

**AGENDA
OURAY CITY COUNCIL**

August 2, 2021

**IN-PERSON MEETING – ALL PUBLIC WHO WOULD LIKE TO SPEAK SHOULD
ATTEND IN-PERSON
320 6th Ave. – Massard Auditorium**

ZOOM MEETING (FOR LISTENING PURPOSES ONLY)

<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878
Or dial: 408 638 0968 or 669 900 6833

Work Session 5pm and Regular Meeting 6pm

- Changes to this agenda can be found on the bulletin board at City Hall
- 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.
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Work Session 5pm

Discussion with Dee Wisor and Kim Crawford, Attorneys of Butler Snow Law Firm on the potential taxation of Short-Term Rentals for the creation of a Housing Fund (Excise Taxes, General Improvement Districts, and other potential taxation methods) (Attorneys' will be present via Zoom)

Regular Meeting 6pm

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. PUBLIC HEARING – none
5. CEREMONIAL/INFORMATIONAL – none
6. Approval of Minutes – July 6, 16, and 19, 2021 **Page 2**
7. CITIZENS' COMMUNICATION
8. CITY COUNCIL REPORTS/INFORMATION
 Glenn Boyd, Ethan Funk, Peggy Lindsey, John Wood, and Greg Nelson
9. DEPARTMENT REPORTS
 - a. City Administrator **Page 16**
 - b. Police Chief **Page 37**
 - c. Fire Chief **Page 38**
 - d. Public Works Director **Page 39**
 - e. City Resources Director **Page 45**
10. CONSENT AGENDA
 - a. Special Events Permit Application – Ouray Highgraders, Highgraders Holidays, Aug 20-22, 2021 **Page 46**
 - b. Special Events Permit Application – Ouray Climbers Alliance, OuROCK! Fest, September 19, 2021 **Page 47**
11. ACTION ITEMS
 - a. Discussion and Possible Action on Excise Tax for Short-Term Rentals to Create a Housing Fund
 - b. Discussion and Possible Action Concerning Cap and/or Cap and Trade Policy for Short-Term Rentals
 - c. Discussion and Possible Action on Future General Improvement District (GID) for Short-term Rentals
 - d. Review and Direction Regarding Draft Ordinance 5, Series 2021 (Not First Reading) – Amending Municipal Code related to Accessory Dwelling Units **Page 48**
 - e. Rescission of Local Disaster Emergency Declaration Related to COVID-19 **Page 56**
 - f. Emergency Ordinance 6, Series 2021 – Extending for One Additional Year, Upon Rescission of Local Disaster Declaration, Ordinance 2020-06 for temporary sidewalk food service and 2020-08 for suspending the prohibition of Public Consumption of Alcoholic Beverages within Limited Areas **Page 57**
 - g. Ratification of Mayor's Decision to Rescind Stage 1 Fire Restrictions **Page 66**
 - h. Resolution 9, Series 2021 – Approving Intergovernmental Agreement with Ouray County for Election Services for November 2, 2021 Coordinated Election and Naming the City Clerk as the Designated Election Official for the City **Page 67**
 - i. Consideration of Construction Manager at Risk Agreement with Moltz Construction, Inc. for Design of the Water Treatment Facility **Page 81**
12. DISCUSSION ITEM - Future Agenda Items
 - Short-Term Rental Violator Penalty Ordinance (Per Resolution 8, 2021 no violators allowed a permit)
 - Formalize Public Hearing Process (Joint Meeting with Planning Commission)
 - Formalize Tourism Advisory Committee by Ordinance
13. ADJOURNMENT

**OURAY CITY COUNCIL
SUMMARIZED MINUTES
TUESDAY, JULY 6, 2021, 6 PM
320 6th Ave – Massard Room**

Zoom Meeting for Non-participants:

<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230

Passcode: 491878 or by phone: +1 408-638-0968 +1 669-900-6833

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1. CALL TO ORDER

Mayor Nelson called the meeting to order at 6:00 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 City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Lily Oswald, Police Chief Jeff Wood, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

3. The PLEDGE OF ALLEGIANCE was recited

4. APPROVAL OF MINUTES – June 7, 21, and 29

Mayor Pro Tem Wood made a motion to approve the minutes. Councilor Lindsey seconded the motion. Councilor Boyd stated that since he did not attend the June 29th meeting that should be voted on separately. Mayor Pro Tem Wood amended his motion to only include June 7th and June 21st. Councilor Lindsey seconded the amendment.

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

The motion passed on unanimous roll call vote.

Mayor Pro Tem Wood made a motion to approve the minutes from June 29th, Councilor Lindsey seconded the motion.

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

The motion passed on unanimous roll call vote.

5. CITIZENS' COMMUNICATION

Mayor Nelson opened the floor for public comment.

Dee Williams asked Council to stop approving any new short term rentals, to put a cap on the number of licenses and not allow STRs to take over the city.

Bruce Gulde asked the City to announce business trash pickup in addition to the residential trash messaging.

Bill Leo suggested putting motorcycle parking signs on Main St since the current paint is worn off.

Mayor Nelson closed the floor.

6. CITY COUNCIL REPORTS/INFORMATION

- a. **Glenn Boyd** – Out of town, nothing to report
- b. **Ethan Funk** – Nothing to report
- c. **Peggy Lindsey** – Beautification committee is still cleaning up the River Walk every week on Tuesday. Registered for Colorado Association of Ski Towns meeting in Telluride.
- d. **John Wood** – Nothing to report
- e. **Greg Nelson** – Nothing to report

7. DEPARTMENT REPORTS

a. City Administrator – Silas Clarke

Six Basins sign to be installed soon at the horseshoe; location has been altered from their original presentation to City Council. Geothermal line progress. Communications and Community Engagement Coordinator (old Events Coordinator position) will be opening soon. A Parks and Facilities Maintenance Manager job offer has been made, should have an answer tomorrow. Proposed attainable housing project on the property north of the BIOTA building is progressing nicely through regulatory approvals.

b. Police Chief – Jeff Wood

Chief Wood presented June service calls, which are up significantly from May 2021, but normal for tourist season. Chief Wood recognized the late Richard Zortman's 22 years of service as Police Chief in Ouray, stating a memorial will be held on July 24th in Fellin Park at 10:30 am. Councilor Boyd said he saw complaints on Facebook about lack of police response to firecrackers, etc., and stated that the police were

working very hard to meet all the service calls, and asked the public to call dispatch with any concerns instead of posting on Facebook.

c. Fire Chief – Adam Kunz

Report in packet. Mayor Nelson thanked the Fire Department for making the 4th of July celebrations a success.

d. Public Works Director – Joe Coleman

Water and Sewer Eligibility surveys have been submitted to CDPHE, allowing City to borrow from State Revolving Fund. Held work session with Engineering firm, construction firm and City staff to discuss water treatment plant design. Construction and engineering team will meet with CDPHE quarterly throughout the process. Construction on Water treatment plant is still scheduled to start in April 2022, but City will be in violation by October 2022, the deadline set by federal law. This will mean the City will be required to send out notices about violations, but will announce them beforehand so there are minimal surprises to citizens.

e. City Resources Director – Rick Noll

Box Canon Falls and Hot Springs Pool 4th of July weekend visitation was higher than 2020, but 2019 was still higher than 2021. Mayor Pro Tem Wood suggested that the Pool get one of the Wibit sections replaced for safety reasons, since it seems to have a leak. Councilor Boyd agreed, but would like to see a total replacement to the Wibit since many EMS calls to the pool involve the Wibit. Councilor Funk thanked Mr. Noll for getting the City's music royalty licenses taken care of.

8. CONSENT AGENDA – Special Event Permit Application for Six Basins Fundraiser – BPOE Lodge #492 – July 16, 2021

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

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

The motion passed on unanimous roll call vote.

9. ACTION ITEMS

a. Resolution 7, Series 2021 – Ratification of City Administrator's Signature of USFS Special Use Permit Application

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

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

The motion passed on unanimous roll call vote.

b. Resolution 8, Series 2021 – Ratification of City Council Directing Staff to Reject Any Application for a Short-Term Rental Permit if the Applicant Is or Has Been in Violation of Municipal Code, Section 7-5-J-11

Councilor Lindsey made a motion to approve the resolution. Mayor Pro Tem Wood seconded the motion.

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

The motion passed on unanimous roll call vote.

c. Discussion and Possible Action on Adoption of Fines and Penalties for Operating a Short-term Rental Without a License

Mayor Pro Tem Wood asked what the current penalties are for failing to pay LOT. Ms. Viner said there would be an exploratory investigation through court to acquire records showing payment or non-payment of LOT. Councilor Funk stated he wanted 3 things codified: a fine per year of non-compliance, collection of back taxes with interest and a barrier from future licenses for that property owner for 10 years. Mayor Pro Tem Wood felt 10 years was heavy-handed, but felt 5 years was fair. Councilor Lindsey felt a \$10,000 fine per year was fair since each property can make upwards of \$30,000 a year. Councilor Funk asked if an individual was banned from future licenses, would that person be able to take advantage of a loophole by transferring the property to an LLC? Council decided to require a list of shareholders if an LLC is filing for the license to monitor for potential transfer activity. Mayor Pro Tem Wood also suggested adding an honesty and integrity clause to the application and renewal. Council discussed the fine schedule, whether it was per unit if an owner was operating more than one illegal STR, and what happens if someone was simultaneously operating a legal and illegal STR. Council decided to create a housing fund where the fines would go.

d. Discussion and Possible Action on Hot Springs Pool Point of Sale Software (Tabled ActiveNet Agreement)

4 companies were contacted for quotes, 3 responded, one of them being ActiveNet. City Resources Director Rick Noll presented the 3 quotes provided, showing that ActiveNet was the cheapest software, and stated that the pool manager was already familiar with the software.

Councilor Funk made a motion to move forward with ActiveNet. Mayor Pro Tem Wood seconded the motion.

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

The motion passed on unanimous roll call vote.

e. Discussion and Possible Action Regarding Tourist App (Tabled BuildFire Agreement)

Markus Van Meter, Jason Perkins and Jen Norvell presented on behalf of the Tourism Advisory Committee (TAC) why they view the app built through BuildFire as the superior option.

Councilor Funk presented his arguments for developing a Progressive Web Application instead that can be accessed either via an app or a web browser instead of working with BuildFire, highlighting City ownership instead of 3rd party ownership. Mayor Pro Tem Wood sent Councilor Funk's proposal to a software developer who lives in Ouray, and read his feedback on the proposal, citing a few concerns, but stating the project could be done as proposed.

Councilor Funk asked Mr. Perkins if anything he presented changed TAC's recommendation to City Council. Mr. Perkins said the recommendation does not change. Mr. Van Meter said the reason for recommending BuildFire is because the deployment of the app would be relatively quick versus developing an entire new app.

Ms. Viner reminded Council that not owning intellectual property has been troublesome, legally-speaking, and owning the app would be preferable to her as the attorney.

Mayor Pro Tem Wood made a motion to approve TAC's recommendation and move forward with BuildFire. Mayor Nelson seconded the motion.

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

The motion failed on 2-3 vote.

Councilor Funk made a motion to write a request for qualification to be put out for potential developers to bid, without releasing a dollar amount, moving forward as quickly as possible. Councilor Lindsey seconded the motion.

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

The motion passed on 3-2 vote.

10. DISCUSSION ITEMS

a. Future Agenda Items:

- Joint Meeting of City Council and Planning Commission on July 8th, 2021 at 1:00 pm (Public Hearing Process & ADUs)
- Mr. Clarke's evaluation by council executive session on July 16th at 9:00 am

- Work session on STRs on July 19th at 4:00 pm after the regular council meeting

11. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 8:19 pm, Mayor Pro Tem Wood seconded the motion. The motion passed on unanimous vote.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on July 6, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of July, 2021.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL SPECIAL MEETING
SUMMARIZED MINUTES
FRIDAY JULY 16, 2021, 9:00 A.M.
320 6th Ave – San Juan Room**

- 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 9:01 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 were City Administrator Silas Clarke and City Attorney Carol Viner.

3. The PLEDGE OF ALLEGIANCE was recited.

4. EXECUTIVE SESSION For discussion of a personnel matter under C.R.S. 24-6-402(2)(f) regarding the 6-month review of the City Administrator who has not requested discussion of the matter in open session

Councilor Boyd made a motion to go into executive session at 9:04 am. 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 11:15 am.

5. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 11:17 am, 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 July 16, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of July, 2021.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL MEETING
SUMMARIZED MINUTES
MONDAY, JULY 19, 2021, 1 PM
320 6th Ave – Massard Room**

Zoom Meeting for Non-participants:
<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878 Or dial: 408 638 0968 or 669 900 6833

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1. CALL TO ORDER

Mayor Nelson called the meeting to order at 1:00 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 City Administrator Silas Clarke, Public Works Director Joe Coleman, Community Development Coordinator Lily Oswald, Police Chief Jeff Wood, City Resource Director Rick Noll, and Administrative Accounting Clerk Julie Lancaster.

3. The PLEDGE OF ALLEGIANCE was recited

4. PUBLIC HEARING – Hotel & Restaurant Liquor License Application, El Reno Inc. dba Mi Mexico Family Mexican Restaurant, 118 7th Ave.

Mayor Nelson opened the floor for public comment.

Modesto Ramos, one of the owners, introduced himself and said he was available to answer questions. Councilor Lindsey asked when they planned to be open. Mr. Ramos said, pending council approval today, around 2 weeks. Mayor Pro Tem Wood asked how they were planning to staff the restaurant with the labor shortage. Mr. Ramos said they are able to bring a lot of employees from the Montrose location, but are still looking for one or two more servers and a few bussers.

Craig Curl, small business development center representative, said he has supported Mi Mexico in their expansion across the state.

Mayor Nelson closed the floor.

5. CEREMONIAL/INFORMATIONAL

a. Proclamation of Richard Zortman Day

Mayor Nelson read the proclamation for former Police Chief Richard Zortman Day.

b. Proclamation of Jack Clark Day

Mayor Nelson read the proclamation for former Mayor Jack Clark Day.

c. Proclamation of First Annual Ouray County Pride Celebration

Mayor Nelson introduced Ouray School 11th grader Pallen McArdle who read the proclamation.

d. San Miguel Power Association (SMPA) Notice of Road Closures – Project Postponed as of 6:30 pm on July 16, 2021

Jeremy Fox, Engineering Manager from SMPA, first apologized for the short notice, but stated plans changed, and while he realizes the road closures are not convenient, it needs to be done for fire mitigation and other work. Mayor Pro Tem Wood suggested moving the work a little later to accommodate tourists heading back home in time for the start of the school year.

CDOT representatives Julie Constan, Region 5 director, Jennifer Allison, traffic engineer and Vance Kelso, area maintenance supervisor, stated they look forward to working with SMPA on this project, but said they didn't have a lot of advance communication from SMPA either.

DeAnne Gallegos, PIO for San Juan County, said the closure is very disruptive to the Silverton community, and they would like to be involved in planning for an updated closure schedule in order to minimize impact to the residents.

Austin Lashley, San Juan County Commissioner, thanked SMPA for listening to the community about their concerns.

6. CITIZENS' COMMUNICATION

Mayor Nelson opened the floor for public comment.

Jason Perkins, as Tourism Advisory Committee Chair, addressed the Ouray mobile app creation arguments for using BuildFire application builder instead of designing the app in house.

Mayor Nelson closed the floor.

7. CITY COUNCIL REPORTS/INFORMATION

- a. Glenn Boyd** – Nothing to report. Mayor Pro Tem Wood asked if the County have visibility into the effect of the delta variant. Councilor Boyd said it is not identified in many of tests being performed, so we do not.
- b. Ethan Funk** – worked on RFQ for web app
- c. Peggy Lindsey** – No beautification committee meeting this week. Committee is still cleaning the river walk trail on Tuesdays, and the committee ordered mulch for the playgrounds and is looking for volunteers to help spread it on Friday.
- d. John Wood** – CEDC meeting, update committee on Main Street Project

- e. **Greg Nelson** – Area tourism collaboration meeting; working on messaging opposed to advertising, such as “Stay the Trail”, “Leave no Trace”, etc.

8. DEPARTMENT REPORTS

a. City Administrator – Silas Clarke

City has received two grants, one for backcountry preservation, and one for tourism. Parks and Facilities Maintenance Manager position has been filled by current employee Scott Schroeder. CCEC (Communications & Community Engagement Coordinator) position has been opened. Mayor Pro Tem Wood asked about the Rotary and Cascade Falls new restrooms, and how many sidewalk repair program applications have been submitted, as well as RV workforce housing permits. Mr. Coleman said state permits are the primary hold up, but once the buildings are delivered, they will be up and running pretty quickly. Mr. Clarke said one group of businesses has submitted a sidewalk application, but no RV workforce housing permits have been submitted. Interested business owners have not been able to find properties willing to host RVs.

b. Finance and Administration Director – Melissa Drake

Mr. Clarke gave a brief overview of the financial report since Ms. Drake could not attend.

i. 2021 Election Calendar

ii. June 2021 Financial Report

iii. Sales Tax – May 2021 Activity

Revenue up in every category over 2019.

iv. LOT – May 2021 Activity

Up 72% compared to 2019.

v. Box Canon Falls Visitation – June YTD

Up 46% from 2019 visitation.

vi. Hot Springs Pool Visitation – June YTD

Up 5% from 2019, but revenue is up 13%.

c. Community Development Coordinator – Lily Oswald

Ms. Oswald reported on Land Use and Planning activity for June and the first half of July, including many housing projects and solutions, and non-compliance notices. Published Community Plan is now available for interested parties.

d. Visitor Center Coordinator – Paula Damke

Report in packet.

9. CONSENT AGENDA - none

10. ACTION ITEMS

a. Hotel & Restaurant Liquor License Application, El Reno Inc. dba Mi Mexico Family Mexican Restaurant, 118 7th Ave.

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

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

The motion passed on unanimous roll call vote.

b. Consideration of Agreement between City and 5th Avenue, LLC to extend 6th Street between 6th and 7th Avenues

Mayor Pro Tem Wood made a motion to approve the agreement. Councilor Lindsey seconded the motion.

Eli Doose explained the details of the road construction plan.

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

The motion passed on unanimous roll call vote.

11. DISCUSSION ITEMS

a. Termination of the Emergency Declaration related to COVID-19

Mr. Clarke highlighted the effects of terminating the declaration, including disallowing alcoholic beverages in the park, sidewalk seating and other policy changes mid-season. Councilor Boyd felt that the emergency declaration should be revoked to remove the extra powers it incurs, since he does not believe they are necessary any longer, even though COVID-19 is still a concern. Council can “clean up” the ordinances that allow the sidewalk seating an alcohol in the park to keep those through the end of the summer when removing the emergency declaration.

b. Future Agenda Items

i. ADU Ordinance per July 8, 2021 Joint Work Session

ii. Formalize Public Hearing Process (Joint City Council and Planning Commission)

- iii. **Short-Term Renter Violator Penalty Ordinance (Per Resolution 8, 2021 at 4:00 pm Work Session)**
- iv. **Short-Term Rental Ordinances (Cap & Trade and possible Taxation per July 19, 2021 at 4:00 pm Work Session)**

Councilor Boyd asked to discuss business licenses and/or registration before his term expires.

Councilor Boyd made a motion to go into recess at 2:17pm, Councilor Funk seconded the motion.

12. EXECUTIVE SESSION (Beginning at 3:00 pm; a recess will take place if previous agenda items are completed prior to 3:00 pm) For continued discussion of a personnel matter under C.R.S. 24-6-402(2)(f) regarding the 6-month review of the City Administrator who has not requested discussion of the matter in open session

Councilor Boyd made a motion to move into executive session at 3:02 pm. Councilor Funk seconded the motion.

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

The motion passed on unanimous roll call vote.

Executive session ended at 3:42 pm.

10. ACTION ITEMS

- c. **Discussion and possible action on City Administrator 6-Month Review Performance Goals and Employment Agreement (this agenda item will take place after the Executive Session listed as agenda item 12 below)**

Mayor Pro Tem Wood made a motion to accept the evaluation, and to create an addendum to Mr. Clarke's employment agreement raising his salary to the midpoint from the 2015 salary study beginning next pay period, July 24th, and release the collective results of the evaluation to the public. Councilor Funk seconded the motion.

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

The motion passed on unanimous roll call vote.

13. ADJOURNMENT

Councilor Funk made a motion to adjourn at 3:45 pm, Councilor Boyd seconded the motion. The motion passed on unanimous vote.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on July 19, 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29th day of July, 2021.

Melissa M. Drake, City Clerk

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



970.325.7211
Fax 970.325.7212
www.cityofouray.com

City Administrator
Report for August 2, 2021 City Council
July 19 – July 30, 2021:

RFP for Tourism Application update (Sent out Friday, July 23, 2021):

The City of Ouray (City) is requesting proposals from qualified firms or individuals to develop and deploy a Progressive Web Application (PWA) for use by visitors and potential visitors to the City of Ouray through the front-end development, back-end server software and an administrative web interface as outlined in this request for proposal (RFP). Proposals shall be submitted in a single PDF file under 15 pages and 20MB in size and should be e-mailed to Silas Clarke, City Administrator at clarkes@cityofouray.com. Proposals must be received no later than 3:00 p.m. (MDT), August 27, 2021.

In addition, a non-mandatory meeting with City of Ouray representatives to ask any additional questions on Tuesday, August 3rd at 1:00 pm via Zoom at <https://zoom.us/j/93439775793> or call in number (669) 900-6833. (RFP is attached for reference)

Geothermal Line Stabilization Project:

SGM, Inc. will be finalizing bid documents for the Geothermal Line Stabilization project within Box Canyon. The project will include installing a concrete wall between the two southwestern walkways and placing the geothermal line behind the wall to assist with protection and water flow issues. Plans are attached to this report for review. Bids will be posted locally and on Bidnet.

Job Openings:

Public Works – Maintenance Operator II (Open until August 13, 2021 - Budgeted Vacant Position)

Parks Maintenance Operator II (Open until August 9, 2021 – Budgeted New Position)

Communications & Community Engagement Coordinator (Open until August 6, 2021 – Budgeted Vacant Position, Old ‘Events Coordinator’ Titled Position)

Hot Springs Pool Customer Service Associates (Ongoing Listing – Budgeted Vacant Positions)

Hot Springs Pool Lifeguards (Ongoing Listing – Budgeted Vacant Positions)

DOLA Grant Application for Subdivisions and Zoning Code Update:

Community Development Coordinator has completed the application for a potential DOLA matching grant of \$25,000 to hire a consultant to revise the City’s Subdivision and Zoning Regulations. Upon Mayor’s signature the application will be submitted.

Hinkson Terrace – “Ouray Workforce Housing” Site Development Permit (Parcel #451725100006)

Update:

On July 27th, 2021, correspondence was sent to the developer stating the Site Development Permit could not be approved based on the current submittals. Letter is attached for reference.

RV Workforce Housing Permit:

The City has received and issued one permit for RV Workforce Housing on the Commercial property of 734 Main Street.

320 6th Avenue
PO Box 468
Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
www.cityofouray.com

DATE: July 23, 2021
TO: Interested Firms or Individuals
FROM: City of Ouray, Colorado
RE: Request for Bid (RFP) – Develop and Deploy a Progressive Web Application (PWA)

The City of Ouray (City) is requesting proposals from qualified firms or individuals to develop and deploy a Progressive Web Application (PWA) for use by visitors and potential visitors to the City of Ouray through the front-end development, back-end server software and an administrative web interface as outlined in this request for proposal (RFP). Proposals shall be submitted in a single PDF file under 15 pages and 20MB in size and should be e-mailed to Silas Clarke, City Administrator at clarkes@cityofouray.com **Proposals must be received no later than 3:00 p.m. (MDT), August 27, 2021.**

All potential proposal responders are welcome to attend the **non-mandatory meeting** with City of Ouray representatives to ask any additional questions on Tuesday, August 3rd at 1:00 pm via Zoom at <https://zoom.us/j/93439775793> or call in number (669) 900-6833.

The City encourages all Disadvantaged Business Enterprises (DBEs) to submit proposals in response to all requests for proposals. No individual or business will be discriminated against on the grounds of race, color, sex, or national origin. It is the City's policy to create a level playing field on which DBEs can compete fairly and to ensure nondiscrimination in the award and administration of all contracts.

Questions concerning the scope of the bid, bid submittal or process should be directed to Silas Clarke, City Administrator at (970) 325-7060 or clarkes@cityofouray.com

The City of Ouray is subject to public information laws, which permit access to most records and documents. Proprietary information in your response must be clearly identified and will be protected to the extent legally permissible. Proposals may not be marked 'Proprietary' in their entirety. All provisions of any contract resulting from this request for proposal will be public information.

