

AGENDA
OURAY CITY COUNCIL

TUESDAY, SEPTEMBER 8, 2020

**COUNCIL WILL MEET IN PERSON at the Massard Auditorium
Ouray Community Center, 320 6th Ave.**

VIRTUAL MEETING FOR PUBLIC

- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

Regular Meeting – 6pm

Join Zoom Meeting

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

Meeting ID: 934 938 9230 Passcode: 491878 Or by phone: +1 408-638-0968 +1 669-900-6833

Regular Meeting – 6pm

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CEREMONIAL/INFORMATIONAL
 - a. Update from Ouray County Public Health Director Tanner Kingery on the COVID-19 Pandemic
 - b. Mayor's Proclamation of September as Suicide Prevention and Awareness Month Page 6
5. CITIZENS' COMMUNICATION
6. APPROVAL OF MINUTES – August 3, 17, and 20 Page 8
7. CITY COUNCIL REPORTS/INFORMATION - Glenn Boyd, Ethan Funk, Peggy Lindsey, John Wood, and Greg Nelson
8. DEPARTMENT REPORTS
 - a. Acting City Administrator – Director of Finance and Administration Page 23
 - b. Public Works Director Page 25
 - c. City Resources Director Page 26
 - d. Chief of Police Page 28
 - e. Community Development Coordinator
9. CONSENT AGENDA – Black Bear Manor Bed & Breakfast Permit Renewal Page 29
10. ACTION ITEMS Page 31
 - a. Emergency Ordinance No. 10, Series 2020 – Extending Existing Emergency Ordinances Set to Expire on September 12, 2020 Page 34
 - b. Ordinance No. 11, Series 2020 – Regarding Accessory Dwelling Units in the City – First Reading Page 36
 - c. Possible Appointment of Beautification Committee Member Page 54
11. DISCUSSION ITEMS
 - a. Wastewater Treatment Plant Project Page 55
 - b. Potential Domestic Water Treatment Plant Project
 - c. Via Ferrata Rules Page 71
 - d. Staff Appreciation Picnic
 - e. Future Agenda Items
12. ADJOURNMENT

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



970.325.7211
Fax 970.325.7212
www.cityofouray.com

CONSENT AGENDA ITEMS (September 8, 2020):

Black Bear Manor Bed & Breakfast Liquor Permit Renewal

Action Requested – *Will City Council approve the renewal of the Black Bear Manor Bed and Breakfast Liquor Permit?*

Background – This is an established business within the City of Ouray that currently possesses a Bed and Breakfast liquor permit. As is required by State Statute for all B&B liquor permit holders, renewal must be approved by the City Council as well as the State. All the necessary paperwork and administrative requirements have been met and everything is in order for renewal. No issues have been identified with local law enforcement or State Liquor Enforcement for this renewal.

Recommendation – City Staff recommends that City Council approve the renewal of the Black Bear Manor Bed and Breakfast Liquor Permit.



ACTION ITEMS (September 8, 2020):

Emergency Ordinance No. 10, Series 2020 – Extending Existing Emergency Ordinances Set to Expire on September 12, 2020

Action Requested – *Will City Council approve Emergency Ordinance No. 10, Series 2020?*

Background – Due to the COVID-19 Pandemic, the Ouray City Council passed three emergency ordinances to allow businesses and the public to utilize outdoor space for dining, picnicking, and shopping:

- On May 21, 2020, Emergency Ordinance 2020-06 was passed to allow temporary sidewalk food service area permits to allow dining on City property
- On June 15, 2020, Emergency Ordinance 2020-07 was passed to suspend encroachment permit fees and time limits for Temporary Encroachment Permits for sidewalk sales and tables and chairs.
- 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.

All three Ordinances are set to expire on September 12, 2020. This Emergency Ordinance will extend all three ordinances with exceptions for winter months throughout the pendency of the local disaster emergency declared on March 16, 2020.

Recommendation – Staff recommends approval

Ordinance No. 11, Series 2020 – Regarding Accessory Dwelling Units in the City – First Reading

Action Requested – *Will City Council approve Ordinance No. 11, Series 2020?*

Background – The Planning Commission, by direction of the City Council, has been exploring incentives for housing development within the City. The Planning Commission has been focusing on Accessory Dwelling Units (“ADU”) to meet this Council direction. The Planning Commission provided direction to staff on changes to the ADU zoning requirements during the January, February and March meetings. At the March meeting Planning Commission made a recommendation regarding the proposed amendments which were generally outlined below.

1. Providing long-term workforce housing.
2. Increasing the size to allow for up to 1,200 sq. ft. and a three bedroom unit.
3. Removing the owner occupancy requirement of either the primary unit or ADU.
4. Allowing an ADU on any size lot in the city.
5. Not counting the ADU floor area in the maximum floor areas allowed in each zone district.
6. Allowing for on-street parking.

In preparation for the City Council review, staff and legal counsel discussions revealed additional issues that the Planning Commission may want to consider before finalizing their recommendation. Staff brought the proposed ordinance and issues before the Planning Commission at the July 14th meeting. The general direction to staff was in support of the parking regulations and reorganization of the ordinance. Direction was also given to hold the deed restriction or covenant in perpetuity. However, during the discussion of lot coverage some members of the commission became concerned with the minimum lot size exemption. Specific concerns arose regarding the allowance of ADU's on non-conforming (small) lot sizes. Through addition discussion and study the commission modified the proposed ordinance as follows:

1. ADU constructed on lots within the R1 zone district shall still be required to meet a 40% lot coverage requirement.
2. ADU construction within the R1 zone district shall still be required to maintain owner occupancy within the ADU or principal dwelling unit. In other words, both units cannot be rented.

Recommendation – Council decision

Possible Appointment of Beautification Committee Member

Action Requested – *Will City Council appoint Francie Tisdell to the Beautification Committee?*

Background – There are still open seats on the Beautification Committee. Ms. Tisdell has applied to be committee member and her application is in the packet. The current Beautification Committee members have recommended that Council appoint Ms. Tisdell.

Recommendation – Council decision

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DISCUSSION ITEMS:

Wastewater Treatment Plant Project – Council directed staff to get additional peer reviews regarding plans for the wastewater treatment plant project. We were able to get 2 reviews and they are in the packet.

Potential Domestic Water Plant Project – Mayor Nelson requested this discussion item due to the potential requirement by CDPHE to build a water treatment facility.

Via Ferrata Rules – there has been a request from the Friends of the Ouray Via Ferrata (FOVF) to adopt Via Ferrata Rules by Ordinance. The rules was included as an exhibit in the agreement between the City and FOVF.

Staff Appreciation Picnic – this item was requested by Mayor Pro Tem Wood so that Council may discuss holding this event for staff.

Future Agenda Items



**A PROCLAMATION BY
THE MAYOR OF THE
CITY OF OURAY, COLORADO**

**PROCLAMATION NO. 1, 2020
SUICIDE PREVENTION
AWARENESS MONTH**

WHEREAS, the week of September 6-12, 2020 is National Suicide Prevention Week, and September 2020 is both National Suicide Prevention Awareness Month and National Recovery Month, when millions of people around the world join their voices to share a message of hope and healing; and

WHEREAS, these observances are united in raising awareness that prevention is possible; treatment is effective; and people do recover; and

WHEREAS, in these challenging times messages of hope and healing are more needed than ever; and

WHEREAS, our residents should be able to access high quality prevention, support, rehabilitation, and treatment services that lead to recovery and a healthy lifestyle; and every day in our community people enter treatment into behavioral health services and community supports and begin the road to wellness and recovery; and

WHEREAS, resiliency begins early in life within families, day cares, and schools, and can be strengthened and reinforced throughout the life span; and recovery and wellness encompass the whole individual, including mind, body, spirit, and community; and

WHEREAS, the benefits of preventing and overcoming mental health challenges, suicide attempts and loss, and substance abuse are significant and valuable to individuals, families, and our community at large; and

WHEREAS, it is essential that we educate residents about suicide, mental health and substance abuse problems and the ways they affect all people in the community; and

WHEREAS, we must encourage relatives, friends, co-workers, and providers to recognize the signs of a problem, and guide those in need to appropriate services and supports; and

WHEREAS, Suicide Prevention Week, Suicide Prevention Awareness Month and Recovery Month inspire millions of Americans to raise awareness, build resiliency, and find hope.

NOW THEREFORE, I, Greg Nelson, the Mayor of the City of Ouray, do hereby proclaim

September 2020 as Suicide Prevention Awareness and Recovery Month: "Finding Hope, Building Resiliency, Supporting Recovery"

in the City of Ouray. I call upon the citizens, government agencies, public and private institutions, businesses and schools in the City to recommit our community to increasing awareness and understanding of the many reasons why suicide occurs in our community, the steps our citizens can take to help their fellow citizens who are considering suicide, and the need for appropriate and accessible services for all people who are living with mental health challenges.

Greg Nelson, Mayor

September 8, 2020

ATTEST: _____
Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL MEETING
SUMMARIZED MINUTES
MONDAY, AUGUST 3, 2020
COUNCIL MET IN PERSON at the Massard Auditorium Ouray Community Center
VIRTUAL MEETING FOR PUBLIC**

Join Zoom Meeting

<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 Acting City Administrator Melissa Drake, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

3. The PLEDGE OF ALLEGIANCE was recited.

4. PUBLIC HEARING – Ordinance 9, Series 2020 – Removing the OCRA Seat on the CEDC

Mayor Nelson opened the floor for public comments.

Since there were no comments, Mayor Nelson closed the floor.

5. CEREMONIAL/INFORMATIONAL

a. Uncompahgre Watershed Partnership Presentation

Tanya Ishikawa announced the August 13th strategic plan meeting, looking for community input. The Watershed Partnership has 5 long-term goals: improving water quality, improve river and ecosystem function, improve seasonal low flow, improve recreation opportunities and maintain stable stakeholder group. Ridgway River Fest was cancelled this year. San Juan Mining and Reclamation Conference will be virtual this year. There is a cleanup event scheduled, as well as a well testing project in the 6-county area. Mine remediation projects completed and looking for new mine projects. Looking for ideas before strategic planning meeting. Form online, email to submit ideas.

Mayor Pro Tem Wood suggested getting the form out as widely as possible before the session.

Ms. Ishikawa will send a draft of the strategic plan to the City after the meeting.

Umcompaghre Watershed Partnership will be back in October to request funds for 2021 budget for specific projects that will affect the City.

b. JVA – Solids Handling

Cooper Best from JVA presented analysis of lagoons vs. mechanical plant. A mechanical plant would be around \$3 million, and relining one of the existing lagoons would be \$1.3 million. Annual operations and maintenance costs compared with conservative (high) estimates. Breakeven point between the higher startup costs and lower annual costs (mechanical plant) and the lower startup and higher annual costs (lagoons) is at around 13 years. Mayor Pro Tem Wood asked if with the new lagoon system city employees would still be going out on the lagoons on boats for maintenance. Mr. Best said nothing would change there. Councilor Funk noted that the projected electrical rates are too low by around 35%, and the breakeven point may be sooner than 13 years. Mayor Pro Tem asked if the mechanical plant needed to have a building on top of it (which would cost around \$200,000), and Mr. Best said at minimum it should have a roof over it if not a full building, but not having a building could lead to odor issues and operational challenges for staff.

6. CITIZENS' COMMUNICATION

John Nixon sent the title policy and other info, and so has his neighbor Peter Howell, hasn't heard back from the city on this issue. Mayor Nelson said because the engineering has been put on hold for this project, the document review has moved down the priority list, but Ms. Tibbs and Ms. Viner will be in touch with them when they review the documents.

Don Wild said that short term rental inspection results are not compliant with 2009 codes like is stated in the ordinance. Mr. Wild urged the council to read the short term rental ordinance and understand the process since it is not being followed as written as Mr. Wild listed in a number of examples. Mr. Wild also believes all city employees should return to work. Mayor Nelson agreed with Mr. Wild that the short term rental process needs to be evaluated, and that the city employees should return to work, and staff are working on a socially distanced work space plan involving the basement of the visitor center being remodeled.

7. APPROVAL OF MINUTES – July 7, 20, and 24

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

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

The motion passed on unanimous roll call vote.

