

Ouray City Council Regular Meeting
Monday, February 7, 2022 6:00 PM

Massard Auditorium -
<https://zoom.us/j/9349389230> password 491878
or dial 408-638-0968
320 6th Ave
Ouray, CO 81427

Agenda

1. CALL TO ORDER
2. Consideration of a Request to Participate Remotely by Mayor Pro Tem Josh Smith, per Resolution 7, Series 2018 - Remote Participation Policy for Council Members
3. ROLL CALL
4. PLEDGE OF ALLEGIANCE
5. PUBLIC HEARINGS
 - 5.a. Ordinance 1, Series 2022 - Changing the Meeting Time for Regular Council Meetings to 6pm
6. CEREMONIAL/INFORMATIONAL
 - 6.a. Update from JVA on WWTP Engineering
7. CITIZENS' COMMUNICATION
8. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk
9. DEPARTMENT REPORTS
 - 9.a. City Administrator
 - 9.b. Police Chief
 - 9.c. Fire Chief
 - 9.d. Public Works Director
 - 9.e. City Resources Director
 - 9.f. Finance & Administration Director
10. CONSENT AGENDA
 - 10.a. Special Events Liquor Permit Application - Paradox Sports "Got Stump?" Event - Feb. 20, 2022
 - 10.b. Liquor License Renewal - Brickhouse 737 LLC
11. ACTION ITEMS
 - 11.a. Change Order with Moltz Construction for Pre-construction Services with Veolia for the WWTP MBBR Design
 - 11.b. Ordinance 1, Series 2022 - Changing the Meeting Time for Regular Council Meetings to 6pm - Second Reading
 - 11.c. Public Participation Parameters in Council Meetings
 - 11.d. Consideration of Appointment of Dolgio Nergui to the Tourism Advisory Committee
 - 11.e. Consideration of Appointment of Jennifer Donovan to the Tourism Advisory Committee
 - 11.f. Resolution 2, Series 2022 - Appointing an Alternate Municipal Judge
 - 11.g. Resolution 3, Series 2022 - Considering Non-renewal of IGA with Ouray County for Joint Planning for Urban Growth

- 11.h. Resolution 4, Series 2022 - Adopting a Policy to Fund Ranger Programs with City Commercial Use Fees
- 12. DISCUSSION ITEMS
 - 12.a. Strategic Plan Overview from Council Work Session on January 11, 2022
 - 12.b. Future Agenda Items
- 13. ADJOURNMENT

RESOLUTION NO. 7, 2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OURAY,
COLORADO ADOPTING A POLICY FOR REMOTE PARTICIPATION
IN MEETINGS BY MEMBERS OF CITY COUNCIL

WHEREAS, from time to time, members of City Council are unable to attend Council meetings

WHEREAS, the City Council wishes to adopt standards and policies to allow members of City Council to participate in meeting via telephone or other electronic means.


WHEREAS, the City Council recognizes that remote participation in its meetings should be an infrequent substitute for physical attendance at meetings and should be used only in extraordinary circumstances and not for the convenience of the non-appearing member of City Council.

WHEREAS, the City Council has determined that adoption of a formal written policy pertaining to remote participation will serve the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO that the Remote Participation Policy attached hereto is hereby adopted.

ADOPTED this 7th day of May, 2018, by the Ouray City Council.

CITY OF OURAY, COLORADO


Pamela J. Larson, Mayor

ATTEST:


Melissa M. Drake, City Clerk

CITY OF OURAY
Remote Participation Policy

A. Background and Purpose

1. This policy establishes standards and procedures for remote participation in meetings by members of City Council. It is the policy of the City of Ouray to strictly adhere the Colorado Open Meeting Law, C.R.S. § 24-6-402. This policy is adopted to ensure strict compliance therewith.
2. As used in this policy, the term "remote participation" means attendance by a member of City Council at a regular or special meeting of the City Council, including work sessions, via telephone or other electronic means, including video conferencing, where such member is not physically present at the meeting.
3. Remote participation at a meeting is intended to be an infrequent substitute for physical attendance at meetings and should be used only in extraordinary circumstances and not for the convenience of the non-appearing member of City Council.
4. This policy specifically excludes remote participation by members of City Council in executive sessions, public hearings, and meetings convened for the purpose of acting in judicial or quasi-judicial proceeding.

B. Policy

1. Three (3) member of City Council must be physically present at the meeting before attendance via remote participation by another Council member may be allowed.
2. A written request to participate remotely must be sent to the Mayor and the City Administrator no less than five (5) calendar days before the meeting at which the member of City Council wishes to participate remotely.
3. Consideration of the request to participate remotely shall be the first order of business after the meeting has been called to order. Remote participation

shall be allowed only upon the majority vote of the members of City Council who are physically present.

4. Only two (2) members of City Council may be permitted to participate remotely in any given meeting, including work sessions.
5. A member of City Council may avail themselves of the privilege of remote participation no more than six (6) times per calendar year.
6. Any member of City Council who participates by remote participation will be deemed in attendance and permitted to vote on any matters coming before the City Council at that time.
7. Equipment utilized to facilitate remote participation must afford the member of City Council the opportunity to participate in discussion and voting. The equipment must permit clear, uninterrupted and full "two-way" communication by the member of City Council with other members in attendance and with members of the audience in attendance at such meeting.
8. Equipment failure, intermittent service or distractions on the line are grounds for terminating the remote participation. Additionally, if the remote participation results in delays or interference with the usual meeting process, such participation may be terminated by the Mayor, or in the absence of the Mayor, the Mayor Pro Tem. In the event of any such termination, further participation and voting rights (if any) are foreclosed to the Council member so participating for that meeting.
9. The member of City Council seeking remote participation shall connect with the meeting room at least ten (10) minutes prior to the start of the meeting to avoid unnecessary delay to City Council business. In the event a connection cannot be established prior to the meeting being called to order, all attempts to connect will cease and the meeting shall be conducted without participation of the absent member.

ORDINANCE NO. 1 (Series 2022)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING THE OURAY MUNICIPAL CODE SECTION 2-1-A, REGARDING CITY COUNCIL MEETING TIMES TO REFLECT THAT ALL REGULAR MEETINGS WILL BE HELD AT 6:00 P.M..

WHEREAS, the City Council has determined that the meeting time for Council meetings should be held at 6:00 p.m. for all Regular Meetings.

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

SECTION 1: AMENDMENT TO THE CODE

Section 2-1-A, is amended and restated as follows:

The City Council shall hold regular meetings as outlined in Article 3.2 of the Home Rule Charter. Meetings shall be held on the first and third Monday of every month at 6:00 p.m. Both meetings are held at the City of Ouray Community Center. Council may approve an alternate meeting date when a Monday is also an official holiday.

SECTION 2: EFFECTIVE DATE

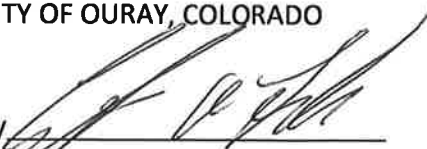
The provisions of this Ordinance shall become effective thirty days after the public hearing and final publication.

SECTION 4: SEVERABILITY

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

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 5 To 0 vote of the Ouray City Council this 18th day of January, 2022.

CITY OF OURAY, COLORADO

By 
Ethan Funk, Mayor

ATTEST:


Melissa M. Drake, City Clerk

INTRODUCED, READ AND ADOPTED on second reading by _____ vote of the Ouray City Council this _____ day of February, 2022.

CITY OF OURAY, COLORADO

By _____
Ethan Funk, Mayor

ATTEST:

Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 1 (Series 2022), was introduced, read and passed by the Ouray City Council on first reading on JANUARY 18, 2022. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JANUARY 20, 2022, and thereafter introduced, read and adopted by the Ouray City Council on _____, 2022, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake, City Clerk

**City Administrator Report
February 7, 2022**

Wastewater Surveillance Collaborative (COVID-19):

Through the request of Ouray County Public Health and Colorado Department of Public Health & Environment, I have agreed to provide two influent wastewater samples per week to the State for COVID-19 testing for the next year. This will require staff time to pull these samples, however the state will be paying for the testing services and hiring a courier service to pick up the samples in Ouray. CDPHE stated the COVID-19 data will be placed on a public portal for everyone to use in determining potential outbreaks in the community. Currently, 22 other wastewater systems have signed up for the program.

Revitalizing Main Streets Program (FY 2022 Grant Submittal):

Thank you to Autumn Bailey and Lily Oswald for submitting the Colorado Department of Transportation FY2022 Revitalizing Main Streets grant application. This application was a resubmittal of the exact unfunded request last year with the continued goal of creating a more accessible, safer and visually appealing downtown. This would be created through pedestrian “bulb-outs” on Main Street on all four corners of the intersections from 4th Ave to 8th Ave, and include a new mid-block crossing between the Post Office and Ouray Grocery, and a crossing between the Visitors Center and the Perimeter Trail.

A cost estimate of \$2,163,637.50 was created by SGM Engineering for the entire project. If funded, the City would be required to provide a 20% match.

Also, thank you to Tom Fedel of Ouray Grocery, Erin Eddy of Ouray Brewery, and Paula Damke at the Visitors Center for writing letters of support for the grant application.

Visitor Center Hours:

I extended the Visitor Center hours in the mornings by one hour and at least one additional hour in the afternoons during the three Ice Park Event weekends (i.e. All In; Ouray Ice Fest; UIAA North American Cup). I am currently working with staff on permanently extending the hours to the six hours budgeted. I may need to hire one additional part-time staff member going into the spring and summer months.

Ouray County Special Use Permits for WTF and WWTF on County Property:

As previously discussed, the City’s new Water Treatment Facility (WTF) and Wastewater Treatment Facility (WWTF) are proposed to be constructed outside of the municipal limits. This requires a Special Use Permit (SUP) to be issued by the County for both projects. The Ouray County Special Use applications will be submitted this week to Ouray County. The process requires a recommendation from the Ouray County Joint Planning Commission and ultimate decision Board of County Commissioners.

Decision on Tourism and Destination Marketing Best Practices and Organizational Structure

Presentation for the Ouray City Council, Tourism Advisory Committee (TAC) and the public on Wednesday, February 9, 2022 at noon in the Massard Room.

Engineers Opinion of Budgetary Cost
Ouray Colorado
Revitalizing Main Street
 11-May-21

Item #	Estimated Quantity	Unit	Description	Eng. Est. Unit Price	Total Price
1	1	L.S.	Mobilization and Demobilization	\$103,000.00	\$103,000.00
2	1	L.S.	Traffic Control (Special) (LS)	\$175,000.00	\$175,000.00
3	24	Hour	Potholing	\$350.00	\$8,400.00
4	2320	L.F.	Concrete Curb/Gutter Removals	\$18.00	\$41,760.00
5	800	S.Y.	Asphalt Demolition/Removals	\$12.00	\$9,600.00
6	3000	S.Y.	Concrete Removals and Disposal	\$35.00	\$105,000.00
7	240	SY	Concrete Sidewalk (5" Thick) (Plain Grey)	\$80.00	\$19,200.00
8	4100	S.Y.	Concrete Flatwork (Bulb Outs/Sidewalks)(Exposed Agg)	\$95.00	\$389,500.00
9	135	S.Y.	Concrete Sidewalk Extensions and Replacements	\$90.00	\$12,150.00
10	58	Each	ADA Curb Ramps	\$2,800.00	\$162,400.00
11	580	SF	Detectible Warning Pads (Cast Metal)	\$75.00	\$43,500.00
12	3000	L.F.	Curb and Gutter - Type 2	\$42.00	\$126,000.00
13	650	Tons	Aggregate Base Course (class 5)	\$35.00	\$22,750.00
14	210	L.F.	24" RCP Drainage Pipe (AASHTO M 170)	\$145.00	\$30,450.00
15	12	Each	Inlet Type R L5 (5 Foot)	\$7,500.00	\$90,000.00
16	300	Tons	5" Hot Bituminous Asphalt Patching	\$210.00	\$63,000.00
17	4	Each	Rapid Flashing Beacon - Assembly (solar)	\$17,000.00	\$68,000.00
18	1890	S.F.	Preformed Thermoplastic Pvmt. Marking (Crosswalk and Stop Bars) (Inlaid)	\$22.00	\$41,580.00
19	30	Gal	Misc Road Striping - Modified Epoxy Pvmt. Marking	\$72.00	\$2,160.00
20	24	Each	Sign Panels Class 1 and Steel Sign Support (2" Round)	\$950.00	\$22,800.00
21	7	Each	Reset Fire Hydrant	\$8,000.00	\$56,000.00
22	15%	L.S.	Estimating Contingency		\$223,387.50
Total Construction Related Items:					\$1,815,637.50
Design - Surveying, Engineering and Subsurface Utility Engineering (SUE)					\$193,000.00
Construction Administration					\$155,000.00
Total Project:					\$2,163,637.50

City of Ouray Police Department

January 2022

For the month of January 2022 OUPD ran approximately 442 calls for service.