Sincerely,

Silas Clarke
City of Ouray – City Administrator

Enclosures

REQUEST FOR PROPOSAL (RFP)
Geo-Location Progressive Web
Application (PWA) Creation

I. INTRODUCTION

The City of Ouray (City) is requesting proposals from qualified firms or individuals to Develop and deploy (1) front-end Progressive Web Application (PWA) for use by visitors and potential visitor to Ouray, CO on a variety of devices ranging from current desktop web browsers, to tablet and mobile phone devices, and eventually think-client public kiosks; (2) supporting back-end server software for providing maps and data to the web application; and (3) an administrative web interface to updating the back-end information: location points, categories, events time and places, etc.

The application is primarily a map and location aid to help visitors plan and navigate a visit to Ouray with the ability to push location relevant content to the end user.

II. LOCATION AND TOURISM ACTIVITIES

Located near the four corners of Southwest Colorado, the City of Ouray is situated on U.S. Highway 550 along the San Juan Skyway Scenic and Historic Byway, one of America's most beautiful drives. The incredibly scenic Million Dollar Highway connects Ouray to Silverton and Durango to the south.

Colorado's San Juan Mountains and the City of Ouray offer some of the most panoramic views in the United States, which is why it has held the nickname "Switzerland of America" since the late 1800s. Natural wonders like waterfalls, sulfur-free hot springs, mountain peaks and wildlife abound in the area, as do historic ghost towns, museums, beautifully preserved Victorian-era architecture and year-round cultural events.

Sitting in a beautiful box canyon, Ouray is home to countless natural wonders including the spectacular Box Cañon Falls, Cascade Falls, Bear Creek Falls, the imposing Amphitheater, Red Mountains 1, 2 and 3, Mount Sneffels (our resident 14,000-foot peak) and more.

Ouray is home to both rigorous and relaxing adventures in the San Juan Mountains. There are many shops, restaurants, and breweries as well as a museum, tours of once flourishing mines, and a trip down Main Street for a look at the many historic buildings. Activities include soaking in the hot springs, ice climbing, rock climbing, canyoneering, hiking, biking, cross country skiing, jeep riding, any many other recreational activities.

To try and meet the needs of our tourists within the City of Ouray and prior to arrival, a Progressive Web Application (PWA) for Visit Ouray is being sought. The Visit Ouray app is intended to be used as a way finding tool for visitors to easily access resources in and around Ouray and to expand our marketing funnel as a new tool to deliver messaging.

III. SCOPE OF SERVICES – Geo-Location Progressive Web Application (PWA) Creation

The Selected Service Provider will create a PWA that includes full proprietary code to be solely owned by the City of Ouray upon project completion as follows:

1. Front end Progressive Web Application.

The application must (a) support a wide variety of device screen size with both mouse and touch based navigation, (b) must include client side service worker threads to allow for back-end content caching for off line use, (c) implement a standard PWA manifest for installation and integration with client operating systems (OS) as an application, when this

functionality is available as part of the OS, and (d) must not leak any client information to any service other than the supporting back-end server software, other than possibly the map API, if map API is not hosted by the back-end.

The application shall consist of a scale-able vector map of Ouray, CO and surrounding areas, with the following interactive features:

- Show the user their current location, when available via web browser device location services.
- Show “shoulder area” points of interest: Places in the user’s immediate vicinity (example, 100 ft), including push notification, when opted in by the user, for current events or time related promotions.
- Display category overlays: pin points for all location from a user selected category of interest, such as restrooms, coffee, trail heads, etc.
- Consideration in the design for providing the application user with a mechanism for saving locations of interest via a login or third-party log-in, which can be recalled on other devices when running the web application, as a future enhancement.
- Work with City of Ouray marketing staff to develop the look and feel of the front-end application by providing a deck of at least four templates for review.

Both Category overlays and Shoulder Area points of interest are to be stored in a back-end server database. Again, the design must make use of client-side service workers for caching of this data for off-line use, less push notifications which of course require network connectivity by nature.

Developer should recommend a back-end map API. (For example: Open Street Maps, ArcGIS, Google Maps, Bing Maps, etc.) It would be considered beneficial to use an API that can be customized or locally sourced by the back-end for future additional detail of the Ouray area quadrangles.

2. Back-end software development:

- The developer will select a standards-based database to be used by the back-end software. For example, NoSQL, MySQL/MariaDB, PostgreSQL, etc., such that the database can be migrated to any number of back-end hosting services, and database content can be copied, backed up, replicated, etc. by an administrator.
- The developer will design and implement back-end server-side code which runs alongside a standards-based web server, such as Nginx, Apache, or Node-js/Express, using a common back-end development language, such as Ruby-on-Rails, Node-js, php, etc., to provides back-end data storage and content to the front-end application using a standard REST API over HTTPS. The developer will propose an initial back-end hosting service provider for the initial deployment to serve the front-end application, database, and supporting back-end web services, and possibly back-end map services if the developer proposes self-hosting of the map quadrangles. Consideration should be given to scalability of the initial back-end hosting to allow for growth in the user base over time, and to data security and related liability. The developer will work with the City marketing staff to obtain the required web SSL security certificates, and manage sub-domain registration for integration with the existing Ouray visitors web page.

3. The developer will design and implement a web based administrative interface to create, manage, edit, download and archive the back-end location content served to the front-end application, as well as collect and display usage statistics. Archive and statistical information should be downloadable as standards-based XML, CSV, or JSON files for further

processing, and data dumps as appropriate backup files for the database type selected, such as an SQL dump file.

Other Requirements:

- One project manager shall be allocated to the project that remains the point-of-contact to the City throughout the project
- Include a Paywall function through the use of QR codes for showing proof of payment (Camera Access)
- Able to be used on Android devices and downloadable through the Google Play Store
- Able to be downloadable and installable Apple iOS devices
- Able to access EventBright API or other identified 3rd party applications
- Able to access devices GPS to provide geolocation information
- Ability to link to Visit Ouray digital visitors guide, YouTube channel and other city web resources

IV: TERMS – Geo-Location Progressive Web Application (PWA) Creation

The Term of this agreement is from Acceptance of Contract Agreement until project completion (end date will be negotiated at time of award with goal of being able to test application with public in February and March of 2022).

Contractor will be required to provide monthly reports detailing progress on the application creation services along with billing for services.

Contractor will communicate with the assigned City contact on a regular basis throughout the Term.

Proposals must be submitted electronically no later than 3:00 p.m. (MDT), August 27, 2021 to Silas Clarke, City Administrator at clarkes@cityofouray.com with the email subject titled: “Tourism Application RFP Submittal”

All potential proposal responders are welcome to attend the **non-mandatory meeting** with City of Ouray representatives to ask any additional questions on Tuesday, August 3rd at 1:00 pm via Zoom at <https://zoom.us/j/93439775793> or call in number (669) 900-6833.

V. SUBMITTAL REQUIREMENTS

The following information must be included in the proposal and will be evaluated according to the criteria in this RFP. Required proposal documents must be arranged in the order listed below. Proposals shall be limited to fifteen (15) pages. The City reserves the right to reject any proposal exceeding these limits or omitting any submittal requirement. The City also reserves the right to rescind this RFP at any time and for any reason prior to entering into a contract with a vendor.

Scope of Proposal:

1. Firm's/Applicant's name and address, including the name and contact information of the project manager.
2. Submit qualifications to provide the Scope of Services outlined in this RFP.
3. Submit approach to provide the Scope of Services outlined in this RFP.

Assigned Personnel & Availability:

4. Provide a list of key personnel, their roles and availability to administer these services.
5. List additional qualified personnel available to assist on projects if required.

Cost and Work Hours:

6. Provide total project cost to provide services defined in this RFP. Pricing must include all functionality listed in the Scope of Services.
7. Provide a total estimate of hours for project completion.

Firm Capability:

8. Brief company profile to include years in business and performance indicators used to verify the Scope of Services can be met.
9. Provide three (3) examples of similar work conducted within the last five (5) years that can serve as references. Each example must include a brief description of the services provided. Include the name and address of each referenced company, as well as the name, title, and phone number of the referenced contact person.

VI. PROPOSAL GUIDELINES

The City assumes no responsibility for liability for any costs that firms may incur in responding to this RFP; including attending meetings, interview sessions and/or contract negotiations. This RFP may be amended and/or revoked at any time prior to final execution of an Agreement with the City. In evaluating the proposals, the City may seek information from a Proposer to clarify their proposal. In that event, Proposer must submit written and signed clarifications and such clarifications shall become part of the proposal. All proposals shall remain subject to initial acceptance ninety (90) days after the day of submittal.

VII. REVIEW AND ASSESSMENT

Firms/Individuals will be evaluated using on the following criteria. These criteria will be the basis for review and assessment of the written proposals and optional interview session. The rating scale shall be from 1 to 5, with 1 being a poor rating, 3 being an average rating, and 5 being an outstanding rating.

Weighting Factor Qualification Standard Table

Weighting Factor	Qualification	Standard
2.0	Scope of Proposal/Deliverables	Does the proposal address all elements of the RFP? Does the proposal show an understanding of the project objectives, methodology to be used and deliverables required by the project? Are there any exceptions to the Scope of Services or Agreement?
2.0	Assigned Personnel	Do the persons who will be working on the project have the necessary skills and qualifications? Are sufficient people with the requisite skills and qualifications assigned to the project?
1.0	Availability	Can the work be completed within the timeline? Are other qualified personnel available to assist in meeting the project schedule if required?
2.0	Cost and Work Hours	Does the proposal include detailed cost break-down and are the costs competitive? Are the work hours presented reasonable for the effort required by each project task or phase? Does the proposal provide the maximum benefit for the cost?

2.0	Firm Capability	Does the firm/individual have the resources, capacity and support capabilities required to successfully meet service schedules? Has the firm successfully completed previous projects of this type and scope?
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VIII. REFERENCE EVALUATION

The City staff will check references using the following criteria. The evaluation rankings will be labeled Satisfactory/Unsatisfactory.

QUALIFICATION	STANDARD
Overall Performance	Would you hire this Professional again? Did they show the skills required by this project?
Timetable	Was the original Scope of Services completed within the specified time? Were interim deadlines met in a timely manner?
Completeness	Was the Professional responsive to client needs; did the Professional anticipate problems? Were problems solved quickly and effectively?
Budget	Was the original Scope of Services completed within the project budget?
Job Knowledge	Were problems corrected quickly and effectively?

SGM
103 W. Tomichi Ave., Suite A
Gunnison, CO 81230
770.641.5355 www.sgm-inc.com



Scope of Work

Stabilize approximately 120 feet of existing hot water line by constructing a concrete retaining wall to stabilize the slope and pipeline. Work shall include adjusting the pipe slope to provide a uniform grade within the project section, temporary stabilization of the pipe line during excavation and construction of the retaining wall, construction of a concrete retaining wall and backfilling and permanent stabilization of the pipeline.



Project Engineer

Jenna S. Svoboda, P.E. 55155

Owner/Applicant

City of Ouray

320 8th Ave.
P.O. Box 468
Ouray, CO 81427

Joe Coleman - Public Works Director

Final Review Set

July 2021

Sheet Index

1	Cover Sheet
2	Legend, Abbreviations, General Notes, and Details
3	Geometry Plan
4	Existing Water Line Plan and Profile
5	Proposed Water Line Plan and Profile
6	Cross-Sections

Box Canyon Hot Water Pipeline Stabilization

City of Ouray

[illegible]

Project Milestone:	Preliminary Not For Construction
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Title:

Cover Sheet

Dwg No

1



**Know what's below.
Call before you dig.**

UNCC 1-800-922-1987

Legend


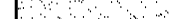









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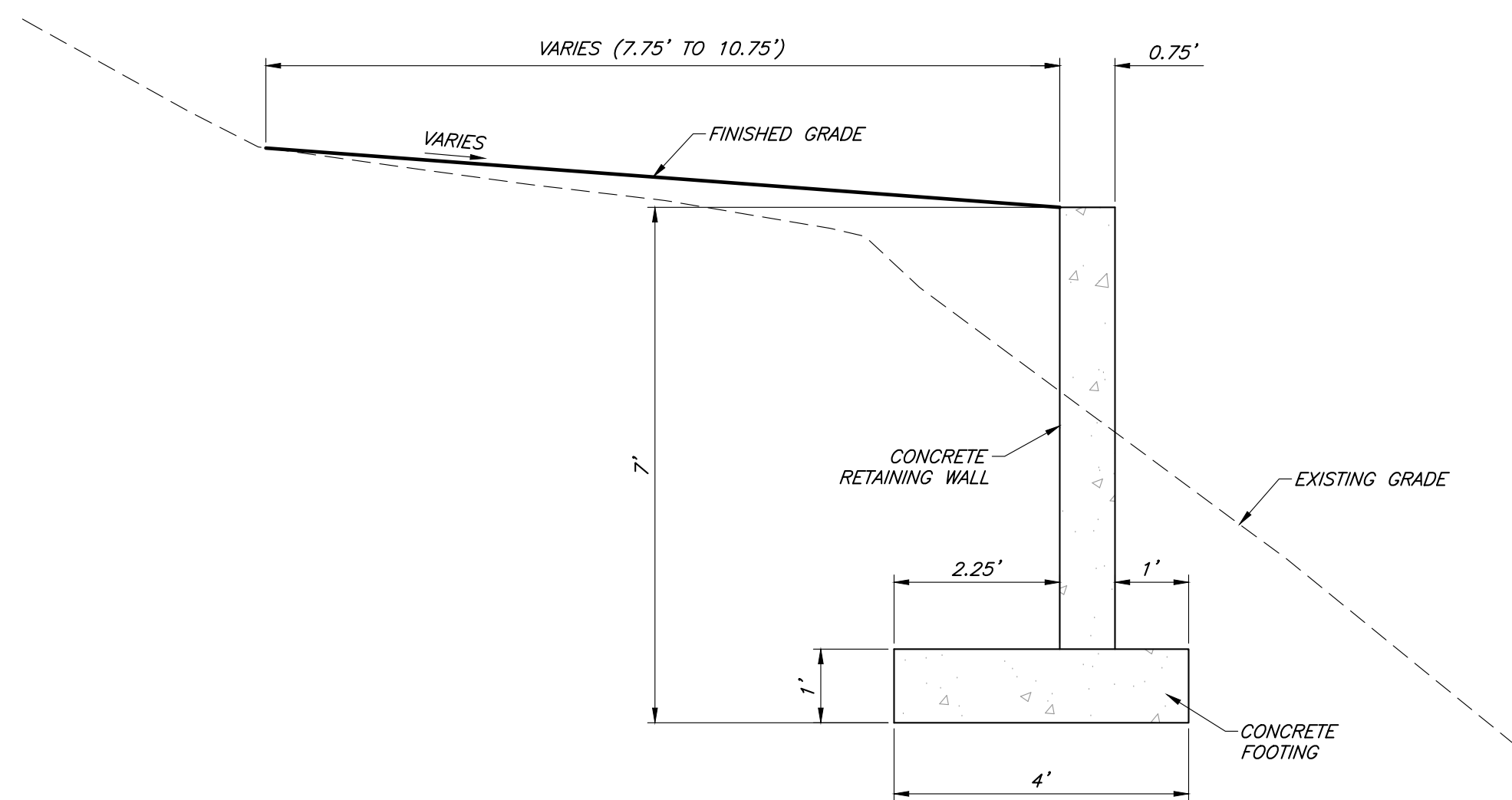
<i>EXISTING</i>	<i>PROPOSED</i>	<i>DESCRIPTION</i>
— 12" DR —	—	STORM DRAIN LINE & SIZE
— 8" W — 8" W —	— 8" W —	WATER LINE & SIZE
— WS — WS —	— WS —	WATER SERVICE LINE
— 8" S — 8" S —	— 8" S —	SANITARY SEWER LINE & SIZE
— SS — SS —	— SS —	SANITARY SEWER SERVICE LINE
— IRR — IRR —	— IRR —	IRRIGATION LINE
— ... —>	— ... —>	DRAINAGE SWALE FLOWLINE
— 18" CMP —	— 24" CMP —	SILT FENCE
— — — — —	— — — — —	CULVERT, SIZE & FES
— — — — —	— — — — —	EDGE OF PAVEMENT
— ... —	— ... —	EDGE OF WATER
— — — — —	— — — — —	CENTERLINE
— ○ ○ ○ ○ ○ —	— ○ ○ ○ ○ ○ —	ROCK WALL
— · · · · · —	— · · · · · —	CONTOURS
— — — — —	— — — — —	RIGHT-OF-WAY
— — — — —	— — — — —	VEGETATION
— LDA — LDA — LDA —	— LDA — LDA — LDA —	LIMITS OF DISTURBED AREA
— + + + + + —	— + + + + + —	RAILROAD TRACKS
— — — — —	— — — — —	TOP OF CUT
— — — — —	— — — — —	TOP OF FILL
— — — — —	— — — — —	EASEMENT

Symbols

<u>EXISTING</u>	<u>PROPOSED</u>	<u>DESCRIPTION</u>
		MONUMENT MARKER
		CONTROL POINT
		MANHOLES-TELE/DRAINAGE/SEWER/ WATER/ELEC PER PLAN REFERENCE
		CLEAN-OUT
		WATER VALVE
		WATER SHUT-OFF VALVE
		WATER METER
		WATER SPIGOT
		WELL
		FINISHED SPOT ELEV. W/ DESCRIPTION
		NEW FLARED END SECTION (HDPE)
		NEW FLARED END SECTION (CMP)
		SOIL BORING LOCATION
		TEST PIT LOCATION
		EROSION CONTROL LOG
		LARGE ROCK/BOULDER
		"T" POST
		MINIMUM 4" TOP SOIL OR SPECIFIED ALTERNATIVE

Hatching

<u>EXISTING</u>	<u>PROPOSED</u>	<u>DESCRIPTION</u>
		CONCRETE SURFACING (PLAN VIEW)
		CONCRETE SURFACING (SECTION VIEW)
		GRAVEL SURFACING
		RIPRAP/RIVER ROCK
		RE-ESTABLISH NATIVE VEGETATION
		UNDISTURBED SOIL
		RECOMPACTED SOIL



CONCRETE RETAINING WALL SECTION
NTS

Abbreviations

AT	DEGREE	GB	GRADE BREAK	PERM	PERMANENT
#	DIAMETER	GIS	GEOGRAPHICAL INFORMATION SYSTEM	PG	PAGE
NUMBER		GPM	GALLONS PER MINUTE	PGL	PROFILE GRADE LINE
ALC	ALUMINUM ARCH CULVERT	GPS	GLOBE POSITIONING SYSTEM	PL	POINT OF INTERSECTION
AASHTO	AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS	GP	GRAVEL	PL	PROPERTY LINE
ABC	AGGREGATE BASE COURSE	GRAV	GRAVEL	PM	PROJECT MANAGER
ABUT	ABUTMENT	GS	GAS SERVICE	PNT	POINT
ACM	ASBESTOS CONTAINING MATERIAL	GSP	GALVANIZED STEEL PIPE	POC	POINT ON CURVE
ACP	ASBESTOS CEMENT PIPE	GV	HAZARDOUS MATERIALS	POT	POINT ON TANGENT
AD	AMERICAN W/ DISABILITIES ACT	HC	HANDICAP RAMP	PRC	POINT OF REVERSE CURVE
ADT	AVERAGE DAILY TRIPS	HCL	HORIZONTAL CONTROL LINE	PRO	PROPOSED
ALT	ALTERNATE	HDP	HIGH DENSITY POLYETHYLENE	PRV	PRESSURE REDUCING VALVE
AP	ANGLE POINT	HMA	HOT MIXED ASPHALT	PSF	POUNDS PER SQUARE FEET
AWA	AMERICAN PUBLIC WORKS ASSOCIATION	HORIZ	HORIZONTAL	PSI	POUNDS PER SQUARE INCH
AS	ASPHALT	HOV	HIGH OCCUPANCY VEHICLE	PT	POINT OF TANGENCY
ASD	ALLOWABLE STRESS DESIGN	HP	HIGH PRESSURE GAS	PUD	PLANNED UNIT DEVELOPMENT
ASPH	ASPHALT	HWY	HIGHWAY	PVC	POLYVINYL CHLORIDE
ATB	ASPHALT TREATED BASE	HYD	HYDRANT	PVI	POINT OF VERTICAL INTERSECTION
BBB	BARRELS	ID	INSIDE DIAMETER	PVM	PAVEMENT
BCKF	BACK FACING	INT	INTERSECTION	PVT	POINT OF VERTICAL TANGENCY
BLKF	BACK FACING	INV	INVERT	Q	PEAK DISCHARGE
BLM	BUREAU OF LAND MANAGEMENT	IP	INLET PROTECTION	QA/QC	QUALITY ASSURANCE/QUALITY CONTROL
BM	BENCHMARK	JBOX	JUNCTION BOX	QTY	QUANTITY
BMP	BEST MANAGEMENT PRACTICES	KIP	THOUSAND POUNDS	R	RIGHT
BOW	BACK OF SIDEWALK	KW	KILOWATT	R-R	REMOVE AND REPLACE
BP	BEGIN PROJECT, BEGINNING POINT	L	LEFT	RAD	RADIUS
BT	BEGIN TRANSITION	LGTH	LENGTH	RCP	REINFORCED CONCRETE PIPE
BVCE	BEGINNING VERTICAL CURVE	LB	POUNDS	REF	REFERENCE
BVCS	BEGINNING VERTICAL CURVE STATION	LB/FT	POUNDS PER FOOT	REQ	REQUIRED
BW	BOTTOM OF WALL	LEED	LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN	REVEG	REVEGETATE
CBG	CONCRETE BOX CULVERT	LF	LINEAR FOOT	RFTA	ROARING FORK TRANSIT AUTHORITY
CC	CURB CUT	LOMR	LETTER OF MAP REVISION	ROW	RIGHT OF WAY
CDOT	COLORADO DEPARTMENT OF TRANSPORTATION	LPFM	LOW PRESSURE FORCE MAIN	RP	RADIUS POINT
CDPHE	COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT	LP	LOW POINT	RSS	REINFORCED SOIL SLOPE
CF	CUBIC FEET	LS	LUMP SUM	RW	RETAINING WALL
CFS	CUBIC FEET PER SECOND	LSA	LANDSCAPED AREA	SAC	STEEL ARCH CULVERT
CG	CURB AND GUTTER	LT	LIGHT POLE	SAN	SANITARY
CIP	CAST IN PLACE	LTB	LIME TREATED BASE	SB	SOUTH BOUND
CL	CENTERLINE	LUM	LUMINARY	SCF	SEDIMENT CONTROL FENCE
CLOMR	CONDITIONAL LETTER OF MAP REVISION	M	METERS	SD	STORM DRAIN
CMP	CORRUGATED METAL PIPE	MAT'L	MATERIAL	SDR	STANDARD DIMENSION RATIO
CMU	CONCRETE MASONRY UNIT	MAX	MAXIMUM	SE	SOUTHEAST
CO	CONCRETE	MH	MANHOLE	SECT	SECTION
COM	COMMUNICATIONS	MHT	METHOD OF HANDLING TRAFFIC	SF	SQUARE FEET
CONC	CONCRETE	MIN	MINIMUM	SHLDR	SHOULDER
CONST	CONSTRUCTION	MISC	MISCELLANEOUS	SL	SANITARY SEWER LINE
CONT	CONTINUOUS	ML	MEGALUS	SMH	SANITARY SEWER MANHOLE
COR	CORNER	MLW	MASONRY LANDSCAPE WALL	SOD	GRASS AREA
CPE	CORRUGATED POLYETHYLENE PIPE	MP	MILE POST	SS	SANITARY SEWER SERVICE
CSP	CORRUGATED STEEL PIPE	MPH	MILES PER HOUR	SSD	STOPPING SIGHT DISTANCE
CU	CEMENT TREATED BASE	MSE	MECHANICALLY STABILIZE EARTH	STA	STATION
CY	CUBIC YARD	MUTCD	MANUAL ON UNIFORM TRAFFIC CONTROL	STBK	SETBACK
D	DEEP	DEVICES		SW	SIDEWALK
DB	DECIBELS	MW	MONITORING WELL	SY	SQUARE YARDS
DEG	DEGREES	N	NORTHING	SYM	SYMMETRICAL
DHV	DESIGN HOUR VOLUME	N/A	NOT APPLICABLE	T	TREAD STAIRS
DIA	DIAMETER	NAT	NATIVE GRASS AREA	TAN	TANGENT
DIP	DUCTILE IRON PIPE	NAVD	NORTH AMERICAN VERTICAL DATUM	TBC	TOP BACK OF CURB
DOW	DIVISION OF WILDLIFE	NB	NORTH BOUND	TBLK	THRUST BLOCK
DR	DRAIN	NE	NORTHEAST	TC	TOP OF CURB
DTM	DIGITAL TERRAIN MODEL	NEPA	NATIONAL ENVIRONMENTAL POLICY ACT	TCE	TEMPORARY CONSTRUCTION EASEMENT
DRW	DRIVEWAY	NFPA	NATIONAL FIRE PROTECTION ASSOCIATION	TCP	TRAFFIC CONTROL PLAN
DWG	DRAWING	NGVD	NATIONAL GEODETIC VERTICAL DATUM 1929	TELE	TELEPHONE
E	EASTING	NHS	NATIONAL HIGHWAY SYSTEM	TEMP	TEMPORARY
EA	EACH	NIP	NAIL IN PLACE	TOP	TOP OF PIPE
EB	EAST BOUND	NM	NUMBER	TRANS	TRANSITION
EG	EXISTING GRADE	NPDES	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM	TRFLG	TRAFFIC FLANGE OF FIRE HYDRANT
EL	ELEVATION	NTP	NOTICE TO PROCEED	TW	TOP OF WALL
ELEV	ELEVATION	NYS	NOT TO SCALE	TYP	TYPICAL
EQA	EDGE OF ASPHALT	NW	NORTHWEST	UCTV	UNDERGROUND CABLE TELEVISION LINE
EOD	EDGE OF DRIVEWAY	O/S	OFFSET	UE	UNDERGROUND ELECTRIC LINE
EOC	EDGE OF CONCRETE	OC	ON CENTER	UG	UNDERGROUND GAS LINE
EOG	EDGE OF GRAVEL	OD	OUTSIDE DIAMETER	USACE	US ARMY CORPS OF ENGINEERS
EOL	EDGE OF MILLINGS	OH	OVERHEAD	USGS	US GEOLOGICAL SURVEY
EOP	EDGE OF PAVEMENT	OP	OUTLET PROTECTION	UT	UNDERGROUND TELEPHONE LINE
EP	END PROJECT, END POINT	OT	OVERHEAD TELEPHONE	VC	VERTICAL CURVE
EPA	ENVIRONMENTAL PROTECTION AGENCY	PCC	POINT OF CURVATURE	VCP	VERTIFIED CLAY PIPE
ES	ELECTRIC SERVICE	PED	PEDESTRIAN	VLP	VALLEY PAN
ESMT	EASEMENT			VTC	VEHICLE TRACKING CONTROL
EST	ESTIMATE			W	WIDE
EVCE	END VERTICAL CURVE ELEVATION			W/	WITH
EVCS	END VERTICAL CURVE STATION			WB	WEST BOUND
EX	EXISTING			WL	WATER LINE
EXIST	EXISTING			WS	WATER SERVICE
EXT	EXTERIOR			WOCD	WATER QUALITY CONTROL DIVISION
FAL	FEDERAL AVIATION ADMINISTRATION			WS	WATER SERVICE
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY			WHM	WELDED WIRE MESH
FES	FLARED END SECTION			X-S	CROSS SLOPE
FF	FINISHED FLOOR			YD	YARD
FG	FINISHED GRADE				
FH	FIRE HYDRANT				
FHWA	FEDERAL HIGHWAY ADMINISTRATION				
FL	FLOWLINE				
FOW	FACE OF WALL				
FPS	FEET PER SECOND				
FRIF	FRONT FACE				
FT	FEET				
G	GAS				
GAL	GALLONS				
GALV	GALVANIZED				