8. CITY COUNCIL REPORTS/INFORMATION

- a. Glenn Boyd** – Pool variance was denied for not fitting the “protect your neighbors” guidelines. State gave guidance on how to resubmit for approval, noting it will be fast tracked. Waiting on Governor to lift

moratorium on variances. Public Health Director Kingery recommends Council, BOCC and individuals write letters to our representatives to request the variance be approved too. RFP for Recovery Coordinator that city, county and town worked on received 2 submittals, administrators will review.

- b. **Ethan Funk** – nothing to report, no meetings.
- c. **Peggy Lindsey** – There was a Beautification Committee meeting on July 21st. Donation jars for the committee have been placed around town. Working on raised flower beds at pool entrance. Would like to plant trees next spring on the berm around Fellin Park if money is available, and need a \$2500 commitment soon for 2021 hanging baskets and potted flowers. The committee is cleaning the highway on Friday at 8 am, volunteers are welcome.
- d. **John Wood** – CEDC and IPAT meetings coming up. Box Cañon Road walk-around with Mr. Roberts from IPAT. Took pictures as baseline for monitoring. No water seepage evidence. OIPI working on COVID plan for 2021 season.
- e. **Greg Nelson** – Region 10 meeting cancelled due to COVID. Still planning on holding August meeting.

Councilor Boyd announced that new protect your neighbor guidelines are out, and the National Guard help would be leaving next week unless the federal funding is renewed.

9. DEPARTMENT REPORTS

a. Acting City Administrator – Director of Finance and Administration

Auditors will be in the office this week. 24 new applicants for city administrator, some reapplied from first posting. Ms. Drake highlighted different projects happening around the city. Fire Department command vehicle has been purchased, old vehicle will be used for extrication training.

Ms. Tibbs summarized the short term rental application and inspection process. Received applications are reviewed for completeness initially, and checked for zoning and any outstanding code issues. Building inspector inspects the property with form provided to council. Renewals have not yet happened yet. Provisional approvals were granted without Dark Sky compliance with assumption that owner would come into compliance within a year. Verification of certificate hung on premises will also be checked after one year. Re-inspections are not required unless work has been done, complaints have been filed, or house has transferred ownership, since the license is not transferrable. License is good for two years.

Mayor Pro Tem Wood asked how many licenses were active, and how many short term rentals were operating before the ordinance was in place. Ms. Tibbs said there are 94 active licenses and one pending. There are not verified numbers about how many rentals were operating before the license program was implemented.

Councilor Lindsey asked what the section of the short term rental ordinance concerning the residential character of the home is about. Ms. Tibbs said that is about preserving the feel of the home, such as maintaining the Victorian styling in any renovations, and keeping the home looking like a home and not a business.

Councilor Boyd made a motion to go into emergency executive session for short term rental compliance advice at 7:15 pm pursuant to C.R.S. 24-6-402 (4)(b). Councilor Lindsey seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			

Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

Executive session ended at 7:31 pm.

b. Public Works Director

Started replacing bridge on 2nd St in 400 block today, expected to be done on Thursday.

Mayor Pro Tem Wood asked about the financial benefit of the micro hydro plant. Originally set up to offset electricity usage of pool during the season while micro hydro plant was running. It was set up before pool renovations, so would not meet 100% of demands today. Ms. Drake will need to do more research to find out the exact financial benefit. Councilor Funk said his research says it saves \$97 per kilowatt hour a month, and we need to determine how many kilowatt hours it generates.

c. City Resources Director

Would like to see more people in the pool, but concerned about seasonal employees leaving this month. Actively recruiting for Lifeguards. Box Canon falls position closed last week, looking to interview soon.

Councilor Boyd asked if any seasonal employees were staying because their school was going to remote classes. Mr. Noll said there are not any employees staying for remote school.

Mayor Pro Tem Wood suggested a white paper for Via Ferrata operating comments or concerns to take heat off of park rangers.

d. Chief of Police

Incident count for July is up over 240% from June.

Motorized bikes and scooters are allowed on River Walk as laws are written currently. Chief Wood suggested council should review and maybe issue a speed limit for pedestrian safety. Chief Wood also recommends repainting and more signage for parking in town to reduce parking citations due to ambiguity. Ms. Viner added that handicapped parking signs might be mounted too low and should be reviewed too.

10. CONSENT AGENDA – None

11. ACTION ITEMS

a. Ratify Mayor's Decision to Rescind his Declaration of Fire Ban on July 30, 2020

Councilor Boyd made a motion to ratify Mayor Nelson's rescission of the Fire Ban. 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			
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The motion passed on unanimous roll call vote.

b. Ordinance 9, Series 2020 – Removing the OCRA Seat on the CEDC – Second Reading

Mayor Pro Tem Wood made a motion to approve the second reading of Ordinance 9, Series 2020. 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.

c. PSA with Colorado Code Consulting for Building Inspection Services

Ridgway Town Building Inspector and Ouray County Building Inspector were not available. This will be as needed. Colorado Code Consulting has already provided services last week on an emergency basis, PSA will apply going forward.

Mr. Wild voiced concerns about the IBC 2009 codes not being applied universally by any and all building inspectors working for the city as an employee and/or contractor.

Mayor Pro Tem Wood believes that former employees still work in town and should be asked to fill in before hiring a contractor since they are familiar with the local issues.

Ms. Viner reminded Council that inspections were already scheduled and needed to be fulfilled.

Ms. Tibbs gave her opinion of the fitness of the contractor to perform the job as highly positive.

Councilor Lindsey made a motion to approve the PSA with Colorado Code Consulting. Councilor Boyd seconded the motion.

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

The motion passed on unanimous roll call vote.

d. Appoint 2 Council Members to the Tourism Advisory Committee

Councilor Lindsey made a motion to appoint Councilor Lindsey and Mayor Pro Tem Wood to the Tourism Advisory Committee. Mayor Pro Tem Wood seconded the motion.

Council questioned if Council Members on the Committee were intended to be full voting members, or as liaisons to the Committee for the City, and if there should be one or two Council Members on the Committee. Council decided both positions should be liaisons. Councilor Lindsey amended her motion to state that the council members be liaisons and not full members.

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.

12. DISCUSSION ITEMS

a. Possible New Tax on Lodging to Fund Utility Improvements

Councilor Lindsey noted that many places around the world expect visitors to help cover the costs of their sewer systems. Ms. Viner said it would need to be determined whether the term fee or tax applied more appropriately. Councilor Funk noted that because the sewer fund is an enterprise fund, and cannot receive more than 10% of its revenue from state or local government. Mayor Pro Tem Wood said there are two vehicles to possibly fund this: Tax Increment Financing and Tourism Improvement District.

Dave Doherty likes Mayor Pro Tem Wood's approach to raising funds, but says the city needs to make sure they are collecting all the already imposed fees first.

Woody at Ouray Inn believes the City is receiving enough money from lodgers already, and putting all the costs on lodgers is ridiculous. The costs on the businesses have made Ouray the hardest city that he's ever operated in.

b. Future Agenda Items

Plan to open office completely.

Council directed Ms. Drake to prepare a letter to send to the Governor, CDPHE and others requesting the pool variance be approved.

13. EXECUTIVE SESSION - Executive Session under C.R.S. 24-6-402(4)(b) and (e) for a conference with the City attorney for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations regarding City Agreements with Mineral Farms Water Users Association (MFWUA) and Bachelor Switch Water Users Association (BSWUA)

Councilor Boyd made a motion to move into executive session at 8:52 pm. Mayor Pro Tem Wood seconded the motion.

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

The motion passed on unanimous roll call vote.

14. ADJOURNMENT

The executive session concluded at 9:35 pm. Councilor Boyd made a motion to adjourn, 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 August 3, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3rd day of September, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL VIRTUAL MEETING
SUMMARIZED MINUTES
MONDAY, AUGUST 17, 2020 at 1:00 pm**

Join Zoom Meeting
<https://zoom.us/j/94548882608>
Meeting ID: 945 4888 2608
Passcode: 486270

Phone: +1 669 900 6833 +1 253 215 8782

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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 Acting City Administrator Melissa Drake, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Sergeant Gary Ray and Administrative Accounting Clerk Julie Lancaster.

3. CEREMONIAL/INFORMATIONAL – Rebecca Paruch with ChargePoint Inc. Regarding Electric Vehicle Charging Station

Electric vehicles are projected to represent 55% of light duty vehicles by 2040. Governor Polis recently signed an executive order encouraging electric vehicles too, and ChargePoint has an exclusive grant that would cover a lot of the costs. ChargePoint is working on 6 corridors across Colorado, including Hwy 550. Ouray would receive 2 charging stations initially with the ability to expand as more electric vehicles are on the road. A 3rd party owner/operator is willing to cover all non-covered costs (around \$30,000) for installation at pool parking lot site. Council discussed not using the 3rd party in order to retain ownership and control of the charging station. Ms. Paruch said the payoff period is around 7-8 years, and the 3rd party is willing to wait for the payoff, and the City would need to decide if they are willing to wait as well.

Bruce Gulde asked what happened to the old charging station. Ms. Paruch said the old stations would take several hours to charge, and the ones ChargePoint would install would charge a car in 20-30 minutes. Mayor Nelson also said the parts to repair the old charging station are no longer made, so it is impossible to make repairs to get it working again.

4. CITIZENS' COMMUNICATION

Tamara Gulde has 3 concerns:

- Lack of active fire ban
- Would like to see an accounting of Markus Van Meter's work

- Very busy this year, would like to know what's being done for shoulder seasons this year with the new Tourism Advisory Committee.

5. CITY COUNCIL REPORTS/INFORMATION

- Glenn Boyd** – Multiple meetings happening this week. Tomorrow, there is a West Region Recovery meeting put on by DOLA and a West Region Healthcare Coalition meeting. Tomorrow evening there is a back-to-school virtual meeting, and Community Steering Plan meeting. Regional fire call meeting on Wednesday to discuss potential new fire ban. COVID informational meeting at 2 pm on Wednesday. School outreach and policy group meetings on Thursday at the same time. MAC meeting at 2 next Wednesday.
- Ethan Funk** – OIPI meeting on Wednesday. OIPI is currently working with State Historical Fund to reroof the powder house. OIPI/Via Ferrata working on bathroom solution. Councilor Funk believes the City should help with the restroom costs once project starts. Costs will be minimal as the labor will be sourced by volunteers.
- Peggy Lindsey** – Beautification committee did trail cleanup on the 7th, going back to work along River Walk on Wednesday morning. Reported that an old resident is very impressed with the pictures and videos used for marketing the city.
- John Wood** – CEDC meeting on Thursday. They are working on Main St Program. IPAT meeting on guide services allocation was congenial and collaborative. New TAC group meeting scheduled for August 26th at 4 pm, committee will select chair and secretary.
- Greg Nelson** – No meetings to report on. Has received positive feedback on social media presence.

6. DEPARTMENT REPORTS

a. Acting City Administrator / Finance and Administration Director

Pool variance was granted, new limit is 250 per state order, currently allowing 150 people at a time because of staffing levels. Currently recruiting more lifeguards. Averaging around 450 people per day since variance was granted. Box Canon has been seeing more visitors than last year.

City Hall response to COVID-19: staff have been alternating days in the office, and the office window has been open since June 1st for walk-ins from 8-4 Monday-Friday. Offices will be added to downstairs of visitor center to allow city staff to spread out. Working with contractors to increase office ventilation in existing office space.

Gave report about pool expenses when closed and when operating at 50 person capacity limit, and projected September numbers.

Ms. Drake highlighted items on her written report.

Councilor Funk asked when the OIPI concessions fee would be paid to the City, since nothing has been received yet in 2020. Ms. Drake said there is not a set time that it is paid typically.

Chief Wood was on vacation, so Ms. Drake and Sgt. Ray presented for the Police Department. Councilor Boyd said the trail outreach program the Police Department and Ouray County Sheriff's Office jointly put on last week was very well received.

Ms. Drake presented the June sales tax revenue received in August. Councilor Funk asked, since the Sales Tax continues to be greater than 2019, if considering putting items back in the budget was warranted. Other council members did not feel comfortable adding everything back in, but agreed that staffing additions that were put on hold could be useful to add back in.