This is an increase from December 2021's 251 calls for service and is mostly attributable to a great increase in officer initiated patrol checks. And also a large increase in traffic related events. By comparison we ran 339 calls for service in January 2021.

This January's calls included:

- **218 Patrol checks** (includes safety patrols, directed patrols and security checks)
- **80 Parking complaints**
- **20 Motorist assists**
- **5 Traffic stops**
- **7 VIN certifications**
- **4 Bar checks**
- **4 Code violations**

Recent Events:

We assisted the Ouray Ice Park with the 2022 Ice Fest. The event was conducted with very few problems outside of a few parking violations. The PD did a review of some issues from the 2021 Ice Fest and made some recommendation on parking and shuttle services. These were implemented this year and ameliorated many of the issues (most of which were parking related.) Another ice climbing competition is scheduled for the weekend of February 3-5. At the completion of this event the Ouray Police Department and Ice Park will get together for another review and see what, if any, additional issues need to be resolved.

Upcoming Events:

We will be meeting with the Ouray Sheriff's Office to discuss interagency cooperation in back country events as well as responses to emergency incidents in the Ouray Ice Park.

Fire Department Report for January, 2021

01/29/22

2 training opportunities in the County for the month of Febuary

Fireworks went well. Had some damage to one trailer

St George Winter Fire Academy was a great success 11 total members. Training ranged from live fire attack to arson investigation

Nothing else to report for December

1.11 – Fall victim extricated

1.15 – Vehicle Accident. 3 responded, 2 hours

1.18 – Courthouse. Alarm activated

1.23 – Smoke alarm activated. Unknown cause

1.23 – Gas Smell throughout town. 11 calls total.

Public Works January 2021 Update

Water

- Water Usage Numbers for **December:**
 - Influent (Water from spring) – 28,305,440 Gallons
 - Effluent (Water to town) – 14,314,270 Gallons
 - Hydro Plant – 5,304,256 Gallons
 - Mineral Farms – 190,200 Gallons
- Continued to monitor chlorine residuals at the two entry points of the distribution system. The City has been in compliance and meeting all CDPHE requirements.
- Opened road leading to Weehawken Spring.
- Box Canyon Geothermal Line stabilization project – Final walk through with SGM Engineering and Williams Construction. There are a few minor punch list items that Williams Construction will be completing soon.
- Continued working with Element Engineering to get to 60% design.
- Completed a water sampling plan for Element Engineering to help develop an Optimal Corrosion Control Treatment (OCCT) analysis for copper for the water plant in order to potentially limit the influent copper to the wastewater plant.
- Meeting with Wright Water Engineers, Forest Service and Idarado Mine to discuss placing a culvert in red mountain ditch. The forest service has approved our current plan for the scheduled maintenance and the work will be done when weather conditions allow.
- Repaired water service line leak in the 900 block of Main St. Highway will be patched properly in the spring. See picture below



Sewer

- In December, a repair had been made to the broken check valve in wet well #2 at the Wastewater Treatment Plant. In addition, all piping in the wet well was replaced as well. In January, we replaced the check valve in wet well #1 along with all the piping to avoid the failure we experienced in wet well #2.
- Submitted SRF loan application to CDPHE.
- Continued to clean head works two to three times daily.
- Continued to skim lagoons of debris as needed.
- Continued meetings with JVA and Moltz Construction working towards 90% design.

Streets

- Grade roads and cut ice throughout town as needed.
- Snow removal from parking spaces on HWY 550 on Saturday January 1st.
- Removed Christmas Tree from Main St.
- Grade pool parking lot.
- Plowed road into the ice park and provided sand for the Ice Festival.
- Removed dead deer from Main St.

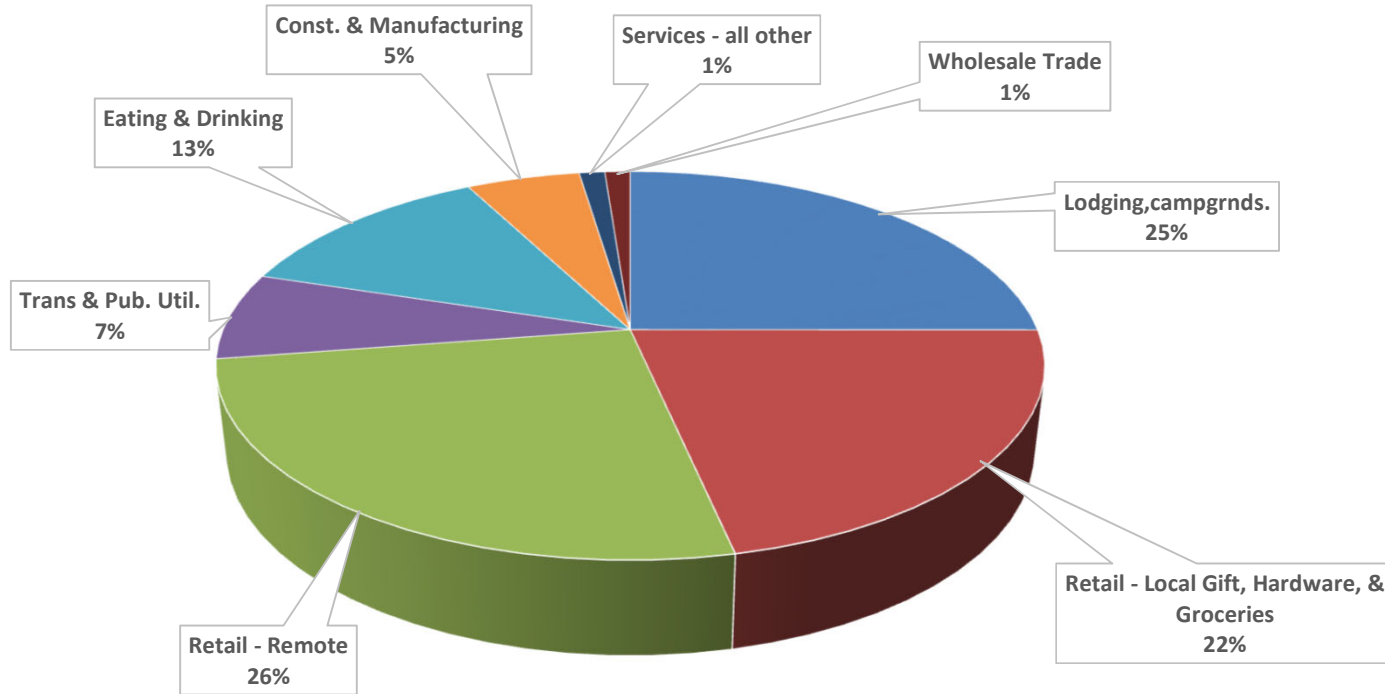
City Resources Department

February 7 2022

- The Hot Springs Pool welcomes Matt Snowbarger as Assistant Manager. Matt comes with several year's experience in tourism and resort business management. Matt's first day was January 24th.
- The Hot Springs Pool is now closed on Tuesdays every week. Tuesdays are when the OX2 well is turned off to satisfy a legal agreement with other geothermal users in Ouray. Reduced geothermal flows make it impossible to maintain adequate temperatures in the pools on these days when the Box Canon spring is the only source of geothermal. It is expected that seven day-a-week operations can resume by mid-April. Tuesday closures also help alleviate scheduling issues related to the workforce shortage in the community.
- During the month of January there were several employee absences at the Hot Springs Pool due to winter related illnesses. The pool was closed for five days during this period to protect the health of patrons and employees. Pool maintenance continued working during this closure. In addition to thorough disinfection, several other projects were completed that could not be done while there are customers in the pools.
- One new lifeguard joined the Hot Springs Pool staff in January.
- Recent discussions held with other swimming pools around the state and region indicate that staffing is an issue for swimming pools and recreation centers across Colorado. Many communities are closing pools or are operating at reduced hours. To be ready for spring and summer, the Ouray Hot Springs has a comprehensive recruitment strategy for outreach to potential employees in the region. Staff are in contact with local schools, regional universities, local job fairs, previous employees, regional aquatic and recreation facilities, and other venues for reaching potential employees. Several popular social media platforms are being used for advertising and promoting employment at the Hot Springs Pool. Housing continues to be a barrier for many potential and current employees of the Hot Springs Pool.
- Ouray 5th and 6th grade students are having a two-week aquatic safety class at the Hot Springs Pool beginning February 7th. Also starting on February 7th will be the winter session of swim lessons, Monday and Wednesday evenings.
- The deck heat system at the Pool was disassembled, cleaned, and reassembled. This resulted in an increase in flow through the heat exchangers from 23 gallons per minute to 135 gpm. There are 82 individual panels that had to be removed and cleaned with acid. The high mineral content of Ouray's geothermal water clogs the heat exchange systems.
- Damaged gutter tiles are being replaced and cracks in the gutter plaster are being repaired while the pool is closed on Tuesdays. Other repairs that require draining the pools are also scheduled for repair on these days.
- In water lighting in the cove pool has been repaired.
- A fence has been installed around the geothermal mixing vault near the skateboard facility.
- ActiveNet software is operational at the Hot Springs. There were a few minor bugs with implementation but these have been mostly overcome and the software is performing as needed. Additional features will be implemented over the next several months.
- The Rotary Park Ice Rink is open. Skates are available at the warming hut. Many people are enjoying the rink, especially on weekends. Hockey games are played on Thursdays.
- Tree removal at Rotary has been completed. Trimming of hazard trees at Fellin Park was completed. The tree crew is now focusing on removal of dead fir trees at the Box Canon Falls.
- A cable handrail has been installed along a section of the High Bridge Trail at the Box Canon Falls. When the weather is warmer this spring a damaged fence will be replaced along another section of this same trail.

- A new gate has been installed on the entrance road to the Box Canon Falls. Located down the road from the Powder House, this will improve safety by allowing ice park staff year-round access to the Powder House area while preventing vehicle access to the Box Canon Falls during times when the waterfall park is closed.
- A weather monitoring station has been installed on the roof of the Community Center.
- The Monday senior lunch program at the Community Center was suspended in January due to covid.
- Cabinets in the San Juan Room have been sanded and painted. Other trim and wall paint at the Community Center is being touched up as needed.
- Events associated with the Ice Park's All In Ice Festival were held at the Community Center in early January. A multi-day wellness retreat was also held in January in the San Juan Room.
- Lee's Ski Hill has been operating daily since New Year's. Snow is thin and conditions are monitored daily for safety. The hill will close, if necessary, due to thin snow.
- Lee's Ski Hill has been, or soon will be, featured in two front range media articles on municipally operated ski areas in Colorado.
- The slide for the playground at Fellin Park has been on back order since last spring. The slide is now in Colorado with installation scheduled in the spring when conditions allow.
- Holiday decorations have been removed around town, at City Hall, the Hot Springs Pool, and at the Visitor Center.