GENERAL NOTES:

1. EXISTING HOT WATERLINE WAS FIELD LOCATED IN CONJUNCTION WITH THE CITY OF OURAY PUBLIC WORKS DEPARTMENT. THE EXISTING WATERLINE ELEVATIONS WERE BASED UPON INVERT OR TOP OF PIPE ELEVATIONS THAT WERE FIELD COLLECTED AT ACCESS POINTS OR EXPOSED SECTIONS ALONG THE PIPELINE. LOCATIONS AND ELEVATIONS ARE TO THE BEST OF OUR KNOWLEDGE BUT MAY BE APPROXIMATE BETWEEN SURFACE ACCESS POINTS.
2. THE APPROXIMATE LOCATION OF ALL KNOWN UTILITIES (WATER, SEWER, GAS, PHONE, ELECTRIC, CABLE, ETC.) ARE SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL CONTACT ALL UTILITY OWNERS TO VERIFY BOTH LOCATION AND DEPTH OF UTILITIES BEFORE ANY WORK BEGINS. CONTRACTOR SHALL BEAR THE RESPONSIBILITY FOR THE PROTECTION OF UTILITIES DURING CONSTRUCTION.
3. THE CONTRACTOR WILL BE RESPONSIBLE FOR RESTORING ANY DISTURBED AREAS IN ACCORDANCE WITH SPECIFICATIONS.
4. THE CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING AND COMPLYING WITH ALL CDPEH CONSTRUCTION STORMWATER DISCHARGE AND Dewatering PERMITS AND REQUIREMENTS.
5. THE FIRST EXPANSION THRUST BLOCK PER DETAIL CAN BE INSTALLED ON ONE OF THE FIRST HDPE JOINTS. INSTALL EXPANSION THRUST BLOCKS NO MORE THAN 500 FEET APART ENDING WITH ONE NEAR THE ENDING CONNECTION TO THE EXISTING DUCTILE IRON PIPING.
6. HOT WATER LINE SHALL REMAIN IN SERVICE DURING CONSTRUCTION. SHORT INTERRUPTIONS IN WATER SUPPLY MAY BE ALLOWED WITH ADVANCED NOTICE AND APPROVAL (14 DAYS MIN) BY TOWN STAFF.
7. SPACE WITHIN THE PROJECT AREA IS EXTREMELY LIMITED. CONTRACTOR MEANS AND METHODS FOR EXCAVATION, MATERIAL STOCKPILING, PIPELINE TEMPORARY SUPPORTS, CONCRETE SUPPLY AND PLACEMENT AND BACK FILL SHALL BE DISCUSSED AND APPROVED BY PROJECT ENGINEER AND TOWN STAFF PRIOR TO START OF PROJECT.



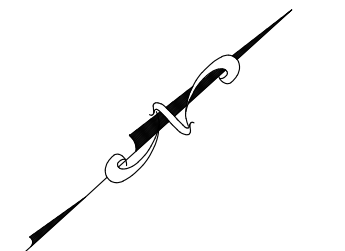
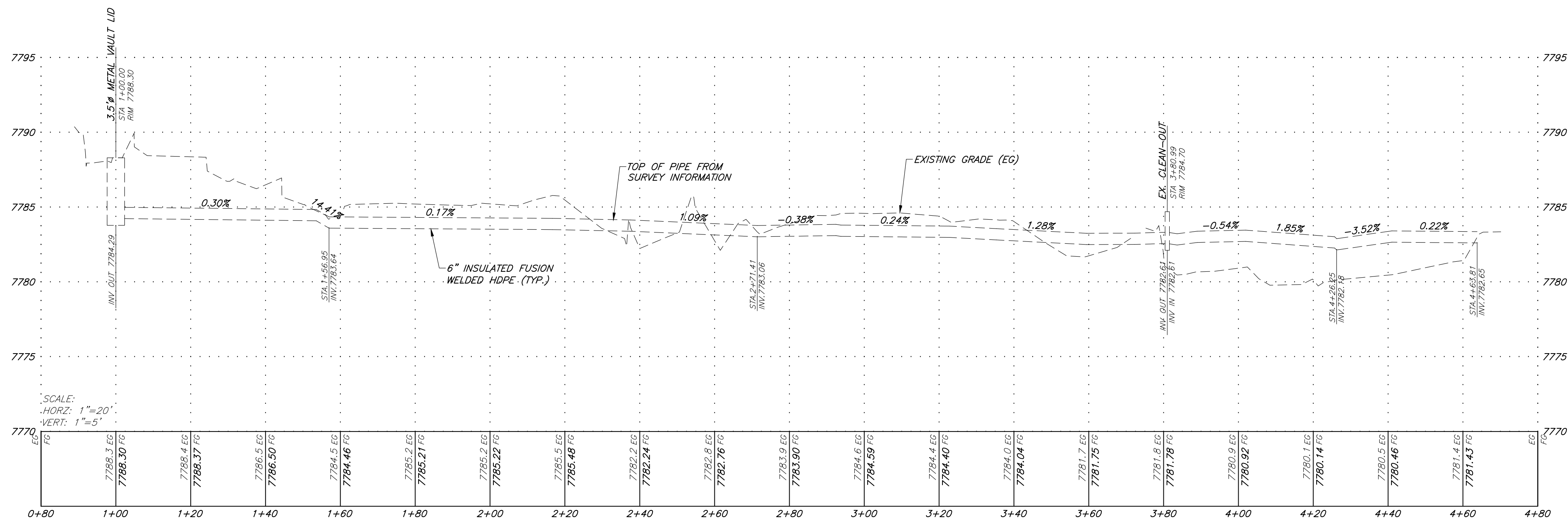
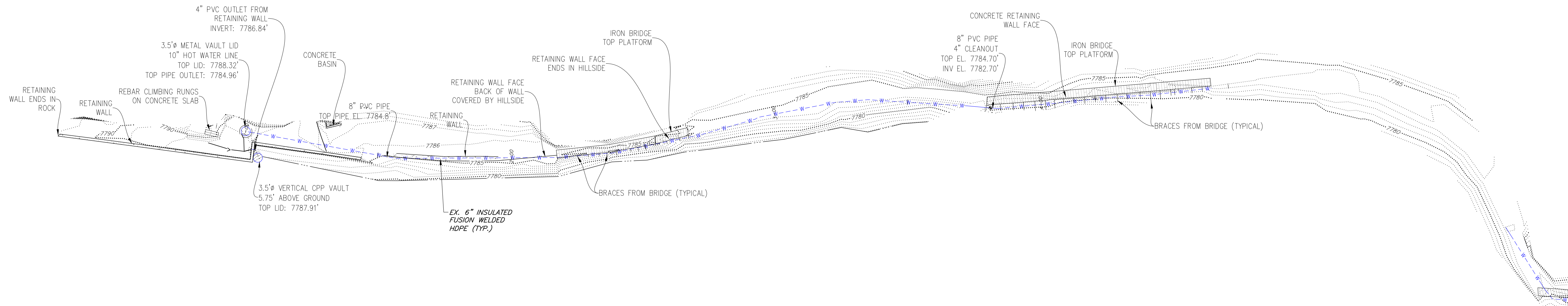
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Box Canyon Hot Water Pipeline Stabilization City of Ouray

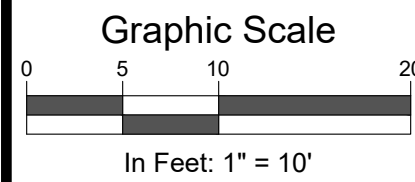
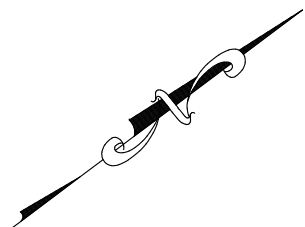
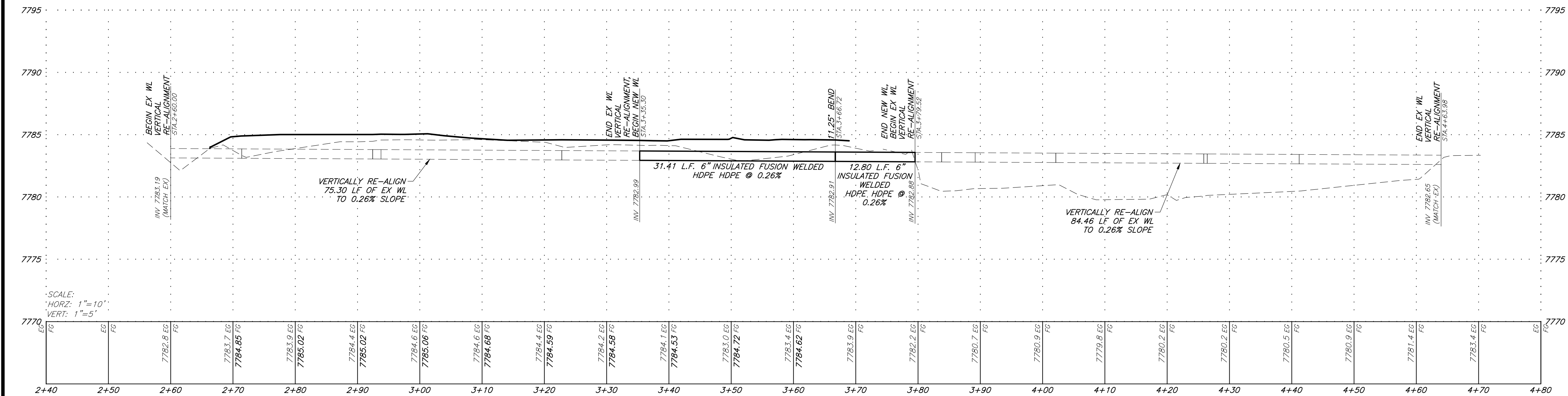
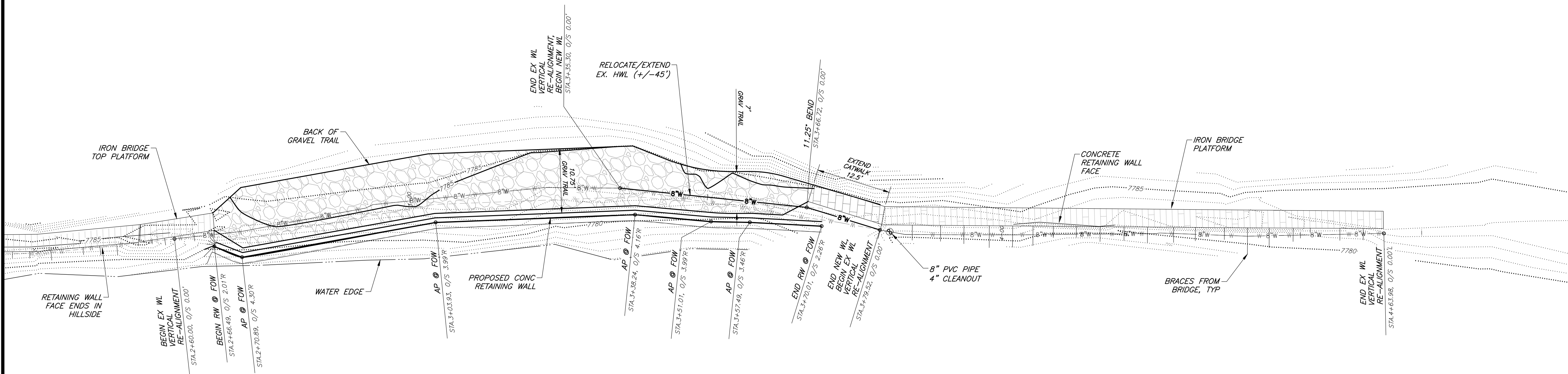
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Box Canyon Hot Water
Pipeline Stabilization
City of Ouray

