

Ouray City Council Regular Meeting
Monday, August 1, 2022 6:00 PM

Commissioners' Meeting Room
541 4th Street
Ouray County Courthouse
Ouray, Colorado 81427

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES - July 18, 2022
5. CITIZENS' COMMUNICATION
6. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk
7. DEPARTMENT REPORTS
 - 7.a. City Administrator
 - 7.b. Police Chief
 - 7.c. Fire Chief
 - 7.d. Public Works Director
 - 7.e. City Resources Director
 - 7.f. Tourism and Destination Marketing Director
8. CONSENT AGENDA - Liquor License Renewal - Ouray Riverside Resort - Inn & Cabins
9. ACTION ITEMS
 - 9.a. Appointment of Municipal Court Judge - Lane Thomasson and Oath of Office
 - 9.b. Authorize City Administrator to Execute a Waiver of Conflicts of Interest with Hockersmith and Whitmore, LLC Regarding Municipal Judge
 - 9.c. Resolution 15, Series 2022 - Alternate Judge Order
 - 9.d. Finalize Exterior Design on WWTP Project
 - 9.e. Emergency Ordinance 7, Series 2022 - Extending Ordinances 6 and 8, 2020 to November 1, 2022
 - 9.f. Consideration of Appointing Amy Van Dyke to the PARC
 - 9.g. Perimeter Trail Master Plan
 - 9.h. Amendment to IRU Agreement with Clearnetworx and Region 10
10. DISCUSSION ITEMS
 - 10.a. Sidewalk Tables and Alcohol in City Parks
 - 10.b. Schedule City Property Tour with City Council and Planning Commission
 - 10.c. Future Agenda Items
11. EXECUTIVE SESSION - For a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. 24-6-402(4)(e) concerning an STR penalty for operating without a license
12. ADJOURNMENT

Ouray City Council Regular Meeting

Monday, July 18, 2022 6:00 PM

Massard Auditorium, 320 6th Ave, Ouray, CO 81427

Ethan Funk: Present
Tamara Gulde: Present
Peggy Lindsey: Present
Josh Smith: Present
K. John Wood: Present

1. CALL TO ORDER

Mayor Funk called the meeting to order at 6:00 pm.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. PUBLIC HEARING - Liquor License for Western Hotel Ouray LLC dba Western Hotel

Mayor Funk opened the floor for public comment. Anton, the hospitality manager from the Western Hotel, introduced himself and how he plans to run the Western Hotel. Since there were no questions from the council or the public, Mayor Funk closed the floor.

5. CEREMONIAL/INFORMATIONAL

a. 2021 Financial Audit - Blair and Associates

Pete Blair from Blair and Associates gave an overview of the audit findings.

b. Update on the WWTP Project - JVA (Cooper Best)

Cooper Best from JVA gave an update on the wastewater treatment plant.

6. APPROVAL OF MINUTES - June 27 and July 5, 2022

Motion to approve minutes with change to mention of traffic control, specifically stop signs, rather than speeding, at the intersection of 7th Ave and Oak St. This motion, made by K. John Wood and seconded by Peggy Lindsey, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

Councilor Gulde asked to change the wording on the July 5th minutes to "traffic control" from speeding.

7. CITIZENS' COMMUNICATION

Mayor Funk opened the floor for public comment. Christian, a visitor from Montrose, thanked the council for their service and made the council and audience aware of various programs based out of Montrose. Gretchen MacArthur sent a picture over the weekend of cement bags tossed by the river near the Ouray Silver Mine building, and thanked Councilor Wood for his immediate response, and expressed concerns, both environmental and visual, about the Ouray Silver Mines leaving materials and equipment around now that they are not actively operating. Mayor Funk closed the floor.

8. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk

Councilor Gulde - CEDC meeting last week, discussed chair duties and new member outreach, closed loop geothermal heating system, finalizing micro-grant applications and deadline, and business registration outreach. A work session will be held on August 4th at 8:30 am (location to be determined) to discuss the rubric/grading criteria for micro-grant application grading. EcoAction partners will also be giving an update at the work session. The next CEDC meeting will be August 11th at 8:30 am. IPAT meeting August 3rd from 5:30 to 7:30 pm. Councilor Gulde spoke at the Ouray County Pride event last Sunday.