Mayor Pro Tem Wood is planning a staff appreciation barbeque for September.

b. Community Development Coordinator

Contract building inspector has been doing a great job. 13 active building permits and multiple Short Term Rental applications. Community plan steering committee meeting on August 27 at 6 pm. Accepted as affiliate in Main Street Program, need to meet certain criteria still to be candidates. Financial incentives will be available once we meet candidate status. Census self-respond rate is higher than 2010, but still below Ridgway and the County. Census workers will be going door to door of houses that don't self-report until September 30th. Still working on ADU ordinance. Surveyed 70 properties for backflow prevention, determined high and low risk properties to address.

Census at around 30% response rate right now. Councilor Boyd asked what the response rate for 2010 was. Ms. Tibbs said she would have to reach out to the Census Office to get that info. Ms. Tibbs said our response rate is so low because of second homeownership and short term rentals in the city. When the owner responds to the census in another state, it does not count for their residence in Ouray.

Mayor Pro Tem Wood asked where the building inspector hiring process is at. Ms. Drake said they are working on scheduling interviews now. Councilor Lindsey asked if the building inspector position could be made full time to keep someone in the position. Ms. Drake said there is not enough work year round to make the position full time. Councilor Boyd suggested that we could "share" the building inspector with either the Town or County to allow the employee to work full time between multiple locations even if the City doesn't have the workload for it. Ms. Drake said she would reach out to the Town and County to see if they were interested.

7. CONSENT AGENDA

a. Temporary Modification of Premises application – Thai Chili Ouray LLC dba Thai Chili Ouray

b. IGA for Election Services with Ouray County Clerk and Recorder

Councilor Boyd made a motion to approve the consent agenda. 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.

8. ACTION ITEM

a. Possible Approval of Agreement Regarding Payment of Investment Fees and Rescission of Agreement and Declaration of Covenants for 340 9th Ave – Parry property

Mr. Hockersmith, attorney for Parrys, presented the agreement from the Parrys to rescind the covenants on their property to allow them to short term rent the property and do a 3 year payment plan for the fee.

Councilor Funk said that he would not be comfortable with granting the rescission of the covenants before the payment plan was completed. Mr. Hockersmith said the guarantees in place are more than adequate to ensure the City receives the money.

Councilor Lindsey made a motion to approve the agreement and accept the payment plan. Mayor Pro Tem Wood seconded the motion.

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

The motion passed on 3-2 vote with Mayor Nelson and Councilor Funk dissenting.

b. Possible Appointment of CEDC Member

Application received from Bill Hall, who owns Comfort Inn and does welding work for Skol Studios. CEDC members recommend appointing him.

Councilor Funk made a motion to appoint Mr. Hall. Councilor Lindsey seconded the motion.

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

The motion passed on unanimous roll call vote.

9. DISCUSSION

a. Possible Continuation of Flume Tax

Need special meeting for ballot language on September 2nd at 9 am. Need to create a flyer with series of 3-5 questions that get a “yes” answer about the flume tax initiative to mail to city residents and advertise on social media and in the Plaindealer.

b. Upcoming Special Meeting

Thursday August 20th 6:30 pm

c. Future Agenda Items

Council decided that if the National Forest goes into a fire restriction, the city would follow suit and ratify it at the next council meeting.

Resolution about LOT fee readjustment to spread costs over wider tourism industry.

ADU proposal when ready from planning commission.

Council would like to have all city committees meet together to discuss budget needs and visions for each respective committee before general budget sessions. Councilor Funk would also like to have a PARC meeting soon, since there hasn't been one in quite a few months.

Council response to temporary encroachment permits for restaurants expiring soon.

COP Update.

10. ADJOURNMENT

Councilor Lindsey made a motion to adjourn at 3:16 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 August 17, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 4th day of September, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL SPECIAL VIRTUAL MEETING
SUMMARIZED MINUTES
THURSDAY AUGUST 20, 2020, 8:00 A.M.**

Join Zoom Meeting
<https://zoom.us/j/9349389230>
Meeting ID: 934 938 9230
Passcode: 491878

by phone
+1 408 638 0968
+1 669 900 6833

- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken in open session on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 8:04 am.

2. ROLL CALL

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

Also present was Acting City Administrator Melissa Drake.

3. ACTION ITEMS

a. Possible Ratification of Mayor's Declaration of Stage I Fire Restrictions within the City

Councilor Boyd made a motion to ratify Mayor Nelson's declaration of the fire restrictions.
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.

b. Possible Approval of Main Street Flower Order for 2021

Deadline for flower orders has moved up this year. Approximate cost will be about \$7200. Councilor Lindsey made a motion to approve the order for next year's flowers. Mayor Pro Tem Wood seconded the motion.

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

The motion passed on unanimous roll call vote.

4. EXECUTIVE SESSION

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

Mayor Pro Tem Wood made a motion to go to executive session at 8:19 am. Councilor Boyd seconded the motion.

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

The motion passed on unanimous roll call vote.

5. ADJOURNMENT

The executive session concluded at 9:10 am. Mayor Pro Tem Wood exited the session at 9:00 am.

Councilor Lindsey made a motion to adjourn, Councilor Funk seconded the motion. The motion passed unanimously.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on August 20, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 4th day of September, 2020.

Melissa M. Drake, City Clerk

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Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
www.cityofouray.com

The Outdoor Recreation Capital of Colorado

Acting City Administrator and Director of Finance and Administration
Report for 9/08/2020 Council Meeting
Last 3 Weeks (I was on vacation August 22-30)

- **COVID-19 Pandemic Emergency** – I have sent you updates throughout the weeks.
 - Pool - The Ouray County variance request regarding hot springs pools was finally approved by the state on August 6th. Starting on the morning of August 6th, we began allowing up to 150 people into the pool at a time and eliminated the sessions. Attendance for the month of August was 12,622 as compared to 27,542 for August 2019.
 - Box Cañon Falls has been very busy with travelers looking for outdoor activities instead of indoor ones. Attendance for the month of August was 16,768 as compared to 13,872 for August 2019.
- **2019 Financial Audit** – Blair and Associates are continuing work on our 2019 financial audit remotely as they normally do.
- **Administrator Hire** –KRW has completed the first part of their due diligence on candidates that Council has identified. Council will hold a Special Meeting (Executive Session) via Zoom with KRW on Thursday, September 10th.
- **EV Charging Station** – We plan to have an agenda item on the 9/21 agenda regarding ChargePoint Inc. Their option is very attractive to staff since they are the state approved contractor, there would be no cost to the City, and they would maintain the equipment.
- **Ouray County Public Health Fiber Project and Region 10 Fiber Project** - On 9/3, Councilor Funk, IT Administrator Briggs, and I attended an update meeting on these projects. We will have another meeting with the contractor and Region 10 to discuss only the City of Ouray portions of the projects. There are remaining funds allocated to this year from the project funds and the City's matching funds.
- **Budget 2021** – staff is gearing up for 2021 Budget preparation season. Council will receive a budget calendar soon. Please send me your wish list for capital expenditures for 2021. I will compile a list and bring back to all of Council for review and prioritization.

- **Acting Administrator position** – As budget season is upon us and I am still the Acting Administrator as well as the Finance Director and the City Clerk, I have a proposal to help us proceed until the new administrator is hired and in place. I propose that we:
 - Name Joe Coleman as temporary Deputy City Administrator – Joe is willing, with additional compensation, and we will work together to “divide and conquer” so to speak.
 - Bring in our part-time administrative help. Karen Olson is one of our part-time employees. We have historically brought her in as needed for special projects or to cover vacation time. We have no administrative assistants in our organization so bringing her in to help Joe and me will alleviate some workload and stress.

Public Works August Update

Water

- Water Usage Numbers for **July**:
 - Influent (Water from spring) – 70,576,320 Gallons
 - Effluent (Water to town) – 26,470,387 Gallons
 - Micro Hydro Pant – 17,434,458 Gallons
 - Mineral Farms – 250,300 Gallons
- Attended a webinar hosted by CDPHE on regulatory compliance.
- Completed multiple locate requests called into the 811 system.
- We received MPA results from our test in July. We scored a 20, which is considered high risk according to the EPA consensus method. More information to follow once we talk with CDPHE about next steps.
- Started working with Mountain States Pipe and Supply on installing data collectors for the automated meter reading program. We will be installing two data collectors in town. We also installed two water meters in meter pits so we can test the data collectors once they are installed.

Sewer

- We had two aerators fail at the Wastewater Treatment Plant this month. We replaced those with two spare motors we keep onsite. We ordered two new motors for spares and they have already arrived. The old motors were not worth rebuilding at this point so we ordered new ones.
- Mowing, weed eating and general grounds maintenance at the Wastewater Treatment Facility.
- Continue to skim the lagoons of debris as needed.

Streets

- Grading throughout town as needed – lots of clean up after heavy rains.
- Replaced bridge over Portland flume on 2nd St.
- Replaced bridge over Cascade flume on 8th Ave and 5th St.
- Continued cutting and trimming trees in the City Right of Ways.
- Watered streets when time allowed.

City Resources

- Continued geothermal monitoring.
- Began working on building a temporary office space downstairs at the Visitors Center.
- Continued cleaning public restrooms three times a day seven days a week.
- Continued trash collection once a day seven days a week from Main St, Box Canyon Park, Rotary Park, Cascade Falls, Dog Park and the River Trail.
- Removed multiple dead trees in Woman's Park.
- Replaced broken irrigation scrubber valve in Fellin' Park

City Resources Department

September 8, 2020

The Ouray Hot Springs Pool was awarded the People Choice Award for *First place: best hot springs* by readers of the Ouray County Plaindealer. Staff at the Hot Springs Pool appreciate the support and recognition from the local community and readers of the Plaindealer.

An inspector from the American Red Cross Examiner Service visited the Hot Springs Pool on July 29 and again on August 25. During these unannounced inspections the examiner observes lifeguard scanning techniques and attentiveness. The examiner drills the lifeguards on rescue techniques, measures emergency response times, reviews record keeping, and inspects the facility for compliance with Red Cross aquatic guidelines. The Ouray community can be proud of the employees at the Hot Springs Pool for the quality and dedication they bring to the facility.

Seasonal aquatic employees began leaving early in August. Early August is also the time when the Hot Springs Pool variance on capacity was granted by the State Health Department increasing the number of patrons allowed into the facility. In August, one year-round and six seasonal lifeguards left. During this time, through active recruitment, four lifeguards were hired, trained and certified in a Lifeguard Certification class held at the Hot Springs Pool. Three of these newly hired lifeguards have previous lifeguarding experience. We are pleased to welcome all of them to the team.

Three lifeguards have been promoted to Lead Lifeguard to provide oversight of the deck during all shifts at the Hot Springs Pool. Training associated with these promotions began this week.

Anticipating that Labor Day weekend will be busy at the Hot Springs Pool more lifeguards than usual are scheduled on deck those three days. Additional Customer Service Associates will be called in if needed during the weekend.

When the variance allowing increased capacity at the Hot Springs Pool was granted pool hours were set at noon to 8 PM on week days and 11 am to 8 pm on weekends. Patrons are no longer restricted to a two hour limit on the time they can be at the pool. Memberships were reactivated and extended at that time. Membership admission is now available anytime that the swimming pool is open.

Two pumps failed at the Hot Springs Pool earlier in the summer. These pumps were replaced with back-up pumps kept at the swimming pool. The faulty pumps have been rebuilt and are back onsite in case of another breakdown.

As overnight temperatures get cooler, thermal blankets will be deployed more frequently to better maintain water temperatures in the pools at the Hot Springs. Maintenance staff have honed their operational techniques in order to maximize temperatures in the morning prior to opening the pools to the public.

Pool management is working with other aquatic facilities in the area to hold a lifeguard instructor training in the region this autumn. Instructor trainings are often held in the front-range communities and this necessitates travel and overnight lodging expenses. By partnering with other pools enough participants can be obtained to support the class locally on the western slope.

There were problems with the point of sale system at the Hot Springs Pool on August 14. This system is hosted on a remote server. It was determined that the problem was not at the pool but was likely with the server. The problem was corrected by the vendor.

Exterior key locks at the bathhouse have been cleaned and repaired. Passcodes have recently been changed.

The Fitness Center remains closed. There are insufficient numbers of staff right now to clean and maintain the Fitness Center at recommended levels.

A water leak has developed in the ceiling of the bathhouse. This leak is from the recent rains. Pool maintenance staff will be repairing the leak and associated water damage.

Hours at the Box Canon Falls will be decreased by one hour after Labor Day due to the shortening hours of daylight.