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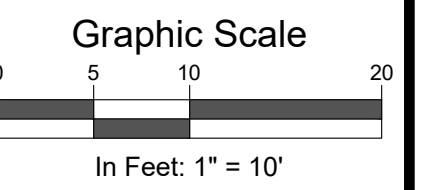
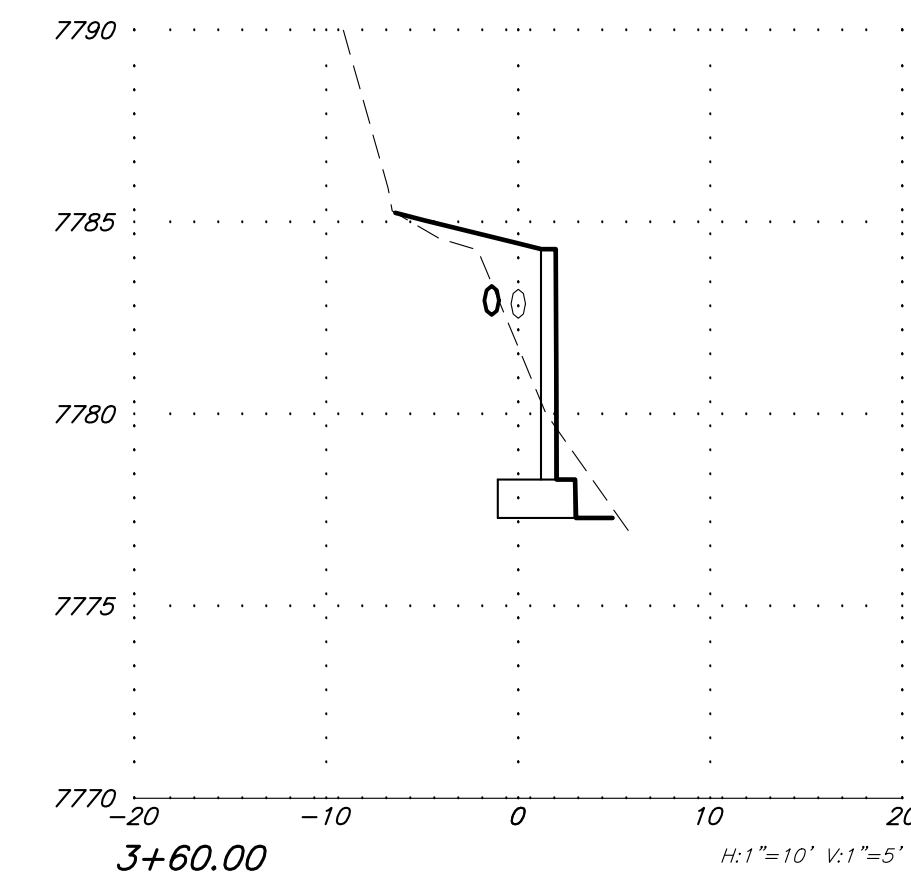
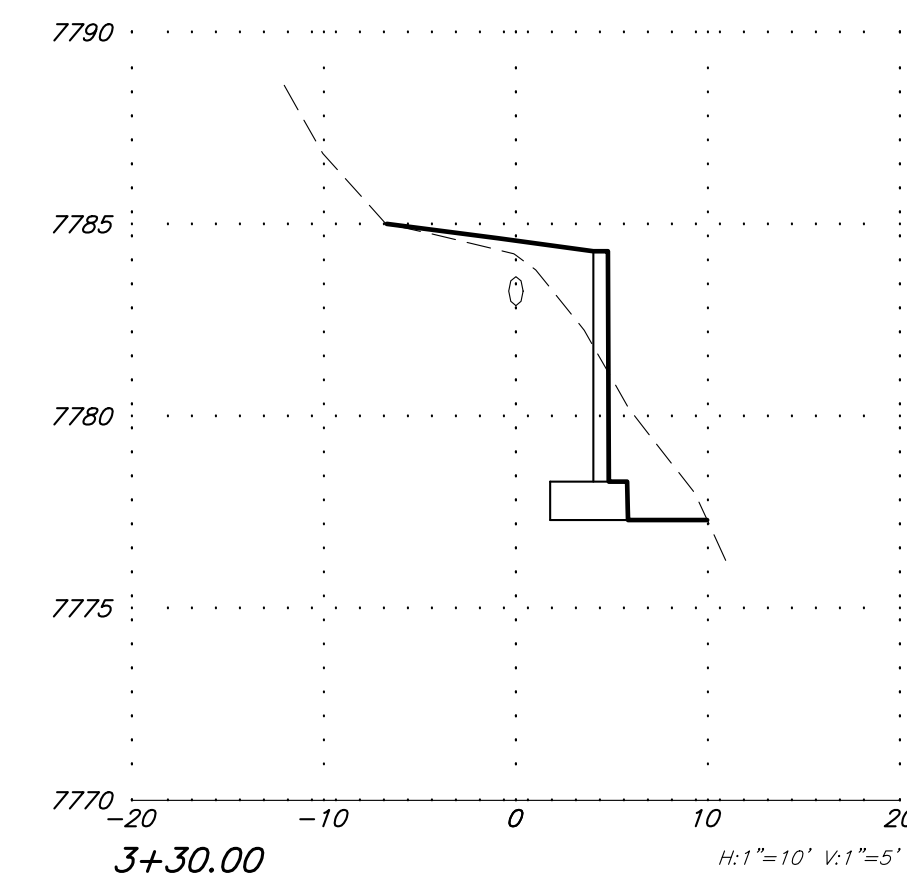
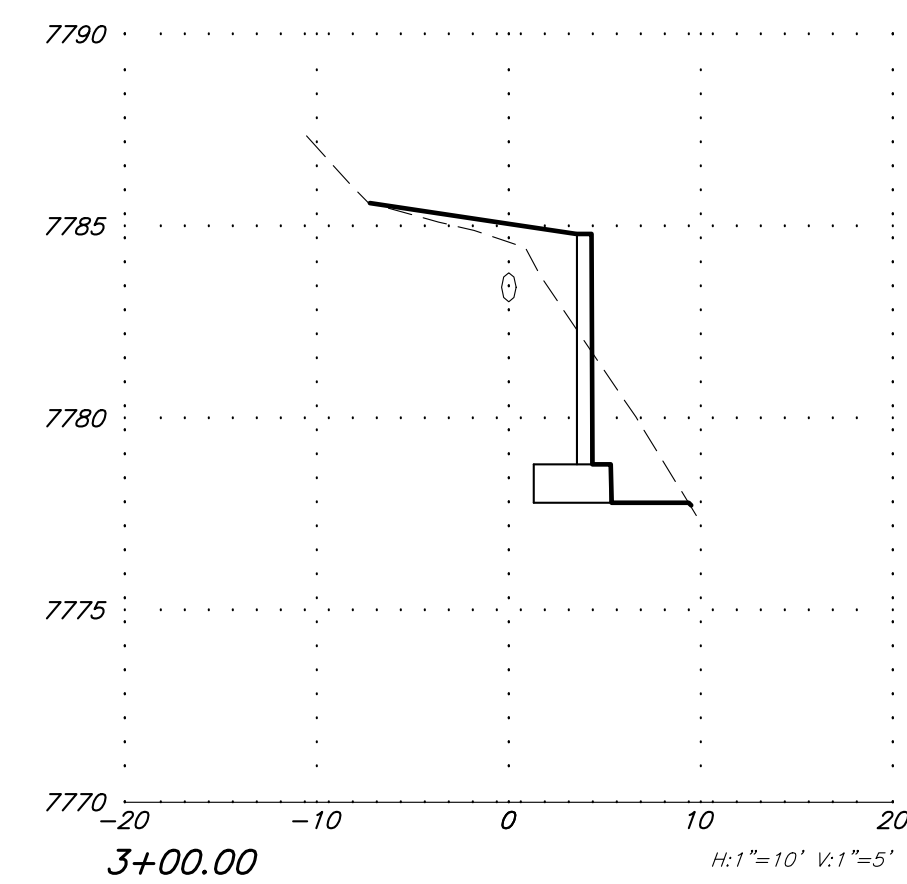
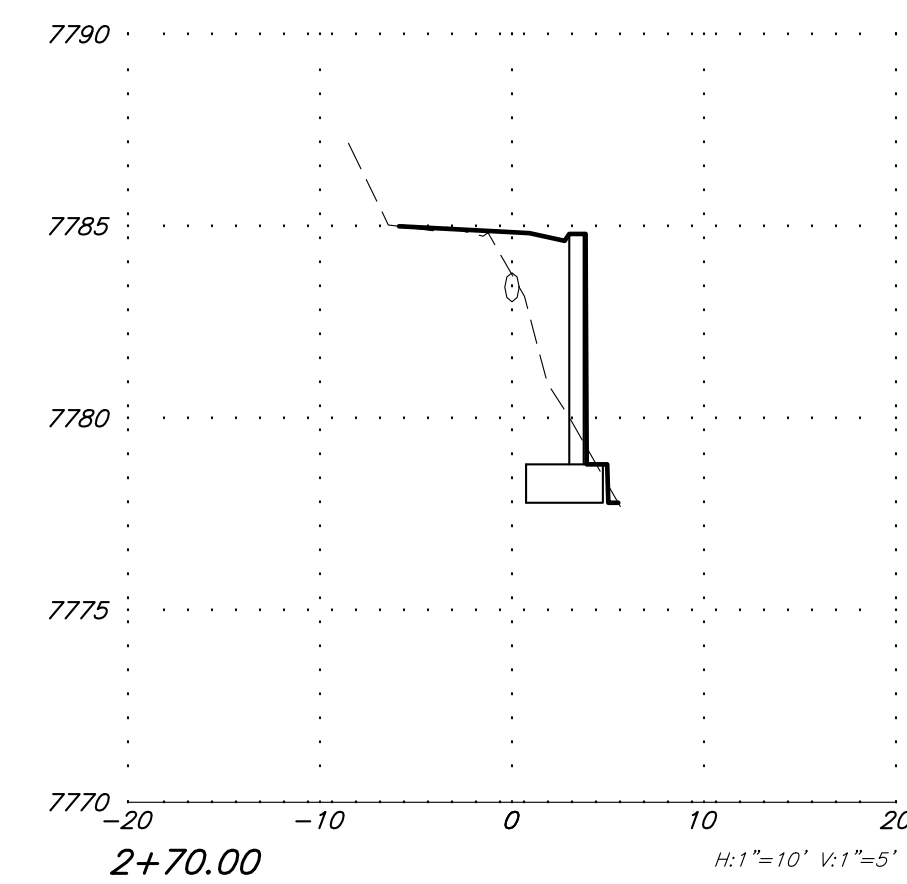
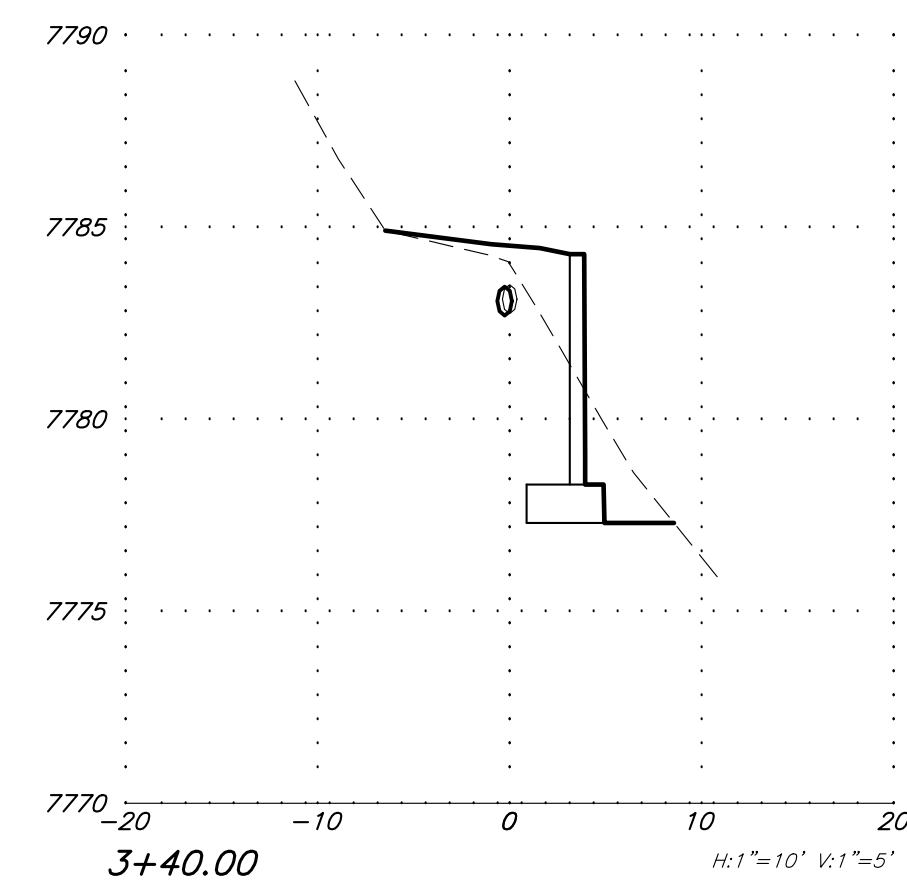
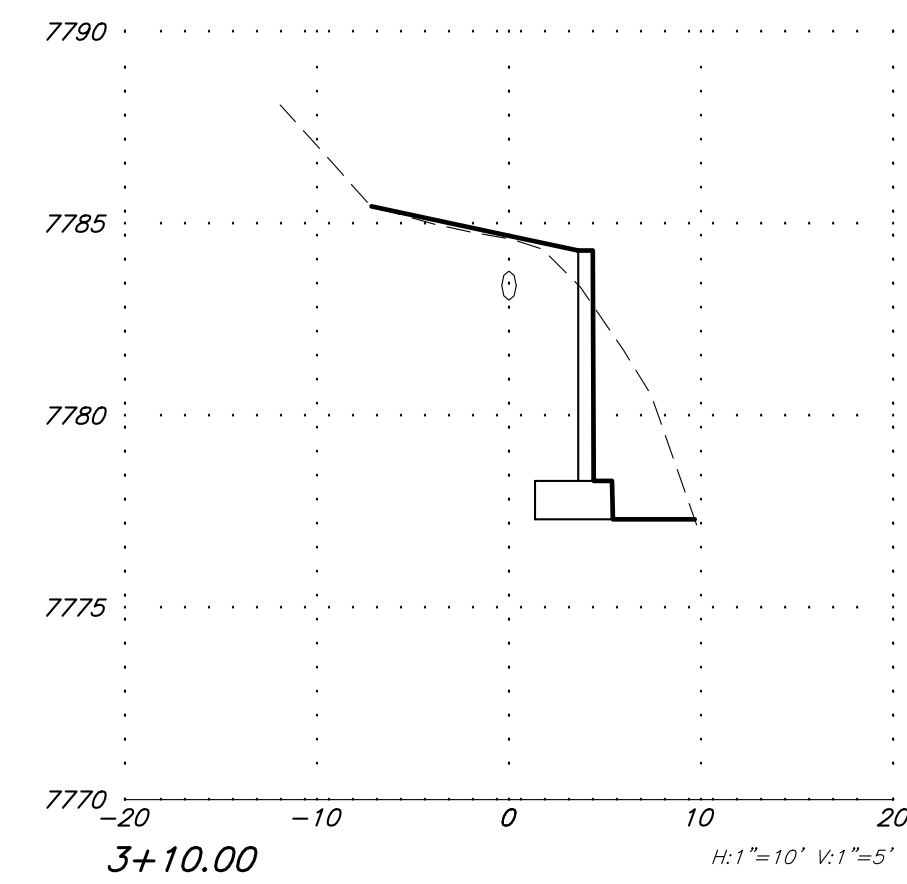
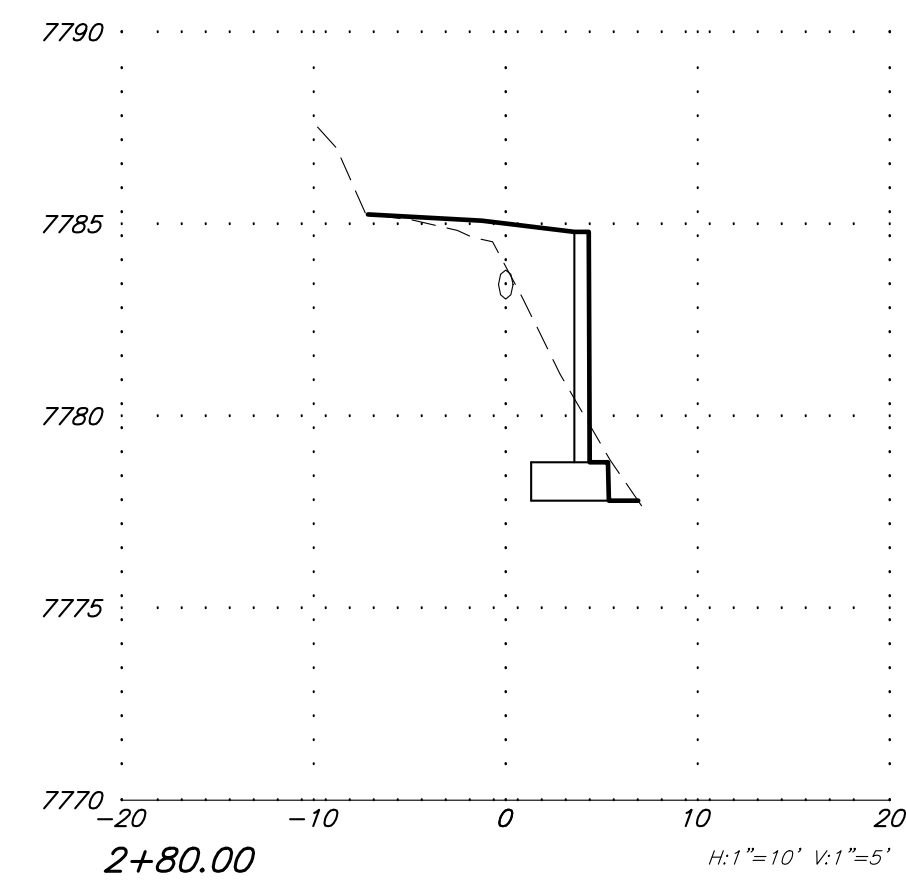
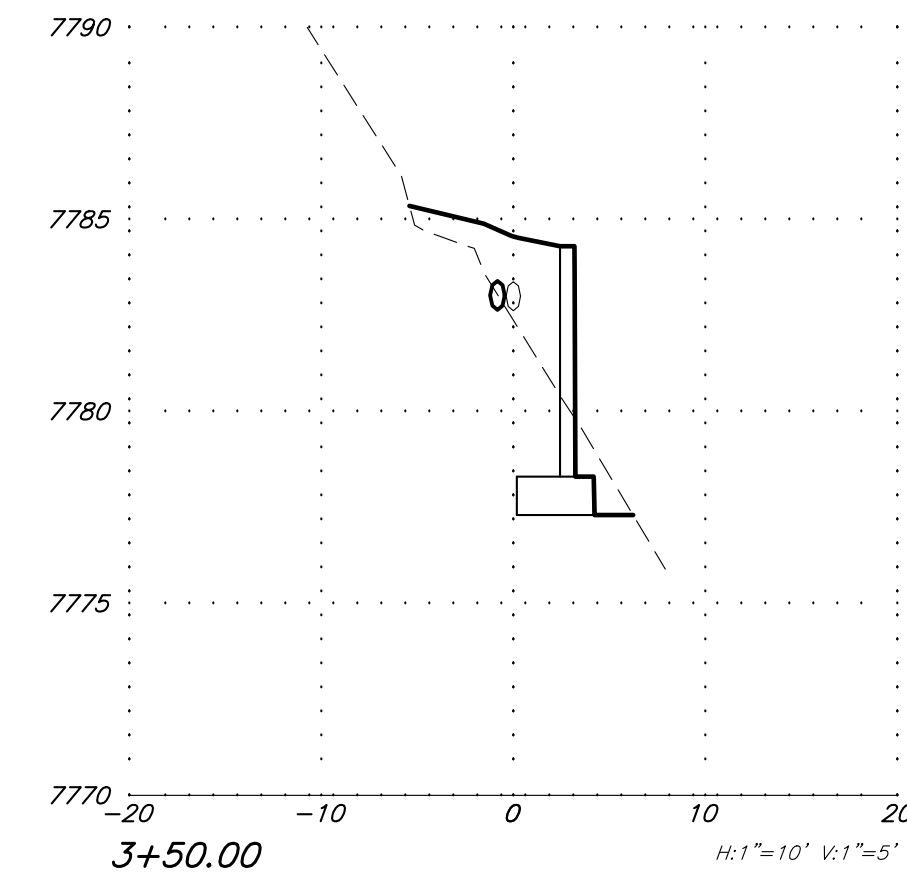
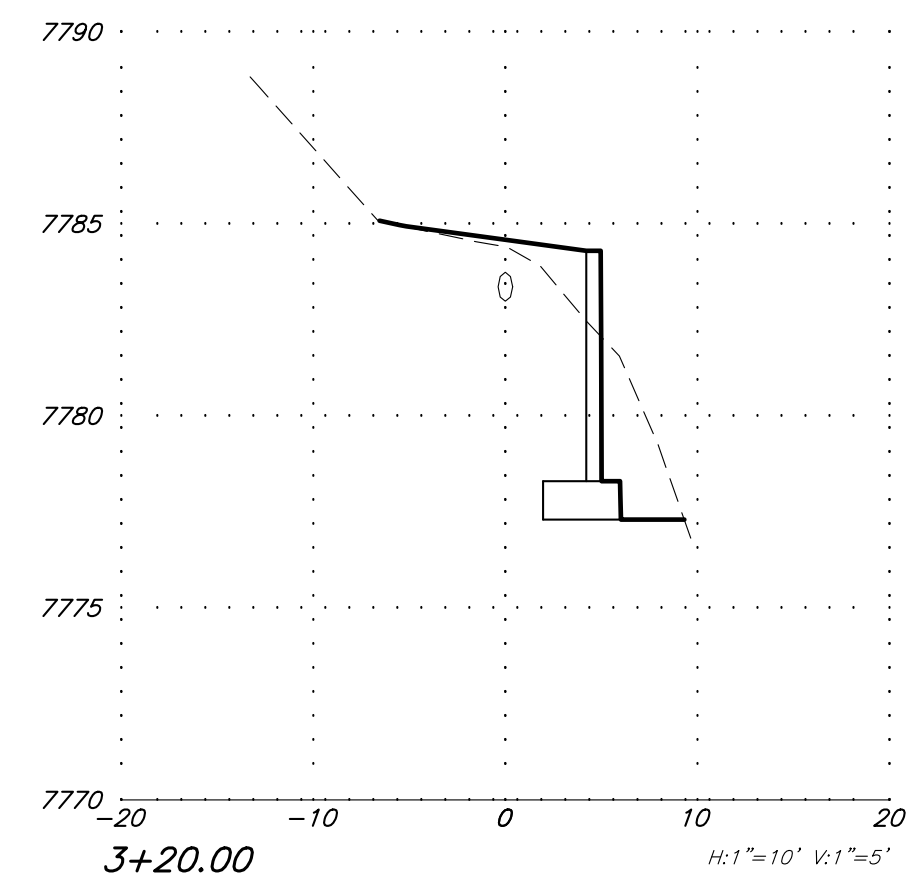
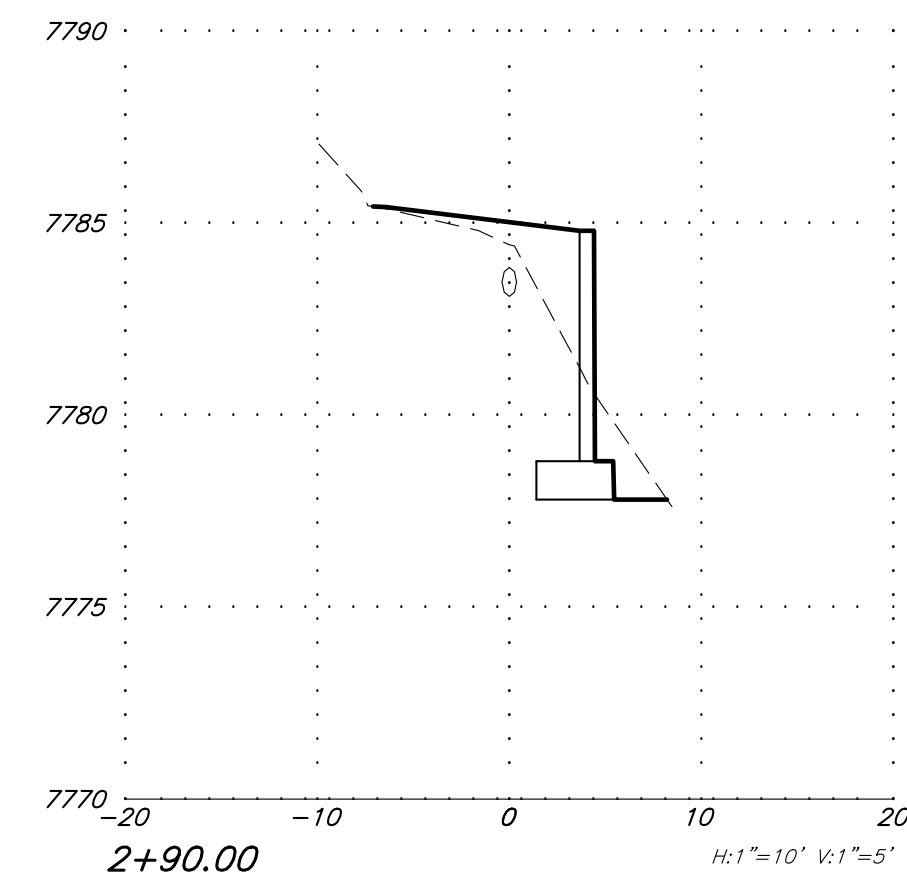
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Box Canyon Hot Water Pipeline Stabilization

City of Ouray

City of Ouray

Job No.	2020-281.001
Drawn by:	FB
Date:	7.28.21
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PE:	JS
File:	BCHW-CrossSections

Job No.	2020-281.001
Drawn by:	FB
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File:	BCHW-CrossSections

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July 27th, 2021

Ouray Housing Group, LLC
C/O: Mark Iuppenlatz (hereby referred to as "Applicant")
PO Box 1214
Ouray, Colorado 81427

Re: Ouray Workforce Housing Site Development Permit (SDP) Determination

Mr. Iuppenlatz,

This letter is in reference to the Ouray Workforce Housing Site Development Permit ("SDP") Application and materials submitted to the City of Ouray on 6-10-21. The proposed project and SDP cannot be approved until the following changes have been addressed and resubmitted to the City for further consideration. The following items have been identified by the City as standout issues to the SDP submittals, in particular reference to the geologic hazards present at the project site (Parcel #451725100006).

A. Site Development Permit, Code Requirements (Ouray Municipal Code §7-4)

- a. §7-4-D-1-b-iii: "Required off-street parking spaces, including landscaped areas, and maneuvering areas adequate to meet all applicable requirements. When six or more spaces are required, the required parking and maneuvering areas shall be paved."
 - i. The proposed maneuvering areas (as shown in the First Floor Plan of the Site Plans) do not meet City of Ouray adopted parking and maneuvering design options. The Site Plans must reflect adequate space for emergency vehicle access and reverse turning radii. The City will ensure all proposed maneuvering areas are approved by the Fire Department for accessibility.
- b. §7-4-D-2-j: "Standards for Parking and Maneuvering: Each space shall contain 200 sq. ft. in area and measuring 20' by 10', exclusive of maneuvering and roadway space. Standards for vehicular maneuvering are contained in the City's Specifications and Design Standards for Infrastructure Construction."
 - i. The proposed parking spaces (as shown in the First Floor Plan of the Site Plans) do not meet parking design requirements. Additionally, "tandem" style parking for each unit does not leave room for maneuverability and is not an adopted parking option in Ouray.
- c. §7-4-D-1-b-iv: "Site drainage adequate to avoid damage or adverse effects to improvements, structures and property on and off the site, including adjacent properties."

- i. The drainage outlined in the Drainage Report and Site Plan appear to divert site drainage to properties located to the north and south of Parcel #451725100006. The drainage illustrated for the paved parking areas to the east of the condo buildings show runoff diverted to Hinkson Terrace through the landscaping buffer areas. However, with raised curb improvements separating the paved areas from the landscaping areas, all diverted runoff will flow directly into Hinkson Terrace instead of to the landscaped areas. The Applicant must redesign drainage options for the site in order to mitigate any runoff to neighboring properties and Hinkson Terrace and submit site plans reflecting this change.
- d. §7-4-D-1-b-x: “Trash collection and snow storage areas.”
 - i. The two (2) proposed on-site dumpsters (as shown in the Site Plan w/ Landscape, Parking & Snow Storage page of the Site Plans) are located within potential drainage areas and do not appear to be screened. Due to these dumpsters’ proximity to neighboring properties, the City requests that the Applicant illustrate on an updated Site Plan that these dumpsters will be of adequate sizes to serve the proposed units and residents and will be screened from view from adjacent properties.
 - ii. The dumpster areas in the Site Plans are located in corners of the property that appear to be inaccessible to waste management service trucks with the proposed maneuvering areas. Updated maneuvering area designs should reflect accessibility for waste management providers and emergency vehicle access.
- e. §7-4-D-2-k: “Snow Storage.”
 - i. The snow storage areas (as shown in the Site Plan w/ Landscape, Parking & Snow Storage page of the Site Plans) do not show calculated square footage of snow storage areas. Ouray Municipal Code requires a minimum 3:1 ratio of paved area to snow storage area to provide adequate snow storage and drainage for impervious coverage. Updated Site Plan(s) must reflect calculated (sq.ft.) paved areas and snow storage areas to meet this 3:1 requirement. Snow storage cannot drain into adjacent residential building sites and cannot be hauled off-site.
- f. §7-4-D-1-b-v-1: “At least 50% of the linear frontage of the site abutting public street rights-of-way to a minimum width of 15 feet shall be landscaped, except to the extent such area is or will be lawfully covered by buildings, unless the City approves an alternative plan as more effectively presenting a landscaped view from the abutting street rights-of-way;”
 - i. The proposed Site Plans and landscaping refers to an 8-foot landscape buffer between the proposed condo buildings and Hinkson Terrace. The landscaping plans must be 15-feet in width since the project does not meet Code for a Variance in this design.
- g. §7-4-D-1-d: “Excavation, Fill or Grading Involving 300 Cubic Yards or More. These excavations require the submission of items listed below:
 - i. “A site development plan drawn to scale (not less than 1":40' scale) detailing clearly the nature and extent of the proposed excavation, fill or grading, including finished slopes, retainage and drainage details.
 - 1. The Applicant must obtain and submit a final excavation, fill, and grading plan to the City which clearly reflects the proposed excavation and fill for the site.
 - ii. “Details of estimated quantities and type of material export or import. This requirement may require an engineers’ estimate if deemed necessary in the development standards or by staff.
 - iii. “Details on excavation plans showing access routes and types of equipment to be utilized, hours of operation, and any anticipated impact to City streets.
 - iv. “Engineered plans for structural retainage features.
 - v. “Evidence of a storm water retention plan and permit, or other State or Federal requirement, if applicable and required by staff.
 - vi. “Details on seeding, revegetation and erosion control plans.”

1. The Applicant must submit Final excavation/grading/fill/revegetation plans for this site to fulfill and provide clarification to the above referenced items.
- h. §7-4-D-2-a: “Identification and Mitigation of Hazards and Geologic Conditions.”
 - i. The City is aware of recently recorded rock fall in and around neighboring properties to the subject site. §7-4-D-2-a-ii-2 of the OMC states an EGR shall be required if “the property or adjacent areas to the property have been subject to significant events in the past 20 years.” In 2016, a rock of much greater proportions than what is outlined in the existing EGR went through a neighboring property on Hinkson Terrace. However, this event was not included in the report and should be noted to the Applicant’s engineers that significant rock fall has occurred in the area and similar impacts should be measured.
 - ii. The Applicant must submit detailed, specific construction and maintenance plans for this site and its development in accordance with §7-4-D-2-a-iv, stating “the EGR must also provide detailed construction and maintenance plans for each mitigation measure.”

B. Preliminary Drainage Report – Buckhorn Engineering (May 14, 2021)

- i. General: The Applicant must submit a Final Drainage Report for this project; the City cannot approve preliminary drainage plans for this project. Updates report(s) should have specifications including but not limited to the following items:
- b. B. Hydrologic Data: “Table 1. Summary of NOAA Atlas 14 precipitation data for varying recurrence periods in Buena Vista, CO. Shaded values were used for design and drainage analyses in this report” (Page 5).
 - i. The City requests that Ouray, Colorado NOAA data is used in all drainage calculations since this local data set is available. If non-local data are used in calculations, an explanation of why local data was not used will be requested.
- c. C. Runoff: “Developed flows will be drained into designated detention basins in landscaped areas adjacent to Hinkson Terrace and on the north end of the project site and allowed to percolate naturally into the soils” (Page 5).
 - i. The main drainage proposals for the site include runoff draining to the north and south ends of the property and into the proposed landscaped areas adjacent to Hinkson Terrace. There is concern that properties to the north and south of this site would have an undue burden of drainage from this project. Additionally, the current paved improvements to the east of the proposed buildings do not appear to have culverts to receive this drainage to the landscaped areas. The likelihood of site drainage flowing directly into Hinkson Terrace without going to landscaped areas as currently proposed, is high.
- d. D. Driveways and Parking Lot: “Storm flows from the slope above the buildings will be intercepted and detained in the ditch upstream of the 4-foot high rockfall berm shown in the geohazard reported prepared by DOWL in February 2021” (Page 6).
 - i. The rockfall berm illustrated in the DOWL report does not include final plans or designs. The recommendations following this preliminary rockwall berm will need to be re-evaluated based on Final rockwall and excavation plans submitted to the City. The berm will need to be designed to capture drainage as proposed without diverting runoff to neighboring properties or directly into Hinkson Terrace which already experiences drainage problems.
- e. E. Storm Sewers and Culverts: “No storm sewers or culverts are proposed for Ouray Workforce Housing development” (Page 6).
 - i. The Conceptual Site and Grading Plan (C-1) has a notation of “New Culvert” on the northern-end of the paved area on the site plan. If a culvert is proposed as part of the site drainage, this needs to be clarified in illustrations and the updated Drainage Report.