Councilor Lindsey - Beautification Committee did not meet. Committee members completed two days of cleanup on the riverwalk trail. Councilor Lindsey urged staff to address continual maintenance of the riverwalk

trail beyond committee volunteer work. The next meeting is August 3rd at 8 am (location to be determined). Councilor Wood - Wayfinding work session will happen on July 19th at 6:00 pm. The OIPI board meeting is coming up on Wednesday evening, Mr. Clarke and Councilor Wood will attend. Joint meeting with TAC on branding at Citizens State Bank on July 26th at 6:00 pm.

Mayor Pro Tem Smith - PARC met and discussed several topics: the appointment of Amy Van Dyke is still under review, the City has been offered a climbing structure from Mountain Village, PARC is working out details to place the structure at Rotary Park, the RFP for the Parks Master Plan is going out soon, the Climbers' Alliance has placed a kiosk at Rotary Park due to heavy usage, softball season happening now, sail shades at the ice rink in winter, avalanche beacon in park, dog park improvements, and possible participation in Oktoberfest. The next meeting will be on August 8th at 6:00 pm.

Mayor Funk - Multi-agency committee meeting. Met with OEDIT. Attended Pride event. Participated in the Branding interview. Met with Telluride Mayor about affordable housing best practices. High Alpine Road Map meeting, hoping to host a face-to-face meeting in Ouray soon.

9. DEPARTMENT REPORTS

a. City Administrator

Mr. Clarke gave an update of the Multi-Modal Transportation grant application, which was approved. The geothermal line replacement project is waiting for a valve to arrive. The OX6 and OX2 well casing quote should be ready by the end of the week. The Joint Planning IGA will go before the county Planning Commission and then BOCC in August. The municipal judge agreement with Lane Thomasson is almost complete. The Bachelor Switch Water Users Agreement was pushed back one more meeting to do more research into the city code. The library has asked the City to provide IT contract work.

b. Director of Finance and Administration

Ms. Drake gave an overview of financial reports, comparing 2022 numbers to 2019 activity, which shows a positive trend, ignoring the COVID-related surge in 2020 and 2021. For lodging tax, available rooms and occupied rooms are slightly up from May 2019, but revenue is up 73.5%. Mr. Clarke noted that Twin Peaks Lodge was partially offline due to their remodeling, and the Ouray Chalet is no longer a hotel, so the number of rooms was lower than it was last year at the same time. Pool visitation was down 17% in June compared to June 2019, but revenue was up 3.9%. Box Canon saw a 25% increase in visitors compared to June 2019, and revenue was up 19%.

c. Community Development Coordinator

Ms. Oswald gave an overview of her report.

d. Police Chief

Chief Wood read his report.

10. ACTION ITEMS

a. Liquor License for Western Hotel Ouray LLC dba Western Hotel

Motion to approve liquor license for Western Hotel Ouray LLC. This motion, made by K. John Wood and seconded by Tamara Gulde, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea
Councilor Lindsey asked when they planned to open. Anton said they planned on being open in mid-September.

b. Resolution 14, Series 2022 - Remote Participation for City Council

Motion to approve Resolution 14 series 2022. This motion, made by Peggy Lindsey and seconded by K. John Wood, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

c. Consideration of Addition of Part-time Position of IT Technician

Motion to approve addition of part-time position of IT Technician. This motion, made by Tamara Gulde and seconded by K. John Wood, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

Mr. Clarke stated the IT Administrator is in need of help, and has cut down 3rd party contractor usage significantly since he started working, making up for the cost of a part-time employee in the budget.

d. Creation of an Information Technology Department and Changing Position Title from Information Technology Administrator to Information Technology Director

Motion to approve creation of IT Department and change of title of the IT Administrator to IT Director.