A new cashier was interviewed and has begun work at the Box Canon Falls. During the month of July cashiers at the waterfall park were extra busy as they covered shifts for an employee who resigned on short notice. The new person is a good fit with the rest of the team at the Box Canon Falls and an asset to the park.

Local internet service providers have been contacted to obtain information regarding equipment located on the star tower.

City Resource Department is working closely with Ouray School staff for athletic and other school events that will use City property this fall.

Citizens have approached the City about possible use of the basketball court for pickle ball. Recent inspection of the court reveals that the surface is not suitable for pickle ball.

City of Ouray Police Department

August 2020 Chief's Report

During the month of August the OUPD handled approximately 513 calls for service which included:

- 214 patrol checks
- 30 parking complaints
- 10 VIN certifications
- 5 noise complaints
- 4 trespassing complaints
- 3 speeding complaints
- 2 thefts
- 2 vandalism calls
- 6 nuisance animal complaints (which this month included bears, a mountain lion and a wayward herd of cows)

Officers completed mandatory training on the new laws passed this year regarding Use of Force, Body Worn Cameras, and Duty to Intervene.

Started a new public safety awareness campaign utilizing Officer Brady Suppeland's extensive knowledge of the local jeep trails and off road experience. The first two PSAs have been very popular on social media so we plan to continue with weekly installments until the end of the season.

P.O. Box 468
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Fax 970.325.7212
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CONSENT AGENDA ITEMS (September 8, 2020):

Black Bear Manor Bed & Breakfast Liquor Permit Renewal

Action Requested – *Will City Council approve the renewal of the Black Bear Manor Bed and Breakfast Liquor Permit?*

Background – This is an established business within the City of Ouray that currently possesses a Bed and Breakfast liquor permit. As is required by State Statute for all B&B liquor permit holders, renewal must be approved by the City Council as well as the State. All the necessary paperwork and administrative requirements have been met and everything is in order for renewal. No issues have been identified with local law enforcement or State Liquor Enforcement for this renewal.

Recommendation – City Staff recommends that City Council approve the renewal of the Black Bear Manor Bed and Breakfast Liquor Permit.

Bed and Breakfast Permit Application

Applicant is a:

- ☒ Corporation ☐ Partnership
☐ Individual ☐ Limited Liability Company

1. Name of Applicant Arrowbear, Inc		State Sales Tax Number 325168350000	
2. Trade Name of Establishment (DBA) Black Bear Manor		Email Address owners@arrowbearinc.com	
3. Address 118 6th Ave		Phone Number 970-325-4219	
City Ouray	County Ouray	State CO	Zip Code 81427
4. Mailing Address (Number and Street) PO Box 927	City or Town Ouray	State CO	Zip Code 81427

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

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

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

Monday Hours	Tuesday Hours	Wednesday Hours	Thursday Hours	Friday Hours	Saturday Hours	Sunday Hours
From: 2p m.	From: 2p m.	From: 2p m.	From: 2p m.	From: 2p m.	From: 2p m.	From: 2p m.
To: 6p m.	To: 6p m.	To: 6p m.	To: 6p m.	To: 6p m.	To: 6p m.	To: 6p m.

Oath of Applicant

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

Signature 	Title President	Date 9/1/2029
---	---------------------------	-------------------------

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

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

THEREFORE, THIS APPLICATION IS APPROVED.

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

Signature	Title	Date
-----------	-------	------

Report of State Licensing Authority

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

Signature	Title	Date
-----------	-------	------

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

Date License Issued	License Account Number	Period
\$50.00 (Cash Fund)	\$21.25 (OAP Fund)	TOTAL



ACTION ITEMS (September 8, 2020):

Emergency Ordinance No. 10, Series 2020 – Extending Existing Emergency Ordinances Set to Expire on September 12, 2020

Action Requested – *Will City Council approve Emergency Ordinance No. 10, Series 2020?*

Background – Due to the COVID-19 Pandemic, the Ouray City Council passed three emergency ordinances to allow businesses and the public to utilize outdoor space for dining, picnicking, and shopping:

- On May 21, 2020, Emergency Ordinance 2020-06 was passed to allow temporary sidewalk food service area permits to allow dining on City property
- On June 15, 2020, Emergency Ordinance 2020-07 was passed to suspend encroachment permit fees and time limits for Temporary Encroachment Permits for sidewalk sales and tables and chairs.
- 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.

All three Ordinances are set to expire on September 12, 2020. This Emergency Ordinance will extend all three ordinances with exceptions for winter months throughout the pendency of the local disaster emergency declared on March 16, 2020.

Recommendation – Staff recommends approval

Ordinance No. 11, Series 2020 – Regarding Accessory Dwelling Units in the City – First Reading

Action Requested – *Will City Council approve Ordinance No. 11, Series 2020?*

Background – The Planning Commission, by direction of the City Council, has been exploring incentives for housing development within the City. The Planning Commission has been focusing on Accessory Dwelling Units (“ADU”) to meet this Council direction. The Planning Commission provided direction to staff on changes to the ADU zoning requirements during the January, February and March meetings. At the March meeting Planning Commission made a recommendation regarding the proposed amendments which were generally outlined below.

1. Providing long-term workforce housing.
2. Increasing the size to allow for up to 1,200 sq. ft. and a three bedroom unit.
3. Removing the owner occupancy requirement of either the primary unit or ADU.
4. Allowing an ADU on any size lot in the city.
5. Not counting the ADU floor area in the maximum floor areas allowed in each zone district.
6. Allowing for on-street parking.

In preparation for the City Council review, staff and legal counsel discussions revealed additional issues that the Planning Commission may want to consider before finalizing their recommendation. Staff brought the proposed ordinance and issues before the Planning Commission at the July 14th meeting. The general direction to staff was in support of the parking regulations and reorganization of the ordinance. Direction was also given to hold the deed restriction or covenant in perpetuity. However, during the discussion of lot coverage some members of the commission became concerned with the minimum lot size exemption. Specific concerns arose regarding the allowance of ADU's on non-conforming (small) lot sizes. Through addition discussion and study the commission modified the proposed ordinance as follows:

1. ADU constructed on lots within the R1 zone district shall still be required to meet a 40% lot coverage requirement.
2. ADU construction within the R1 zone district shall still be required to maintain owner occupancy within the ADU or principal dwelling unit. In other words, both units cannot be rented.

Recommendation – Council decision

Possible Appointment of Beautification Committee Member

Action Requested – *Will City Council appoint Francie Tisdell to the Beautification Committee?*

Background – There are still open seats on the Beautification Committee. Ms. Tisdell has applied to be committee member and her application is in the packet. The current Beautification Committee members have recommended that Council appoint Ms. Tisdell.

Recommendation – Council decision

P.O. Box 468
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Fax 970.325.7212
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DISCUSSION ITEMS:

Wastewater Treatment Plant Project – Council directed staff to get additional peer reviews regarding plans for the wastewater treatment plant project. We were able to get 2 reviews and they are in the packet.

Potential Domestic Water Plant Project – Mayor Nelson requested this discussion item due to the potential requirement by CDPHE to build a water treatment facility.

Via Ferrata Rules – there has been a request from the Friends of the Ouray Via Ferrata (FOVF) to adopt Via Ferrata Rules by Ordinance. The rules was included as an exhibit in the agreement between the City and FOVF.

Staff Appreciation Picnic – this item was requested by Mayor Pro Tem Wood so that Council may discuss holding this event for staff.

Future Agenda Items

**CITY OF OURAY
ORDINANCE 2020-10**

**A STANDALONE EMERGENCY ORDINANCE OF THE CITY OF OURAY
EXTENDING ORDINANCE 2020-06, 2020-07 AND 2020-08 THROUGH THE
PENDENCY OF THE LOCAL DISASTER EMERGENCY DECLARATION
ISSUED ON MARCH 16, 2020 WITH EXCEPTIONS FROM NOVEMBER 1
UNTIL MAY 1.**

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, City Council passed three emergency ordinances to allow businesses and the public to utilize outdoor space for dining, picnicking, and shopping;

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 15, 2020, Emergency Ordinance 2020-07 was passed to suspend encroachment permit fees and time limits for Temporary Encroachment Permits for sidewalk sales and tables and chairs;

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, the three emergency ordinances expire on September 12, 2020;

WHEREAS, City Council desires to extend all three ordinances with exceptions for winter months throughout the pendency of the local disaster emergency declared on March 16, 2020; 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 the local disaster emergency declaration is rescinded or upon such further action of this Council.
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 throughout the pendency of the local disaster emergency declared on March 16, 2020 except that this Ordinance 2020-06 shall be suspended from November 1, 2020 until May 1, 2021;
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 2020-07 is hereby extended and will remain in effect throughout the pendency of the local disaster emergency declared on March 16, 2020 except that Ordinance 2020-07 shall be suspended from November 1, 2020 until May 1, 2021;
7. Ordinance 2020-08 is hereby extended and will remain in effect throughout the pendency of the local disaster emergency declared on March 16, 2020.

CITY OF OURAY

By: _____ Date: _____
Greg Nelson, Mayor

ATTEST:

_____ Date: _____
Melissa M. Drake, City Clerk

320 6th Avenue
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Ouray, Colorado 81427



970.325.7211
Fax 970.325.7212
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TO: Ouray City Council
FROM: Aja Tibbs, Community Development Coordinator
DATE: September 8, 2020
SUBJECT: ADU Code Amendment

REQUEST

To consider making a code amendment to the Ouray Land Use Code Section 7-2 for the definition of an Accessory Dwelling Unit ("ADU"); Sections 7-5-J-6 regarding ADU regulations and incentives; 7-5-E-3-d-iii-2, 7-5-E-4-e-iii-2 and Table 7-5-D regarding dimensional standards applicable to ADU's.

BACKGROUND

The Planning Commission, by direction of the City Council, has been exploring incentives for housing development within the City. The Planning Commission has been focusing on Accessory Dwelling Units ("ADU") to meet this Council direction. The Planning Commission provided direction to staff on changes to the ADU zoning requirements during the January, February and March meetings. At the March meeting Planning Commission made a recommendation regarding the proposed amendments which were generally outlined below.

1. Providing long-term workforce housing.
2. Increasing the size to allow for up to 1,200 sq. ft. and a three bedroom unit.
3. Removing the owner occupancy requirement of either the primary unit or ADU.
4. Allowing an ADU on any size lot in the city.
5. Not counting the ADU floor area in the maximum floor areas allowed in each zone district.
6. Allowing for on-street parking.

In preparation for the City Council review, staff and legal counsel discussions revealed additional issues that the Planning Commission may want to consider before finalizing their recommendation. Staff brought the proposed ordinance and issues before the Planning Commission at the July 14th meeting. The general direction to staff was in support of the parking regulations and reorganization of the ordinance. Direction was also given to hold the deed restriction or covenant in perpetuity. However, during the discussion of lot coverage some members of the commission became concerned with the minimum lot size exemption. Specific concerns arose regarding the allowance of ADU's on non-conforming (small) lot sizes. Through addition discussion and study the commission modified the proposed ordinance as follows:

1. ADU constructed on lots within the R1 zone district shall still be required to meet a 40% lot coverage requirement.

2. ADU construction within the R1 zone district shall still be required to maintain owner occupancy within the ADU or principal dwelling unit. In other words, both units cannot be rented.

These changes have been reflected in the proposed draft ordinance accordingly, and a summary of the final proposed amendment is provided below.

SUMMARY OF PROPOSED AMEDMENT

A summary of the proposed changes is provided below. Refer to the draft Ordinance for the specific regulations being proposed. A copy of the current ADU regulations have also been attached for your reference.