C. Ouray Workforce Housing Conceptual Site and Grading Plan – DOWL (January 1, 2021)

- i. General: the Applicant must submit a Final grading plan for this site.

- b. “Redi-rock retaining walls will be required in landscape area (2’ to 3’ high)” (Page 11).
 - i. A two- to three-foot high retaining wall in the site’s landscape areas does not match what was proposed on the site plans or landscape plans and conflicts with general site drainage plans. This redi-rock retaining wall would affect drainage, view sheds, driveway access, and landscape requirements. A rock wall inclusion on the site and grading plan should be addressed in a Final plan and guide recommendations for the abovementioned considerations in other reports and designs.
- c. Appendix D: Detention Basin Stage-Storage Table Builder” (Page 23).
 - i. The calculations for the “Peak Runoff using Rational Method” were performed using Group B soil data although Group D soil data is what appears to comprise of the majority of the building site and upward slope drainage source (Page 13-18). The Final report should reflect calculations for both Group D and Group B soil data since that is what will affect the drainage detention areas and source flows.

D. Ouray Workforce Housing Engineering Geology Report (EGR) TBD Hinkson Terrace – DOWL (March 15, 2021)

- a. General: The DOWL team visited the site (as noted in the report, Page 7) in November and December of 2020 where “snow cover obscured our view of the ground surface for the wooded slopes above the building site...” This EGR must be updated to reflect a final set of recommendations and calculations, as indicated in this report, when the site is clear of snow.
- b. Geologic Setting: Figure 9. “Geologic Map of the Ouray Quadrangle” (Page 6).
 - i. The “Subject Property” locate on Figure 9 is south of the actual proposed project site. The actual site location, north of the circled notation on the map, abuts a large drainage/fault line on the Luedke and Burbank map, which may change outcomes of measured geologic deposits found on the project site. The correct location and formations should be noted and analyzed in the final EGR.
- c. 1. Mudflows and Debris Flows: “there are some drainage channels that are pathways for concentrated runoff, mud and debris” (Page 7).
 - i. These channels represent significant diversion for the property and any retention walls and basins would need to consider these changed diversion paths from proposed development. With upward slopes noted in this report of more than 100%, the drainage systems in this site are critical to maintain. The proposed development and retention walls leave little room for channel diversion on the north and south ends of the property and may burden neighboring properties with undue mud and debris flows.
- d. 1. Mudflows and Debris Flows: “It is likely that previous events deposited debris on and around Hinkson Terrace, but it was removed to maintain the relatively flat portion of the property. Runoff events of sufficient size to deliver mud and debris to the site may not occur every year, but they are likely a regular occurrence that needs to be mitigated... Typical mitigation involves berming and further developing channels and basins to divert and capture debris away from development” (Page 9).
 - i. Maintenance and mitigation plans for site drainage and berm/retaining wall retention will need to be specified for this development. These updated plans must indicate no undue drainage and runoff will be diverted to adjacent properties, or as the report suggests “away from development.” Mitigation plans should include berm and channel clearing recommendations and plans as well as access ways to the proposed berms and channels.
- e. 3. Rockfall: “Note the generally angular and weathered nature of the reddish sandstone blocks that typically range from 2 to 3 feet square to 4 to 6 feet across. It should be noted that the ground surface was obscured with snow, so smaller rocks could not be observed and not all rocks were visible” (Page 9).
 - i. As recommended in this report, the engineering team should revisit the site when snow isn’t covering the ground to develop final recommendations and analyses of the site.

- There are notably larger rocks than 2- to 6-foot in diameter at the building site and on neighboring properties and should be noted in the updated report.
- ii. The rock sizes used in the methodology of this report may need to be adjusted once a non-snow covered site visit occurs. The rock sizes used to perform this analysis (Page 11) range from 2- to 4-feet in shape and don't represent the very high risk of much larger rocks falling down the slope of this property.
- f. Model Run #3: "The remaining 78% were stopped by the rockfall berm. This is, again, consistent with field observation that indicated no recent rockfall and no recent rocks of that size at the project site" (Page 13).
- i. There has been noted record of recent rockfall in the area and onto/into adjacent properties to this site. The updated report should reflect the reality of rockfall occurring much higher than 200 feet from the building site, which was noted as a weak joint in the hillslope in this and other reports. To note, rocks falling from greater distances than 200 feet upslope represent a much higher threat the proposed development on this site.
- g. 3.3 Rockfall Conclusions and Recommendations: "No windows or doors should be installed on the western wall of the home which faces the slope. It is our understanding from the construction drawings provided that no windows or doors will be constructed on the west side of the house" (Page 14).
- i. Based on submitted Site Plans and Applicant descriptions, all access points for the proposed condo units are on the west side of the property. Additionally, primary egress points, windows, exterior access hallways, and stairways are designed to the west side of the buildings. This is a considerable concern for the City, Applicant, potential residents, and authors of the submitted geotech reports. The Site Plans directly conflict with recommendations made in this geotech report; the City will not accept submitted site plans for this property that have primary access, egress, and fire exits (stairs) on the west side of buildings based on this recommendation.
- h. 3.3 Rockfall Conclusions and Recommendations: "The berm and catchment basin should be inspected yearly and after larger runoff events to verify that they are still intact and functioning properly" (Page 14).
- i. A mitigation and maintenance plan for the berm/retaining wall must be included with final reports and recommendations. These maintenance efforts should be noted as the Applicant/Owner's responsibility to complete and provide record of to the City on an annual basis, as this report suggests.
- i. 3.3 Rockfall Conclusions and Recommendations: "When the snow has melted at the site, DOWL should have the opportunity to revisit the site and verify the size and location of rockfall and debris flow deposits so that model results can be calibrated, and conclusions/recommendations confirmed" (Page 14).
- i. To the City's knowledge, DOWL has not been back to the site to perform additional analyses to confirm recommendations and conclusions. The Applicant must submit a final geotech report based on this conclusion, informed by site visit(s) from DOWL when snow does not cover the site.
- j. 5. Slope Instability/Landslides: "The site has a nearly 100% probability of some type of failure and a nearly 23% chance of failure that directly impacts the wall. This is consistent with the observed signs of creep along the hillside. Preliminary findings indicate that slope stability may be a concern at the subject site and that additional investigations and analyses are warranted. As recommended below, a geotechnical assessment of the site will be critical to determine depths to bedrock along the hillside and to estimate soil strength parameters. Suitability for building will depend on these findings and a corresponding final analysis of the hillside slope stability" (Page 17).
- i. Noting that the site (as a best case scenario with a retaining wall) has a nearly 23% probability of failure that impacts the proposed wall, and that the engineers on this report

indicate that a geotechnical assessment will be critical to determine overall suitability of building on the site, the City will not move forward with processing this SDP or materials until reports have been provided reflecting final recommendations and calculations.

- k. **Conclusions:** “A slope stability analysis should be performed once additional geotechnical information is available. This will aid in providing soil strength parameters and wall design considerations to maintain slope stability” (Page 20).
 - i. DOWL engineers have indicated significant hazard risks at this site and have requested an opportunity to provide finalized recommendations and conclusions about site development upon an additional site visit when it is clear of snow. The current report has suggestions and preliminary findings, which aren’t adequate for proper site development analysis. The City agrees with this request for further investigation for slope conditions, assumptions, and wall/foundation designs (Page 18).

E. Geotechnical Report – Buckhorn Engineering (June 9, 2021)

- a. General: The Findings and recommendations of this Geotechnical Report (6/9/21) were based on the analysis and findings from the EGR completed by DOWL (3/15/21), which as noted above, is not comprehensive enough to provide a basis for site development consideration.
- b. The construction options for a Mechanically Stabilized Earth (MSE) wall are based on the architectural designs which, as noted in the 3/15/21 EGR, are not approved due to the windows, doors, egress, and external access ways as currently proposed. Updated condominium designs will likely result in redesigns and calculations of the proposed MSE options (Page 2).
- c. **4.0 Geology & Geologic Hazards:** Figure 4. “Geologic Map of the Ouray Quadrangle” (Page 6).
 - i. (See comment D-b-i).
- d. **Preliminary Slope Stability Analysis:** “The site has a nearly 100% probability of some type of failure and a nearly 23% chance of failure that directly impacts the wall... Preliminary findings indicate that slope stability may be a concern at the building site and that additional investigations and analyses are warranted” (Page 7).
 - i. The Applicant must submit final plans and analyses to the City for formal review. The City cannot issue an approval for this project with Preliminary Plans of this nature.
- e. **7.5 Retaining Structures:** “The soil parameters for design retaining walls to be used at this site will need to be determined after the additional laboratory testing and slope stability analysis is completed” (Page 10).
 - i. As this preliminary report indicates, additional laboratory testing must be completed and submitted to fulfil final recommendations and calculations for the site’s integrity.
- f. **7.5 Retaining Structures:** “A soil nail (tie-back) system will be necessary to retain the slope” (Page 10).
 - i. A soil nail (tie-back) system is indicated as “necessary to retain the slope” in this report. The updated retaining wall plans that must be submitted should reflect this recommendation in its options instead of illustrating other options that aren’t recommended in geotechnical reports.
- g. **7.7 Site Preparation and Grading:** “The site drainage plan, in tandem with the landscape and grading plans, should ensure that the construction does not impede natural drainage patterns. Surface water should be directed away from the building foundations either during or after completion of construction” (Page 12).
 - i. The Applicant must submit specific, finalized construction plans which include excavation, fill, and grading to reflect final recommendations and calculations from an updated EGR. All materials currently submitted for this SDP indicate preliminary findings and recommendations which are inconclusive for the purpose of this site’s drainage and rockfall patterns.

F. Retaining Wall Plan – Buckhorn Engineering (May 27, 2021)

- a. General: The submitted Retaining Wall Plan has “PRELIMINARY NOT FOR CONSTRUCTION” included on each page. The Applicant must obtain and submit a Final Retaining Wall Plan for the City’s consideration for the Site Development Permit process if that is part of the grading and excavation design. This plan should include excavation and fill calculations for each excavation option illustrated.
- b. The Applicant must also provide plans for the retaining wall’s future and ongoing maintenance/access as this wall is proposed to divert a considerable amount of drainage for the site.
- c. **RW-5: Retaining Wall Sections, Section B, C, D (Page 3-5).**
 - i. None of the Retaining Wall Section B, C, or D Options match what was illustrated on the A9 Building Sections of the Site Plans. The Retaining Wall Options entail a much deeper excavation and building inset than the Site Plan illustrates. Final retaining wall design(s) must be illustrated the same as what is included on final Site Plan Building Sections.

It is the City’s primary goal to ensure public health, safety, and welfare in-part from the City’s adopted Code. This project does not meet the City’s code requirements for obtaining a Variance and will need to submit the abovementioned changes and additions to the Site Development Permit Application materials in order for Staff to consider its acceptability and safety. It is staff’s recommendation that some required elements of the proposed project could be fulfilled with alternative site designs (such as the maneuvering, parking areas, snow storage areas, landscape requirements, dumpster locations and drainage) with fewer units on-site.

The updated, final reports and designs that must be submitted should include specific designs, parameters, and recommendations for formal review. Many of the submitted reports (as analyzed above) suggest general or preliminary measures and recommendations, but fail to provide specific mitigation conclusions or construction plans based on final engineering calculations.

The City understands that it is the Applicant’s intention to provide work force housing options at an “attainable housing” level of cost as described in the Ouray Community Plan 2021. However, there are currently no measures in place that ensure that these proposed units will be provided as work force housing. It is highly encouraged that the Applicant formally demonstrate that these units will be provided to the community’s local work force, as this project has continually ensured.

Sincerely,

Lily Oswald

A handwritten signature in black ink, appearing to read 'Lily Oswald', with a stylized, cursive script.

Community Development Coordinator

City of Ouray Police Department

July 2021

For the month of July 2021 OUPD ran approximately 458 calls for service (as of 1500 hours [3pm] on 7/29/2021)

These included:

- **136 Patrol checks** (includes safety patrols, directed patrols and security checks)
- **99 Parking complaints** (down from 114 last month)
- **10 VIN certifications**
- **19 Found or Lost Property reports**
- **5 Bear/Animal complaints** (down from 13 last month)
- **1 Sexual Assault report**
- **1 Theft (gas siphoned from ATV)**

Our call volume is consistent with last month's total and with what we ran in July of 2020. This report was compiled with 2.5 days left in the month, so the total number of calls will probably increase by about 40 as we typically run between 15-20 calls for service a day this time of year.

Upcoming Events:

National Night Out is this coming Tuesday, August 3rd. OUPD will be at Fellin Park hosting this annual law enforcement/community team building event. Hope to see everyone there starting at 4:30 pm. Alpine Bank has kindly loaned us their big grill and we will be manning it.

Fire Department Report – Chief Kunz

7/30/21

4 training opportunities in the County for the month of April.

Our crew did amazing job this year with one of the busiest 4th of July. It was an exhausting 72 hours. Looking into attempting to make our fireman's picnic (in September) a little more appreciative toward our members.

Pump Training in Ridgway had 8 members attend.

On 7/28 with all the lightning our district has had I called the state to perform a flyover. This is an aircraft the flies at about 30,000ft. The equipment on board can detect hot spots on the ground as small as a campfire. They flew over the morning of 7/29 and had no detections in Ouray County. This airplane is free of charge to municipalities to perform searches, detections, etc.

7/4: Fireworks, Games in the Parks, Water Fights, Parade

7/5: Fire call: People trapped in elevator. - 7 responded; 1 hour

7/13: Fire call: Twin Peaks Lightning strike. USFS took command after 4 hours. - 8 responded; 4 hours

7/15: Fire call: Fuel leak. Contained. - 5 responded; 1 hour

7/22: Fire call: Alarm activation. - 4 responded; 1 hour

7/24 Fire call: Fire alarm Court House. - 7 responded; 1 hour

7/28 Fire call: Smoke showing top of Imogene pass. - 8 responded; USFS took command next morning; 6 hours

Public Works June 2021 Update

Water

- Water Usage Numbers for **May**:
 - Influent (Water from spring) – 53,500,048 Gallons
 - Effluent (Water to town) – 25,947,000 Gallons
 - Hydro Plant – 13,423,040 Gallons
 - Mineral Farms – 219,500 Gallons
- Installed a new fire hydrant on Potosi Place.
- Attended an in person training in Delta put on by CDPHE. Some topics that were discussed include sanitary survey prep, source water protection, state compliance and operator certification.
- City Staff and Element Engineering have been working together closely on the new Water Treatment Facility Project. We have had multiply meetings in July, one was with CDPHE where we discussed the project schedule and that the EPA mandated 18 month design was not realistic. We also agreed to have quarterly meetings with CDPHE, both parties agree that keeping the lines of communication open is very important in this process. In a separate meeting, we discussed the two contractors who submitted proposals for construction manager at risk (CMAR). After reviewing both bid submittals and reviewing references, both City Staff and Element Engineering agreed on the same contractor, Moltz Construction. City Staff currently has a good working relationship with Moltz Construction. Also, Moltz Construction was more competitive in all categories of price and percentage cost comparisons. *Please see attached recommendation for construction manager at risk along with a progress report provided by Element Engineering.*

Sewer

- City staff, JVA Engineering and Moltz Construction held two meetings in July. JVA has asked City Staff to continue to sample for potentially dissolved copper in both the influent and effluent wastewater streams. We are working on building a better database for copper removal at the plant. We also discussed the Equalization Pump relocation and have decided not to move forward with submersible pumps. The conversation of masonry building versus precast building continues among the team. There are many aesthetics options with the precast building that look appealing to the team. The timeline to put the precast buildings together is another positive in keeping with the construction schedule. The team is still working on getting more accurate numbers and construction timeline for both options, the public and City Council will be hearing a recommendation in the near future.
- Continued to skim lagoons of debris as needed.
- Cleaned multiple aerators of debris.
- Responded to two reports of sewer issues in two separate homes. After some investigation, both sewer issues were found to be in the customer's sewer service line.

Streets

- Onsite meeting with City Staff and landowner concerning the extension of 6th street and utility location.
- Painted motorcycle parking only on curbs in designated spots. Still waiting on a larger stencil to paint on the asphalt in the designated spots.
- Grade roads throughout town as needed.
- Cleaned intersections along Main St of rocks and debris after heavy rain events.
- Bridge replacement over the Portland Flume in the 300 block of 6th Street.

City Resources

- Continued geothermal monitoring.
- Monthly water sampling for the Hot Springs Pool.
- Quarterly water samples taken for the Hot Springs Pool.
- Delivered two picnic tables to Box Canyon Park.
- Meeting with the HardRock 100 volunteers who run the aid station at Fellin' Park. Coordinated with them to make sure the sprinklers were off and they had everything they needed at the park.
- Public Works emptied trash on Main Street and the parks three times a day over the fourth of July weekend. Staff also manually cleaned the bar screen five times a day that weekend. They also staged traffic control for road closures and detours for the fourth of July activities.
- Started work on remodeling the Administration Offices in City Hall. There will be three separate offices now along with a reception area. Currently the walls have been framed, dry walled and mudded. Next steps include hanging the office doors, carpets will be replaced, and walls will be textured and painted.

July 7, 2021

Mr. Silas Clarke
Manager, City of Ouray
320 6th Avenue
Ouray, CO 81427

Re: Water Treatment Plant Improvements Project
Recommendation for Construction Manager at Risk (CMAR) Firm Award

Dear Mr. Clarke:

On July 2, 2021, Element Engineering, LLC (Element) received two proposals from Construction Manager at Risk (CMAR) firms interested in the city's Groundwater Under Direct Influence (GWUDI) Water Treatment Plant Improvements Project. Proposals were received from Integrated Water Services, Inc. (IWS) and Moltz Construction Inc. (Moltz).

The RFP provided a detailed scope of services and required each firm to submit a breakdown of costs and percentages to draw an equitable comparison between each submittal. The following table details the comparison between each bid.

Item No.	Description	CMAR Entered Value (\$ or %) Integrated Water Services	CMAR Entered Value (\$ or %) Moltz Construction
1	Lump Sum Price for Design and Constructability Services	\$12,580	\$14,358 (\$12,000*)
2	**Lump Sum Price for General Conditions Associated with Project	\$396,750	\$325,194
3	Percentage of Subtotal of the Overhead and Profit Associated with Project	13%	8%
4	Percentage of the Subtotal of the Insurance Associated with Project	1.4%	0.27%
5	Percentage of the Construction Subtotal for Bonds Associated with Project	0.75%	0.76%
6	Percentage of Labor Costs for the Small Tools Associated with the Project	9%	5%
<p><i>*Moltz Construction is offering a \$2,358 credit (reduction in Design and Constructability Services) if selectected to provide both pre-construction and construction services.</i></p> <p><i>**Minimum services for this line item include project superintendents, project management, supportive staff, labor, travel, housing, and burden/insurance for management staff to fulfill full CMAR responsibilities (see 4.2). Also included are temporary facilities such as CMAR offices, trash removal, toilets, and site security.</i></p>			



To determine the level of service provided by both firms Element contacted several of the listed references for each of the proposing firms. All references that were successfully contacted provided positive recommendations. Furthermore, Element staff has direct work experience with both IWS and Moltz in construction of successful projects. Through both review of references and personal experience, Element believes both firms are highly qualified to complete the work as requested.

After careful examination of both bid submittals, review of references, and review of the previously referenced bid breakdown comparisons, Element recommends Moltz be awarded the CMAR contract. City staff has a familiarity and a good working relationship with the proposed Moltz project management team. Furthermore, Moltz construction was more competitive in all categories of price and percentage cost comparisons.

If you have any questions regarding this matter, please do not hesitate to contact me at (303) 378-2969.

Sincerely,

ELEMENT ENGINEERING, LLC

A handwritten signature in blue ink, appearing to read "Nicholas P. Marcotte".

Nicholaus P. Marcotte, P.E.
President

ENGINEER'S PROGRESS REPORT

Date: July 19, 2021
To: City of Ouray
From: Element Engineering
Job No. 0041.0001
RE: Monthly Engineers Report **New Items Bold**

PROJECT DESIGN

Element Engineering, LLC (Element) has been retained to provide design, permitting, funding, and overall project coordination for the city's proposed surface water treatment plant (WTP). A new treatment facility is necessary as the city's water supply has recently been classified as Groundwater Under the Direct Influence of Surface Water (GWUDI). A March 2, 2021 letter from the Colorado Department of Health and Environment (CDPHE) requires that "the supplier (City of Ouray) must install adequate surface water treatment by October 1, 2022".

Element has prepared a preliminary schedule for design through construction. This schedule is attached to this board report. The schedule will be updated as we proceed through design. The schedule is aggressive but does not meet the CDPHE requirement of installation of equipment by the CDPHE deadline of October 1, 2022. All parties (CDPHE, Ouray, and Element) agree that the deadline cannot be realistically met, but that the project must move forward as efficiently as possible.

Since being retained, Element has met onsite with City of Ouray staff and toured the city's water facilities. Element has also begun coordination with Filter Tech Systems to begin preliminary design and determination of required floorplan. Element has obtained and analyzed water use and production data from the city. We have also been provided with access to the city's GIS mapping system and are analyzing preliminary hydraulic profiles.

Element and city staff have initially selected two locations for the proposed WTP: 1) at the location of the current raw water storage tanks, and 2) below the raw water storage tanks near the Ice Park Loop Trail. Element is currently working on a request for proposal (RFP) to obtain quotes for a topographical design survey from a local surveying company. Both locations will be surveyed along with the existing interconnecting roadway. It is expected that this RFP will be released during the week of June 20, 2021 with onsite survey work proceeding shortly thereafter.

Element is currently working to determine a preliminary floorplan and process and instrumentation diagram (PID) to determine the footprint of the proposed treatment building.

Element held two design meetings with the equipment manufacturer, Filter Tech Systems, to review and make changes to the equipment footprint, hydraulic profile, and process and instrumentation design. Work on the preliminary floorplan is ongoing.

CMAR BIDDING AND COORDINATION

Due to demands of the project schedule Element recommended that the city proceed with the Construction Manager at Risk (CMAR) delivery method. As there are several important decisions to be made early in the design phase, Element recommended bidding to CMAR firms at 0% design. This will allow us to assemble our project team very early in the design of the project and obtain important constructability input.

Element has provided the city with a public advertisement and has posted the CMAR bid documents for distribution. The following bid schedule was included in these documents:

RFP Release Date	June 9, 2021 at 2:00 PM
Non-Mandatory Pre-Bid Meeting	June 22, 2021 at 9:00 AM
Last Day to Request Interpretations of the Documents	June 25, 2021 at 4:00 PM
Proposals Due (via email to nmarcotte@elementengineering.net)	July 2, 2021 at 4:00 PM
Anticipated Design Phase CMAR Award (approximate)	July 14, 2021

After submittal and review of CMAR proposals with city staff, Element will provide the city with a recommendation for award to a CMAR firm.

On July 2 Element received two proposals from CMAR firms. Proposals were received from Integrated Water Services, Inc. (IWS) and Moltz Construction Inc. (Moltz). Element completed a detailed review of both proposals and has compiled a letter recommending Moltz Construction be awarded the CMAR contract.

CDPHE REGULATORY COORDINATION

Element has contacted CDPHE to schedule a meeting to discuss the proposed project schedule. A meeting between CDPHE, city staff, and Element is anticipated to occur during the weeks of June 21st or 28th depending on CDPHE staff availability. The purpose of the meeting will be to update CDPHE on the proposed project schedule and inform CDPHE-Compliance and CDPHE-Engineering that the city is diligently moving forward with the project.

On July 6th Element and city staff held a call with Tyson Ingles (lead drinking water engineer, CDPHE Engineering Section). The purpose of the call was to discuss the project schedule and regulatory impacts of the EPA mandated 18-month design and implementation requirement. All parties acknowledged that the 18-month deadline was not realistically achievable but that it is mandated by the EPA. It was discussed that keeping in close contact with CDPHE during the design process would be important.