This motion, made by K. John Wood and seconded by Peggy Lindsey, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

11. DISCUSSION ITEMS

a. Name Visitor Center

Citizens have stated interest in naming the Visitor Center the Mary Mitchell Visitor Center. Council directed staff to write a resolution or proclamation, and Councilor Gulde would coordinate with Ms. Mitchell's family to be in attendance when it is read.

b. Traffic Issues at 7th Avenue and Oak Street Intersection

Councilor Gulde described traffic issues that regularly occur at the intersection at 7th Ave and Oak St. Council directed staff to look at solutions.

c. City Owned Vacant Land

Council will schedule a work session to discuss further.

d. Future Agenda Items

12. ADJOURNMENT

Motion to adjourn at 8:24 pm. This motion, made by Peggy Lindsey and seconded by Josh Smith, Carried.

Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

Ethan Funk, Mayor

ATTEST:

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on Monday, July 18, 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Monday, July 18, 2022.

Melissa M. Drake, City Clerk

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



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www.cityofouray.com

City Administrator
Report for August 1, 2022 City Council
July 18 – July 29, 2022:

Geothermal Line Replacement Project (Box Canon):

Williams Construction is still waiting on the construction materials and stated they would keep us posted on the updated project schedule. One of the private property owners has requested the project be pushed to after August 22, 2022 which I relayed to the contractor.

OX2 Well Casing:

Layne (Well Drilling) and Wright Water Engineering were in town on July 28th to discuss casing OX2. Layne was surprised the well was still viable since it was only partially cased, and was not surprised the volume of water being produced had decreased over time. A proposal from Layne will be provided by the end of August.

We have also reviewed OX6 and the possibility of changing this from a maintenance well to a production well. Proper notification will need to take place to the Wiesbaden and Twin Peaks property owners, per our geothermal water use settlement.

Joint Planning IGA with Ouray County:

The Joint Planning IGA will be discussed at a County Planning Commission Workshop tomorrow at 6:00 pm at the County Land Use Office. The Mayor and I plan to attend. A meeting quorum notice was posted in case more of the Council would like to attend.

The BOCC will have a public hearing on the Joint Planning IGA on August 16, 2022 at 11:00 am at the Courthouse. We will also place a quorum notice in case a majority would like to attend the hearing.

EV Charging Stations

The ChargePoint electric vehicle charging stations are active in the Hot Springs Pool parking lot. We are working with ChargePoint to advertise the service availability in Ouray.

OIPI Commercial Guide Operation Rates:

OIPI will be sending a letter to request a rate increase for the 2022/2023 season, which must be approved by the City per our agreement. I expect to receive the letter prior to the next meeting.

Wastewater Project Guaranteed Maximum Price (GMP):

The Wastewater project Guaranteed Maximum Price (GMP) meeting will take place this week where the cost will be presented and discussed.

City of Ouray Police Department

July 2022

For the month of July 2022 OUPD ran approximately 414 calls for service (as of 7/28/22 at noon.) This is 76 calls less than last month's calls for service. By comparison we ran 458 calls for service in July 2021.

This month's calls included:

- **159 Patrol checks** (includes safety patrols, directed patrols and security checks)
- **46 Parking complaints** (last month's was 43)
- **23 Traffic stops** (last months was 9)
- **8 VIN inspections**
- **11 Bar checks**
- **3 Noise complaints**
- **2 Theft reports** (1 later determined unfounded)

Recent Events:

We assisted the county with the mudslide up on County Road 361 at Senator Gulch. At the time of this writing the road is expected to be closed for several days to allow County Road and Bridge to make repairs.

After our discussion at the last Council meeting about the traffic situation at the intersection of 7th Avenue and Oak Street I conducted a brief traffic survey of three intersections in the city. I spent thirty minutes at the aforementioned intersection and observed a total of 20 vehicles turn left on to 7th Ave from southbound Oak Street. This turn is controlled by a stop sign. The compliance rate was 55%. (Last week Public Works painted the word STOP on the controlled portion of this intersection. From a very informal observation it does seem to be helping.)