1. **Section 7-2.** The definition of an ADU is changing to allow for up to 1,200 sq. ft., with the current limit at 1,000 sq. ft.
2. **Section 7-5-J-6 Opening Paragraph.** A purpose statement has been added to the opening section. A reference was also added that ADU have to meet the dimensional standards in Table 7-5-D. Also clarifying that ADU qualify for certain exceptions to Table 7-5-D as outlined below.
3. **Section 7-5-J-6-a.** Deleting not needed or redundant requirements. Also clarifying that ADU require a primary unit to already exist or be proposed with the ADU.
4. **Section 7-5-J-6-b.** Increasing the maximum floor area from 1,000 sq. ft. to 1,200 sq. ft. which should allow for up to a three bedroom unit. Also deleting a requirement that either the ADU or the primary unit be owner occupied as an incentive to providing an ADU on second home or short-term rental properties.
5. **Section 7-5-J-6-c.** Addressing how the construction of ADU is exempted or adjusted within the Table 7-5-D standards. ADU are exempt from the minimum lot size requirement (except in R1), will not apply to the maximum square footage, and the site coverage requirements are adjusted and only apply to ADU in the R1 zone district.
6. **Section 7-5-J-6-d.** Establishing standards for allowing on-street parking as an incentive for ADU, and clarifying criteria for staff to determine if and what type of on-street parking is appropriate.
7. **Section 7-5-J-6-e.** No change. (water and sewer service)
8. **Section 7-5-J-6-f.** Requires a deed restriction or covenant, in perpetuity, for the ADU in exchange for the incentives discussed herein. The restriction would require that all future ADU be rented to persons working 32 hours or more within Ouray County or work remotely, and increases the rental period from 30 days to a minimum of 90 days to provide long-term workforce housing. Lastly, that the ADU must be owned together with the principal unit on the property, and in the R1 zone district must be owner occupied. *Note: Enforcement for this type of restriction takes significant staff time and resources, however, it is the only method of monitoring non-physical restrictions such as ownership, employment, and rental length.*
9. **Section 7-5-J-6-g.** No change. (conversion of an existing home to an ADU)
10. **Section 7-5-E-3-d-iii-2. Maximum Floor Area.** Exempting ADU from the maximum floor area requirement in the R1 zone district.
11. **Section 7-5-E-4-e-iii-2 Maximum Floor Area.** Exempting ADU from the maximum floor area requirement in the R2 zone district.
12. **Table 7-5-D.** Proposed changes include an allowance for an ADU on any lot; not counting an ADU towards the maximum allowed density; and not counting ADU floor area towards the maximum floor area or the lot coverage requirement, except on lots in the R1 zone district which do not meet the minimum lot size shall be required to meet a 40% lot coverage maximum.

STAFF RECCOMENDATION

Staff finds that the proposed code amendment will help to provide diversity to the size and scope of rental residential units within Ouray. Furthermore, staff finds that the revised regulations will help to remove development barriers for ADU while also restricting them to ensure they are reserved for workforce housing. Significant time has been spent by both staff and the Planning Commission to consider the physical impacts of the additional density the code amendment proposes, and believe that it strikes a necessary balance between the need for additional housing and Ouray's built environment. An Ordinance has been drafted for the City Council's consideration to amend the regulations as summarized within this report.

Legal counsel has reviewed the draft ordinance and minor revisions have been included in the draft. Staff would like to point out that additional concern has arisen by legal counsel regarding the term of the covenant or deed restriction being set in perpetuity. This will be additionally discussed at the public hearing.

OPTIONS FOR THE CITY COUNCIL

Options for the City Council are as follows:

1. Approve the First Reading of the Ordinance as drafted;
2. Approve the First Reading of the Ordinance with specific changes by adding or modifying the code amendment language;
3. Continue the matter to a specific date; or
4. Deny the draft Ordinance and the Planning Commission recommendation to amend the ADU regulations.

Note: The draft ordinance repeals and removes the existing ADU regulations. This means that all new ADU will be required to comply with the new regulations. Any existing ADU constructed prior to the date of this ordinance would become either legal or illegal non-conforming structures (illegal if they were not originally constructed in accordance with the regulations applicable at that time). Non-conforming regulations can be found in section 7-6 of the Municipal Code.

ATTACHMENTS

Exhibit A: Draft Ordinance

Exhibit B: Planning Commission Resolution 2020-03 (w/exhibit)

Exhibit C: Current ADU Regulations – Section 7.5.J

CITY OF OURAY

ORDINANCE NO. 11 (Series 2020)

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 WORK FORCE HOUSING 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 finds that the construction of ADUs in the City of Ouray may provide more residential housing options on existing and already developed properties given vacant land within the City is limited for new construction;

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 are fulfilled and monitored over time; and

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. An ADU which meets the criteria of this paragraph is allowed as an accessory use to a dwelling unit in the R-1, R-2, C-1 and C-2 districts provided that such ADU conform to the applicable requirements of said Districts and Table 7-5-D (subject to exceptions listed below).

- a. An ADU can only be proposed when a primary dwelling unit exists or is proposed as a part of the same building permit. ADUs may be attached or detached to the primary 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.
- c. Table 7-5-D exceptions. 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 as long as 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 into a deed restriction or land 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, and be rented out to a person who is working 32 hours or greater in either a business within Ouray

County, or be working remotely (telecommuting) for a business that is located outside of the city.

- 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 in perpetuity and shall not expire unless the ADU is removed and approved by the city in writing.
- g. A dwelling unit meeting this ADU criteria, may be converted to an ADU following construction of a new primary dwelling unit.

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.

	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.f.t. 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 8th day of September 2020.

CITY OF OURAY, COLORADO

By _____
Greg Nelson, Mayor

ATTEST:

Melissa M. Drake, City Clerk

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

CITY OF OURAY, COLORADO

By _____
Greg Nelson, Mayor

ATTEST:

Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

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

Melissa M. Drake, City Clerk

**PLANNING COMMISSION RESOLUTION NO. 2020-03
CITY OF OURAY, COLORADO**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OURAY MAKING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF OURAY TO APPROVE AN AMENDMENT TO SECTION 7-2 DEFINITIONS; 7-5-J-6 ACCESSORY DWELLING UNITS; SECTION 7-5-E-3 RESIDENTIAL DISTRICT R1; SECTION 7-5-E-4 RESIDENTIAL DISTRICT R2; AND TABLE 7-5-D DIMENSION REQUIREMENTS OF THE OURAY LAND USE CODE FOR THE PURPOSE OF INCENTIVIZING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ADU).

WHEREAS, The City Council has directed the Planning Commission to explore incentives to increase opportunities for residential construction within the City of Ouray; and

WHEREAS, the Planning Commission has recognized that the construction of accessory dwelling units help to diversify the housing stock on existing and already developed properties for communities that are limited in land available for construction; and

WHEARAS, the Planning Commission has held multiple work sessions with staff to identify the needed changes and limitations within the current ADU regulations; and

WHEARAS, the Planning Commission also feels that while allowing incentives to encourage the construction of ADU, they must also place restrictions on the units to ensure that the purpose of these incentives are fulfilled and monitored over time; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Ouray hereby makes a recommendation of approval to the City Council to amend the Ouray Land Use and Development Code as outlined in the attached Exhibit A with the following conditions:

1. That the amendment require owner occupancy in at least one of the residential units for properties within the R1 zone district; and
2. That the planning commission meet with staff on August 18th to provide staff with further direction regarding the lot coverage requirements for lots not meeting the minimum lot size.

ADOPTED by the Planning Commission of the City of Ouray at its regular meeting on August 11, 2020 by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0

APPROVED:

Jeff Skoloda, Chairman

ATTEST:

Beverly Martensen, Deputy Clerk

Exhibit A

Proposed Amendments to Ouray Land Use Code

Section 7-2 Definitions

Accessory Dwelling Unit 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 7-5-J-6 Accessory Dwelling Units

Accessory Dwelling Units (“ADU”) are intended to provide workforce housing for long-term occupancy. ADU which meet the criteria of this Subsection may be allowed as an accessory use to a principal residential unit in the R-1, R-2, C-1 and C-2 districts provided that such ADU conform to the applicable requirements of said Districts and Table 7-5-D (subject to exceptions listed below).

- a. An ADU can only be proposed when a primary dwelling unit exists or is proposed as a part of the same building permit. ADUs may be attached or detached to the principal residential unit. Only one ADU is permitted per property.
- b. The ADU may not exceed 1,200 square feet of living area, excluding garage floor area.
- c. Table 7-5-D exceptions. 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.
- 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 section 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 accessory dwelling unit 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 into a deed restriction or land 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, and be rented out to a person who is working 32 hours or greater in either a business within Ouray County, or be working remotely (telecommuting) for a business that is located outside of the city; and
 - 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; and
 - iii. The restriction shall be set in perpetuity.
- g. A dwelling unit constructed as a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.

7-5-E-3 Residential District R1

7-5-E-3-d-iii-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 maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures 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, maximum floor area gross 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 constructing and providing such units.

7-5-E-4 Residential District – High Density – R2

7-5-E-4-e-iii-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 maximum floor area gross shall not be more than 10% greater than the average floor area of primary structures, 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. Accessory dwelling unit floor area shall not be included in the maximum floor area limit as an incentive to constructing and providing such units.

Table 7-5-D Dimensional Requirements (Please refer to following pages)

	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.*	7,100 s.f.*	7,100 s.f.*	3,500 s.f.	7,100 s.f.*	7,100 s.f. for any use
Maximum Density	Not applicable	Not applicable	3,500 s.f./D.U.*	2,370 s.f./D.U.* 790 s.f./L.U.	3,550 s.f./D.U.* 1,183 s.f./L.U.	Not applicable	3,550 s.f./D.U.* 1,183 s.f./L.U.	3,550 s.f./D.U.* 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

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

	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.	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.	10,650 s.f.t.	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.	15,000 sq. ft.	15,000 sq. ft.
Maximum Site Coverage	5%	5%	30%.*	50%*	40%*	90%	50%	40% for residential use 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.

*ADU meeting section 7-J-5-6 does not contribute to maximum square footage requirements. ADU constructed onto a second story of an existing structure allows for a 10% increase in the maximum site coverage requirement.

Current ADU Regulations

6. Accessory Dwelling Units

Dwelling units which meet the criteria of this Subsection may be allowed as an accessory use to a principal residential unit in the R-1, R-2, C-1 and C-2 districts provided that the dwelling units conform to the applicable requirements of said Districts.

- a. The accessory dwelling unit must be constructed in accordance with applicable requirements of Code adopted by the City pursuant to Chapter [6](#) of Ouray Municipal Code. It may be attached or detached to the principal residential unit. Applicable dimensional requirements for a single family dwelling as set out in Table 7-5-D must be met for the premises.
- b. One off-street parking space shall be provided for the accessory unit in addition to any other required off-street parking.
- c. The accessory dwelling unit may not exceed 1,000 square feet of living area.
- i. One of the dwelling units on the property must be, and remain, owner occupied. If the other dwelling unit is rented, a minimum of a 30-day rental period shall be required by written lease.
- d. 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.
- e. The accessory dwelling unit 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. The burden shall be upon the owner of any accessory dwelling unit to provide adequate proof to the City that the criteria of this Section are met. In the event that the City determines that the criteria have not been shown to be satisfied the unit may not be occupied as a residence.
- g. A dwelling unit constructed as a principal single-family home, which meets these criteria, may be converted to an accessory dwelling unit following construction of a new principal dwelling unit.

From: [Joe Coleman](#)
To: [Melissa Drake](#)
Subject: Peer Review
Date: Tuesday, September 1, 2020 7:15:44 PM
Attachments: [Ouray WWTP Master Plan Recommendation and Cost Estimate Preliminary Review.pdf](#)
[image004.png](#)
[image007.png](#)

Hi Melissa,

Attached is the peer review put together by Carollo Engineering. This review was provided at no cost to the City.

Also below is my current understanding of where we stand in the process:

- City needs to decide on if they are pursuing the general permit route, as JVA recommended – this will help with less stringent copper limits
- City needs to decide on solids dewatering
 - JVA to prepare and submit updated PNA if City is pursuing solids dewatering
- JVA to respond to PNA review letter informing CDPHE of general permit route and ability to meet less stringent copper limits
- CDPHE issues PNA approval
 - Need direction/clarification from CDPHE on Environmental Assessment Requirement
- After PNA approval, JVA would apply for a general permit
- After receiving the response on the general permit, then JVA would submit the site application

If we cannot move forward from here then my recommendation is to go out with an RFP for a feasibility study for design and construction of a new Wastewater Treatment Plant for the City of Ouray. We can review after submittals and pick a new engineer that Council is comfortable with, keeping in mind this will set us back.

As I have mentioned before, if the City continues to move at the current pace on this project it is just a matter of time until CDPHE steps in and gives us a compliance action plan. I can tell you that this happened in Durango when I was there, although I was not directly involved in the process I get to witness first-hand how this effects decision making as well as the final product.