PROJECT FUNDING

Element will assist the city in funding the project through both CDPHE Grants and Loans Unit (GLU) and the Colorado Department of Local Affairs (DOLA). To obtain a low interest loan to fund the project the city must: 1) Be on the CDPHE Eligibility List, 2) Submit a pre-qualification form, and 3) compile and submit a Project Needs Assessment (PNA). Element will complete all submittals for each of the three steps. Element has coordinated with city staff to ensure that the city has completed Step 1: Submittal of the Eligibility Survey, which will ensure the project is on the Eligibility List.

City Resources Department

August 2, 2021

Ouray Hot Springs Pool

- The first session of swim lessons this summer began July 14 and ran for two weeks. This was the first session of swim lessons offered since 2019. Swim lessons were not offered last summer because of the pandemic. A second session will be offered mid-August. Additional sessions may be offered in the autumn if there is sufficient interest.
- Lifeguard certification classes are held monthly at the Hot Springs Pool. The next class will be offered mid-August. Lifeguard recruitment is ongoing with ads running in regional newspapers, several online sites, Colorado Parks and Recreation Association, participation in job fairs, and word-of-mouth. Many current seasonal staff at the Hot Springs Pool will be departing in mid-August for school. Pool staff are doing a good job filling open shifts, covering absences, and keeping the facility safe and fully open during this summer when labor is in tight demand in Ouray.
- The Hot Springs Pool continues to recruit for Customer Service Associates.
- During the busy weeks of July personnel management and support are major priorities at the Hot Springs Pool.
- Participated in a webinar presented by the Ski Area Management Association on employee recruitment, housing, and employee transit strategies for resort communities.
- Data review and program orientation are taking place now in preparation for the installation, migration, and implementation of ActiveNet membership management software for the Hot Springs Pool. Training is scheduled to take place in September.
- Reduced water flows from the Box Canon geothermal line are affecting water temperatures in the Hot Springs Pools. Pool staff is devoting increased time for management of temperatures until the water line is repaired and previous flows are restored. Thermal blankets are installed on the lap pool and shallow pool each night to reduce evaporation, reduce chlorine consumption, and to improve water levels and temperatures.

Box Canon Falls

- Through daytime and nighttime observations it appears there are six Black Swift nests with eggs. Three of those eggs have hatched recently. The nest cam has been valuable for observation by ornithologists studying the nesting habits of this species and is popular with visitors to the park, too.
- Visitation numbers at the Box Canon Falls exceeded 50,000 as of July 28th, the halfway point of the season. In 2015 there were less than 53,000 visitors recorded for the entire season (May through October). It has been a busy summer.

Other

- Provided assistance to numerous events at Fellin Park, Rotary Park, and the Ouray Community Center. These include the Hardrock 100 Race, Off-Road Vehicle events, weddings, reunions, and local community organization events. Calls are being fielded and bookings taking place for events this fall, winter, and next summer.

Application for a Special Events Permit

Departmental Use Only

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

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

LIAB Type of Special Event Applicant is Applying for:

- 2110 ☒ Malt, Vinous And Spirituous Liquor \$25.00 Per Day
2170 ☐ Fermented Malt Beverage \$10.00 Per Day

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate

DURAY HIGHGRADERS

HIGHGRADERS HOLIDAYS

State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate
(include street, city/town and ZIP)

PO BOX 181
DURAY CO 81427

3. Address of Place to Have Special Event
(include street, city/town and ZIP)

DURAY HIGHGRADERS PARK
1220 MAIN ST
DURAY CO 81427

4. Authorized Representative of Qualifying Organization or Political Candidate

ADAM KUMZ

Date of Birth

Phone Number

Authorized Representative's Mailing Address (if different than address provided in Question 2)

5. Event Manager

Date of Birth

Phone Number

Event Manager Home Address (Street, City, State, ZIP)

Email Address of Event Manager

6. Has Applicant Organization or Political Candidate been
Issued a Special Event Permit this Calendar Year?

☒ No ☐ Yes How many days? _____

7. Is the premises for which your event is to be held currently licensed under the
Colorado Liquor or Beer codes?

☒ No ☐ Yes License Number _____

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☒ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date Hours From To 8:20 10 A.m. 11 P.m.	Date Hours From To 8:21 8 A.m. 11 P.m.	Date Hours From To 8:22 8 A.m. 11 P.m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.
Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.
Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.	Date Hours From To .m. .m. .m.

Oath of Applicant

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

Signature

[Signature]

Title

PRESIDENT

Date

7/20/21

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

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

- ☐ City
☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

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

Liability Information

License Account Number

Liability Date

State

Total

-750 (999)

\$

.

(Instructions on Reverse Side)

Application for a Special Events Permit

Departmental Use Only

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

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

LIAB Type of Special Event Applicant is Applying for:
2110 ☒ Malt, Vinous And Spirituous Liquor \$25.00 Per Day
2170 ☐ Fermented Malt Beverage \$10.00 Per Day

DO NOT WRITE IN THIS SPACE

Liquor Permit Number

1. Name of Applicant Organization or Political Candidate **OURAY CLIMBERS ALLIANCE - 2021 OurRock! Fest** State Sales Tax Number (Required)

2. Mailing Address of Organization or Political Candidate
(include street, city/town and ZIP)

P.O. Box 251
Ouray, CO 81427

3. Address of Place to Have Special Event
(include street, city/town and ZIP)

Rotary Park
Ouray, CO 81427

4. Authorized Representative of Qualifying Organization or Political Candidate

Dolgio Nergui

Date of Birth Phone Number

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

5. Event Manager

Dolgio Nergui

Date of Birth Phone Number

Event Manager Home Address (Street, City, State, ZIP)

Email Address of Event Manager

6. Has Applicant Organization or Political Candidate been
Issued a Special Event Permit this Calendar Year?

☒ No ☐ Yes How many days?

7. Is the premises for which your event is to be held currently licensed under the
Colorado Liquor or Beer codes?

☒ No ☐ Yes License Number

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☐ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
9/19/2021																			

Oath of Applicant

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

Signature

D. Nergui

Title

Vice Chair

Date

7/19/2021

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

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)

☐ City
☐ County

Telephone Number of City/County Clerk

Signature

Title

Date

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

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	\$

(Instructions on Reverse Side)

**CITY OF OURAY
ORDINANCE NO. 5 (Series 2021)**

AN ORDINANCE OF THE CITY OF OURAY, COLORADO AMENDING OURAY MUNICIPAL CODE SECTIONS 7-2 DEFINITIONS; 7-5-J-6 ACCESSORY DWELLING UNITS; 7-5-E-3 RESIDENTIAL DISTRICT R1; 7-5-E-4 RESIDENTIAL DISTRICT R2; AND TABLE 7-5-D DIMENSION REQUIREMENTS TO INCENTIVIZE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ADU) FOR LONG-TERM OCCUPANCY.

WHEREAS City Council directed Planning Commission to recommend municipal code changes to incentivize and increase availability of work force housing for long-term occupancy through accessory dwelling unit regulations within the City of Ouray, after identifying a need.

WHEREAS the Planning Commission held multiple work sessions with staff to identify limitations with the current ADU regulations and craft potential code changes adopted in Planning Commission Resolution 20-03 and referring the same to City Council for possible adoption.

WHEREAS City Council held a joint work session with Planning Commission on July 8, 2021, to discuss the recommendations, determine if anything had changed since Planning Commission completed its work, and finds that the construction of ADUs in the City of Ouray may provide more long-term residential housing options on existing and already developed properties given limited vacant land.

WHEREAS the City Council finds that while allowing incentives to encourage the construction of ADU, it must also place restrictions on the units to ensure that the purpose of these incentives is fulfilled and monitored over time.

WHEREAS the City finds that these revisions to the municipal code are for the purpose of promoting health, safety, and the general welfare of the City of Ouray.

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

SECTION 1: INCORPORATION OF RECITALS

The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

SECTION 2: AMENDMENT TO THE CODE

Chapter 7, Section 2, Accessory Dwelling Unit definition is repealed and replaced as follows:

Accessory Dwelling Unit (ADU) means a dwelling unit that contains no less than 300 sq. ft. and no more than 1,200 sq. ft. of floor area and is located on the same site as, but has a separate entrance from, a single-family or duplex dwelling.

SECTION 3: AMENDMENT TO THE CODE

Chapter 7, Section 5, Subsection J, Paragraph 6 is repealed and replaced as follows:

6. Accessory Dwelling Units

ADUs are intended to provide workforce housing for long-term occupancy. ADUs which meet the criteria of this Subsection are allowed as an accessory use to a dwelling unit in the R-1, R-2, C-1, and C-2 districts provided that such ADUs conform to the applicable requirements of the applicable zone and Table 7-5-D (subject to exceptions listed below).

- a. An ADU can only be proposed when a primary residential dwelling unit exists or is proposed as a part of the same building permit. ADUs may be attached or detached to the primary residential dwelling unit. Only one ADU is permitted per parcel.
- b. An ADU may not exceed 1,200 square feet of living area, excluding garage floor area. (EXCEPTION FOR R1?)
- c. In any zone district allowing residential use, except the R1 zone, an ADU may be constructed on any sized lot, and does not need to meet the density requirements of the zone district. The ADU living area will not apply to the maximum square footage per lot and is exempt from the maximum site coverage requirement. ADU's built upon existing structures shall be allowed to expand the maximum site coverage up to 10% above the maximum limit for that zone district. In the R1 zone district, an ADU may only be constructed on lots not meeting the minimum lot size if the ADU and other applicable existing structures do not exceed 40% maximum site coverage.
- d. One off-street parking space shall be provided for the ADU in addition to any other required off-street parking. An exemption to this requirement may be approved administratively. When considering the exemption staff shall use the following criteria:
 - i. Limitation of site conditions preventing off-street parking
 1. The property cannot reasonably accommodate an off-street parking space without violating other code requirements or negatively impacting the design of the site
 - ii. Availability of on street or other public parking within proximity of the proposed ADU
 1. Access and route between the ADU property and parking space
 2. Availability and frequency of the parking space use
 - iii. Condition of parking spaces within the area
 1. Compliance with Chapter 14-8 Parking Requirements and any other on-street parking requirements of the city.
 2. The parking stall shall not obstruct pedestrian or automobile traffic patterns
- e. The ADU may be served off of the water and sewer taps for the principal residence, in which case it shall not be subject to additional investment fees, and the primary residence and accessory dwelling unit shall be charged as a duplex for water and sewer service rates.
- f. Prior to issuing a building permit for a new ADU, the property owner shall enter a deed restriction other such covenant in a form set forth by the City that is recorded in the Ouray County Clerk and Records Office. The deed restriction shall require the following:

- i. The ADU shall be rented out long-term for a period of 90 days or greater than 30 days or 1 year or longer, be rented out to a person who is working 32 or 30 or 18 hours or greater anywhere within Ouray County, or be working remotely (telecommuting) for a business that is located outside of the City. (NEED TO DEFINE PERSON)
- ii. The accessory dwelling unit must be owned together with the principal residential unit, and the lot or parcel upon which they are located, in undivided ownership. Properties within the R1 zone district must be owner occupied, either within the principal or accessory dwelling unit.
- iii. The deed restriction shall be for 99 years and shall not expire unless the ADU is removed with approval by the City in writing.
- iv. The requirement that an ADU be rented long-term for Ouray County workforce housing shall not apply so long as the ADU is not rented, which means the owner of the ADU accepts no payment from anyone for use of the ADU. (TOO BROAD OR DOES IT SPEAK TO FAMILY EXCEPTION)
- g. A dwelling unit meeting this ADU criteria, may be converted to an ADU following construction of a new primary dwelling unit.
- h. An ADU can never be rented on a short-term basis of less than thirty (30) days.
- i. Any ADU is subject to an audit upon written notice of not less than five (5) days by the City or at a mutually agreeable time. Such audit may include inspection of the landowner's prior year's federal tax return, the lease, or any other documents necessary to show compliance with the deed restriction including verification of a tenant's work status within Ouray County

SECTION 4: AMENDMENT TO THE CODE

Chapter 7, Section 5. Subsection E, Paragraph 3, Subsubsection d, Subsubsection iii, Paragraph 2 is repealed and replaced as follows:

2. Maximum Floor Area

- A. On properties within the boundaries of the Ouray Local and National Historic District as shown on Official Zoning Map, the gross maximum floor area shall be no more than 10% greater than the average floor area of the primary dwelling unit on lots located on the block front or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.
- B. On properties not within the boundaries of the Ouray Local and National Historic District, gross maximum floor area shall be 4,260 sq. ft.
- C. Accessory dwelling unit floor area shall not be included in the maximum floor area limit as an incentive to construct and provide such units.

SECTION 5: AMENDMENT TO THE CODE

Chapter 7, Section 5. Subsection E, Paragraph 4, Subsection e, Subsubsection iii, Paragraph 2 is repealed and replaced as follows:

2. Maximum Floor Area

- A. On properties within the boundaries of the Ouray Local and National Historic District, as shown on Official Zoning Map, the gross maximum floor area shall be no more than 10% greater than the average floor area of primary dwelling unit on lots located on the block front, or 4,260 sq. ft., whichever is less. Accessory buildings or structures shall be excluded from the average floor area calculation.
- B. For all other properties not within the boundaries of the Ouray Local and National Historic District, the maximum floor area shall be 10,650 sq. ft.
- C. ADU floor area shall not be included in the maximum floor area limit as an incentive to construct and provide such units.

SECTION 6: AMENDMENT TO THE CODE

Chapter 7, Section 4, Subsection D and Table 7-5-D is repealed and replaced as follows:

D. Dimensional Requirements

Table 7-5-D summarizes the dimensional limitations applicable to all development in each of the City's zone districts. Table 7-5-D should be used in conjunction with the dimensional limitations for each zone district, found in Section 7-5-E, which illustrate the dimensional limitations for each zone district.

Building Permit Fee and Inspection Waiving if for Workforce Housing?? ADUs only for Long-term rentals? Deed Restrictions for all ADUs?? Can people still build ADUs for family or artist studios for example or limited to Workforce Housing?

	Parks Developed (P1)	Park Conservation (P2)	Residential (R1)	Residential High Density (R2) South of Skyrocket	Residential High Density (R2) North of Skyrocket	Commercial District (C1)	Commercial District – Industrial (C2) South of Skyrocket	Commercial District – Industrial (C2) North of Skyrocket
Minimum Lot Area	Not applicable	Not applicable	7,100 s.f. ²	7,100 s.f. ¹	7,100 s.f. ¹	3,500 s.f.	7,100 s.f. ¹	7,100 s.f. for any use ¹
Maximum Density	Not applicable	Not applicable	3,500 s.f./D.U. ²	2,370 s.f./D.U. ¹ 790 s.f./L.U.	3,550 s.f./D.U. ¹ 1,183 s.f./L.U.	Not applicable	3,550 s.f./D.U. ¹ 1,183 s.f./L.U.	3,550 s.f./D.U. ¹ 1,183 s.f./L.U.
Minimum Front Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	Average of the existing building front setbacks or 5 ft. whichever is less, except: No minimum setback for lots on or within the Ouray Commercial Historic District and for lots on U.S. Highway 550, between 9th Avenue and south boundary of Sampler Mill site, the front setback equal to the average of the existing building front setbacks along the same block or 10 feet, whichever is less.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.	On blocks where building front setbacks vary, the minimum front setback shall be equal to the average of the existing setbacks on the block front or 15 ft., whichever is less. All other blocks: 15 ft.
Minimum Side Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	5 ft.	5 ft.	5 ft.	5 ft., except: No minimum setback for lots on or within the Ouray Commercial Historic District	5 ft.	5 ft.
Minimum Rear Setback	As determined by Planning Commission pursuant to Section 7-5-E-1-c	As determined by Planning Commission pursuant to Section 7-5-E-2-c	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum Roof Eaves	Not applicable	Not applicable	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the	Extend no more than 1 ft., into the

¹Does not apply to accessory dwelling units (ADU). An ADU can be proposed on any size lot and does not count towards the maximum density.

²ADU constructed on lots not meeting the minimum lot size must not exceed 40% site coverage.

	Parks Developed (P1)	Park Conservation (P2)	Residential (R1)	Residential High Density (R2) South of Skyrocket	Residential High Density (R2) North of Skyrocket	Commercial District (C1)	Commercial District – Industrial (C2) South of Skyrocket	Commercial District – Industrial (C2) North of Skyrocket
			required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line	required setback, never extend beyond property line
Minimum Floor Area	Not applicable	Not applicable	Must comply with current Building Code adopted by City	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.	Must comply with current Building code adopted by City.
Maximum Floor Area	Not applicable	Not applicable	Ouray Local and National Historic District: 10% greater than the average of other structures on the block front or 4,260 sq. ft., whichever is less All other properties: 4,260 sq. ft. ²	Ouray Local and National Historic District: 10% greater than the average of the primary structures on the block front or 4,260 sq. ft., whichever is less All other properties: 10,650 sq. ft. ¹	10,650 s.ft. ¹	Ouray Commercial Historic District and Fronting Highway 550: 9,585 s.f. per 25 feet of frontage on Highway 550 of the lot on which the building is located. All other properties: 9,585 sq. ft. ¹	15,000 sq. ft. ¹	15,000 sq. ft. ¹
Maximum Site Coverage	5%	5%	30%. ²	50% ¹	40% ¹	90% ¹	50% ¹	40% for residential use ¹ 50% for mixed use 60% for commercial use
Maximum Building Impervious Surface Site Coverage	Not applicable	Not applicable	80%	80%	80%	100%	80%	80% for any use
Maximum Height	20	10	30	35	35	35	35	35
Maximum Size for Accessory Buildings	Not applicable	Not applicable	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Accessory Use to Single Family Dwelling: 600 sq. ft.	Not applicable	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.	Accessory Use to Duplex: 600 sq. ft. Accessory Use to Multi-Family Dwelling: 800 sq. ft.

¹ADU meeting section 7-J-5-6 does not contribute to maximum square footage or site coverage requirements.

²ADU constructed on lots not meeting the minimum lot size must not exceed 40% site coverage.

SECTION 7: EFFECTIVE DATE

The provisions of this Ordinance shall become effective thirty days after publication in accordance with City of Ouray Charter 3.5(G).

SECTION 8: SAVINGS CLAUSE

The 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 9: 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, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by _____ vote of the Ouray City Council this 2nd day of August 2021.

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 August 2021.

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. _____ (Series No. _____), was introduced, read, and passed by the Ouray City Council on first reading on _____, 2021. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on _____, 2021, and thereafter introduced, read, and adopted by the Ouray City Council on _____, 2021, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake, City Clerk

**CITY OF OURAY, COLORADO
RESCISSION OF LOCAL DISASTER EMERGENCY DECLARATION**

WHEREAS, on March 16, 2020, City Council declared a local disaster emergency due to the COVID-19 pandemic which was spreading unchecked and causing serious illness and death.

WHEREAS, while COVID-19 remains a highly contagious virus which may cause serious illness or death in certain populations, highly effective vaccines have reduced the seriousness of the virus and being in a state of emergency is no longer necessary.

NOW, THEREFORE, BE IT DECLARED by the City of Ouray Council, Colorado that:

1. It is hereby determined and declared that the Disaster Emergency Declaration adopted on March 16, 2020, pursuant to Ouray Municipal Code, 2-8 is no longer necessary and hereby rescinded effective immediately.
2. This rescission shall be promptly delivered to the Chief of Police who shall notify the public and the City Clerk.
3. This rescission shall be ratified by City Council at the next regularly scheduled meeting.

DECLARED this 23rd day of July 2021 in City of Ouray, Colorado at _____, a.m.

Greg Nelson, Mayor

ATTEST:

Melissa M. Drake, Clerk

**CITY OF OURAY
ORDINANCE NO. 6 (SERIES 2021)**

**A STANDALONE EMERGENCY ORDINANCE OF THE CITY OF OURAY
EXTENDING ORDINANCE 2020-06, AND 2020-08 FOR AN ADDITIONAL
YEAR WITH EXCEPTIONS FOR WINTER MONTHS.**

WHEREAS, Colorado state statutes authorize the City of Ouray (City) to regulate the use of sidewalks, streets and alleys pursuant to C.R.S. § 31-15-702 *et. seq.*, so long as public rights-of-way and the Americans with Disabilities Act (ADA) requirements remain in effect;

WHEREAS, due to the COVID-19 pandemic, Governor Polis relaxed certain rules related to alcohol consumption in public ways such that serving food could spill out onto sidewalks and City right-of-way with a permit and alcohol consumption in the park was allowed;

WHEREAS, on May 21, 2020, Emergency Ordinance 2020-06 was passed to allow temporary sidewalk food service area permits to allow dining on City property;

WHEREAS, on June 25, 2020, Emergency Ordinance 2020-08 was passed to suspend the prohibition of public consumption of alcoholic beverages within limited areas of the city;

WHEREAS, on September 11, 2020, adopted Emergency Ordinance 2020-10 which extended these two ordinances until the local emergency disaster declaration was rescinded;

WHEREAS City Council desires to rescind its emergency disaster declaration and extend both ordinances at the same time for one year and then consider making them permanent once the State of Colorado Liquor Enforcement Division determines whether changes made during the COVID-19 pandemic to relax alcohol consumption in public will be made permanent; and

WHEREAS this ordinance is temporary and shall expire by its terms on the same date that the local disaster emergency declaration is rescinded or further action of Council.

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

1. This Ordinance is necessary for the immediate preservation of public property, health, welfare, peace and safety.
2. This ordinance is hereby adopted and will remain in effect until August 1, 2022.
3. This ordinance is effective immediately and shall be published in the newspaper as soon as practical.
4. Ordinance 2020-06 is hereby extended and will remain in effect until August 1, 2022, except that this Ordinance 2020-06 shall be suspended from November 1 through May 1.

5. Any lease granted by the City under Ordinance 2020-06 shall be extended and remain in effect until the City revokes the lease.
6. Ordinance 2020-08 is hereby extended and will remain in effect until August 1, 2022, except that Ordinance 2020-08 shall be suspended from November 1 through May 1.

CITY OF OURAY

By: _____
Greg Nelson, Mayor

Date: _____

ATTEST:

Melissa Drake, City Clerk

Date: _____

An Act

HOUSE BILL 21-1027

BY REPRESENTATIVE(S) Larson and Roberts, Burnett, Bird, Boesenecker, Cutter, Geitner, Gray, Herod, Jackson, Kipp, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Pelton, Pico, Ricks, Sandridge, Snyder, Soper, Titone, Van Winkle, Will, Garnett, Valdez A., Valdez D.;
also SENATOR(S) Bridges and Priola, Gardner, Holbert, Kirkmeyer, Liston, Lundeen, Moreno, Pettersen, Smallwood, Sonnenberg, Woodward, Zenzinger.

CONCERNING THE AUTHORIZATION FOR CERTAIN ALCOHOL LICENSE HOLDERS TO OFFER ALCOHOL BEVERAGES FOR CONSUMPTION OFF THE LICENSED PREMISES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 44-3-911, **amend** (1)(a)(I), (2)(b)(III), (6)(a), and (7) as follows:

44-3-911. Takeout and delivery of alcohol beverages - permit - on-premises consumption licenses - requirements and limitations - rules - definition - repeal. (1) (a) Notwithstanding any other provision of this

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

article 3 or article 4 of this title 44 and subject to subsections (2) and (3) of this section:

(I) BETWEEN THE HOURS OF 7 A.M. AND 12 MIDNIGHT, a licensee may sell and deliver an alcohol beverage to a customer for consumption off the licensed premises; and

(2) To sell and deliver an alcohol beverage or to allow a customer to remove an alcohol beverage from the licensed premises as either is authorized under subsection (1) of this section, the licensee must:

(b) Sell or deliver:

(III) No more than the following amounts of alcohol beverages per delivery or takeout order unless the governor has declared a disaster emergency under part 7 of article 33.5 of title 24:

(A) ~~Seven hundred fifty~~ ONE THOUSAND FIVE HUNDRED milliliters, approximately ~~26.4~~ 50.8 fluid ounces, of ~~spirituous liquors and~~ vinous liquors; and

(B) ~~Seventy-two~~ ONE HUNDRED FORTY-FOUR fluid ounces, approximately ~~two thousand forty-six~~ FOUR THOUSAND TWO HUNDRED FIFTY-NINE milliliters, of malt liquors, fermented malt beverages, and hard cider; AND

(C) ONE LITER, APPROXIMATELY 33.8 FLUID OUNCES, OF SPIRITUOUS LIQUORS.

(6) (a) (I) ~~As used in this section, "licensee" means a person issued a license under~~ THIS SECTION AUTHORIZES A LICENSE HOLDER THAT IS ISSUED A LICENSE UNDER ONE OF THE FOLLOWING SECTIONS TO SELL AN ALCOHOL BEVERAGE TO A CUSTOMER FOR CONSUMPTION OFF OF THE LICENSED PREMISES: Section 44-3-402 that operates a sales room or section 44-3-407 that operates a sales room or section 44-3-411, 44-3-413, 44-3-414, 44-3-417, 44-3-418, 44-3-422, 44-3-426, 44-3-428, 44-4-104 (1)(c)(I)(A), or 44-4-104 (1)(c)(III).