City of Ouray
November 2021 Sales Tax Revenues by Business Category
(received in January 2022)

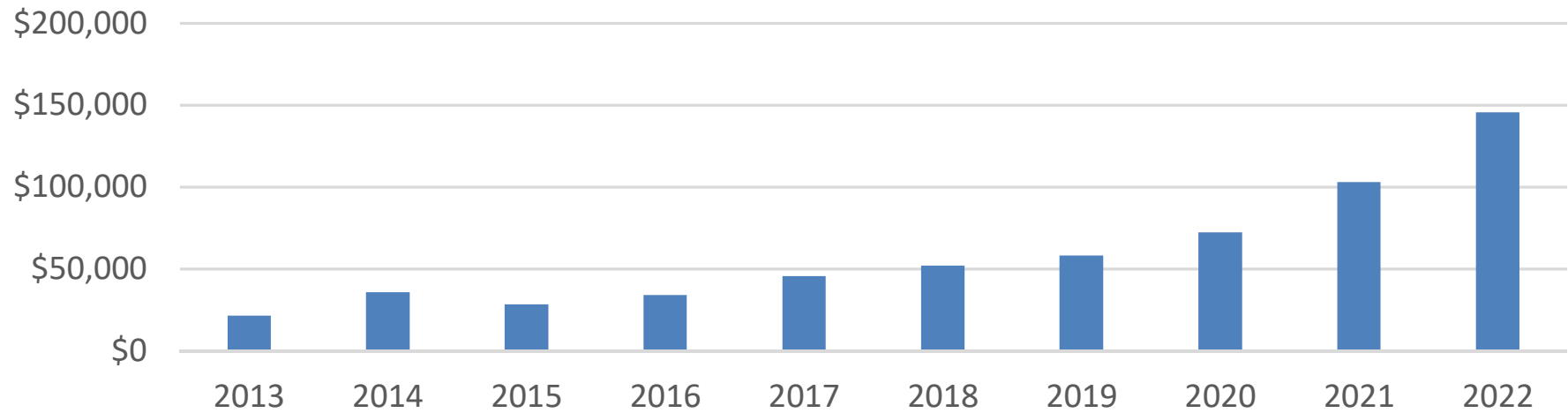


CITY OF OURAY
2022 MONTHLY SALES TAX REVENUES BY BUSINESS CATEGORY

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

2022 SALES TAX REVENUES BY BUSINESS CATEGORY							
(1) Funds received by City in: July (mostly re: May)							
Business Category	January	February	March	April	May	June	
Lodging, campgrnds.	\$ 36,442.44						
Retail - Local Gift, Hardware, & Groceries	\$ 31,458.66						
Retail - Remote	\$ 37,822.36						
Trans & Pub. Util.	10,595.57						
Eating & Drinking	18,180.96						
Const. & Manufacturing	7,699.75						
Services - all other	1,736.77						
Wholesale Trade	1,723.78						
TOTAL	\$ 145,660.29	\$ -	\$ -	\$ -	\$ -	\$ -	
Business Category	July	August	September	October	November	December	Year-to-date
Lodging, campgrnds.							\$ 36,442.44
Retail - Local Gift, Hardware, & Groceries							\$ 31,458.66
Retail - Remote							\$ 37,822.36
Trans & Pub. Util.							10,595.57
Eating & Drinking							18,180.96
Const. & Manufacturing							7,699.75
Services - all other							1,736.77
Wholesale Trade							1,723.78
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 145,660.29

CITY OF OURAY NOVEMBER 2021 SALES TAX REVENUE COMPARISON Over Past 10 Years



Notes: Figures represent tax revenue received in January 2022
Sales Tax increased from 3% to 4% on January 1, 2016

CITY OF OURAY
SALES TAX REVENUES BY BUSINESS CATEGORY 2013-2022

SALES TAX REVENUES BY BUSINESS CATEGORY

Business Category	Funds received by City in January (mostly re: November) of:									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Lodging, campgrnds.	\$ 2,192.98	\$ 5,103.22	\$ 4,914.20	\$ 5,328.09	\$ 10,361.30	\$ 10,674.08	\$ 13,666.95	\$ 15,650.17	\$ 26,010.45	\$ 36,442.44
Retail - Local Gift, Hardware, & Groceries								13,822.47	21,286.27	\$ 31,458.66
Retail - Remote								20,761.13	22,394.45	\$ 37,822.36
Retail - groceries, liquor, candy, hardw	5,013.86	4,813.58	5,225.22	8,068.21	8,902.38	12,108.96	16,774.84			
Retail - gift, souvenir, variety, books	1,807.45	2,536.87	1,859.85	1,976.90	3,445.41	3,324.04	3,733.10			
Trans & Pub. Util.	6,000.51	8,031.53	5,995.98	5,172.03	6,444.27	6,524.03	6,945.48	4,153.41	8,743.59	10,595.57
Eating & Drinking	3,636.44	4,101.51	4,226.04	9,017.29	9,111.37	11,347.37	9,178.32	12,366.72	21,469.16	18,180.96
Const. & Manufacturing	1,932.56	1,642.64	3,209.37	3,437.62	4,537.74	5,465.10	6,376.27	4,386.21	651.34	7,699.75
Services - all other	905.41	715.59	1,617.38	752.02	1,885.85	2,241.56	992.42	774.99	1,978.85	1,736.77
Finance, Ins. Real Estate	250.18	9,052.40	1,520.64	598.75	1,101.29	382.25	595.19			
Wholesale Trade	32.07	32.90	(129.12)	32.11	81.66	153.54	186.47	683.11	755.57	1,723.78
Mining	-	-	-	-	-	-	-	-	-	-
All Other	14.25	-	42.75	-	-	-	-	-	-	-
TOTAL	\$ 21,785.71	\$ 36,030.24	\$ 28,482.31	\$ 34,383.02	\$ 45,871.27	\$ 52,220.93	\$ 58,449.04	\$ 72,598.21	\$ 103,289.68	\$ 145,660.29
							\$3,828.15 out-of-period	\$8,419.61 out-of-period	\$11,188.12 out-of-period	\$15,524.99 out-of-period

Year to Date Sales Tax Comparison

Percentage Change
from 2020

November 2020 Activity	\$ 103,289.68	
November 2021 Activity	\$ 145,660.29	41%
Jan-Nov 2020	\$ 1,937,242.01	
Jan-Nov 2021	\$ 2,670,369.91	38%

Application for a Special Events Permit

Departmental Use Only

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

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

LIAB Type of Special Event Applicant is Applying for: 2110 <input type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day 2170 <input checked="" type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	DO NOT WRITE IN THIS SPACE Liquor Permit Number
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1. Name of Applicant Organization or Political Candidate Paradox Sports - GOT STUMP?	State Sales Tax Number (Required) 26-0153796
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2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) PO Box 273 Eldorado Springs, CO 80025	3. Address of Place to Have Special Event (include street, city/town and ZIP) Ouray Community Center 320 6th Ave Ouray, CO 81427
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4. Authorized Representative of Qualifying Organization or Political Candidate Rebecca Lindstrom	Date of Birth	Phone Number
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Authorized Representative's Mailing Address (if different than address provided in Question 2)
same

5. Event Manager same	Date of Birth	Phone Number
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Event Manager Home Address (Street, City, State, ZIP) _____
 Email Address of Event Manager _____

6. Has Applicant Organization or Political Candidate been issued a Special Event Permit this Calendar Year? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes How many days? _____	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
---	--

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

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

Date	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
2/20/22 From 5 p.m. To 8 p.m.				

Oath of Applicant

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

Signature 	Title Development Manager	Date 1/24/2022
---------------	-------------------------------------	--------------------------

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

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

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
--	--	---------------------------------------

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

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

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

Submit to Local Licensing Authority

Fees Due	
Annual Renewal Application Fee	\$ 50.00
Renewal Fee	
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$ 75.-
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$ 125.-

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name BRICKHOUSE 737 LLC		Doing Business As Name (DBA) BRICKHOUSE 737		
Liquor License # 03-06211	License Type HOTEL & REST.	Sales Tax License Number 31414600	Expiration Date	Due Date
Business Address 737 Main ST. Ouray, CO 81427				Phone Number 970 325 7236
Mailing Address PO BOX 806 Ouray, CO 81427			Email	
Operating Manager Hans Vandriboeg	Date of Birth	Home Address	Phone Number	
1. Do you have legal possession of the premises at the street address above? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____				
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery				
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

Moltz Construction, Inc.



PROPOSED CHANGE ORDER	001	ROUTING	DATE SENT	DATE RECEIVED
OWNER: City of Ouray, CO		Contractor/ Owner	January 7, 2022	
PROJECT: City of Ouray WWTF Expansion		Engineer/ Owner		
CONTRACTOR / SUBCONTRACTOR: Moltz Construction		REQUESTED RESPONSE DATE	January 14, 2022	
Change Title	Veolia MBBR/DAF Preconstruction Services			

CONTRACTOR REQUEST

The following changes to the contract are being considered:

Issue Preconstruction Services contract to Veolia for MBBR/DAF project specific submittal development.

- This change is associated with a Work Change Directive (WCD), Proposal Request (PR) or Change Order (CO)
- Have submitted quotation for performing change
- Other: _____

Requested Change Value: \$ 70,000.00
 Requested Additional Contract Time _____ days

	<u>Costs (Dollars)</u>	<u>Time (Days)</u>
<input checked="" type="checkbox"/> Add	<u>\$70,000.00</u>	<u>0</u>
<input type="checkbox"/> Deduct	_____	_____

By: Stefan Veltri

Date: January 7, 2022

NOTES:

Proposed Change Order ~ 001 ~ Moltz Construction, Inc.

Project: City of Ouray WWTF Expansion

Date Prepared: January 7, 2022

Description of Change: Veolia MBBR/DAF Preconstruction Services

Reference Documents: Veolia Bid Submittal 11/5/2021 pg 13 (Attach WCD, PR or CO if relevant)



#	DESCRIPTION	Unit	Qty	LABOR		MATERIAL		SUBCONTRACT		EQUIPMENT		OTHER		TOTAL	
				MH Unit	MH Cost	Total MH	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost		Unit Cost
1	Preconstruction Services	LS	1			0.00	\$0.00		\$0.00	\$ 70,000.00	\$70,000.00		\$0.00	\$0.00	\$70,000.00
2						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
3						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
4						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
5						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
6						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
7						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
8						0.00	\$0.00		\$0.00		\$0.00		\$0.00	\$0.00	\$0.00
SUBTOTALS						0.00	\$0.00		\$0.00		\$70,000.00		\$0.00	\$0.00	\$70,000.00

NOTES:

Subcontract amount of this proposed change order to be deducted from construction services purchase order following Notice to Proceed Construction Services contract awarded to Moltz Construction.