At 3rd Ave and 2nd Street, a four way stop, the compliance rate was 80% with a much higher rate of traffic.

At 4th Street and 5th Ave the compliance rate was 60%.

According to recent studies the average compliance rate is about 90% across the country. Expect to see the Ouray Police Department focusing on compliance with stop signs at controlled intersections.

Upcoming Events:

Reminder National Night Out is this coming Tuesday, August 2nd. We will be at Fellin Park again this year starting around 5 pm.

Fire Department Report for July, 2022

06/29/22

2 Training Opportunities in Ouray County, Including Fireworks safety training

The fireworks display is getting harder to handle with volunteer support. Working on a future plan to increase turnout for the preparation and lighting of shows. The 4th show required 212 total "volunteer" hours to make it a success. My members are starting disperse away knowing the requirements of time with no incentive, which in turn made it a small group working those hours.

I have a call into dispatch about Smoke Investigation calls. The fire department should be notified immediately upon call to dispatch. They have been dispatching SO or PD without FD notification.

Will have a couple Demo(Ladder Truck, Rescue/ Brush) Apparatuses showing in the next 2 months. Will notify Council when the time comes

Nothing else to report for July

Calls for July

2 Mutual Aid Fire calls

7/3 MVA

7/11 MVA

7/12 MVA

7/15 Lightning Strike

7/20 MVA

Public Works July 2022 Update

Water

- Water Usage Numbers for June:
 - Influent (Water from spring) – 60,944,896 Gallons
 - Effluent (Water to town) – 23,477,697 Gallons
 - Micro Hydro Plant – 18,191,224 Gallons
 - Mineral Farms – 319,800 Gallons
- City staff took the second round of water samples for the Measurable Results Program. The Measurable Results Program systematically and scientifically measures the water quality improvement derived from the implementation of new treatment technologies funded through the SRF (State Revolving Fund). The program will monitor the Uncompahgre River and wastewater effluent prior to the new Wastewater Treatment Plant and then a similar monitoring strategy will be used after the new Wastewater Treatment Plant is operational. Data collected in both phases will be compared to determine water quality changes. The City will benefit from the water quality characterization of their receiving stream, receive all data collected and could potentially be showcased as a success story.
- Continued to monitor and sample chlorine residuals at the two entry points of the distribution system. The City has been in compliance and meeting all CDPHE requirements.
- ME&E Engineering completed an assessment of the Hot Springs Pool in regards to geothermal water and possible mechanical heating solutions. Please see attached report.

Sewer

- Continued effort working with JVA and Moltz Construction on completing 90% design. Attached is a rendering of the new Wastewater Treatment facility. Below is the current schedule:
 - Presentation from architect at Council Meeting – 8/1/22
 - 90% GMP – 8/1/22
 - Notice to Proceed – 8/15/22
- Continued to clean head works three to four times daily.
- Continued to skim lagoons of debris as needed.

Streets

- Replaced the bridge over the flume east of Women's Park. The alley has also been widened in this section to help with snow plowing and trash truck accessibility.
- Work on trailhead and current parking area across the street from the Hot Springs Pool. City crew hauled rotted wood and old railroad ties along with 12 dump trucks of material. The area has been graded and road base will be added.
- Grade roads, cleaned intersections and cleaned storm drains as needed before, during and after heavy rains.
- Installed a sign with the history of the Hydroplant at the entrance along Oak St.
- Removed a section of broken curb and gutter concrete on 3rd Ave. Will pour new concrete when weather allows.