(II) THIS SECTION AUTHORIZES A LICENSE HOLDER THAT IS ISSUED A LICENSE UNDER ONE OF THE FOLLOWING SECTIONS TO DELIVER AN ALCOHOL

BEVERAGE TO A CUSTOMER FOR CONSUMPTION OFF OF THE LICENSED PREMISES: SECTION 44-3-411, 44-3-412, 44-3-413, 44-3-414, 44-3-415, 44-3-416, 44-3-417, 44-3-418, 44-3-419, 44-3-420, 44-3-421, 44-3-422, 44-3-426, OR 44-3-428.

(III) THIS SECTION AUTHORIZES A LICENSE HOLDER THAT IS ISSUED A LICENSE UNDER SECTION 44-3-402 AND THAT OPERATES A SALES ROOM OR SECTION 44-3-407 AND THAT OPERATES A SALES ROOM TO DELIVER AN ALCOHOL BEVERAGE TO A CUSTOMER FOR CONSUMPTION OFF OF THE LICENSED PREMISES. THIS SUBSECTION (6)(a)(III) IS REPEALED, EFFECTIVE JANUARY 2, 2022.

(7) This section is repealed, effective July 1, 2021 2025.

SECTION 2. In Colorado Revised Statutes, 44-3-103, **add** (11.5) as follows:

44-3-103. Definitions. As used in this article 3 and article 4 of this title 44, unless the context otherwise requires:

(11.5) "COMMUNAL OUTDOOR DINING AREA" MEANS AN OUTDOOR SPACE THAT IS USED FOR FOOD AND ALCOHOL BEVERAGE SERVICE BY TWO OR MORE LICENSEES LICENSED UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 AS A:

- (a) TAVERN;
- (b) HOTEL AND RESTAURANT;
- (c) BREW PUB;
- (d) DISTILLERY PUB;
- (e) VINTNER'S RESTAURANT;
- (f) BEER AND WINE LICENSEE;

(g) MANUFACTURER THAT OPERATES A SALES ROOM AUTHORIZED UNDER SECTION 44-3-402 (2) OR (7);

(h) BEER WHOLESALER THAT OPERATES A SALES ROOM UNDER SECTION 44-3-407 (1)(b)(I);

(i) LIMITED WINERY;

(j) LODGING AND ENTERTAINMENT FACILITY;

(k) OPTIONAL PREMISES; OR

(l) FERMENTED MALT BEVERAGE RETAILER LICENSED FOR CONSUMPTION ON THE PREMISES.

SECTION 3. In Colorado Revised Statutes, **add** 44-3-912 as follows:

44-3-912. Communal outdoor dining areas - permit required - rules. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 AND SUBJECT TO THE APPROVAL OF THE STATE AND LOCAL LICENSING AUTHORITIES, A COMMUNAL OUTDOOR DINING AREA MAY BE SHARED BY TWO OR MORE PERSONS LICENSED FOR ON-PREMISES CONSUMPTION, INCLUDING AN APPROVED SALES ROOM, UNDER THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44.

(2) A LICENSEE SHALL NOT SELL OR SERVE ALCOHOL BEVERAGES IN A COMMUNAL OUTDOOR DINING AREA UNLESS:

(a) THE LICENSEE OBTAINS A PERMIT FROM THE STATE LICENSING AUTHORITY AND PAYS THE PERMITTING FEE ESTABLISHED BY RULE; AND

(b) THE STATE AND LOCAL LICENSING AUTHORITIES HAVE FIRST APPROVED:

(I) ATTACHING THE LICENSE TO THE COMMUNAL OUTDOOR DINING AREA; AND

(II) A MODIFICATION OF THE LICENSED PREMISES OF EACH ATTACHED LICENSEE TO INCLUDE THE COMMUNAL OUTDOOR DINING AREA.

(3) THIS SECTION DOES NOT APPLY TO A SPECIAL EVENT PERMIT ISSUED UNDER ARTICLE 5 OF THIS TITLE 44 OR THE HOLDER OF THE PERMIT

PAGE 4-HOUSE BILL 21-1027

UNLESS THE PERMIT HOLDER HOLDS A SPECIAL EVENT AT AN EXISTING COMMUNAL OUTDOOR DINING AREA AND AGREES IN WRITING TO THE REQUIREMENTS OF THIS ARTICLE 3 FOR AND THE LOCAL LICENSING AUTHORITY FOR THE COMMUNAL OUTDOOR DINING AREA.

(4) TO BE APPROVED, A COMMUNAL OUTDOOR DINING AREA MUST BE WITHIN ONE THOUSAND FEET OF THE PERMANENT LICENSED PREMISES OF EACH OF THE LICENSES ATTACHED TO THE COMMUNAL OUTDOOR DINING AREA. THIS DISTANCE MUST BE COMPUTED BY DIRECT MEASUREMENT, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS, FROM THE NEAREST PROPERTY LINE OF THE LAND USED FOR THE COMMUNAL OUTDOOR DINING AREA TO THE NEAREST PORTION OF THE BUILDING WHERE THE PERMANENT LICENSED PREMISES IS LOCATED.

(5) IF A VIOLATION OF THIS ARTICLE 3 OR ARTICLE 4 OF THIS TITLE 44 OCCURS WITHIN A COMMUNAL OUTDOOR DINING AREA AND THE LICENSEE RESPONSIBLE FOR THE VIOLATION CAN BE IDENTIFIED, THAT LICENSEE IS SUBJECT TO DISCIPLINE AS SET FORTH IN SECTION 44-3-601. IF THE LICENSEE RESPONSIBLE FOR THE VIOLATION CANNOT BE IDENTIFIED, EACH ATTACHED LICENSEE IS DEEMED JOINTLY RESPONSIBLE AND SUBJECT TO DISCIPLINE FOR THE VIOLATION.

(6) THE STATE LICENSING AUTHORITY SHALL PROMULGATE RULES GOVERNING COMMUNAL OUTDOOR DINING AREAS, INCLUDING RULES GOVERNING:

(a) APPLICATIONS;

(b) MODIFICATION OF THE LICENSED PREMISES TO INCLUDE A COMMUNAL OUTDOOR DINING AREA;

(c) SUPERVISION AND CONTROL OF THE COMMUNAL OUTDOOR DINING AREA BY THE ATTACHED LICENSEES;

(d) SUBMISSION TO AND APPROVAL OF SECURITY AND CONTROL PLANS BY THE STATE AND LOCAL LICENSING AUTHORITIES;

(e) REMOVAL OF ALCOHOL BEVERAGES FROM THE COMMUNAL OUTDOOR DINING AREA;

(f) SPECIAL EVENTS HELD WITHIN A COMMUNAL OUTDOOR DINING AREA; AND

(g) INSURANCE REQUIREMENTS.

SECTION 4. In Colorado Revised Statutes, 44-3-501, **amend** (3)(a)(XVII) and (3)(a)(XVIII); and **add** (3)(a)(XIX) as follows:

44-3-501. State fees - rules - one-time fee waiver - repeal.
(3) (a) The state licensing authority shall establish fees for processing the following types of applications, notices, or reports required to be submitted to the state licensing authority:

(XVII) Applications for manager's permits pursuant to section 44-3-427; **and**

(XVIII) Applications for the renewal of a license or permit issued in accordance with this article 3; **AND**

(XIX) APPLICATIONS FOR A PERMIT FOR OR ATTACHMENT TO A COMMUNAL OUTDOOR DINING AREA OR FOR MODIFICATION OF A LICENSED PREMISES TO INCLUDE A COMMUNAL OUTDOOR DINING AREA.

SECTION 5. In Colorado Revised Statutes, 44-3-505, **add** (6) as follows:

44-3-505. Local license fees. (6) THE LOCAL LICENSING AUTHORITY MAY CHARGE A FEE TO APPROVE THE ATTACHMENT TO A COMMUNAL OUTDOOR DINING AREA OR FOR MODIFICATION OF A LICENSED PREMISES TO INCLUDE A COMMUNAL OUTDOOR DINING AREA. THE LOCAL LICENSING AUTHORITY SHALL SET THE FEE IN AN AMOUNT TO COVER THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE APPROVAL.

SECTION 6. Appropriation. (1) For the 2021-22 state fiscal year, \$63,274 is appropriated to the department of revenue for use by the liquor and tobacco enforcement division. This appropriation is from the liquor enforcement division and state licensing authority cash fund created in section 44-6-101, C.R.S. To implement this act, the department may use this appropriation as follows:

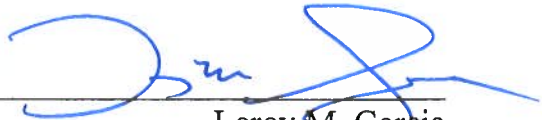
(a) \$41,294 for personal services, which amount is based on an assumption that the division will require an additional 0.8 FTE; and

(b) \$21,980 for operating expenses.

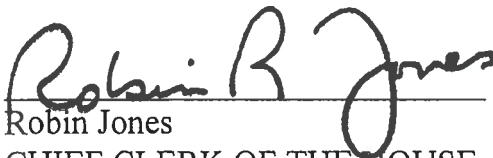
SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Leroy M. Garcia
PRESIDENT OF
THE SENATE

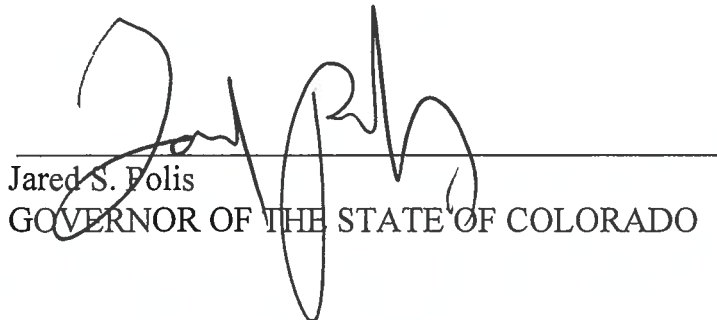


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED June 22, 2021 at 3:30 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

**A DECLARATION OF CITY OF OURAY, COLORADO STAGE I FIRE RESTRICTIONS
(DECLARATION NO. 1, 2021)**

WHEREAS, the Mayor of the City of Ouray, Colorado (Mayor) pursuant to the City of Ouray Charter Section 2.3 (A) and City of Ouray Code Section 2-8 has the authority to declare a local disaster emergency to exist when, in the Mayor's opinion, there is an occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, resulting from any cause of human origin, including but not limited to fire,

WHEREAS, the Mayor believes the need to declare Stage I Fire Restrictions; and

WHEREAS, these restrictions will remain in place until further notice and unless otherwise revised or rescinded by City Council; and

NOW, THEREFORE, BE IT DECLARED BY THE MAYOR OF THE CITY OF OURAY, COLORADO, that:

THE FOLLOWING ACTIVITIES ARE BANNED UNDER STAGE 1 FIRE RESTRICTIONS:

1. Building, maintaining, attending or using a campfire except in designated and signed campgrounds or developed recreation sites with provided fire grates.
2. Open burning of any kind including burning of trash or debris, burning of ditches, open charcoal or wood fires.
3. Use of all fireworks and use of explosives.
4. Smoking, except in an enclosed vehicle, trailer, building or tent, a developed recreation site, or while stopped in a barren or cleared area at least 3 feet in diameter, and disposal of cigarette butts anywhere outdoors.
5. Operating a chainsaw, without an approved spark arrester and without a chemical pressurized fire extinguisher and pointed shovel, kept within immediate reach of the operator.
6. Welding or use of torch with open flame except in a barren or area cleared of all flammable materials at least 10 feet on all sides from the equipment.

THE FOLLOWING ACTIVITIES ARE PERMITTED UNDER STAGE 1 FIRE RESTRICTIONS:

1. Cooking on manufactured charcoal, liquid fuel or propane gas grills or other manufactured liquid fuel cook stoves
2. Campfires with flame length not exceeding two feet in height in pre-fabricated concrete or metal fire enclosures in established campgrounds (USFS, NPS, privately owned)
3. Fires in chimney type manufactured enclosures on private property
4. Campers and drivers are asked to limit travel to designated roads and trails as much as possible, to avoid igniting sparks on grass and brush.

Now, therefore, I, Greg Nelson, Mayor of the City of Ouray hereby declare: STAGE I FIRE RESTRICTIONS effective June 17, 2021 at 12:01am.

CITY OF OURAY, COLORADO

By  6/16/21
Greg Nelson, Mayor

ATTEST:


Melissa M. Drake, City Clerk

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF OURAY, COLORADO

(RESOLUTION NO. 09, 2021)

A RESOLUTION OF THE CITY OF OURAY, COLORADO, CALLING FOR A REGULAR ELECTION
AND DESIGNATING ELECTION OFFICIAL

WHEREAS, the Ouray City Charter Section 4.2 states that regular municipal elections shall be held biennially on the first Tuesday in November of odd number years;

WHEREAS, the date of the next City of Ouray regular election is therefore November 2, 2021;

WHEREAS, the Ouray County Clerk notified the City of Ouray that Ouray County will be conducting a Coordinated Election on November 2, 2021;

WHEREAS, the City of Ouray determines that the Coordinated Election shall be by mail ballot pursuant to C.R.S. § 1-7.5-104;

WHEREAS, C.R.S. § 1-7-116 requires the City of Ouray to participate in a Coordinated Election when more than one political subdivision holds an election on the same day in November and the eligible electors for each such election are the same or the boundaries overlap, the County Clerk shall conduct the elections on behalf of all political subdivisions utilizing the mail ballot procedures set forth in C.R.S. § 1-7.5-104 and 107;

WHEREAS, there is the possibility that at least one other political subdivision will hold an election on November 2, 2021, for which the eligible electors are the same or the boundaries overlap;

WHEREAS, the City of Ouray intends to enter into Agreement Concerning Election Services with Ouray County for the November 2, 2021 election; and

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

SECTION 1:

The City Council of the City of Ouray approves a regular election to be held on November 2, 2021, to elect the Mayor and two City Council members, and that such election be conducted as part of the Ouray County Coordinated Election on that date, in accordance with the terms and conditions of the Agreement Concerning Election Services

with Ouray County. The Mayor, or the Mayor Pro Tem, of the City of Ouray is authorized to execute this agreement.

SECTION 2:

The City Council of the City of Ouray hereby designates the City Clerk to be the “designated election official” and authorizes the City Clerk to take whatever action is necessary to effect the election, complying with all applicable State and local election laws, as appropriate.

SECTION 3:

That this resolution shall take effect upon adoption.

ADOPTED this 2nd day of August, 2021, by the Ouray City Council.

CITY OF OURAY, COLORADO

By _____
Greg Nelson, Mayor

ATTEST:

Melissa M. Drake, City Clerk

AGREEMENT CONCERNING ELECTION SERVICES

THIS AGREEMENT is made effective this _____ day of _____, 2021, between the Ouray County Clerk and Recorder ("**Clerk**") and ____ **City of Ouray** _____ ("**Public Entity**"):

The Public Entity desires to conduct an election pursuant to its statutory authority. An election is required pursuant to C.R.S. §22-31-104(1) and/or Colorado Constitution Article X, Section 20, as the case may be, such election to occur on Tuesday, November 2, 2021 (the "Election"); and

An agreement concerning the preparation, conduct and actual cost of a coordinated election is required pursuant to C.R.S. §1-7-116(1). This agreement must be signed no later than Tuesday, August 24, 2021, pursuant to C.R.S. §1-7-116(2).

The Clerk has agreed to perform certain coordinated election services set forth herein in consideration of the performance by the Public Entity of its obligations and payment of a fee as set forth herein.

NOW, THEREFORE, in consideration of their mutual promises contained herein, the parties agree as follows:

I. Duties of the Clerk

The Clerk, Michelle Nauer, whose telephone number is (970) 325-4961, is the "Contact Officer" to act as the primary liaison with the Public Entity for the purposes of the Election.

The Clerk agrees to perform the following duties, or such other duties as may be mutually agreed upon by the parties in writing, in connection with the Election:

A. Preparation for the Election

1. Provide the Public Entity with a street locator file from the Clerk's voter registration system which lists the street addresses located in the Public Entity, if requested.
2. Assist and inform the Public Entity on any matter that could reasonably further the efficient preparation and conduct of the Election. The Clerk will not provide legal advice.
3. Manage all voter records and correspondence in accordance with Title 1, Colorado Revised Statutes, Elections
4. Election Rules of the Colorado Secretary of State and policy directives of the Colorado Secretary of State.
5. Supply, deliver and set up all necessary items for the conduct and preparation of the Election.
6. Certify the election judges and determine their compensation; provide a list of election judges if requested by the Public Entity; train election judges prior to the Election, including specific instruction in the secure operation of the election equipment.
7. Certify ballot content and prepare printed ballots. The Clerk reserves the right to print only the ballot issue identifying information on the ballot and the ballot title on a separate sheet of paper or any other form of ballot as directed by the Colorado Secretary of State. To avoid ballot space issues, the Clerk requests that each issue and question are not more than 250 words.
8. Provide notice by publication of an election pursuant to C.R.S. §1-7.5-107(2.5). Such notice must satisfy the publication requirement for all political subdivisions participating in the Election, pursuant to C.R.S. §1-5-205(1.4).

9. Conduct all required tests and audits of the voting system prior to and after the Election pursuant to C.R.S. §1-7-509 and Secretary of State Election Rule 11.
10. Establish backup procedures and a backup site for the counting of votes at the Election, should the counting equipment become unavailable during the count.

B. Conduct of the Election

1. Coordinate the proper number and location of Voter Service Polling Centers (VSPC). All VSPC's will be accessible to electors with disabilities.
2. Provide for the security and processing of all mail ballots and provide for the verification of signatures on the self-affirmation on the return envelope.
3. Facilitate special accommodations for all military and overseas citizens as provided by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).
4. Provide provisional ballots to electors who qualify under C.R.S. §1-8.5-101 and provide a telephone number that provisional voters may call to inquire if their provisional ballot was counted.
5. Provide properly trained personnel for the preparation and conduct of the Election and at the tabulation center on Election Day/Night to certify unofficial results.
6. Official results will be made available following the election canvass and risk limiting audit; approximately 22 days following Election Day.
7. Preserve all Election records for at least twenty-five months after the Election.
8. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount per statute, or if requested by an interested party.

C. Election Costs

1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, judges labor and other expenses attributable to the Clerk's administration of the Election for the Public Entity.
2. Charge the Public Entity for its portion of the costs of the Election incurred by the Clerk for that Public Entity up to and including the date of cancellation of the Election, if applicable.
3. Submit to the Public Entity an invoice for all expenses incurred under this Agreement.
4. Recount(s) costs will be charged to the Public Entity, or if more than one Public Entity is involved in the recount, the cost will be prorated among the participating Public Entities.

D. TABOR Notice

1. Coordinate and prepare the consolidated TABOR notice for any ballot issue(s) if required. The Clerk will be responsible for coordinating and preparing the consolidated TABOR notice for all entities. The Clerk must do so in compliance with Article X Section 20 of the Colorado Constitution and any pertinent Rules of the Colorado Secretary of State.
2. Charge the Public Entity for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses be prorated among all Public Entities participating in the TABOR notice. Such proration must be based, in part, upon the number of persons registered to vote within each Public Entity.
3. Mail to each household voter in Ouray County the TABOR notice not less than thirty days prior to the election pursuant to Colorado Constitution Article X, Section 20(3)(b). The Clerk must determine the least cost method for mailing the TABOR notice and address the TABOR notice to "All Registered Voters" at each address where one or more active registered voters of the Public Entity reside. Nothing prevents the Clerk from sending the TABOR notice of any Public

Entity to persons other than electors of the Public Entity if such sending arises from the Clerk's efforts to mail the TABOR notice at the least cost.

II. Duties of the Public Entity

The Public Entity has designated **Melissa Drake**, whose phone number is **970-325-7066**, as its Designated Election Official (“DEO”) pursuant to C.R.S. §1-1-104(8). The DEO must act as the primary liaison between the Public Entity and the Clerk.

If the Public Entity encompasses territory within other counties, this Agreement will apply only to that portion of the Public Entity within Ouray County.

The **Public Entity** must perform the following duties in connection with the Election:

A. Preparation for the Coordinated Election

1. Post and/or publish, if applicable, any other legal notices required pursuant to relevant provisions of the Uniform Election Code of 1992, as revised (C.R.S. Articles 1-13 of Title 1) or the Colorado Municipal Election Code of 1965, §31-10-101, *et seq.*, C.R.S., or C.R.S. Article 31 of Title 22, School District Director Election, as amended, except as otherwise provided herein.
2. Determine whether a ballot issue, question or candidate is properly placed before the voters, including petition verification. The Clerk's Office can assist with petition verification, upon request.

Existing Entities:

3. Provide the Clerk with a copy of the ordinance or resolution stating that the Public Entity will participate in the Election in accordance with the terms and conditions of this Agreement. The ordinance or resolution will authorize the presiding officer of the Public Entity or other designated person to execute this Agreement.
4. Review, if applicable, the information contained in the street locator file and certify its accuracy, as well as any changes, additions or deletions to the file. The certification of the street locator file must be made in writing no later than Thursday, August 26, 2021, at 4:00 p.m. to the Clerk. If the certification is not provided by the date specified, the Public Entity may not participate in the Election.

Proposed Entities:

5. Provide the Clerk with a certified legal description, map and locator, identifying all “high/low” ranges for street addresses within the proposed Public Entity no later than Thursday, August 19, 2021, if applicable, and if any proposed Public Entity is not already identified by a tax authority code in the County Assessor's records. Once the information has been entered in the Clerk's voter registration system, the DEO must review the information contained in the street locator file and must certify its accuracy, as well as any changes, additions or deletions to the file no later than Thursday, August 26, 2021 at 4:00 p.m. to the Clerk. If the certification is not provided by the date specified herein, the Public Entity may not participate in the Election.
6. Provide the Clerk with a copy of the ordinance, resolution or court order stating that the Public Entity will participate in the Election in accordance with the terms and conditions of this Agreement. The ordinance or resolution will authorize the presiding officer of the Public Entity or other designated person to execute this Agreement.
7. **FOR TITLE 32 SPECIAL DISTRICTS ONLY:** Notify and provide information and materials to property owners where an eligible elector may vote at any polling place or make application for a mail-in ballot specific to that district to be voted on and filed with the designated election official. C.R.S. §32-1-806, C.R.S. §1-7-104, C.R.S. §1-8-104(3)

8. **BALLOT CONTENT:** Provide a certified copy as an email attachment to elections@ouraycountyco.gov in the format requested below, at the earliest possible time and in any event pursuant to C.R.S. §1-5-203(3)(a) no later than sixty days before the election, Friday, September 3, 2021, at 4:00 p.m., of the ballot content (candidates, issues and questions) to the Clerk exactly as and in the order in which it is to appear and be printed on the ballot pages and sample ballots. The certified list of candidates, ballot issues and/or ballot questions must be final and the Clerk will not be responsible for making any changes after the certification. Information must comply with the following requirements: **See attachment #1 titled Ballot 'Content' Certification.*
- A version of Microsoft Word able to be converted to Microsoft Word 2010
 - Font Type: Arial
 - Font Size: 10 point
 - Justification: Left
 - All Margins: 0.5 inches
 - Provide audio pronunciation of all candidates and/or ballot issues or ballot questions
9. Proofread and approve the Public Entity's ballot content for printing within one business day of receipt from the Clerk. The Public Entity must provide an email address and designate a person to be available for proofing and approving ballot content for printing. Due to limited printing availability and time constraints, the Public Entity must provide contact information for someone who is available from 9:00 a.m. to 4:00 p.m. from Thursday, September 9, 2021, until Thursday, September 16, 2021, or until final approval of printing of ballots has been reached. The Clerk agrees to keep all contact personnel apprised of ballot printing status. The Public Entity has designated **Melissa Drake**, whose phone number is **970-325-7066** and email address is **drakem@cityofouray.com**. **See attachment #2 titled Ballot Content 'Authorization' (Ballot Proof).*
10. Provide person(s) to participate in ballot counting, recount and testing/auditing of voting equipment used in the Election if requested by the Clerk. The Public Entity personnel may participate in various boards with personnel from the Clerk's office to ensure Public Entity's participation in each of the electronic vote tabulating procedures used in the election. The person(s) provided by the Public Entity must be registered to vote in Ouray County.
11. Provide immediately to the Clerk notice of resolution in the event that the Public Entity resolves not to participate in the Election. The Public Entity must within thirty days promptly pay the Clerk the full costs of the activities of the Clerk relating to the Election, including without limitation production and mailing costs, incurred both before and after the Clerk's receipt of such notice. The Public Entity must provide notice by publication of the cancellation of the Election and a copy of the notice must be posted in the office of the Clerk, in the office of the Designated Election Official (as defined in the Code) and, if the Public Entity is a special district in the office of the Division of Local Government.