Thanks,



Joe Coleman
Public Works Director
P: 970-325-7074
City of Ouray
P.O. Box 468 / 320 6th Ave.
Ouray, CO 81427
[Outdoor Recreation Capital of Colorado](#)

Opportunity is missed by most people because it
is dressed in overalls and looks like work –
Thomas Edison

August 31, 2020

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

Subject: City of Ouray Wastewater Treatment Plant Master Plan Recommendations Peer Review

Dear Mr. Coleman:

The City of Ouray requested a cursory peer review of the City of Ouray (City) Wastewater Treatment (WWTP) Master Plan (Master Plan) conducted by JVA Engineers, Inc. dated December 2018. This evaluation consisted of a review of the secondary treatment alternatives evaluated in the Master Plan and a review of the validity of the total project cost for the selected alternative. The treatment alternatives considered in the Master Plan included sequencing batch reactor (SBR); moving bed biofilm reactor (MBBR); and a proprietary activated sludge process, Sequox (Sequential Oxidation) provided by Aeromod.

The recommended MBBR alternative is an appropriate secondary treatment process for the City's WWTP to provide additional capacity, increase process automation, and meet proposed stringent effluent ammonia nitrogen discharge limits as documented in the Master Plan. The design 5-day biological oxygen demand (BOD_5) and ammonia nitrogen loads are 0.63 kilogram per cubic meter per day (kg/m^3-d) and 0.085 kilogram of Nitrogen per cubic meter per day (kgN/m^3-d), which are within typical MBBR design values for combined BOD removal/nitrification systems to achieve low effluent ammonia nitrogen concentrations. This process is used at the Wray WWTP and achieves an effluent ammonia nitrogen concentration less than 1 mgN/L.

It is recommended that the following be addressed in the basis of design of the recommended MBBR process for the Ouray WWTP:

- The facility layout should include provisions for addition of a pre-anoxic zone and internal recycle pumps to achieve denitrification should total inorganic nitrogen or total nitrogen discharge limits be imposed in the future.
- The physical configuration should include provisions to take any of the three MBBR stages out of service for maintenance if needed. The site layout shown in Figure 17 of the Wastewater Master Plan represents one train of a carbon removal reactor followed by two nitrification reactors in series. A redundant train could be included, as cited in the Wastewater Master Plan, or piping could be included to bypass any reactor.
- The relative benefits of the recommended disc filter and clarifier should be reevaluated for a stand-alone MBBR system. The MBBR biofilm process does not eliminate solids in the reactor effluent, so the solids removal process needs to handle the range of anticipated reactor effluent solids concentrations. If the clarifier approach is determined to be more suitable, provisions for a future tertiary treatment filter should be made if low total phosphorus discharge limits are imposed in the future.

The total project costs in the Master Plan for the recommended alternative totaled \$15 million dollars, which included solids processing and lagoon decommissioning. Excluding solids handling and decommissioning,

Page 2

the total project costs in 2018 were estimated at \$12.2 million. Adjusting each of these values for inflation to 2020 dollars using a 3 percent inflation rate, the cost range is \$12.9 and \$15.9 million. Based on Carollo's preliminary review these estimates are within the range of anticipated costs for the project as scoped in the Master Plan. Carollo Engineers, Inc. reviewed the cost estimates to confirm estimated costs were appropriate as compared to recent construction experience. Additional contingencies were added as appropriate to develop preliminary estimates which ranged from \$12.9 million (excluding the solids handling portion of the project) to \$16 million with the recommended solids portion included in the scope of work. Project costs will depend heavily on the timing of construction, project delivery approach (hard bid, construction manager at risk, design build, etc.), market factors impacting labor, and the scope of the project as identified during the preliminary design efforts. Carollo's recent experience with mountain construction indicates that construction costs are variable and additional contingency at the planning stages are advised.

Please note, Carollo has no control over the cost of labor, materials, equipment or services furnished by others, over the incoming water quality and/or quantity, or over the way the City's plant and/or associated processes are operated and/or maintained. Estimates are based on Carollo's opinion based on experience and judgment. Carollo cannot and does not guarantee that actual costs and/or quantities realized will not vary from the projections and estimates. Carollo will not be liable to and/or indemnify the City and/or any third party related to any inconsistencies between Carollo's estimates and actual costs and/or quantities realized by the City and/or any third party in the future.

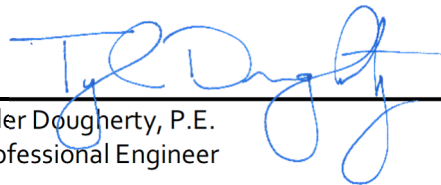
The recommendations and discussions provided in this letter are preliminary. An expanded review of the recommendations and possible alternatives related to the permit limits associated with a general discharge permit approach can be provided if requested. If this is of interest or there are any follow up questions on the recommendations provided in this letter, please contact Leanne Miller at 720.878.8465

Sincerely,

CAROLLO ENGINEERS, INC



A. Ron Appleton, Jr. P.E.*, BCEE
Principal Technologist



Tyler Dougherty, P.E.
Professional Engineer

*Professional Engineer registered in California

CC: Leanne Miller, P.E.

From: [James Plumb-Starnes](#)
To: [Melissa Drake](#); [Joe Coleman](#)
Cc: [Doug Schwenke](#); [Mark Valentine](#)
Subject: JDS-Hydro: WWTF Peer Review
Date: Thursday, September 3, 2020 10:52:34 AM
Attachments: [JDS-Hydro WWTF Peer Review.pdf](#)

Good morning Melissa, Joe,

Attached is a technical memorandum which summarizes our peer review of the WWTF project proposal. The Executive Summary captures the bulk of our thoughts on whether what has been proposed is appropriate from both a financial and technical standpoint. Subsequent sections offer additional detail. Finally, we took the liberty of generating a hypothetical 20-Year Cash Flow Projection based on an alternative phased implementation scenario we describe. This 20-Year Cash Flow projection is included as Attachment 1.

On behalf of Doug Schwenke and JDS-Hydro, we appreciated the opportunity to review the project and provide this evaluation. JDS-Hydro is impressed by the City's commitment to invest in itself, and commends the City's efforts to plan carefully. We feel it important that we reiterate that if the City of Ouray is committed to invest in a complete new WWTF now, even if it meant/means rate increases beyond what has been presented in Cash Flow projections thus far, JDS-Hydro has no reason to suspect that JVA and a qualified contractor in a CMAR arrangement would fail to deliver a product that meets treatment objectives and serves the community into the future.

If you have any questions, concerns, or would like to discuss any elements of our efforts, please do not hesitate to contact me directly – 517.449.6710.

Sincerely,

James Plumb-Starnes, P.E.

JDS-HYDRO CONSULTANTS, INC.

5540 Tech Center Dr., Suite 100

Colorado Springs, CO 80919

Office: 719-227-0072 Ext. 101 | Cell: 517-449-6710 |

Excelling in municipal water and wastewater solutions

www.jdshydro.com

jpstarnes@jdshydro.com

Technical Memorandum

To: Melissa Drake, Joe Coleman – City of Ouray
From: Douglas E. Schwenke, P.E.
Copy: Peter Foster P.E., Hayes Lenhart P.E. – WWE
Date: September 3, 2020
Subject: City of Ouray – Review of Proposed WWTF Replacement Plan

Executive Summary

The City of Ouray (The City) is considering imminent replacement of the existing wastewater treatment facility (WWTF). As presented in an evaluation of the existing WWTF in its December 2018 Wastewater Treatment Master Plan report, JVA Consulting Engineers, Inc. (JVA) draws the following conclusions:

- The existing WWTF is approaching the end of its useful life
- The capacity of the existing WWTF is inadequate given current and projected loadings
- Performance reliability of the existing WWTF is inadequate

These conclusions are understood to be the motivating factors for immediate and complete WWTF replacement. JVA has proposed employment of a Moving Bed Biofilm Reactor (MBBR) treatment process at a cost of between \$12.5-13.2 million. JDS-Hydro Consultants, Inc. (JDS-Hydro) was retained to comment on whether what has been proposed seems appropriate from both technical and financial standpoints.

Generally, from a technical standpoint alone, and based on the information available, JDS-Hydro has found no reason to object with employment of an MBBR process. However, JDS-Hydro suggests consideration of phased implementation. Phase I efforts would maximize the lifespan and improve performance of the lagoons. This would include, at a minimum, construction of a new headworks facility that incorporates equalization and making any electrical improvements necessary to ensure adequate aeration within the lagoons. Additional near-term efforts may include supplemental improvements to disinfection and removing solids within the lagoons. Phase I would take into consideration subsequent (i.e. Phase II) efforts, both timing and content.

Concerns over performance, capacity and the integrity of the lagoon liners are legitimate. Lagoons are not without shortcomings and current loadings warrant planning for expansion. However, according to an April 2019 letter report by Wright Water Engineers, Inc., seepage from the liners does not appear to exceed the current CDPHE allowable seepage rate. Furthermore, while violations have occurred historically, those violations have largely been addressed by more recent improvements to aeration and disinfection. Phase I efforts should further improve performance and reliability of the existing lagoon system. Finally, design of a WWTF is entirely data driven. Yet, flow and organic loading data are suggestive of inflow and infiltration (I&I). Moreover, the WWTF collects about 30% of the water leaving the Water Treatment Plant. This ratio is significantly less than JDS-Hydro would expect. JDS-Hydro would prefer to have greater confidence in current and projected loadings before fully supporting complete WWTF replacement.

Potential benefits of postponing complete WWTF replacement are two-fold. Firstly, the City of Ouray may be able to better position itself financially. Secondly, in the interim between headworks replacement and lagoon replacement, the City of Ouray could perform peripheral water/wastewater system efforts that could have meaningful impacts on planning and design. These efforts include:

- Perform Inflow and Infiltration (I&I) Study

- Water System Service Meter Installation
- Make Collection System Repairs and Improvements, as necessary
- Continue Hydraulic and Organic Loading Data Collection
- Develop a Comprehensive Capital Improvement Plan (CIP)
- Perform Detailed Rate Study that Accounts for CIP Implementation

From a financial standpoint, the project evaluated in isolation of other water/wastewater system capital improvement needs would still represent a significant financial burden for the City of Ouray. According to a 20-year cash flow projection included in a Project Needs Assessment (PNA) compiled by JVA, debt service to pay for replacement of the WWTF in 2021/2022 may require a wastewater service fee increase in 2022 from \$63.06 to \$78.06. This is consistent with JDS-Hydro's conclusion from a study of the WWTF replacement project performed on behalf of DOLA in 2019. This 2022 rate increase would come on top of a 2019 wastewater service rate increase from \$35.34 to \$63.06. Depending on other Capital Improvement needs, sewer service rates could get pushed even higher in the near term (0-10 years, See Attachment 1). A sewer service base rate of \$78.06 would not be an outlier compared to other communities, and periodic rate increases are common. Whether the community is prepared to absorb an additional increase at this time is beyond the purview of this evaluation, but JDS-Hydro believes the possibility of additional near-term increases should be considered.

It is also unclear whether the PNA 20-year cash flow projection accounts for time-adjusted O&M expenses or other sewer enterprise operating expenses as detailed in the City's annual financial audits. It is understood that WWE is currently working to update a Capital Improvement Plan (CIP) for both water and wastewater utilities. In WWE's draft July 2019 CIP, additional capital needs are presented that may put pressure to raise service rates even further. JDS-Hydro would prefer to have greater confidence in necessary near and medium-term capital efforts, reflected in a detailed rate study, prior to fully supporting complete WWTF replacement.

In conclusion:

1. Based on available information, JDS-Hydro suggests a phased replacement of the WWTF may be prudent. As described above, a phase approach would be aimed at maximizing the lifespan of the lagoons and enhancing lagoon performance. Meanwhile, City of Ouray is granted time to compile an overall CIP, better position itself financially, potentially make collection system improvements and collect data that could aid critically in design of subsequently constructed treatment elements. Whether subsequently constructed treatment elements are constructed in one or more phases would not require commitment prior to Phase I implementation.
2. From a purely technical perspective, JDS-Hydro has been presented no information warranting the opinion that JVA would fail to deliver a quality product nor that the proposed MBBR process is ill suited to meet treatment objectives.

Within the body of this memorandum, JDS-Hydro expands upon technical and financial aspects of the project. A hypothetical 20-year cash flow projection is presented with assumptions as ***Attachment 1***.