LABOR BURDEN (Labor \$)	35%	\$0.00
INLAND MARINE (Equip \$)	2%	\$0.00
PER DIEM (Labor)	5.75 \$/mh	\$0.00
SMALL TOOLS (Labor)	1 \$/mh	\$0.00
COST OF WORK LESS SUBCONTRACTS (COWLS) ¹		\$0.00
MARKUP (COWLS)	15.00%	\$0.00
MARKUP (SUBCONTRACTS)	0.00%	\$0.00
TOTAL (COWLS + SUBCONTRACTS + MARK-UPS)		\$70,000.00
Builders Risk Insurance		\$0.00
Bonds		\$0.00
GRAND TOTAL		\$70,000.00

1 - Cost of Work is the total cost of Labor, Material, Subcontracts, Equipment, Other, Labor Burden, Inland Marine, Per Diem and Small Tools

NET CHANGE (ACTUAL)	\$70,000.00
NET CHANGE (ROUNDED)	\$70,000.00

1.9 PROPOSAL

- A. Total Price for **MBBR only** Pre-Construction Phase Services defined in Moltz's Design Phase Service Agreement included as Exhibit B to this RFP documents:

Fifty Thousand Dollars ^{**} Dollars (\$ 50,000.00) ^{**}

- B. Total **Add** Price for **DAF System** Pre-Construction Phase Services defined in Moltz's Design Phase Service Agreement included as Exhibit B to this RFP documents:

Twenty Thousand Dollars ^{**} Dollars (\$ 20,000.00) ^{**}

- C. Total Price for the Standalone MBBR System and associated controls in accordance with the attached specifications (price guaranteed for ~~240~~*30 days from date of Proposal):

Nine Hundred Ninety Thousand Dollars ^{**} Dollars (\$ 990,000.00) ^{**}

- D. *Additional Unit Costs to Guarantee MBBR Price to 300 Days from Date of Proposal:

See our proposal. ^{**} Dollars (\$ TBD) ^{**}

- E. (Optional) Total Price for the Standalone DAF System and associated controls in accordance with the attached specifications (price guaranteed for ~~240~~*30 days from date of Proposal):

Five Hundred Ninety Five Thousand Dollars ^{**} Dollars (\$ 595,000.00) ^{**}

- F. *(Optional) Additional Unit Costs to Guarantee DAF Price to 300 Days from Date of Proposal:

See our proposal. ^{**} Dollars (\$ TBD) ^{**}

- G. (Optional) Cost deductions for combining MBBR and DAF package systems into one provided System and associated controls in accordance with the attached specifications:

Fifteen Thousand Dollars ^{**} Dollars (\$ 15,000.00) ^{**}

- H. Additional Unit Costs for Additional Training – Per Trip to Site:

One Thousand Two Hundred Dollars ^{**} Dollars (\$ 1,200.00) ^{**}

- I. Additional Unit Costs for Additional Training – Per 8 Hour Day:

One Thousand Six Hundred and Fifty Dollars ^{**} Dollars (\$ 1,650.00) ^{**}

- In lieu of providing a committed price to extend the offered pricing for 240 & 360 days please propose detailed price escalation clauses that allow for price adjustments.

**Veolia Water Technologies, Inc. dba Kruger's Bid Submittal, is expressly conditioned on parties reaching mutually acceptable terms and conditions for the contract(s) post-award. Kruger's Bid Submittal is provided per the scope of work as detailed in this Bid Submittal, including pricing, Clarifications and Exceptions to the RFP, and terms and conditions, including Kruger's Terms of Sale, as contained therein.

ORDINANCE NO. 1 (Series 2022)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING THE OURAY MUNICIPAL CODE SECTION 2-1-A, REGARDING CITY COUNCIL MEETING TIMES TO REFLECT THAT ALL REGULAR MEETINGS WILL BE HELD AT 6:00 P.M..

WHEREAS, the City Council has determined that the meeting time for Council meetings should be held at 6:00 p.m. for all Regular Meetings.

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

SECTION 1: AMENDMENT TO THE CODE

Section 2-1-A, is amended and restated as follows:

The City Council shall hold regular meetings as outlined in Article 3.2 of the Home Rule Charter. Meetings shall be held on the first and third Monday of every month at 6:00 p.m. Both meetings are held at the City of Ouray Community Center. Council may approve an alternate meeting date when a Monday is also an official holiday.

SECTION 2: EFFECTIVE DATE

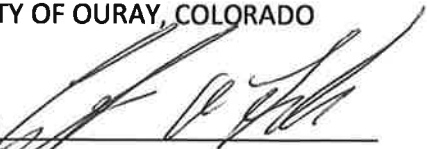
The provisions of this Ordinance shall become effective thirty days after the public hearing and final publication.

SECTION 4: SEVERABILITY

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

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 5 To 0 vote of the Ouray City Council this 18th day of January, 2022.

CITY OF OURAY, COLORADO

By 
Ethan Funk, Mayor

ATTEST:


Melissa M. Drake, City Clerk

INTRODUCED, READ AND ADOPTED on second reading by _____ vote of the Ouray City Council this _____ day of February, 2022.

CITY OF OURAY, COLORADO

By _____
Ethan Funk, Mayor

ATTEST:

Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 1 (Series 2022), was introduced, read and passed by the Ouray City Council on first reading on JANUARY 18, 2022. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JANUARY 20, 2022, and thereafter introduced, read and adopted by the Ouray City Council on _____, 2022, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake, City Clerk

From: Gmail <bethandpanda@gmail.com>

Sent: Friday, January 21, 2022 10:07 PM

To: Josh Smith; Tamara Gulde; John Wood; Peggy Lindsey; Silas Clarke; Melissa Drake; Ethan Funk

Subject: City Council remote participation

I am writing to express my thoughts on the subject of Ouray City Council meetings available on Zoom, with the possible requirement that a person be in attendance if he or she wants to speak.

1) I currently do not attend public events or meetings in light of the ridiculously high number of Covid cases in Ouray County, and I don't feel that anyone should be required or encouraged to, either.

2) I don't understand why the Council would want to keep people from participating and asking questions, giving opinions, or commenting on a subject from the comfort of their home. Many people are non-confrontational (thank goodness!) or very uncomfortable speaking in front of people. But they still may have something to add to the conversation, so let them do it from a place of relative comfort.

3) It is not always convenient for people to come to meetings in person. They may not be feeling well, they may be caretakers, parents, or babysitters. They may be pet sitters like me who do not want to come out on a snowy night (or any night) and risk having an accident and not be able to return to the pets they are responsible for when their clients are out of town (I don't even go out to dinner when I have pets in my charge). But they still might have something to contribute to a meeting agenda item, and should be able to do that from wherever they are.

If the concern is confrontation and wanting someone to "look you in the eye" when talking to you, that can be controlled in other ways, possibly by requiring the speaker to be on camera once the conversation becomes confrontational. The speaker can be asked if he or she wants to continue participating and, if so, require them to turn on their camera or be dismissed from the conversation.

If the worry is the length of the meeting, a totally legitimate concern, a timer can be used for each speaker.

If this Council wants to be open to participation from the residents, it needs to be available to everyone, not just to those who can easily attend a meeting.

Thank you for considering my input on this subject.

Beth Edwards
1294 Oak Street, Ouray

Public Participation in Ouray City Council Meetings

1) Speaking at a Council Meeting In-person

Public comment will be allowed in-person if the person submits a Speaker Request Sheet prior to the agenda item discussion. The form should be submitted to the City Clerk, preferably prior to the start of the meeting, and must include the first and last name of the requested speaker, physical address, and the agenda item number about which they wish to speak. Blank forms will be available in the meeting room.

- Handouts or other documents that speakers wish to have provided to Council must be e-mailed to the City Clerk, drakem@cityofouray.com and the City Administrator at clarkes@cityofouray.com, by 12:00pm (noon) the day of the meeting. This information will be provided to Mayor and Council in advance of the meeting.
- Speakers may not donate time to other speakers.
- The allotted time provided to speakers is three (3) minutes unless extended by the Mayor.

2) Speaking at a Council Meeting Remotely

Public comment will be allowed remotely if the person submits an e-mail request by at least 30 minutes prior to the meeting and the speaker has audio and video capability. The e-mail must include the first and last name of the requested speaker, physical address, and the agenda item number about which they wish to speak. The e-mail must be sent to the City Clerk at drakem@cityofouray.com and the City Administrator at clarkes@cityofouray.com.

- Handouts or other documents that speakers wish to have provided to Council must be e-mailed to the City Clerk, drakem@cityofouray.com and the City Administrator at clarkes@cityofouray.com, by 12:00pm (noon) the day of the meeting. This information will be provided to Mayor and Council in advance of the meeting.
- Speakers may not donate time to other speakers.
- The allotted time provided to speakers is three (3) minutes unless extended by the Mayor. Up to one (1) additional minute may be allowed to resolve technical problems with the speaker's audio/visual setup but speakers should test their own equipment prior to meeting times.

**SPEAKER REQUEST FORM
OURAY CITY COUNCIL MEETINGS**

Speaker Name _____
First Last

Physical Address _____
Street # and Name City

Agenda Item #(s) on which you request to speak _____

Signature _____ Date

DRAFT



APPLICATION FOR PARTICIPATION ON A CITY COMMITTEE

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

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

PART 1: PERSONAL DATA

Full Name: Dolgio Nergui
Physical Address: 226 3rd Avenue, Ouray
Mailing Address: PO Box 251, Ouray
E-Mail Address: dolgio@gmx.com
Home Telephone Number: 970-318-0819
Business Telephone Number: n/a
Present job title: IT Tech
Present employment is (check one) Full-time [checked] Part-time
May we contact you at work for committee related issues? Yes [checked] No
Do you rent or own your home? [checked] own your home? If you own, do you have vacation rentals? [checked]

PART 2: BACKGROUND INFORMATION

Please check the name of the committee you are interested in:
[] Planning Commission [] Community Economic & Development (CDEC) [] Beautification
[] Park & Recreation (PARC) [x] Tourism Advisory Committee (TAC) [] Other:
How long have you lived in the City of Ouray? 10 years
What do you think are the major issues affecting our City?
Sustainability of livable community, which includes affordable housing, managing growth and protecting natural resources

How do you envision your contribution to this committee?
I have lived in Ouray from the Great Recession through the period of tremendous growth, and have historic knowledge of vacant homes and businesses. I think I can bring a unique perspective to the group as someone who has in the past worked in the lodging industry during recession, now owns a vacation rental, an active community member who is engaged in several non-profits. I am a founding member of the Ouray Climbers Alliance and also serve on Ouray Backcountry Alliance Board. I volunteer for Ouray Mountain Rescue Team and OC EMS. I have a first-hand knowledge of the curret Community Master Plan as a member of the steering committee. In the past, I've worked as a climbing guide for a local company, and have an insight into the industry as well.

Signature: [Handwritten Signature]

Date: 01/18/2022

Dolgio Nergui

Print Name

If you are interested in this opportunity to serve your community, please fill out the application and return to the above address.



APPLICATION FOR PARTICIPATION
ON A CITY COMMITTEE

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

An Equal Employment Opportunity Employer

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

PART 1: PERSONAL DATA

Full Name: Jennifer Donovan
Physical Address: 420 9th Ave. Ouray
Mailing Address: P.O. Box 914
E-Mail Address: jbdonovan1@gmail.com
Home Telephone Number: 508-737-7000
Business Telephone Number: 970-626-5788
Present job title: Office Manager, Ridgway Secondary School
Present employment is (check one) Full-time Part-time
May we contact you at work for committee related issues? Yes No
Do you rent or own your home? If you own, do you have vacation rentals? NO

PART 2: BACKGROUND INFORMATION

Please check the name of the committee you are interested in:

- Planning Commission Community Economic & Development (CDEC) Beautification
 Park & Recreation (PARC) Tourism Advisory Committee (TAC) Other: _____

How long have you lived in the City of Ouray? 6 1/2 years

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

Housing for people who live and work in Ouray County.
Wastewater + Water Treatment project expense.
Best and most efficient use of collected taxes and fees, including
Tourism dollars.

How do you envision your contribution to this committee?

I will bring a nice perspective to the committee as a visitor
and then resident. I have previously worked at the Ouray Visitor
Center as a volunteer. I believe I have good ideas, and
willing to listen, learn and contribute to the people on the Tourism
Board.

Signature Jennifer B. Donovan

Date 1-24-2022

Print Name Jennifer B. Donovan

If you are interested in this opportunity to serve your community, please fill out the application and return to the above address.

RESOLUTION NO. 2 (SERIES 2022)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO,
APPROVING ALTERNATE JUDGES TO PRESIDE OVER OURAY MUNICIPAL COURT
FOR MARCH AND APRIL 2022 AT NOON AT THE OURAY COUNTY COURTHOUSE.**

WHEREAS, sitting Judge Zachary Martin has resigned as the Ouray Municipal Judge and his last day is February 10, 2022.