ME&E ENGINEERING

572 E 3rd Ave, Suite A
Durango CO 81301

970-385-1570

Ouray Hot Springs Pool Assessment Prepared for the City of Ouray

Date: July 20, 2022

Prepared by
ME&E Engineering
572 E. 3rd Avenue, Suite A
Durango, CO 81301

INTRODUCTION

In late February 2022, Joe Coleman reached out to ME&E Engineering for help finding mechanical options for heating the Ouray Hot Spring Pool. On March 18, 2022, ME&E representatives, Mechanical Engineer and Principal Dustin Sullivan and Technical Writer Nana Naisbitt met with the following city representatives at the Ouray Pool: Public Works Director Joe Coleman, Pool Manager Carmen Brashier, City Manager Silas Clarke, and Filtration Manager Director Joe Cruz. Sullivan and Naisbitt toured the Ouray Hot Spring Pool facility with these city representatives to collect information about current conditions and determine which test results and documents would be needed from the city. All documents requested by ME&E were subsequently provided by the city staff. On June 6, 2022, Sullivan spoke with Trevor Downing and Hayes Lenhart of Wright Water Engineers to better understand existing conditions.

ISSUES, AS STATED BY CITY STAFF

- ME&E learned that there are three sources of hot springs water that feed the pools. Collectively they currently provide an average of 210 gallons per minute, according to Joe Cruz and Silas Clarke. The three sources are: 1) Box Canyon Line; 2) OX2 Artisan Well; and 3) The Ball Park Line. The current combined flow rate of 210 gpm is well below the historic flow rate of about 300 gpm, which in the past provided enough flow to heat the pools with no additional mechanical heating
- During the Step Test conducted by Wright Water Engineers, the natural pressure was measured at 3psi, which is related to flow rate
- The city must shut down the OX2 line one day per week to be in compliance with an agreement with the Wiesbaden Spa. Currently that closure day is Tuesday. The city and residents would prefer that the pool be open seven days a week
- Under current natural conditions, ideal temperatures in the pool are difficult to maintain in the winter months
- Historically, the primary source of water for the pools came from the OX2 Artisan Well, however the output of that well has decreased from about 200 gallons per minute to about 110 gallons per minute, and sometimes less. The heat loss of the pools is greater than the heat gain due to the reduced flow, causing uncomfortably cool pool conditions. OX6 seems intact according to the Wright Water Engineers and videos. No one is certain what is causing the reduced flow
- The lap pool is ideally maintained at 80°F. However, under current natural conditions in the winter, the temperature does not get above 76°F, and if the lap pool temperature drops to 72°F, then the pool is closed
- In the winter months, the shallow pool is shut down with the exception of about a 20% section, which is kept open so children can cool down, even if the temperatures drop to 70°

GOALS AND PRIORITIES, AS STATED BY CITY STAFF

- A hot springs flow rate of 300 gallons per minute or more is ideal
- Get the Overlook Pool up to 106°F, but no cooler than 104°F in the winter months
- Get the Hot Pool up to 106°F, but no cooler than 100°F in the winter months

- Get the Shallow Pool up to 98°F, but no cooler than 92°F in the winter months
- Get the Lap Pool up to 80°-82°F, but no cooler than 78°F in the winter months
- Open all pools every day all year round at full water levels (except the Activities Pool, which is open seasonally from Memorial Day to Labor Day)
- Heat the pools even on the day of the week when the city shuts off the feed from the OX2 well; in other words, remain open seven days a week
- Prevent the need to lower water levels in the pools because that causes tiles and plaster to crack
- Ideally, the OX2 Well would return to its historic output of 200 gallons per minute, however this is unpredictable

POSSIBLE SOLUTIONS

Below, ME&E outlines four possible mechanical solutions, but our assumption is that the primary heat source will remain the earth's aquifer and flowing natural water for all these systems. However, because of the issues experienced at the Ouray Pools as outlined above, the Ouray staff members have asked ME&E Engineering to suggest mechanical solutions. All the mechanical systems below will serve as a back-up to the natural system.

Option #1 Heat Exchanger Only

In addition to the existing open loop hot springs heating system, provide a new closed loop system that uses hot springs water and a heat exchanger to provide heat. This option would require a new stainless-steel plate-and-frame heat exchanger and two new pumps. Natural hot springs water would be pumped at 300gpm off the OX2 Well through the hot side of the heat exchanger and back into the OX6 Well. Pool water would be pumped from the coldest pool at 78°F through the cold side of the heat exchanger; it would be heated up via the heat exchanger, and then pumped into the hottest pool at 110°F. None of the natural hot springs water would leave the aquifer. All current chlorination and filtration systems would remain. All the equipment would be housed in a new insulated pump house.