Phase 1 – Suggested Scope and Peripheral Efforts

- Replace existing headworks and expand influent equalization
- Electrical Improvements, as needed now and compatible with a future MBBR facility
- (Disinfection Improvements)
- (Pond Sludge Removal)
- Inflow and Infiltration Study
- Water System Service Meter Installation (Information used to support loading assumptions for design)
- Collection System Repairs and Improvements based on I&I study
- Continue hydraulic and organic loading data collection
- Development of comprehensive Capital Improvement Plan (CIP)
- Detailed rate study that accounts for CIP implementation

Background

JDS-Hydro Consultants, Inc. (JDS-Hydro) was asked by the City of Ouray to review and comment on the proposed JVA Consulting Engineers, Inc. solution for replacement of the existing lagoon wastewater treatment facility (WWTF) with a new Moving Bed Biofilm Reactor (MBBR) treatment process. Specifically, JDS-Hydro was asked whether the MBBR solution proposed is appropriate from technical and financial standpoints. The proposed MBBR solution was evaluated against the following criteria:

- Feasibility of planned facility to meet proposed effluent limits
- Constructability of the proposed facility
- O&M efficiency of facility given resources available to the City of Ouray wastewater department
- Provide opinion if facility is the correct means of meeting the proposed effluent limits given the size of Ouray's rate payer base (both in capital costs and O&M costs)
- Provide overall comments, opinions, and recommendations regarding proposed WWTF plan

Fundamentally, JDS-Hydro has interpreted the City's request as, 'Is this the right investment at the right time'? JDS-Hydro does not suspect WWTF design engineer JVA would fail to deliver a quality product. JDS-Hydro also understands that second opinions in Engineering can provide real value, if for no other reason to reaffirm initial assumptions. Contained herein is a summary of observations, questions, opinions and suggestions. This document is not necessarily intended to provide answers, rather present information the City of Ouray can use to make an informed decision.

JDS-Hydro has organized its review efforts into the following categories – Planning, Technical, Constructability, Operations and Maintenance, Financial. **Attachment 1** presents a hypothetical 20-year cash flow projection and underlying assumptions based on the phased replacement plan discussed in the executive summary.

Documents Reviewed

Documents provided by the City of Ouray to JDS-Hydro for review are listed here for reference.

- JVA Consulting Engineers Wastewater Treatment Master Plan
- Three (3) City Council Presentations by JVA Consulting Engineers
 - Ouray WWTP Expansion Alternatives Analysis – July 1, 2019
 - Ouray WWTP Expansion – August 27, 2019
 - Ouray WWTP Expansion Next Steps – September 24, 2019
- JVA Work Session Materials – August 12, 2019
- CDPHE Project Needs Assessment (PNA) for Ouray WWTP
- Wright Water Engineers Draft City of Ouray Water and Wastewater Capital Improvement Plan (CIP) project list – July 10, 2019
- Leonard Rice Engineers, Inc WWTF PEL Review

Planning

JDS-Hydro attempted to review the proposed project from the perspective of a District Engineer. JDS-Hydro serves as District Engineer for several communities in the State of Colorado. In this role JDS-Hydro supports and guides clients with consideration given to the entirety of client's utility responsibilities, staffing and financial needs and limitations. This means not solving individual problems in isolation of others. The following are general thoughts and opinions regarding the proposed project from a planning perspective:

- Concerns over the condition of lagoon liners are legitimate. Other understood concerns include operations being challenged to keep the influent bar screen clean, and the electrical system periodically unable to keep up with aeration power demand, which can result in septic conditions and objectionable odor issues.
- However, based on available performance and loading data, JDS-Hydro is not convinced of the urgency to replace the existing Lagoons. According to an April 2019 letter report by Wright Water Engineers, Inc., seepage from the liners does not appear to exceed the current CDPHE allowable seepage rate. Furthermore, while violations have occurred historically, according to the EPA only four have occurred in the past three years with the last significant violation (Category 1 Noncompliance) occurring in 2017, which appears to be related to failure of disinfection equipment. It is understood that upgrades to disinfection equipment were made and while improvements to disinfection equipment may yet be warranted, no violations relating to the performance of the disinfection process have occurred since.
- Design of a WWTF is entirely data driven. Flow and organic loading data are suggestive of inflow and infiltration (I&I). Moreover, the WWTF collects about 30% of the water leaving the Water Treatment Plant. Though it does agree that the timing is right to be planning for replacement, improvements, or expansion, JDS-Hydro would prefer to have greater confidence in current and projected loadings before fully supporting the proposed project schedule.
- If performance issues that occurred largely in 2015 and 2016 were still being observed, JDS-Hydro may be more inclined to agree with the sense of urgency. Both JVA and Wright Water Engineers, Inc (WWE) have recommended an I&I study and installation of flow meters on each water system service connection. JDS-Hydro concurs with both. If possible, JDS-Hydro recommends completing an I&I study and installing flow meters prior to WWTF replacement. The additional information could aid in design of the new WWTF. Even if the final product remained largely unchanged, real value exists in eliminating uncertainty and confirming assumptions whenever possible.

Technical

In reviewing technical aspects of the proposed MBBR solution, JDS-Hydro focused on the project in isolation of non-WWTF related financial or planning considerations. The focus was whether the project would meet treatment objectives and offers flexibility for future modifications, additions and/or expansion. Currently, the design is preliminary in nature and thus technical information available to review is limited. Below are JDS-Hydro's initial thoughts and considerations regarding technical elements of the MBBR solution.

- From a technical standpoint, the MBBR process as understood appears a reasonable recommendation. Based on a review of the JVA Alternatives Analysis and anticipated treatment targets (i.e preliminary effluent limits), JDS-Hydro believes the selection of MBBR and supporting process technology will adequately meet initial treatment targets.
- While the solution is more sophisticated than the existing lagoon system, process control of an MBBR facility is less involved than other replacement options evaluated.
- Moreover, and importantly, if done correctly, MBBR design could readily accommodate process modifications or capacity expansion.
- JDS-Hydro understands the existing design is preliminary in nature. That said, based on what has been presented in the 2018 Master Plan report and subsequent alternative analysis presentations, JDS-Hydro offers the following suggestions:
 1. BNR/Nitrogen Removal: As proposed, the secondary treatment component may not ensure compliance with the anticipated 2-year rolling average for Total Inorganic Nitrogen (TIN = 33 mg/L). Furthermore, compliance with the TIN drinking water standard (TIN = 10

mg/L) now or in the future may be required. Design flexibility should allow for process modifications targeting nitrogen removal regardless whether Alternatives Analysis efforts relax the effluent TIN limit initially.

2. Phosphorus: A limit of 3.9 is presented as an anticipated effluent limit. While it is possible that the treatment system as proposed would meet this limit, JDS-Hydro suggests design be able to accommodate incorporation of enhanced biological phosphorus removal or addition of phosphorous precipitation ahead of proposed disc filters.
3. Metals/Phosphorus: Until greater certainty exists as to effluent limits used in design, JDS-Hydro recommends that WWTF site planning take into consideration the potential need for tertiary treatment for metals and/or phosphorus.
4. MBBR redundancy: It is understood that the current design incorporates a fully redundant second treatment train. JDS-Hydro suggests consideration of design that allows for individual basins to be taken offline, or three (3) parallel trains each representing 50% capacity. This would represent a 50% reduction in treatment volume from two parallel trains each representing 100% capacity.
5. Hydraulic Capacity: A benefit of MBBR process technology is that organic capacity increases as the amount of media in each basin (% fill) increases. Depending on the outcome of the City's PEL Alternatives Analysis efforts through Leonard Rice Engineers, it may prove financially and technically advantageous to design for a greater hydraulic capacity (e.g. 0.47 MGD) yet permit for and provide enough media to satisfy a capacity of 0.363 MGD. Based on PEL information provided metals limits may be less stringent at a lower hydraulic capacity rating.
6. Disc Filter Redundancy: 100% redundancy should be provided. Also, it may be prudent to size filters for potential phosphorus and/or metals removal.

Constructability

The comments presented here are very general in nature. Design materials reviewed are very preliminary in nature. JDS-Hydro has not reviewed a geotechnical report, nor a hydraulic profile of the proposed MBBR process and is not intimately familiar with the site.

- Dewatering: Based on proximity to Uncompahgre River, JDS-Hydro assumes groundwater will be encountered during construction. Without reviewing a Geotechnical Report, JDS-Hydro cannot comment on the specific challenge groundwater will pose. However, groundwater operations can be considerably expensive, especially if water requires treatment prior to discharge. Has this potential cost burden been accounted for?
- Wetlands: JDS-Hydro has not reviewed any specifics related to decommissioned wetlands. Were they decommissioned properly? Are there concerns over remediation and disposal? If there is a potential cost burden, has it been accounted for?
- Existing Ponds: JDS-Hydro understands the existing ponds will remain available for overflow capacity. Is any additional work needed to ensure liner service for continued use? Are there continued O&M costs associated with their maintenance and have they been accounted for in construction cost estimates?
- Hydraulic Profile: The proposed hydraulic profile should allow for process additions and future modifications.

Operation and Maintenance

- JDS-Hydro consulted a trusted contract operator to ask about the ability of two operators to maintain the system. JDS-Hydro concurs that one full time operator with help from a second is generous. However, the ability to manage the WWTF will be a function of other tasks and assignments. A couple considerations:
 1. What other responsibilities do the operators have? Are they also responsible for water treatment? Collections and distribution? Community Trash collection? Road maintenance?
 2. JDS-Hydro always encourages a community to have an ORC contingency plan. Especially when certification requirements are more advanced. It is understood that the ORC for the new WWTF will require Class B Certification.
- Sludge Disposal: JDS-Hydro would assume that sludge disposal is already accounted for but has not reviewed related material. Sludge disposal can present a considerable cost burden.

Financial

- In **Attachment 1**, JDS-Hydro has created a hypothetical 20-year Cash Flow projection based on available information. The 20-Year Cash Flow projection is based on a phased implementation of the proposed MBBR treatment solution. Assumptions used as a basis for its creation are also included. JDS-Hydro cannot guarantee the accuracy of these assumptions. Detailed financial planning on behalf of the City is beyond the scope of this memo report. The purpose of the 20-year Cash Flow projection is to assist in the City in fully understanding the financial commitment of replacing the existing WWTF.
- Whether the community is fully prepared for the financial commitment of the proposed WWTF, JDS-Hydro cannot speak to at this time. JDS-Hydro has attempted to review and evaluate financial information with a focus on contingency.
- From a financial standpoint, the project evaluated in isolation of other water system capital improvement needs would still represent a significant financial burden for the City of Ouray. According a Project Needs Assessment (PNA) compiled by JVA, debt service to pay for replacement of the WWTF in 2021/2022 would require a wastewater service fee increase in 2022 from \$63.06 to \$78.06. This is consistent with JDS-Hydro's conclusion from a study of the project performed on behalf of DOLA in 2019.
- Uncertainty exists as to the need for and potential timing of peripheral capital improvement efforts. Depending on other CIP efforts identified and the timing of their execution, additional rate increases may become necessary.
- Rate increases may be necessary simply to maintain the State Revolving Fund (SRF) rate covenant for SRF loans. The covenant stipulates that the borrower must maintain a 1.10 ratio of Total Revenues* minus Operating Expenses divided by annual debt service. Normally, depreciation would be deducted from the operating expenses, but without intimate knowledge of the equipment and infrastructure to be depreciated this variable has been omitted for now. Depreciation was not considered in this analysis.
- Within the PNA, a \$1.5 million capital improvement effort in 2029 is accounted for because that is the projected timing of having \$1.5 million available to pay for such an effort. If the improvement is related to I&I, this could impact loading to the WWTF. Typically, JDS-Hydro

would recommend performing warranted I&I efforts prior to committing to design of a WWTF unless driven by immediate need or a compliance schedule.

- The 20-Year Cash Flow projection presented in the PNA and the hypothetical 20-Year Cash Flow presented as ***Attachment 1*** both make some assumptions that are conservative, other assumptions that could prove problematic. For example:
 1. Example Conservative Assumption: The City does not receive an EIAF Grant. An EIAF Grant would lower the debt burden of complete or phased replacement.
 2. Example Potentially Problematic Assumption: Once the tap moratorium is lifted, the City will average an annual sale of 10 new taps per year. Both cash flow projections rely on a minimum 10 new taps per year. This number could also prove conservative, but based data presented in the Master Plan report recent growth within the City has slowed. Should growth remain slow, the City may be pressured to raise sewer service rates further.
- JDS-Hydro cannot speak to whether American Iron and Steel and Davis-Bacon requirements associated with SRF loan requirements are accounted for in construction cost estimates.