WHEREAS the City and the Town of Ridgway use the same judge and clerk and court begins at noon once per month for both dockets.

WHEREAS, in the most recent past, the municipal court judge has been the Ouray County Court Judge agreeing to preside over both the City and Town's municipal court dockets for a nominal fee but with Judge Martin's leaving, the county court judge hiring process could be lengthy.

WHEREAS, the City Attorney has located two attorneys with experience in presiding over municipal court who are willing to be the alternate municipal judge for both the City and Town for March and April docket.

WHEREAS, Chapter 5, Section 11 of the Ouray City Code, provides that when the Ouray Municipal Court Judge is unable to act for any reason, an alternate judge be hired using the Alternate Judge Order form which is attached hereto for authorization of the mayor's signatures.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, that the City of Ouray, hereby as follows:

1. City Council authorizes the mayor to sign the proposed order attached hereto, appointing Anna Cooling and Jock Fleming of Fleming, Lowenberg & Cooling, 144 S Uncompahgre Ave, Montrose, CO 81401 to preside over municipal court in March and April 2022.

ADOPTED this seventh day of February 2022 by the Ouray City Council.

CITY OF OURAY, COLORADO

By: _____
Ethan Funk, Mayor

ATTEST:

Melissa M. Drake, City Clerk

APPOINTMENT OF AN ALTERNATIVE ACTING MUNICIPAL COURT JUDGE

Consistent with § 5-11 of the Ouray City Code, I, Ethan Funk, Mayor of the City of Ouray, Colorado have appointed Anna Cooling and Jock Flemming, of Flemming, Lowenberg & Cooling, 144 S Uncompahgre Ave, Montrose, CO 81401, as the acting Municipal Court Judges in the matters identified below.

Ouray Municipal Court Docket: March 10, 2022 and April 14, 2022
Date of Docket

or

Citation Number: _____;

Incident Number: _____;

Defendant(s): _____;
_____.

By:

Ethan Funk, Mayor

Date

Attest:

Melissa M. Drake, City Clerk

RESOLUTION NO. 3 (Series 2022)

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF OURAY CONSIDERING
NON-RENEWAL OF AN IGA WITH THE OURAY COUNTY BOARD OF COUNTY
COMMISSIONERS CONCERNING JOINT PLANNING FOR URBAN GROWTH.**

WHEREAS, on August 26, 2002, the City and Ouray County entered an intergovernmental agreement (IGA) whose purpose was to jointly govern certain urban growth management within Ouray County, a copy is attached hereto and incorporated herein.

WHEREAS the IGA automatically renews for successive five-year terms unless at least six months before a scheduled expiration, either party notifies the other party of its decision not to renew.

WHEREAS City Council must notify Ouray County by February 26, 2022 of non-renewal, to exercise the City's right to terminate the agreement.

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

After considering (1) the terms of the IGA, (2) the success of the IGA in reaching the shared goals for the past twenty-years, (3) whether urban growth management shifts require a change in the approach going forward, (4) whether it's in the City's best interests to remain in this IGA, and (5) whether shared goals for urban growth should be redefined, the 2002 IGA attached hereto will not be of effect after August 26, 2022.

Approved:

Denied:

Approved with conditions:

**PASSED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, AT A REGULAR
MEETING THIS SEVENTH DAY OF FEBRUARY 2022.**

CITY OF OURAY, COLORADO

By _____
Ethan Funk, Mayor

ATTEST:

Melissa M. Drake, City Clerk

INTERGOVERNMENTAL AGREEMENT (IGA)

This Agreement effective this 26th Day of August, 2002, between the Board of County Commissioners of Ouray County, Colorado, (the County) and the City of Ouray, Colorado (the City).

WHEREAS, continued growth pressure in the Ouray area suggests that increased coordination between the City and the County can result in better management for directing growth to maintain the identity of the Ouray Community, promote the efficient provision of public services (central sanitary sewer and water, streets, police protection and other services) and protect our open lands, agricultural lands and alpine lands; and

WHEREAS, the City of Ouray has adopted an Annexation Plan for the Ouray Planning Area, which contains a Ouray Urban Growth Boundary and includes consideration of areas found within the unincorporated areas of Ouray County; and

WHEREAS, the State of Colorado has authorized and encouraged local governments to cooperate with each other pursuant to CRS 29-20-105, CRS 29-1-203 and 31-23-227 and section 18(2)(a) and 2(b) of Article XIV of the Colorado Constitution; and

WHEREAS, pursuant to the Municipal Annexation Act of the State of Colorado, CRS 31-12-101 through 123, the City has the authority to annex property; and

WHEREAS, under the authority granted by CRS Title 29, Article 20, a committee jointly appointed by the Board of County Commissioners of Ouray County and the Ouray City Council with the intent of reaching agreement as to development goals and policies within the greater Ouray urban area held several meetings: and

WHEREAS, pursuant to said meetings the City and County agreed to the following goals, purposes and policies to be applied to the unincorporated portion of Ouray County defined herein as the Ouray Urban Growth Management Area and the Ouray Area of Influence.

Goals

The agreement will be a tool:

1. To direct growth, not simply manage growth in that area surrounding the City of Ouray as defined in the Urban Growth Management Area.
2. To consider urban development only where the full range of urban public services can be provided and within the Urban Growth Management Area.

3. To influence urban development so that it occurs within or will be annexed into the City of Ouray.

1. To protect visual corridors and in so doing retain community identity.

2. To preserve open lands, alpine lands and agricultural lands around urban areas.

3. To preserve natural areas such as streams, canyons, wetlands, wildlife habitat, alpine lands, wildlife corridors, riparian habitats and other lands.

4. To advise, consult and involve in the planning activities the owners of private property affected by these agreements.

5. To define in part by this IGA what the appropriate economic role for the county and municipality will be.

Section 1. Purposes

The purposes of this Intergovernmental Agreement are as follows:

- a. Establish a process of interjurisdictional cooperation in order to manage land uses,
- b. Designate areas for urban development and direct growth to these areas,
- c. Preserve open lands, alpine lands, wildlife corridors and agricultural lands,
- d. Protect the community identities of the City of Ouray and Ouray County, and
- e. Consider unincorporated land for commercial development only when it complements the existing commercial lands in the City.

Section 2. Definitions

2.1 Agricultural Lands.

Lands assessed at agricultural values for five years or more or land irrigated within the last five years.

2.2 Alpine Lands.

Those higher altitude lands as defined in the Ouray County Land Use Code.

2.3 Development, Development Application or Development Proposal.

Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, changes in use, mining, dredging, filling, grading, paving, excavations or drilling operations, except uses by right in the appropriate county zones, site development permits, and visual impact reviews.

2.4 Ouray Area of Influence.

An area of unincorporated land outside the Urban Growth Management Area, mutually designated by Ouray County and the City of Ouray, wherein any development or land use activity which will have impact upon the above stated goals and purposes and which bears a relation to the planning of the area within the municipality, should, to the extent possible, be reviewed by Ouray County with participation by the municipality in the review and recommendations.

2.5 Open Lands.

A parcel or area of land that is unimproved, which may be in public or private ownership. The lands may have scenic, agricultural or wildlife value, present recreational opportunities, or include historic landscapes. The parcels may contain significant natural features such as flood plain, steep topography, waterways, or rock outcroppings.

2.6 Ouray Urban Growth Boundary.

A line jointly adopted by the City of Ouray and Ouray County that encircles the City of Ouray and separates rural and urban development. The line marks the boundary of the Urban Growth Management Area.

2.7 Urban Development.

Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. In the City of Ouray, these standards are outlined in the Ouray Municipal Code. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services which are typically provided by cities.

2.8 Urban Growth Management Area (UGMA)

The unincorporated area within the Ouray Planning Area in which urban development may be allowed when annexed to the City of Ouray and which is in conformance with the Ouray City Land Use Plan, Municipal Code and Community Plan. The Urban Growth Management Area for Ouray includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban development.

Section 3. Policies

3.1 The City and County shall establish an Urban Growth Management Area (UGMA) surrounding the City of Ouray and mutually agree that said area is appropriate for the location

of urban development to the extent that it is allowed by the Ouray Community Plan, Municipal Code and Annexation Plan.

3.2 The policy of the City is to consider the annexation of all properties within the unincorporated area of the UGMA as a condition of approval of a development application or when said property becomes eligible for annexation.

3.3 The City agrees not to annex property outside the UGMA without first amending the UGMA boundary through the established amendment procedure as provided by in this agreement, Section 4.6.

3.4 The City and County shall establish an Area of Influence surrounding the City, but outside the UGMA, wherein developments which will have impact upon the above stated goals and purposes and bear relation to the planning and development of the City, are reviewed according to the Ouray County Land Use Code as it pertains to the Area of Influence.

3.5 Development, other than uses by right, is permitted to take place within the Area of Influence only with the recommendation of the Ouray Area Joint Planning Board and approval by the Ouray Board of County Commissioners.

3.6 The City and County do herein agree to establish a combined City and County Joint Planning Board, called the Ouray Area Joint Planning Board, to review and provide recommendations to the Board of County Commissioners on all development proposals within the Ouray Area of Influence and the Ouray UGMA which are subject to this agreement. Regarding review of such development proposals, said Board will replace all current boards such as the Ouray County Planning Commission. The objectives of the Ouray Area Joint Planning Board are to provide for consistent interpretation of the goals, policies and design standards as set forth in the Ouray County Land Use Code and other provisions of the IGA. The Ouray Area Joint Planning Board will be an official Ouray County advisory board.

Section 4. Agreements.

4.1 Establishment of the Urban Growth Management Area and Overlay Zone.

There is hereby established an Urban Growth Management Area (UGMA) and a Ouray Urban Growth Boundary surrounding the City of Ouray. Ouray County will amend its official zoning map to reflect the UGMA District as set forth in Exhibit A, (attached hereto and by this reference incorporated herein). The County and City agree to follow the policies and guidelines included in the Amendments to the Ouray County Land Use Code Exhibit B, C, D and E (attached hereto and by this reference made a part hereof).

4.2 Establishment of the Ouray Area of Influence and Area of Influence Overlay Zone.

There is hereby established an Area of Influence surrounding the City of Ouray, but outside the UGMA. Ouray County shall amend its official zoning map to reflect the Area of Influence as set forth in Exhibit A, (attached hereto and by this reference incorporated herein). The County and City agree to follow the policies and guidelines included in the Amendment to the Ouray County Land Use Code Exhibits B, C, D and E (attached hereto and by this reference made a part hereof). The City and County agree that until a city annexation plan exists, the Ouray County Master Plan shall apply.

4.3 Establishment of Ouray Area Joint Planning Board.

There is hereby established a Ouray Area Joint Planning Board to act as the recommending body to the Ouray County Board of County Commissioners concerning all development applications for properties, except uses by right of the appropriate county zones, site development permits and visual impact reviews, as defined in the Ouray County Land Use Code, which are subject to this agreement, located within the unincorporated Ouray Area of Influence and Ouray UGMA, subject to the provisions of 4.4 D. of this Agreement. This board will consist of the five members of the Ouray County Planning Commission and three members appointed by the Ouray City Council from the Ouray City Planning Commission or their appointees and approved by the Ouray County Board of County Commissioners. Minority opinions from the Joint Planning board are encouraged. The Ouray Area Joint Planning Board will be considered an Ouray County advisory board and will operate pursuant to the procedures set forth in the county land use code and Exhibit E, the bylaws of the Ouray Area Joint Planning Board (attached hereto).

The City agrees that after review of development proposals for the Area of Influence and UGMA subject to the provisions of 4.4 D. of this Agreement, by the Ouray Area Joint Planning Board, the recommendation for approval, approval with conditions, or disapproval is forwarded to the Ouray County Board of County Commissioners. Final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners.