If the natural hot springs water temperatures drop while using this system, pumps would be slowed or turned off to maintain the average aquifer temperature of 121°. But, if the incoming natural water temperatures dropped, the only recourse would be to go back to the natural flow and uncomfortably cold pools. The City of Ouray might want to be "boiler ready" if it chooses this option because this system is the least capable of solving the issues described above.

This system could be web-based controlled and transparent to any authorized user. Credentials could be assigned to be "read-only."

(See Option #1 Diagram for more details.)

Advantages:

- Least costly to install
- Least costly to run

- The only energy cost is running the pumps

Disadvantages:

- May disrupt the flows and temperatures of the natural hot springs, if not controlled properly
- Must continue to close one day per week, as per agreement with Wiesbaden
- If the aquifer fails to provide heat, and/or the flow rates continue to decrease over time, this system will fail to provide the desired pool temperatures
- There may be a risk in choosing the heat exchanger system: It is unknown how this system might affect the long-term temperature of the aquifer
- This risk could be mitigated by building in controls that stop the hot springs pump, if natural water temperatures drop below 121°

Option #2 Boiler Plant

Provide a new boiler plant with an input of 6,000,000 Btu/hr to the property to directly heat the pool water. None of the natural hot springs water would run through the new boiler system, only chlorinated pool water. All current chlorination and filtration systems would remain. All the equipment would be housed in a new insulated pump house.

(See Option #2 Diagram for more details.)

Advantages:

- Highly dependable heat source
- Open 24/7/365 with hot pools
- Will not disrupt the natural hot springs aquifer

Disadvantages:

- Highest energy costs
- Fossil fuel dependent
- High upfront costs

Option #3 Heat Exchanger and Back-up Boiler Plant

This option is a combination of Option #1 and Option #2. The heat exchanger would be the primary mechanical heat source. The boiler system would only kick on when the heat exchanger is unable to meet desired temperatures. All current chlorination and filtration systems would remain. All the equipment would be housed in a new insulated pump house.

This system could be web-based controlled and transparent to any authorized user. Credentials could be assigned to be “read-only.”

(See Option #3 Diagram for more details.)

Advantages:

- Highly dependable heat source
- Open 24/7/365 with hot pools
- Not totally reliant on fossil fuel; the fossil-fuel-dependent system is the secondary back-up
- Less costly to run than total reliance on boiler system
- More energy efficient than total reliance on boiler system
- If the aquifer fails to provide heat, and/or the flow rates continue to decrease over time, this system would still provide the desired pool temperatures

Disadvantages:

- May disrupt the flows and temperatures of the natural hot springs aquifer, if not controlled properly
- High upfront costs

Option #4 Solar Thermal with Back-up Boiler

As the primary back-up system, pool water would be heated through the solar thermal panels. This system would require approximately 60 solar panels 8' x 4' each, or about 2,000 square feet. When the flow rate of the natural water is not sufficient and/or when the natural water temperatures are too low, pool water would be pumped off the pool into the panels; then heated pool water from the panels would be pumped back into the pools. The boiler would only kick on when the solar thermal is unable to meet desired temperatures, such as on a cloudy day (see Option #2 for description of the boiler system). All current chlorination and filtration systems would remain.

(See Option #4 Diagram for more details.)