Attachment 1 : Hypothetical 20-Year Cash Flow Projection and Assumptions

Schedule

Event	Year
New Headworks and Equalization Designed and Permitted	2020/2021
Inflow and Infiltration Study	2020/2021
Rate Study	2020/2021
Capital Improvement Plan Finalized	2021/2022
Collection System Repairs	2022
New Headworks and Equalization Constructed	2022
Sewer Service Rate Increase	2022
Detailed WWTF Loading Data Collected	2022-2024
WWTF Secondary and Disinfection Systems Designed and Permitted	2024/2025
WWTF Secondary and Disinfection Systems Constructed	2026
Sewer Service Rate Increase	2026
TBD Capital Improvement Effort	2029
Sewer Service Rate Increase	2031

Financial Model Inputs

- **Inflation = 2.5%.** For simplicity, multiple inflation rates for labor, power, materials, etc. are not used
- **Interest Rate = 2.5%.** SRF rates according to CDPHE documentation have ranged from 1.86 to 4.6%. A rate between 2-3% was suggested by CDPHE in 2019 consultation with the Division
- **Loan Duration = 20 years**
- **Phase I Down Payment = \$1.5 million**
- **Phase II Down Payment = \$1.3 million**
- **Phase II Project Costs = JVA Alternative 4B and 4C**
- **Tap moratorium lifted in 2021. 10 Taps sold per year at \$7500/EQR**
- **2022 Collection System Repairs = \$1.5 million.** The repair of the sewer line wrapped into Loan Request for New Headworks and Equalization.
- **Construction Cost Estimates** for WWTF efforts based on JVA Estimates presented on pg 26 ("Alternatives Summary") of July 1, 2019 Council Meeting Presentation. Alternative 4B and 4C Estimated Costs were combined into single phase constructed in 2026.

- **Expenditures:** The following assumptions were made using 2016-2018 City of Ouray Financial Audits as guidance

Cell ID	Basis for Assumption
2019/2020 Total Expenditures	2018 Total Expenditures = \$522,555
2021 Total Expenditures	2021 Loan Downpayment + 2020 Total Expenditures
2020-2040 O&M Costs	JVA 20 Year O&M Projections for Alternative 4
2022-2026 Additional O&M Expenses	JVA 20 Year O&M Projections for Alternative 4 + Previous Year Total Expenditures
2026-2040 Additional O&M Expenses	JVA 20 Year O&M Projections for Alternative 4 + Previous Year Total Expenditures at 2.5% inflation

Additional Notes

- 2029 Sewer System Capital Improvement Effort = Assumed Cost of \$1.5 million
- The first \$1.5 M project is relining the sewer line feeding the facility. The repair of the sewer line is wrapped into Phase I.
- Relying on tap fees for the success of the program may not be sustainable. Past growth charts showed times of negative growth in the area
- Rate increases (2022 = \$15, 2026 = \$5, 2031 = \$5) are included in order to keep the Rate covenant ratio near or above 1.1. Their timing and the required increase is conjecture based on other assumptions and worth further consideration.
- CDPHE SRF Direct loans can be secured during a normal application cycle if the loan is under \$3M. Leverage loans go to market when CDPHE has ~ 10-15M in projects that need funding. Scheduling projects between those amounts can be difficult following the State Revolving Fund Lan Program Flow chart
- O&M Costs are for the WWTF. They are phased as the facility improvements are phased per JVA's August 2019 Workshop Materials Presentation
- Additional O&M Expenditures are representative of non-WWTF related Sewer Enterprise Fund expenses as presented in annual financial audits.
- Years highlighted in blue are done so because 'Additional O&M Costs' in 2022-2025 are estimates described in the table above. Years 2026-2040 are \$200,000 cost plus inflation.
- Debt Service in 2021 and 2025 include the down payments for the loan years
- Sanitary Sewer Fund Balance in 2025 and 2029 drops because of the Phase II down payment and a hypothetical TBD Capital Improvement Effort, respectively.
- ***It was assumed that because the lagoon liners were estimated to last until 2026 in the original report that all of them could make it until the 2026 project start***
- No specific large expenditures or equipment replacements are included in this evaluation. For example, blowers, sensors, equipment

Data	2019	2020	2021	2022	2023	2024
Model Year	0	1	2	3	4	5
# EQR	1351	1351	1351	1361	1371	1381
Sewer Service Rate per EQR	63.06	63.06	63.06	78.06	78.06	78.06
Number of new Taps			10	10	10	10
Revenue						
User Charge Revenue	\$ 1,022,245	\$ 1,022,245	\$ 1,022,245	\$ 1,274,773	\$ 1,284,140	\$ 1,293,507
Tap Fees	\$ -	\$ -	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
Total Revenues	\$ 1,022,245	\$ 1,022,245	\$ 1,097,245	\$ 1,349,773	\$ 1,359,140	\$ 1,368,507
Expenditures						
Capital Improvements						
O&M Costs		\$ 165,400	\$ 169,200	\$ 173,100	\$ 315,300	\$ 322,400
Additional O&M Costs				\$ 399,853	\$ 256,463	\$ 264,157
Debt Service			\$ 1,500,000	\$ 174,741	\$ 174,741	\$ 174,741
Total Expenditures	\$ 550,000	\$ 550,000	\$ 2,050,000	\$ 747,694	\$ 746,504	\$ 761,298
Yearly Over (Under)	\$ 519,593	\$ 472,245	\$ (952,755)	\$ 602,079	\$ 612,636	\$ 607,210
Sanitary Sewer Fund Balance	\$ 1,026,148	\$ 1,498,393	\$ 545,639	\$ 1,147,718	\$ 1,760,354	\$ 2,367,564
Rate Covenant				4.45	4.51	4.47

2025	2026	2027	2028	2029	2030	2031	2032	2033
6	7	8	9	10	11	12	13	14
1391	1401	1411	1421	1431	1441	1451	1461	1471
78.06	83.06	83.06	83.06	83.06	83.06	88.06	88.06	88.06
10	10	10	10	10	10	10	10	10
Sewer Fund Revenues								
\$ 1,302,874	\$ 1,396,295	\$ 1,406,262	\$ 1,416,229	\$ 1,426,197	\$ 1,436,164	\$ 1,533,184	\$ 1,543,752	\$ 1,554,319
\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
\$ 1,377,874	\$ 1,471,295	\$ 1,481,262	\$ 1,491,229	\$ 1,501,197	\$ 1,511,164	\$ 1,608,184	\$ 1,618,752	\$ 1,629,319
				\$ 1,500,000				
\$ 329,900	\$ 430,400	\$ 440,300	\$ 450,500	\$ 460,800	\$ 471,500	\$ 482,300	\$ 493,300	\$ 504,600
\$ 300,000	\$ 200,000	\$ 205,000	\$ 210,125	\$ 215,378	\$ 220,763	\$ 226,282	\$ 231,939	\$ 237,737
\$ 1,474,741	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719
\$ 2,104,641	\$ 1,388,119	\$ 1,403,019	\$ 1,418,344	\$ 2,933,897	\$ 1,449,981	\$ 1,466,300	\$ 1,482,957	\$ 1,500,056
\$ (726,766)	\$ 83,176	\$ 78,244	\$ 72,886	\$ (1,432,700)	\$ 61,183	\$ 141,884	\$ 135,794	\$ 129,263
\$ 1,640,797	\$ 1,723,974	\$ 1,802,217	\$ 1,875,103	\$ 442,403	\$ 503,585	\$ 645,469	\$ 781,264	\$ 910,527
0.51	1.11	1.10	1.10	-0.89	1.08	1.19	1.18	1.17

2034	2035	2036	2037	2038	2039	2040
15	16	17	18	19	20	21
1481	1491	1501	1511	1521	1531	1541
88.06	88.06	88.06	88.06	88.06	88.06	88.06
10	10	10	10	10	10	10
\$ 1,564,886	\$ 1,575,453	\$ 1,586,020	\$ 1,596,588	\$ 1,607,155	\$ 1,617,722	\$ 1,628,289
\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000
\$ 1,639,886	\$ 1,650,453	\$ 1,661,020	\$ 1,671,588	\$ 1,682,155	\$ 1,692,722	\$ 1,703,289
\$ 516,400	\$ 528,200	\$ 540,300	\$ 552,700	\$ 565,500	\$ 578,500	\$ 591,800
\$ 243,681	\$ 249,773	\$ 256,017	\$ 262,417	\$ 268,978	\$ 275,702	\$ 282,595
\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719	\$ 757,719
\$ 1,517,799	\$ 1,535,691	\$ 1,554,036	\$ 1,572,836	\$ 1,592,197	\$ 1,611,921	\$ 1,632,114
\$ 122,087	\$ 114,762	\$ 106,985	\$ 98,752	\$ 89,958	\$ 80,801	\$ 71,176
\$ 1,032,613	\$ 1,147,375	\$ 1,254,360	\$ 1,353,112	\$ 1,443,070	\$ 1,523,871	\$ 1,595,047
1.16	1.15	1.14	1.13	1.12	1.11	1.09

Ouray Via Ferrata Mandatory Rules

~THIS ACTIVITY CAN KILL YOU!

~YOU **MUST:**

- WEAR A HELMET
- WEAR A HARNESS
- USE A CERTIFIED EAS VIA FERRATA LANYARD SYSTEM
- STAY CLIPPED IN!!

~ONLY ONE PERSON ON A CABLE BRIDGE AT A TIME

~ONLY TWO PERSONS ON A SECTION OF CABLE (BETWEEN ANCHORS) AT A TIME

~ONE WAY ONLY! NO REVERSE DIRECTION ALLOWED

~INEXPERIENCED USERS SHOULD HIRE A PROFESSIONAL GUIDE

The Fine Print:

This Via Ferrata Course features many different elements designed for both progression and protection. Horizontal tensioned cables (Italian Style), diagonal and vertical J-loop cables (French Style), 3-wire and 2-wire aerial cable bridges, steel climbing rungs, foot pedals, and natural rock climbing holds.

REQUIRED EQUIPMENT:

Use of non-certified or improvised equipment may result in death or serious injury.

CHECK YOUR EQUIPMENT FOR LEGIBLE LABELS AND CONDITION.

EN958 Certified Via Ferrata Energy Absorbing System

EN12492 Certified Helmet - Mountaineering

EN12277 Certified Harnesses – Mountaineering

Climbers weighing less than 80lbs or more than 265lbs must utilize a supplemental

belay system on sections with significant vertical climbing. All climbing rungs and cable bolts are approved belay points, do not belay anchored to the cable.

No more than two users on a single span of safety cable between anchors – maintain proper spacing!

The route is one-way from South to North. Designated passing areas are available on the route – slower parties are requested to allow faster parties to “play through” where safe and appropriate. Clipping around climbers is easily done at flat sections. DO NOT DISCONNECT FROM THE CABLE TO PASS.

Leave no trace- take only pictures, leave only memories.

The route requires significant arm and leg strength and should only be attempted by fit and healthy persons. Anyone under 16 years of age requires adult accompaniment. There is one emergency bail point before the Bi-Polar Spire – it is a vertical climb up and out to a trail above the canyon.

There are many elevated high exposure areas – persons with a fear of heights should carefully consider if this is an appropriate activity.

Any individual or child attempting the route must have a minimum reach of xx” from the ground.

Always travel with BOTH lanyard carabiners attached to the cable. Transfer one lanyard carabiner at a time when passing bolts. Climbing rungs may be used as intermediate lanyard connections for longer reaches between cable sections if needed. A minimum of one leash must be attached to the safety cable at all times on the Via Ferrata from beginning to end. NEVER unclip both leash leads at the same time! Climbing slings, tethers and other improvised “leash” connections are not acceptable and are dangerous.

The route is approximately 1 KM long and takes between 2 and 3.5 hours to complete. It requires several crossings of the canyon on bare wire cable bridges and has extensive climbing and descending on rungs on sheer cliffs.

User assumes all risk from use.

In case of emergency call 911

The route is managed by Friends of the Ouray Via Ferrata – Please report any issues to ourayviaferrata.org