4.4 Development Proposals within the UGMA.

A. Upon receipt of any proposal for development of property within the Ouray UGMA except uses by right of the appropriate county zones, site development permits and visual impact reviews, as defined in the Ouray County Land Use Code, the County will notify the proponent that they should file application with the City.

The applicant shall apply to the City for annexation and development of the subject property and shall agree to annex the property to the City, pursuant to an annexation agreement with the landowner, with terms that will conform to the City of Ouray Community Plan.

B. The City will consider all petitions for annexation of lands within the UGMA and will not decline to annex such property except for good cause. For the purposes of this

Section, good cause includes without limitation the following: (i) extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself; (ii) the area is not contiguous to the City's existing boundaries; (iii) the development proposal fails to meet the criteria for annexation outlined in the City of Ouray Municipal Code, Community Plan-Land Use Element and Annexation Plan.

C. To the extent legally possible within the UGMA, the City will annex the full width of each County road ROW adjacent to newly annexed property. However, the City may choose to exclude specific sections of right-of-way to preserve opportunities for future contiguity. The City shall not eliminate existing accesses or discriminate against access from properties which are not within the City.

D. If the City declines to annex a development proposal within the UGMA, the policies and guidelines included in the Amendment to the Ouray County Land Use Code Exhibit B and C, (attached hereto) will apply. The City agrees to review development proposals in a timely manner.

E. Unless waived by the City, all development applications within the UGMA will conform to the City of Ouray development standards, found in the Ouray Municipal Code and the City's Community Plan.

4.5 Development within the Area of Influence.

A. The Ouray Area of Influence is an area of unincorporated land outside the Ouray UGMA, mutually designated by Ouray County and the City of Ouray, wherein any proposed development or land use activity which will have impact upon the above stated goals and purposes and bear relation to the planning of the area within the municipalities should, to the extent possible, be reviewed by the City of Ouray with the opportunity to make recommendations to the County.

B. Any use by right as listed in the Ouray County Land Use Code and not requiring further review (excluding the County Building Official) shall be allowed, regardless of any provisions of this Agreement. The Ouray Area Joint Planning Board shall review any use, other than a use by right or zoning change or site development permit and visual impact reviews, which requires review according to the Ouray County Land Use Code for the Area of Influence pursuant to Sections 4.2, 4.3 and 4.4 of this Agreement.

C. Upon receipt of a development application for property within the Ouray Area of Influence, the County will present the application to the Ouray Area Joint Planning Board. The Review Board will evaluate the application according to the Ouray County Land Use Code with reference to Exhibit B, Overlay Zone, and Exhibit C, Section 5 of the Ouray County Land Use Code, and make recommendations to the Board of County Commissioners.

D. The City agrees that, after review of development proposals by the Ouray Area Joint Planning Board, the recommendations for approval, approval with conditions, or disapproval shall be forwarded to the Ouray County Board of County Commissioners and that final authority regarding approval or disapproval of development proposals rests with the Board of County Commissioners.

E. To ease the review of development proposals before the Ouray Area Joint Planning Board, the County staff will prepare reports and forward these reports in a timely manner to the City in advance of the meeting.

4.6 Amendments to the Ouray Urban Growth Boundary, the Ouray Area of Influence Boundary and other Sections of this Agreement.

The City and the County agree that amendments to this Agreement will be according to the following procedures and requirements.

A. The City of Ouray, Ouray County or any individual or entity may request an amendment to the Urban Growth Boundary, the Area of Influence Boundary or other Sections of the Agreement.

B. The request shall be forwarded to the Ouray City Council and the Ouray County Commissioners for their review. The Urban Growth Boundary, Area of Influence Boundary or other Sections of this Agreement shall be amended only with the approval of the City and the County, after following City and County Procedures.

C. The amended Urban Growth Boundary, Area of Influence Boundary or Section shall be in writing, if appropriate, and be shown, on Exhibit A of this Agreement. The amendment shall be signed and dated by the Mayor of the City and the Chair of the Ouray County Commissioners.

4.7 Enforcement.

It is the intent of the City and County that this Agreement is binding upon both the City and the County, and that either party hereto shall be permitted to specifically enforce any provision of this Agreement in a Court of competent jurisdiction.

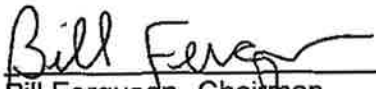
4.8 Term.

The Intergovernmental Agreement will remain in force and effect for an initial term of five years from the date of its execution. Subsequent to the initial term of this Agreement, it will be automatically renewed for successive five-year terms unless at least six months before its scheduled expiration, either party should notify the other party of its decision that the Agreement not be renewed. In addition, the elected City and the County officials agree to a biennial review of all elements of this Agreement and shall prepare a joint staff report to the respective legislative bodies.

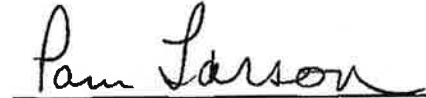
4.9 Prior Termination.

The County will notify the City of Ouray of any proposed or adopted amendments to Exhibits A, B, C, D and E, or to other provisions of County Land Use and zoning regulations, including uses by right. If any such amendment undermines the usefulness of this Agreement in the opinion of the City of Ouray, it may terminate this agreement with 60 days written notice to the County


BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY, COLORADO


Bill Ferguson, Chairman

CITY COUNCIL, CITY OF OURAY,
COLORADO


Pam Larson, Mayor

ATTEST:

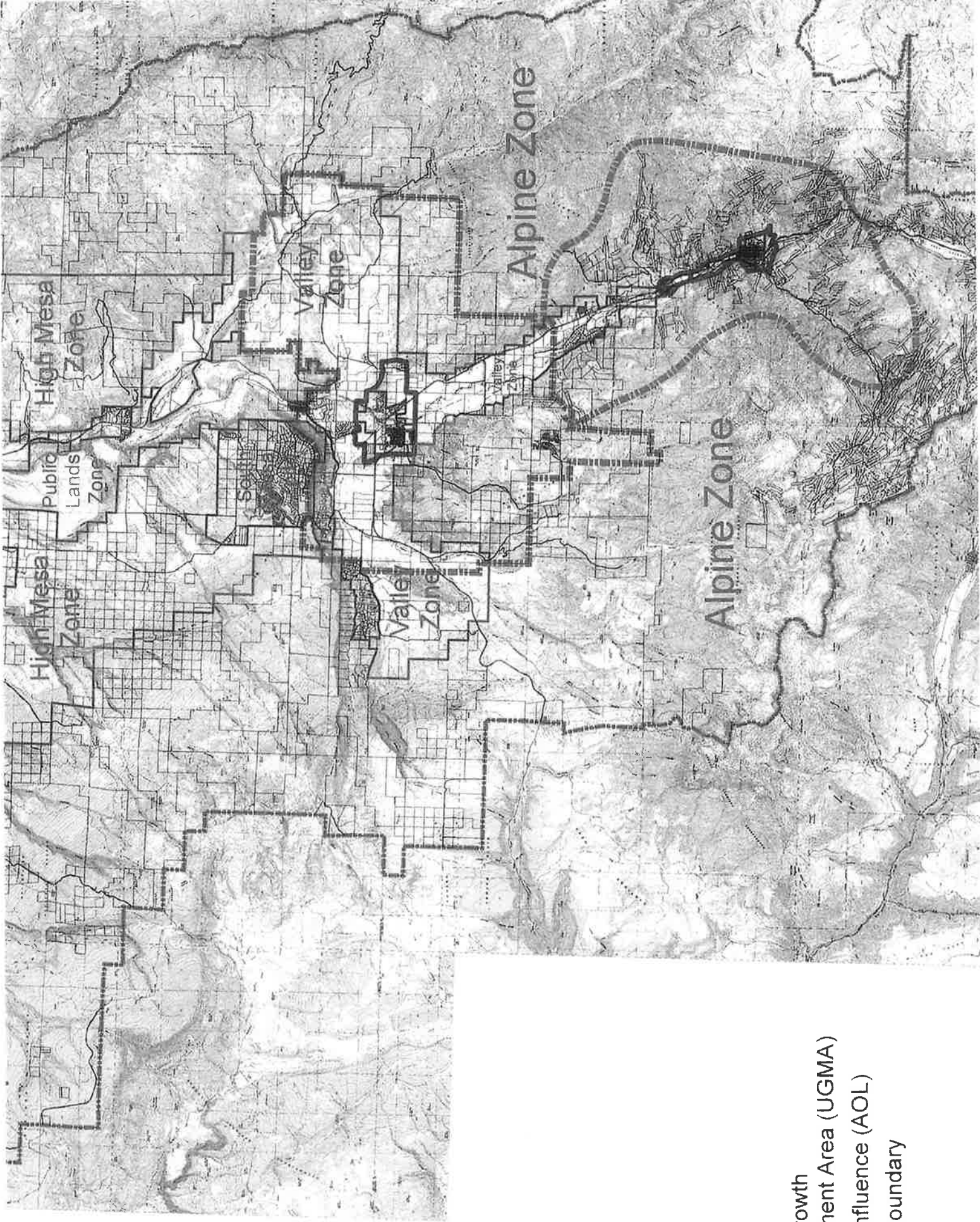

Michelle Olin,
County Clerk and Recorder

ATTEST:


Kathy Elmont
City Clerk

EXHIBITS

1. Exhibit A. Official Zoning Map delineating the Urban Growth Management Area and Area of Influence.
2. Exhibit B. Overlay Zones.
3. Exhibit C. Section 5, Ouray County Land Use Code-Uses Allowed by Special Use or Permit.
4. Exhibit D. Section 19.9, Ouray County Land Use Code-Joint Planning Boards.
5. Exhibit E. Bylaws of the Ouray Area Joint Planning Board.



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 nagement Area (UGMA)
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 nty Boundary

Exhibit "B"

3.5 OVERLAY DISTRICTS

A. Intent and purpose: Due to continued growth pressures, there is an increased need for coordination between the Municipalities and the County to promote the efficient use of services and protection of open lands, agricultural lands, alpine lands and community identities. It is therefore the intent and purpose of the Overlay Districts to establish districts and create a process to jointly review development on unincorporated property surrounding the Town of Ridgway and the City of Ouray.

B. Definitions:

1. Area of Influence (AOI). An area of unincorporated land wherein development or use of land has an impact upon the adjoining municipality.

2. Urban Development. Development that conforms to the standards of moderate and high density residential, commercial/industrial or tourist land use categories, which is typical to urbanized areas. Urban development also includes the types of services that are generally required to support that development such as central potable water, storm water systems, central sanitary sewer systems, quick-response fire and police protection, urban level street design and maintenance, parks and recreation programs, open space and undeveloped parks, urban level retail and commercial development and other similar services that are typically provided by cities and towns.

3. Urban Growth Management Area (UGMA). An area of unincorporated land adjacent to a municipality in which urban development may be allowed when annexed by the municipality. The Urban Growth Management Area includes an area sufficient to provide for ten to twenty-five years of anticipated and desirable urban growth and development for the adjacent municipality.

C. Establishment of Overlay Districts: The following Overlay Districts are hereby established:

1. The Ridgway Urban Growth Management Area.
2. The Ridgway Area of Influence
3. The Ouray Urban Growth Management Area
4. The Ouray Area of Influence

D. Overlay Districts: All Overlay Districts shall be designated on the "Official Zoning Map of Ouray County" which is on file in the records of the Ouray County Clerk and Recorder. A copy of the map is attached to this Code and in the event of any conflict between the copy and the map on file in the County records, the latter shall be conclusively deemed to prevail.