B. Conduct of the Election

1. Notify the Clerk immediately of any Election contest initiated and keep the Clerk apprised of the need to retain Election records for use in such a contest.

C. Election Costs

There is no minimum fee for Election services.

1. The Public Entity's proportional share of costs must be based on County expenditures relative to the Election and the number of electors per entity.
2. The Public Entity avers that it has sufficient funds available in its approved budget to pay its prorated Election expenses.
3. If it is determined that counting must be moved to an established backup site, all related costs must be paid by the Public Entity (shared with any other Public Entity whose ballots are being counted during the Election in the timeframe using the backup procedures and site).

4. Promptly pay the invoice submitted to the Public Entity by the Clerk.
5. Pay any additional or unique Election costs resulting from Public Entity delays and/or special preparations or cancellations relating to the Public Entity's participation in the Election.

D. TABOR Notice

1. Prepare, if required, the TABOR notice for any ballot issue(s). The Public Entity will be solely responsible for its preparation, accuracy and the language contained therein, and must submit such notice, including pro and con summaries and fiscal information, to the Clerk no later than Monday, September 20, 2021, at 12:00 p.m. C.R.S. §1-7-904. Such notice must be provided to the Clerk in both written form and electronically via email. **See attachment #3 titled TABOR Notice Certification.*
2. Assign a designated local election official who will be the official contact person for the Clerk and who will perform such duties as are required by law including the obligation to receive and summarize written comments for and against proposals subject to Article X, Section 20 of the Colorado Constitution. The Clerk will have no duty or obligation to receive or summarize such comments.
3. Format TABOR issues for the Tuesday, November 2, 2021 ballot and submit the text of TABOR comments as follows:
 - As a Microsoft Word email attachment to elections@ouraycountyco.gov

Format:

- A version of Microsoft Word able to be converted to Microsoft Word 2010
 - Font Type: Arial
 - Font Size: 10 point
 - Justification: Left
 - All Margins: 0.5 inches
4. Proofread and approve the Public Entity's TABOR notice for printing. The Public Entity must provide an email address and designate a person to be available for proofing and approving TABOR content for printing. Due to limited printing availability and time constraints, the Public Entity must provide contact information for someone who is available from 9:00 a.m. to 4:00 p.m. from Tuesday, September 21, 2021, until Tuesday, September 28, 2021, or until the TABOR notice is mailed. The Clerk agrees to keep all contact personnel informed of TABOR notice printing status. The Public Entity has designated **Melissa Drake** whose phone number is **970-325-7066** and email is **drakem@cityofouray.com**. **See attachment #4 titled Ballot Issue Notice Authorization.*
 5. Include a local Election office address and telephone number listing on the TABOR notice. Such local election office and telephone must be open during the Clerk's regular business hours, Monday through Thursday, 9:00 a.m. to 4:00 p.m. The Clerk must respond to all correspondence and calls that the Clerk receives within its expertise relating to election procedures, but will refer inquiries concerning the substance of the ballot issues and ballot questions or the operations of the Public Entity to the Designated Election Official.
 6. Mail the TABOR notice (**TITLE 32 SPECIAL DISTRICTS ONLY**) to all out-of-County households of owners of taxable property within the Public Entity boundaries where one or more persons are registered to vote in Colorado. Such mailing to be in accordance with the requirements of the Colorado Constitution, statutes, and rules and regulations.
 7. Pay a prorated amount of the costs to produce and mail the TABOR notice, such proration to be based, in part, upon the number of persons registered to vote within each Public Entity. There is no minimum fee for TABOR notice support.

Additional Agreements

1. In the event a court of competent jurisdiction finds the Election for the Public Entity void or otherwise fatally defective as a result of the sole breach or failure of the Clerk to perform in accordance with this Agreement or laws applicable to the Election, the Public Entity will be entitled to recover expenses or losses caused by such breach or failure up to the maximum amount paid by the Public Entity to the Clerk under this Agreement. The Clerk will in no event be liable for any expenses, damages or losses in excess of the amounts paid under this Agreement. This remedy will be the sole and exclusive remedy for the breach available to the Public Entity under this Agreement.
2. No portion of this Agreement will be deemed to create a cause of action with respect to anyone not a party to this Agreement, nor is this Agreement intended to waive any privileges, immunities to the parties, their officers or employees may possess, except as expressly stated in this Agreement.
3. Time is of the essence under this Agreement. The statutory time frames or requirements of the Code, TABOR, and the Rules will apply to the completion of any duties or tasks required under this Agreement.
4. Should any part of this Agreement be declared invalid by a Court of competent jurisdiction of the State of Colorado, such invalidation will not invalidate the remaining portions of the Agreement, and they will remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon the date first above written.

**OURAY COUNTY, COLORADO
CLERK AND RECORDER**

Date: _____

Michelle Nauer

Date: _____

**BOARD OF COMMISSIONERS OF
OURAY COUNTY, COLORADO**

**Ben Tisdell
Chair, Board of County Commissioners**

ATTEST:

Deputy Clerk of the Board

PUBLIC ENTITY:

NAME OF PUBLIC ENTITY: **City of Ouray**

Date: August 2, 2021

**Greg Nelson
Mayor**

ATTEST:

Melissa M. Drake, City Clerk

970-325-7066

Public Entity phone number

DEO Elections Tasks Cheat-Sheet

Mail Ballot Election
Tuesday, November 2, 2021

Activity	District	City	County Clerk	Comments
Publish Call for Nominations, if applicable	X	X		
Prepare nomination petition packets, distribute, and accept, if applicable	X	X		County Clerk may distribute petition for template purposes only
Verify petitions, if applicable	X	X	X	Clerk and DEO work together to complete
Administer Fair Campaign Finance Act, if applicable	X	X		Oversee Candidate Compliance
Required plans prepared and submitted to Secretary of State			X	Mail Ballot, Security and Watcher Plans
Sign Intergovernmental Agreement	X	X	X	BOCC will also approve
Preliminary list of registered voters, if applicable	X	X	X	May use petition module in SCORE to verify petitions
BALLOT CONTENT to Clerk	X	X		Please use Ballot Content Certification Form provided by Clerk (attached #1) – MUST BE SIGNED BY DEO
Proof Ballot Content	X	X		Please use Ballot Content Authorization Form provided by Clerk (attached #2) – MUST BE SIGNED BY DEO
TABOR Notice Certification, if applicable	X	X		Please use TABOR Notice Certification Form provided by Clerk (attached #3) – MUST BE SIGNED BY DEO
Proof TABOR Notice, if applicable	X	X		Please use TABOR Notice Authorization Form provided by Clerk (attached #4) – MUST BE SIGNED BY DEO
TABOR Notice Publication, if applicable			X	TABOR notice will be published by the Clerk
Appoint & compensate Election Judges			X	Costs are split proportionally between entities and Ouray County based on number of ballots printed
Program ballot into computers			X	Dominion Voting Systems - Costs are split proportionally between entities and Ouray County based on number of ballots printed
Print ballots			X	Vendor outsourced – Gran Farnum Printing in Glenwood will print, assemble and mail the ballot packets
Election systems hardware testing			X	Dominion Election Management Systems
Public Logic and Accuracy Testing			X	Required by the State of Colorado
Cost of election materials	X	X	X	Costs are split proportionally between entities and Ouray County number of ballots printed for all active voters
Receive returned ballots, verify signatures and process ballots			X	Judges, in house at VSPC
Count and tabulate ballots			X	Judges, in house at VSPC
Publish election notice			X	Clerk will publish 20 day coordinated notice
Voter Service Polling Center (VSPC) OPEN			X	Ouray County VSPC will be open from October 25 th through Election Day, excluding Sundays
Election Day – Office Hours 7:00 A.M. to 7:00 P.M.			X	
Canvass election returns & perform Risk Limiting Audit			X	Required by the State of Colorado
Certify election results			X	Official election results are available 22 days post-election
Store election records			X	Retention period – 25 months from election

BALLOT CONTENT CERTIFICATION (Attachment #1)

Date: _____

Michelle Nauer
Ouray County Clerk and Recorder
Mailing: PO Box C, Ouray, CO 81427
Physical: 541 4th St, Ouray, CO 81427

RE: CERTIFICATION OF BALLOT CONTENT

Dear Michelle:

Please find the attached required information in Microsoft Word format for preparation of the ballot content for the upcoming election to be held on (date) _____.

*Note: This information MUST be provided to the Clerk in a Microsoft Word format. No PDF files of ballot content can be accepted. All ballot content will be cut and pasted verbatim from the document provided. The Clerk will publish content AS RECEIVED and will not proof or correct content and/or candidate names.

Designated Election Official: Name: _____

Entity: _____

Address: _____

Telephone Number: _____ E-mail address: _____

***Please sign this form, scan it and email it to elections@ouraycountycolorado.gov along with your ballot content attachment in Word format.**

Sincerely,

Signature Designated Election Official

Date

Printed Name Designated Election Official

(SEAL)

Ballot Content Authorization (Ballot Proof) (Attachment #2)

Important instructions for the Designated Election Official (DEO) – PLEASE READ CAREFULLY

Carefully check all ballot content for accuracy. Please verify all information is included. Please initial and sign where requested for each check point and return this form to the Ouray County Clerk via email at elections@ouraycountyco.gov. **TIME IS OF THE ESSENCE.**

Entity Name: _____

Election Date: _____ County: _____

<u>Done</u>	<u>Ballot Check Points</u>	<u>Initials</u>
	Contests: Used to verify each contest with languages and choices with the number of Positions/Vote for #	
	All races/questions/referendums are present and listed in the proper order	
	All candidates/answers are present and listed in the proper order	
	Spelling is checked for all races/candidates/ referendums	
	Tax questions (TABOR) are typed in all capital letters.	
	Signature: _____ Date: _____	

Received by: _____ Date: _____

TABOR NOTICE CERTIFICATION (Attachment #3)

Date: _____

Michelle Nauer
 Ouray County Clerk and Recorder
Mailing: PO Box C, Ouray, CO 81427
Physical: 541 4th St, Ouray, CO 81427

RE: REFERRED BALLOT ISSUE

Dear Michelle:

Below please find the required information for preparation of the ballot issue notices for Referred Ballot Issue_____.

Designated Election Official: Name: _____

Entity: _____

Address: _____

Telephone Number: _____ E-mail address: _____

**PLEASE LIST THE REFERRED BALLOT ISSUE QUESTION HERE
 (TABOR QUESTIONS SHOULD BE IN ALL CAPITAL LETTERS)**

The following summaries were prepared from comments filed by persons FOR ballot issue:

**PLEASE LIST THE COMMENTS FILED "FOR" AN ISSUE HERE
 (statements are in upper and lower case):**

OR**No comments were filed by the constitutional deadline.**

The following summaries were prepared from comments filed by persons AGAINST the issue:

**PLEASE LIST THE COMMENTS FILED "AGAINST" AN ISSUE HERE
 (statements are in upper and lower case):**

OR**No comments were filed by the constitutional deadline.**

Actual historical and current estimated fiscal year spending information:

Year	Fiscal Year Spending¹
2017 (actual)	\$ _____
2018 (actual)	\$ _____
2019 (actual)	\$ _____
2020(actual)	\$ _____
2021 (current year estimated)	\$ _____
Overall percentage change in fiscal year spending over the five year period from 2017 through 2021: _____%	
Overall dollar change in fiscal year spending over the five year period from 2017 through 2021: \$ _____	
Estimated 2022 fiscal year spending without taking into account the tax increase authorized by Ballot Issue _____: \$ _____	
Estimated 2022 tax increase authorized by Ballot Issue _____: \$ _____	

Sincerely,

Signature Designated Election Official	Date
---	-------------

Printed Name Designated Election Official

(SEAL)

RE: **Ballot Issue Notice Authorization (aka TABOR notice)** (Attachment #4, TABOR Proof)

To: Michelle Nauer, Ouray County Clerk and Recorder

I, _____ (DEO), for _____
(Entity Name), certify that I have verified the correctness of all information, wording and spelling
regarding questions and referendums for placement on the Ballot Issue Notice (aka TABOR
notice) for November 2, 2021 Ouray County Coordinated Election.

Sincerely,

DEO Signature

DEO Name (please print)

Entity Name

Email Address

Phone Number

CITY OF OURAY DESIGN CMAR AGREEMENT

This Agreement made and entered into effective the 2nd day of August 2021, between the City of Ouray, a Colorado home rule municipality (City) and Moltz Construction, Inc. 8817 County Road 175, P.O. Box 729, Salida Colorado, (Construction Manager).

RECITALS

WHEREAS the City must design, develop, and construct an expansion to the City's current domestic water treatment plant (WTP) at a site TBD near the City water tanks (Project).

WHEREAS the City has chosen a non-traditional design method where a construction manager at risk (CMAR) firm is engaged early in the design process to provide pre-construction and design services to City resulting in a more accurate final design by the engineer and a detailed construction bid with the goals being to shorten the construction timeline and minimize the risk of cost overruns for the City and CMAR.

WHEREAS the City has retained Element Engineering, LLC as the engineer for the Project design and may retain additional or substitute engineers for the Project (Engineer).

WHEREAS pursuant to the request for proposals sent out by Engineer and the responses received on July 2, 2021, City chose Construction Manager as the CMAR firm to provide pre-construction and design services and work closely with Engineer through 60 and 90 percent design completion of the drawings, specifications and GMP for construction of Project and the RFP and Construction Manager's response attached and incorporated hereto as **Exhibit A**.

WHEREAS the City desires to retain the Construction Manager as its agent to assist in development of the Project and to possibly cause the construction of the Project but City may retain additional or substitute Construction Managers for the Project at any time.

NOW, THEREFORE, in consideration of the premises and the mutual covenants below, material recitals above and other valuable consideration, the receipt and which sufficiency is acknowledged, the parties hereto agree as follows:

1. SCOPE OF CONSTRUCTION MANAGER SERVICES. The Construction Manager agrees to provide services in accordance with Exhibit A (Scope of Services).
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 for default, suspension of Project pursuant to Paragraph 11 below or if the services are not completed, this agreement will expire on November 1, 2021 at which time the City and the Construction Manager 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 Construction Manager a sum not to exceed of One Fourteen Thousand Three Hundred and Fifty-Eight Dollars (\$14,358.00).
4. CREDIT TO CITY. In the event Construction Manager is hired by the City to construct the Project after 90% of Final Design, City shall receive a Thirty Thousand Dollar (\$2,359.00) credit towards the Project costs.
5. PAYMENT FOR SERVICES. The Construction Manager shall submit an invoice to the City describing the professional services rendered by the 5th of each month by the percentage completed as indicated in Cost Proposal attached and incorporated hereto as **Exhibit B**. City shall have access to backup documentation identifying individual employee, date, and hours worked on this Project, if necessary. The City shall pay the invoice within thirty (30) days of receipt unless the work or the documentation 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. If the invoice is not timely submitted, the Construction Manager shall submit the untimely invoice on the 5th of the following month for reimbursement.
6. CITY REPRESENTATIVE. The City Council 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.
7. INDEPENDENT CONTRACTOR. The services to be performed by the Construction Manager 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 Construction Manager, or their successors or assigns. No agent or employee of the Construction Manager shall be or shall be deemed to be the employee or agent of the City. 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 Construction Manager. 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 Construction Manager. The Construction Manager 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 Construction Manager will pay all federal and state income tax on any moneys paid pursuant to this agreement.

8. INSURANCE. The Construction Manager 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 Construction Manager. The Construction Manager 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 Construction Manager 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 Construction Manager 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 Two Million Dollars (\$2,000,000.00).
 - b. The Construction Manager 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 Construction Manager 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 Construction Manager upon demand, or the City may offset the cost of the premiums against any monies due to the Construction Manager.
 - d. The Construction Manager shall be responsible for any deductible under any policy required above.
 - e. The Construction Manager will provide the City with a certificate of insurance.
9. GOVERNMENTAL IMMUNITY. The Construction Manager 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.*
10. INDEMNIFICATION. To the fullest extent permitted by law, the Construction Manager 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 Construction Manager or any third party under the control or supervision of the Construction Manager, but not for any amounts that are greater than that represented by the degree or percentage of negligence or fault attributable to the Construction Manager or the Construction Manager's agents, representatives, subcontractors, or suppliers.
11. PROJECT SUSPENSION OR TERMINATION. If the City suspends or terminates the Project for any reason, the Construction Manager shall be compensated for services performed prior to notice of such suspension or termination. If the Project is resumed, the Construction Manager's time schedules shall be equitably adjusted. If City suspends the Project for longer than 90 days, Construction Manager may

terminate this agreement. City shall have no liability for delay or damage caused Construction Manager because of any suspension of services.

12. EMPLOYMENT OF ILLEGAL ALIENS. Pursuant to C.R.S. § 8-17.5-101, *et seq*, the Construction Manager certifies it shall not knowingly employ or contract with an illegal alien to perform work under this Contract and shall abide by the terms of **Exhibit E** attached and incorporated herein.
13. ASSIGNMENT. The Construction Manager shall neither assign any responsibilities nor delegate any duties arising under this agreement without the prior written consent of the City.
14. PAYMENTS BY CITY. All payments of money to Construction Manager pursuant to this agreement shall be subject to the annual appropriations of money.
15. LEGAL COMPLIANCE. The Construction Manager 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.
16. FURTHER ASSURANCES. Each party agrees to take such actions and sign any documents, certificates, and instruments reasonably requested by the other party 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.
17. 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 Construction Manager.
18. BINDING EFFECT. This agreement shall inure to the benefit of and be binding on the parties, their heirs, executors, administrators, assignees, and successors.
19. 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 part, term, or provision held to be invalid.

20. 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.
21. 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.
22. 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.
23. 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.

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

Signatures on Following Page

CITY OF OURAY:

Greg Nelson, Mayor

Attest:

Melissa Drake, Clerk

CONSTRUCTION MANAGER:

, Principal

SECTION 2. TYPICAL CMAR PROJECT APPROACH AND SCOPE OF WORK

Moltz Construction is very familiar with the CMAR process and we look forward to gathering as a team and refining the details provided herein to ensure a best-fit approach to both the preconstruction and construction phases of this project. We are a general contractor with the ability to self-perform 60%-75% of typical water treatment plant projects. Our proposed team is prepared to self-perform all earthwork, concrete, yard piping, interior process piping, process mechanical installation, and systems commissioning management for this project. This allows greater control over the means and methods utilized, safety, quality, budget, and schedule. We put emphasis on employing skilled and experienced individuals that work well together and our proposed team has successfully worked together on multiple projects. Moltz will work with the City of Ouray and Element Engineering to ensure all aspects of construction are reviewed to create the best value for the project. Our pricing model will be presented in full detail using open-book estimating practices to ensure the City of Ouray is receiving the best value for this project. Formal bidding packages for competitive selection will be prepared for the local, qualified contractors that are available to offer pricing for their services. Our project team will complete thorough reviews of constructability, operability, maintainability, and accelerated schedule opportunities to help improve the overall project throughout the preconstruction and construction phases.

We are excited to have joined with the City of Ouray's team for the design and construction of the new wastewater treatment plant and are further excited about the opportunity to engage on the design and construction of the water treatment plant project. The depth of our team extends beyond our construction organization chart with support available from our entire estimating team, our Northern and Metro division engineers when needed, and craft personnel from across the company when necessary. Cole Philips, Stefan Veltri, and Nathan Harford have worked together on several successful projects for the City of Ouray. Cole will lead all preconstruction efforts with support from Stefan throughout. Nathan will provide constructability reviews and support the value engineering efforts during the development of each pricing model phase. Our preconstruction team is the same team for the construction phase, this ensures the highest level of quality is maintained throughout the project. During the construction phase all office management activities will be led by Stefan, in conjunction with all site operations led by Superintendent Nathan. Cole will remain fully engaged throughout construction and our supporting estimating team will be utilized as needed during construction to ensure the timely project buyout, submittal reviews, and delivery coordination.

Our understanding of the CMAR process and our past experiences would make us an excellent partner for the City of Ouray's Gwudi Water Treatment Plant Improvements project.

Below is Moltz's CMAR process.

Keys to Project Success

- Establish and maintain open communication throughout the construction team to effectively work together to make timely decisions on construction issues.
- Maximize ability to control schedule, quality, safety, and price in one of two ways: self-performing much of the work or hiring qualified subcontractors.
- Ensure the existing treatment and conveyance systems stay operational and compliant at all times.
- Work with the City to maximize value it receives from their budget.
- Create a safe work environment for everyone involved in the project.
- Minimize Project Risks to all parties: Owner, Engineer, Contractor by taking these steps:
 - Moltz's thorough review of contract plans and specifications.
 - Collaborative development of the construction schedule, sequencing, and activity durations in conjunction with continuing plant operations.
 - Risk identification and mitigation plan by development led by Moltz.
 - Team input on the skeleton of key subcontractors based on schedule, not just low price.
 - Owner/Engineer review of process equipment quotes for best-value selections.

The following is a breakdown of Moltz Construction's approach of which each GMP package will consist when reaching a final GMP:

I. 30% Design

- a. Review documents for constructability.
- b. Develop cost model and estimate format.
- c. Develop cost model assumptions worksheet for use by the project team.
- d. Develop procedures for tracking document changes past the 90% design stage.
- e. Provide any needed cost option analysis to help design progress in the most cost-effective direction.
- f. Develop supplier and subcontractor prequalification procedures.
- g. Develop preliminary Construction Management plan.
- h. Develop IGMP cost estimate.
- i. Work with the Project team to create any budgets and contingencies needed.
- j. Create a preliminary project schedule for project team's input.

II. 60% Design Development Documents:

- a. 60% Create IGMP/Cost Model
- b. Solicit subcontractors and suppliers.
- c. Identify allowances.
- d. Identify clarifications.
- e. Identify cost assumptions.
- f. Identify Owner and contractor contingencies.
- g. Identify Constructability issues.
- h. Identify cost savings ideas.
- i. Evaluate design options.
- j. Further develop schedule as preconstruction progresses.
- k. Discuss long-lead time procurement options.
- l. Develop and implement systems integrator selection process.
- m. Identify concerns for operation and maintenance.
- n. Refine Construction Management Plan.
- o. Develop work packages for subcontractor and supplier bidding.
- p. Develop schedule of values format.

III. FGMP Development:

- a. 90% estimate and budget update.
- b. Estimate comparison to previous estimates via cost model.
- c. 90% schedule update.
- d. Analysis of changes from estimates.
- e. Accept proposals for work packages.
- f. Award GMP (AGMP)
- g. Value Engineering ideas will be pursued throughout the process to ensure the City is receiving the best value for their budget.
- h. Finalize schedule of values and pay application procedures.
- i. Finalize base line schedule for project.

IV. 100% GMP Estimate to Finalize All Costs

- a. Documented changes from 90% GMP to the 100% Issued for Construction will be thoroughly reviewed for cost and schedule impacts. Detailed change proposals will be developed for review and approval by Owner and Engineer.
- b. Moltz to re-solicit all selected vendors and subcontractors to confirm their 90% pricing or purpose cost impacts for changes made post 90% GMP.
- c. Full open-book change orders with proposals justifying cost changes to be submitted to the Owner and Engineer for review and approval by Change Orders.



SECTION 3. CMAR COST PROPOSAL

Cost Proposal Sheet

Below is Attachment A.



CONSTRUCTION MANAGER AT RISK RFP
CITY OF OURAY

Attachment A – Proposal Form

Item No.	Description	CMAR Entered Value (\$ or %)
1	Lump Sum Price for Design and Constructability Services	\$12,000 (after credit)
2	*Lump Sum Price for General Conditions Associated with Project	\$325,194
3	Percentage of Subtotal of the Overhead and Profit Associated with Project	8.0%
4	Percentage of the Subtotal of the Insurance Associated with Project	0.27%
5	Percentage of the Construction Subtotal for Bonds and Insurance Associated with Project	0.76%
6	Percentage of Labor Costs for the Small Tools Associated with Project	5.0%

*Minimum services for this line item include project superintendents, project management, supportive staff, labor, travel, housing, and burden/insurance for management staff to fulfill full CMAR responsibilities (see 4.2). Also included are temporary facilities such as CMAR offices, trash removal, toilets, and site security.

ATTACHMENT A