement may be provided through facsimile transmission. The signature of a party to this agreement supplied by facsimile transmission shall be as binding as an original.

22. 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.

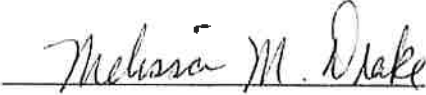
CITY OF OURAY:



Greg Nelson, Mayor

04/23/2020
Date


Attest:



Melissa Drake, Clerk

4/23/2020
Date

CONTRACTOR:



Gerald E. Burgess, PE

June 06, 2020
Date

Exhibit C

3-10-2020

Justin Perry, Mayor Nelson, and members of the Ouray City Council:

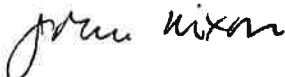
I am in receipt of the letter dated March 3, 2020 from Justin Perry advising me that the City is considering changes to the geothermal water line which crosses my property at 302 Oak St. I am sorry that I will not be able to attend your next council meeting to discuss this matter.

I would however like to offer a suggestion for your consideration. Rather than replace the concrete vault on my property and tear up my driveway to replace the uninsulated line which is buried along the edge of my driveway, I suggest the following. Cut the existing water line a foot or two upstream of the vault and connect the new insulated pipeline to the cut line. Rather than replace the vault, which is sound and does not leak, I will hand excavate around the perimeter of the vault, down to the bottom of the vault, and line the walls with 2" of extruded polystyrene. I will also design a removable insulated cover for the vault which does not weigh the 165# that the existing steel plate cover weighs. Leave the pipeline that exits the vault underground and connect the new insulated pipe to the existing pipe where it surfaces, near my dish receiver. It is true that short approx. 40' section of pipe which is buried does lose heat, but my guess it is not significant. The earth around the pipe does act as insulation.

I can only imagine that this plan would save the City thousands of dollars for very little loss in BTUHs.

Thank you for your consideration.

Sincerely,



John Nixon