Exhibit "B"

E. District Uses and Requirements.

1. Within the Ridgway Area of Influence and the Ouray Area of Influence, the following uses are allowed:
 - a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
 - b. Uses allowed by special use permit and Planned Unit Developments within the underlying Zone, as stated under Section 3 of this Code, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.
2. Within the Ridgway Urban Growth Management Area and the Ouray Urban Growth Management Area, the following uses are allowed:
 - a. All uses allowed by right shall be permitted within the underlying Zone(s), as stated under Section 3 of this Code.
 - b. Uses allowed by special use permit within the underlying Zone, as stated under Section 3 of this Code, except Home Businesses, may be permitted, upon review and approval of the Board of County Commissioners. Said uses shall follow the process as contained herein.

F. Development Review – Urban Growth Management Area. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall first be considered for annexation by the adjoining municipality prior to submittal of an application to the County Land Use Office.

1. The municipalities will consider all petitions for annexation of lands within the adjoining UGMA and will not decline to annex such property except for good cause. For the purposes of this Section, good cause includes, without limitation, the following:
 - a. Extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such service or upon the future residents or owners of property in the area itself.
 - b. The area is not contiguous to the municipality's existing boundaries.
 - c. The development proposal fails to meet the criteria for inclusion and annexation in the initial growth boundary outlined within the municipality's master or comprehensive plan.
2. If the municipality declines an annexation proposal within the UGMA, the Applicant/Developer may then submit a completed application to the Ouray County Land Use Office. Depending upon the request, the application shall

Exhibit "B"

include all information and documentation as set forth and outlined under the various sections of this Code. In addition, the application shall also include a written denial of annexation from the respective municipality.

G. Development Review – Area of Influence. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning shall be submitted to the Ouray County Land Use Office and shall follow the requirements, standards and processes as set forth and outlined under the various sections of this Code.

H. Joint Planning Boards. Applications for planned unit developments, special use permits, exemptions from the definition of subdivision, variances and rezoning located within an Urban Growth Management Area or an Area of Influence shall be reviewed by a Joint Planning Board, rather than the Ouray County Planning Commission, and the Joint Planning Board shall make a recommendation to the Board of County Commissioners.

1. When a request is located within the Ridgway Urban Growth Management Area or the Ridgway Area of Influence, the Ridgway Area Joint Planning Board shall review the application.
2. When a request is located within the Ouray Urban Growth Management Area or the Ouray Area of Influence, the Ouray Area Joint Planning Board shall review the application.

Section 5

USES ALLOWED BY SPECIAL USE PERMIT

5.1 INTENT:

A. To provide for uses allowed by special use permit as designated under Section 3, Zoning Provisions - Zones. Such uses may be allowed only by approval of the Board of County Commissioners whose determination shall be based on the purposes, standards and requirements as set forth under this Section. In granting approval for a special use, the County Commissioners may impose additional conditions, which comply with the purposes and intent of this Code.

5.2 PERMIT PROCEDURES

A. A Special Use Permit application, together with the information described below and the required fees shall be submitted to the County Land Use Administrator at least forty five (45) days prior to the Board of County Commissioner's meeting at which the request will be initially considered. **In addition, the applicant shall submit notification postcards that are to be obtained from the County Land Use Office prior to submittal of the application. The postcards will contain all pertinent information and will be stamped and addressed to all adjacent property owners.**

B. In addition to the provisions required under Section 5.3 the following information shall be submitted.

(1) Site Plan

(2) Signature of owner(s) of all property, authorizing application. If land included in an application is leased to an applicant, terms and length of the lease shall be provided.

(3) An explanation of the operation or use.

C. Prior to taking action on the requested special use permit the County Commissioners:

(1) May submit a copy of the application and accompanying data to the County Planning Commission for review and comment and may request that the Planning Commission hold a public hearing as indicated in Section 5.4 below.

(2) May hold a public hearing on the application as indicated in Section 5.4, below.

(3) **If the request is located within an Urban Growth Management**

Exhibit "C"

Area or Area of Influence the request will be reviewed by the appropriate Joint Planning Board. The Joint Planning Board may hold a public hearing on the application as indicated in Section 5.4, below.

D. A copy of the application and the accompanying information shall be submitted to the **Planning Commission or Joint Planning Board** and appropriate agencies for review and comment. **If the request is located within an Urban Growth Management Area or Area of Influence the request will be submitted to the adjacent municipality for review and comment.**

E. The County Commissioners, in granting approval, may condition the operation in order to ensure compatibility with surrounding uses and to ensure that impacts are properly mitigated. The County Commissioners may place conditions on the length of time a use may be operated, and may require periodic review.

F. The applicant/operator must, at all times, be in compliance with all applicable state and federal laws and regulations. The permit may be refused or withdrawn in case of non-compliance with such laws or regulations.

G. If land included in an approved application or use is leased to the applicant, the applicant or his successors shall notify the County of any changes in the lease that may occur following approval by the County Commissioners. The permit may be refused or withdrawn in case of non-compliance with such lease.

H. If the Board of County Commissioners shall determine, on the basis of information submitted and available to it, that a proposed operation will have an impact on, or will necessitate, improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the Board may, as a condition of special use permit approval, require that the developer take steps to mitigate this impact by payment of impact fees or provision of in-kind contributions as provided by this Code.

5.3 REVIEW REQUIREMENTS:

The following regulations shall apply to special uses allowed by permit only, as indicated.

A. **All special uses allowed in the various zones under Section 3 of this Code, shall be subject to the following provisions:**

(1) Proof that such use does not create undue danger in surrounding areas, does not cause water pollution and does not create substantial amounts of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences beyond the boundaries of the property on which such use is located.

(2) At the discretion of the County Commissioners, a written plan

Exhibit "C"

may be required indicating methods to be used to minimize smoke, odors, dust and similar environmental problems, which might result from the operation of the proposed use.

(3) Evidence that adequate access, potable water and sewage disposal is available.

(4) The special uses shall be subject to the provisions of the Visual Impact Regulations found in Section 9 of this Code.

(5) The requested use will not unduly impact wildlife.

(6) Evidence that the use shall not alter, restrict, inhibit or interfere with historic irrigation practices, headgates, ditches and ditch right-of-way.

(7) Evidence that the use is not located within any area subject to geohazards, including, but not limited to rockfall areas, avalanches, landslide, potentially unstable slopes, slopes greater than 30 percent, alluvial fans, talus slopes, Mancos shale, faults, expansive soils or ground subsidence. If the proposed use is located within areas subject to the effects of geological hazards, evidence shall be presented by the applicant that such hazards have been avoided. If avoidance is not possible, evidence shall be provided that hazards have been mitigated. The County may require qualified professional geologic or engineering certification that the proposed land use can be located or developed in a safe manner.

(8) Evidence that the property has no chemical contamination. If the property is chemically contaminated, a mitigation plan must be presented that would satisfactory resolve the chemical contamination.

(9) The request is consistent and compatible with the community character and surrounding land uses within the area for which the request is being proposed.

(10) The request would not have a material adverse effect on the surrounding area.

(11) At the discretion of the County, periodic review may be required.

(12) The use will not create impacts on existing infrastructure beyond what would be created by a use by right.

B. Sand and gravel, oil and gas, commercial logging, mineral operations and mineral extraction and processing operations, if allowed, shall be subject to the

Exhibit "C"

following conditions:

- (1) All applicable state and federal permits have been obtained or will be obtained before commencement of the proposed use.
 - (2) Permits shall be granted for the uses listed above only if the applicant/operator is in full compliance with all rehabilitation and reclamation requirements. The permit may be withdrawn if, at any time, applicant is in non-compliance. Where no state or federal agency requires a rehabilitation or reclamation plan, the County may do so. Said plan shall depict, in writing and graphically, the proposed methods for restoring any disturbed areas, to include the extent and type of revegetation proposed. In addition, in the case of a proposed commercial logging operation, the County may require the Applicant/Operator to submit a site-specific forest management plan which shall address such matters as the size of trees to be taken, the locations of the proposed operation, time of year of the operation, clean-up, reforestation and related items. The County, in its discretion, with concurrence with the Applicant, may obtain independent review of the site-specific forest management plan, with the costs of such review being borne by the Applicant/Operator.
 - (3) Truck traffic to and from such uses shall not create undue hazards or nuisance to areas elsewhere in the County, nor shall it unduly damage public roads. **If it is found that hazards, nuisances or damage to public roads will occur from the proposed use, a mitigation plan shall be submitted.**
 - (4) If the County Commissioners shall determine, on the basis of information submitted and available to them, that a proposed operation will have an impact on, or will necessitate improvements to facilities or services provided by the County, the school districts or other governmental entities within the County, the Board may, as a condition of special use permit approval, require that the developer take steps to mitigate this impact by payment of impact fees or provision of in-kind contributions. The amount or nature of such requirement shall be ascertained by the extent of the impact and will be calculated to cause the facility or service impacted to provide at least as high a level of service after full development of the special use as existed at the time the special use was approved. If impact fees are paid, the amount of such fees shall be used or set aside for the purpose for which it was paid.
- C. As allowed within specific zones cemeteries, schools, bed and breakfast operations, churches, commercial equestrian activities, commercial outdoor recreation, livery or horse rental operations, commercial uses, commercial camping, and guest ranches shall be subject to the following provisions:

Exhibit "C"

- (1) In the case of cemeteries and schools, such proposed uses shall serve an obvious public need.
- (2) Sufficient distance shall separate such uses from abutting properties, which might otherwise be damaged or diminished in value due to the operation of the proposed use.
- (3) Satisfactory proof shall be given that such uses will be properly maintained.
- (4) Truck and automobile traffic to and from such uses shall not create hazards or nuisance to areas elsewhere in the County.
- (5) Sufficient off-street parking, as required in Section 7.2(M) of this Code shall be provided to accommodate the expected volume of users of the proposed facilities. Bed and breakfast operations shall provide parking to the same extent required for hotels and motels under this Code.
- (6) For Guest Ranches:
 - (a) Hours and months of operation.
 - (b) Traffic impacts, such as noise and dust, and any abatement measures necessary to mitigate impacts from traffic.
 - (c) Ancillary facilities, such as trails, and proof of permission to use off-site facilities, if necessary.
 - (d) Maximum numbers of guests on the site at any time.
 - (e) Portion of the site to be used for operations.
 - (f) Signs
 - (g) Any other nuisance abatement measures identified by the County.
 - (h) If any portion of the land included in the application is leased to the applicant, the applicant shall supply a copy of the lease.
 - (i) If the operator is to be someone other than the owner of the land or the applicant, he or she shall be identified as part of the application.

5.4 PUBLIC NOTICE AND HEARING:

Before granting a special use permit, the Board of County Commissioners may hold a

Exhibit "C"

public hearing, or direct that the Planning Commission hold a public hearing **or the Joint Planning Board may hold a public hearing** on the matter. **If a public hearing is required**, notice of such hearing shall be published at the expense of the applicant, in a newspaper of general circulation within Ouray County at least **fifteen (15)** days prior to the hearing date. In addition, written notice of the hearing shall be mailed at least **fifteen (15)** days prior to the hearing date to the applicant. The County Commissioners **shall** also require that the applicant give notice to the owners of properties adjacent to the property in question at least **fifteen (15)** days prior to the hearing and, in that case, shall require the applicant to provide proof that the notice was given.

5.5 FEES FOR SPECIAL USE APPLICATIONS:

Application fees for special use permits will be in accordance with the County's current fee schedule.

Exhibit "D"

19.9 JOINT PLANNING BOARDS:

A. Establishment: There are hereby established a Ridgway Area Joint Planning Board and a Ouray Area Joint Planning Board to act as recommending bodies to the Ouray County Board of County Commissioners. The Joint Planning Boards will review specific development applications for properties located within the Ridgway Area of Influence, Ridgway Urban Growth Management Area, the Ouray Area of Influence and the Ouray Urban Growth Management Area.

B. Appointment of Members: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board shall consist of a total of eight (8) members. Membership shall be as follows:

1. The eight (8) members of the Ridgway Area Joint Planning Board shall consist of the five (5) members of the Ouray County Planning Commission and three (3) members selected by the Ridgway Town Council from the Ridgway Town Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the Town of Ridgway. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ridgway Town Council.
2. The eight (8) members of the Ouray Area Joint Planning Board shall consist of the five members of the Ouray County Planning Commission and three (3) members selected by the Ouray City Council from the City of Ouray Planning Commission or if no Planning Commissioners are available shall select three (3) persons who reside within the limits of the City of Ouray. The Ouray County Board of County Commissioners shall approve or reject any or all of the names submitted by the Ouray City Council.
3. The terms of the Joint Planning Boards' members shall be as follows:
 - a. From the Ouray County Planning Commission, membership shall coincide with their appointed terms.
 - b. The members appointed from each municipality shall serve for staggered three-year terms.
4. The Board of County Commissioners, at the request of the Ouray County Planning Commission or the Town of Ridgway or City of Ouray, may also, at its discretion, appoint any associate members to each of the Planning Boards to serve in place of any member of the Board who may be absent from the County, who is ill, who may have any financial or personal interest in any matter brought before the Commission or who may be otherwise unable to function or serve in his appointed capacity as a member of the Planning Commission.
5. Any member may resign from the Planning Boards upon sending written notice of such resignation to the Chairman of the Board of County

Exhibit "D"

Commissioners.

C. Powers and Duties: The Ridgway Area Joint Planning Board and the Ouray Area Joint Planning Board will be considered Ouray County advisory boards. The Joint Planning Boards shall review those applications for development as outlined under Section 3.5 of this Code. The Joint Planning Boards will not have the authority to adopt a master plan pursuant to Section 30-28-106(1) of the Colorado Revised Statutes.

**BYLAWS
OF
THE OURAY AREA JOINT PLANNING BOARD**

PREAMBLE

The Ouray Area Joint Planning Board has the authority and responsibilities as defined by the Ouray County Land Use Code. These Bylaws are for the purpose of creating an organizational framework for the Joint Planning Board and should not be construed as diminishing or increasing the authority or the responsibilities as specified within the Land Use Code.

**SECTION I
MEMBERSHIP**

A. The Ouray Area Joint Planning Board shall consist of a total of eight (8) members. Membership shall include the five (5) members and one (1) associate member of the Ouray County Planning Commission and three (3) members and one (1) associate member selected by the Ouray City Council and appointed by the Board of County Commissioners. Each of the members of the Ouray Area Joint Planning Board shall be a resident of the County.

B. The term of appointed members of the Planning Board shall be three (3) years and until their respective successors have been appointed and the terms of the office shall be staggered.

C. Associate members may take the place of a regular member in the event any regular member is temporarily unable to act owing to absence from the County, illness, interest in any matter before the Planning Board, or any other cause, his/her place may be taken during such temporary disability by an associate member. The associate member appointed to the Ouray County Planning Commission may only take the place of one of the five Planning Commission members and the associate member appointed from the City of Ouray may only take the place of one of the three City members

D. Any member may resign from the Ouray Area Joint Planning Board by giving written notice of such resignation to the Chairperson of the Board of County Commissioners and, in the event of such resignation or other vacancy on the Ouray Area Joint Planning Board, the Board of County Commissioners shall appoint a replacement to serve for the remaining term of the member leaving the Planning Board.

**SECTION II
OFFICERS**

A. The office of the Chairperson shall be held by the Chairperson of the Ouray County Planning Commission and the office of the Vice Chairperson shall be held by the Vice Chairperson of the Ouray County Planning Commission. Such other officers

Exhibit "E"

and assistant officers as may be deemed necessary may be appointed by the Ouray Area Joint Planning Board. No person may hold more than one office at the same time.

B. The Chairperson shall preside at all meetings of the Ouray Area Joint Planning Board and shall be the chief executive officer, performing such duties as are usually associated with such position.

C. The Vice Chairperson shall serve in the absence or incapacity of the Chairperson.

D. In the absence of the Vice Chairperson the senior member shall preside at the meeting.

SECTION III **MEETINGS**

A. When an application for development as defined in the Ouray County Land Use Code warrants the need for the Joint Planning Board to meet the meeting shall be held on the third Tuesday of each month at 7:00 p.m. at the Ouray County Land Use Office. The Ouray Area Joint Planning Board may, by majority vote at any meeting, alter the date, time and/or place of the next subsequent regular meeting.

B. Special meetings may be held at any time upon call of the Ouray Area Joint Planning Board Chairperson. In the event of such a special meeting, notice of the place, time and purpose of the meeting shall be given to the members of the Ouray Area Joint Planning Board and posted at the Ouray County Courthouse at least twenty-four (24) hours before the meeting. Notice of special meeting need not be given, individually, to the Ouray Area Joint Planning Board members or posted at the Courthouse if said special meeting is announced at a regular meeting of the Ouray Area Joint Planning Board.

C. A quorum shall consist of five (5) voting members of the Ouray Area Joint Planning Board. The quorum shall be made up of three (3) members or two (2) members and one (1) associate member of the Ouray County Planning Commission and two (2) members or one (1) member and one (1) associate member from the City of Ouray.

D. The business of the Joint Planning Board shall be conducted in accordance with the Colorado Open Meetings Law. (C.R.S., Section 24-6-401, et seq.) Any meeting may be continued from time to time to a specific day upon motion duly made and carried and no notice of the continuance need be given except by announcement at the meeting.

E. On question of parliamentary procedure not covered by these bylaws, the most recent available edition of Roberts's Rules of Order shall govern. The order of business at all meetings shall be as follows:

1. Approval of minutes from prior meetings.

Exhibit "E"

2. Administrative items/review of agenda.
3. Disposition of unfinished business.
4. Presentation and disposition of new business.
5. Adjournment.

The order of business may be modified upon the majority vote of members of the Ouray Area Joint Planning Board.

F. Members of the Ouray Area Joint Planning Board must be present in person to vote.

SECTION IV
OURAY AREA JOINT PLANNING BOARD PROCEDURES

A. All applications and other matters requiring Ouray Area Joint Planning Board approval or recommendation shall follow the procedure that is outlined in the Ouray County Land Use Code.

B. No matter shall be placed on the agenda of a regular meeting of the Ouray Area Joint Planning Board unless it has been submitted in accordance with the Ouray County Land Use Code, together with all required fees, at least forty-five (45) days prior to the regular meeting. This time period may be waived by majority vote of the Ouray Area Joint Planning Board at the meeting.

C. The County Land Use Department shall, as expeditiously as possible, after receipt of an application and the required fees, make submissions, as required by law or regulation, the other agencies and governmental entities.

D. The Ouray Area Joint Planning Board shall take substantive action on any matter officially submitted to it within the time period specified by state law, regulation or resolution of the Board of County Commissioners.

E. Unless otherwise specified by law, regulation or resolution of the Board of County Commissioners, "official submission" shall be deemed to have occurred when:

1. All necessary forms, information, plats and fees have been submitted, and
2. All required submissions have been made to state agencies and other governmental entities and reports have been received back or required waiting periods have elapsed, and
3. All required notices have been published and hearings held in accordance with the applicable regulations.

F. The report or action of the Ouray Area Joint Planning Board shall be in the form of a written resolution transmitted to the Board of County Commissioners.

Exhibit "E"

SECTION V
VOTING

- A. All actions of the Ouray Area Joint Planning Board shall be made by motion.
- B. Voting shall be by a show of hands unless a roll call is requested and the Secretary shall keep or cause to be kept, a record of the vote and the absence of any member.
- C. Tie Vote
1. A tie vote on any motion means the defeat of the motion for a lack of a majority vote.
 2. When a tie vote occurs and no other motion is passed on the item, the item shall be forwarded to the Board of County Commissioners with a report of the tie vote. In addition to the report of the tie vote, supporting and objecting opinions shall be submitted to the Board.

SECTION VI
AMENDMENTS

These bylaws may be altered, amended or repealed and new bylaws may be adopted by the Ouray Area Joint Planning Board at any special meeting called for that purpose or at any regular meeting where the matter has been duly placed on the agenda. No such amendment shall be effective until the same has been approved by the Board of County Commissioners.

SECTION VII
ADOPTION

These bylaws were passed and adopted by the Ouray County Ouray Area Joint Planning Board at a regular meeting of the members at the Ouray County Land Use Office in Ouray, Colorado, on the 08 day of October, 2002.

By: 
Chairperson Ouray Area Joint Planning Board

Approved and ratified by the Board of County Commissioners of Ouray County, Colorado, at a regular meeting of the Board on the 26th day of August, 2002.

Exhibit "E"

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

ATTEST:

By: Michele Ali
County Clerk

By: William Ferguson
Chairperson

RESOLUTION NO. 4 (SERIES 2022)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO
ADOPTING ICE PARK AND VIA FERRATA COMMERCIAL FEE SPENDING POLICIES FOR
THE CITY'S PORTION OF REVENUE RECEIVED PURSUANT TO ARTICLE IV OF BOTH
MANAGEMENT AND OPERATING AGREEMENTS.**

WHEREAS, the City continues to invest in and develop its ice-climbing and rock-climbing park with management and operation of each under long term agreements with Ouray Ice Park, Inc. (OIPI) and Friends of the Ouray Via Ferrata (FOVF), both Colorado not-for-profit corporations.

WHEREAS, each agreement contains a revenue sharing provision under Article IV which entitles the City to 50% of commercial use fees collected at each park so long as such fees are allocated to the cost of operating each park.

WHEREAS, there is no fee charged for the public who wish to climb, only the commercial operators providing guide services pay fees.

WHEREAS, both OIPI and FOVF developed ranger programs which enhance the visitor experience by providing safety education and route information by experienced park rangers.

WHEREAS, City Council believes both ranger programs are integral to each park's success and desire to set forth a policy that the City's portion of the commercial fees from both the ice park and the via ferata should be used toward the expenses of each ranger program, while allowing consideration for special projects.

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

Until further Council action, any monies realized from fees from the commercial use of the City's climbing park within the Uncompahgre River Gorge shall be used to assist in funding the ranger programs operated by OIPI and FOVF, while allowing consideration for special projects.

ADOPTED this seventh day of February 2022, by the Ouray City Council.

CITY OF OURAY, COLORADO

Ethan Funk, Mayor

ATTEST:

Melissa M. Drake, City Clerk

At the conclusion of the discussion of Strategic Focus areas, the Mayor and Council then conducted an exercise to identify and prioritize the most important items and issues. In rank order, the following items/issues were given the highest ratings:

- 1.) Housing - Attainability
- 2.) Land Use – Update the City Code
- 3.) Parks and Recreation – Initiate the P&R Master Plan
- 4.) Infrastructure – Water Treatment
- 5.) Infrastructure – Sewer Plant
- 6.) Responsible Governance- Communication and Outreach
- 7.) Economic Development - Diversity
- 8.) Economic Development – Downtown Core
- 9.) Economic Development – Support Local Businesses
- 10.) Tourism – Maintain Diversity
- 11.) Tourism – Experience Quality
- 12.) Arts/Culture – Day Care
- 13.) Arts Culture – Festivals & Events
- 14.) Infrastructure – RGD Thermal Line
- 15.) Land Use – Revisit County Land Use Agreement
- 16.) Transportation – Road/Parking/Bike Development
- 17.) Transportation – Mass Transit
- 18.) Infrastructure – Water Lines
- 19.) Tourism – Sustainable Protection of Resources
- 20.) Energy Geothermal Development
- 21.) Infrastructure – Water Meter Planning
- 22.) Arts/Culture – Volunteerism/Partnerships
- 23.) Transportation – EV Alternatives
- 24.) Economic Development – Educational Outreach/Collaboration
- 25.) Housing – Energy Efficiency
- 26.) Tourism – More Visitor Education
- 27.) History – Preservation
- 28.) Responsible Governance – Serve Public Interest
- 29.) Responsible Governance – Integrity
- 30.) Responsible Governance – Transparency
- 31.) Energy – Hydropower
- 32.) Energy – Energy Improvements