Advantages:

- Highly dependable heat source
- Open 24/7/365 with hot pools
- Will not disrupt the natural hot springs aquifer
- Not totally reliant on fossil fuel; the fossil-fuel dependent system is the secondary back-up
- Less costly to run than total reliance on boiler system
- More energy efficient than total reliance on boiler system
- If the aquifer fails to provide heat, and/or the flow rates continue to decrease over time, this system would still provide the desired pool temperatures
- Heating only chlorinated pool water

Disadvantages:

- Need sunshine to run the solar system
- Highest upfront costs of all four systems
- Shorter days in the winter means less efficiency when needed most

- This system requires approximately 2,000 square feet for a solar thermal panel array

METHOD FOR ESTIMATION OF INSTALLATION COSTS

Construction estimates are helpful when making decisions about which system to choose. RS Means cost estimating guides are nationally recognized standards for construction cost estimating. The publisher produces a number of specific estimating guides, including *2022 Mechanical Cost Data*, *2022 Electrical Cost Data*, and *2022 Plumbing Cost Data*. Construction costs herein are based on 2022 RS Means cost estimating guides. However, it should be highlighted that we are in a high inflationary period, with many uncertainties.

COST ESTIMATE TABLE

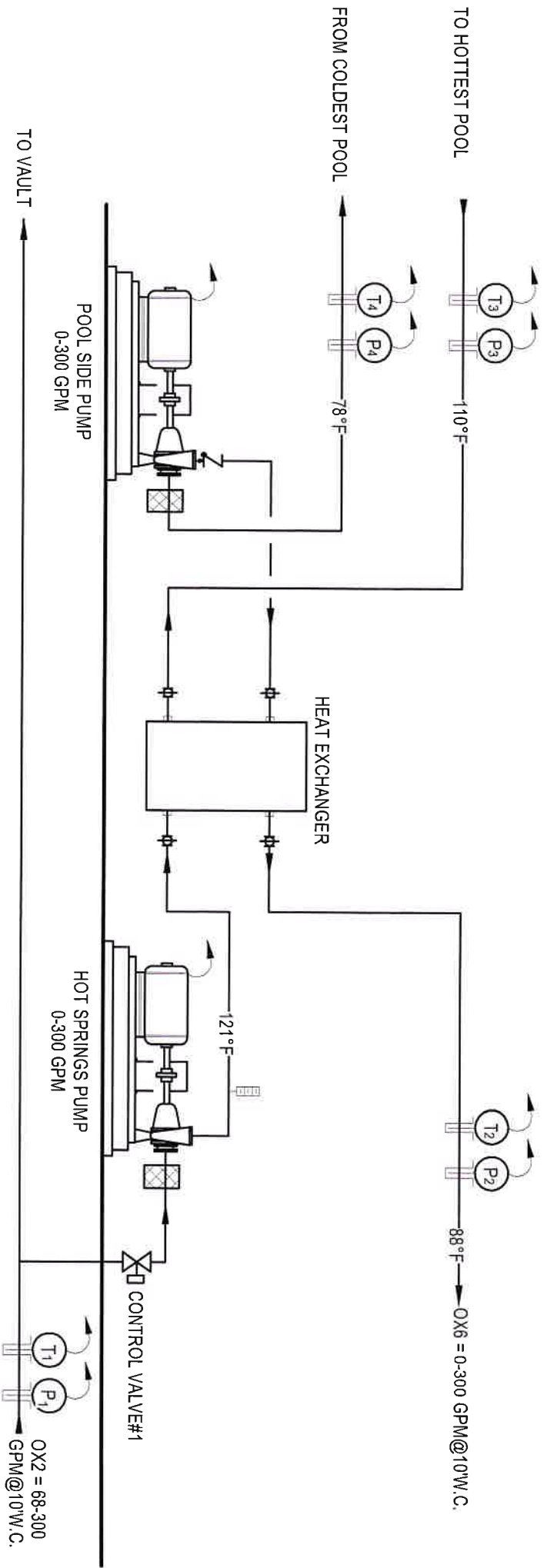
ITEM	HEAT EXCHANGER		BOILER	HX/BOILER HYBRID	SOLAR THERMAL
	OPTION#1	OPTION#2	OPTION#3	OPTION#4	OPTION#4
Architectural	\$96,000	\$96,000	\$96,000	\$96,000	\$96,000
Mechanical	\$97,441	\$283,741	\$357,159	\$387,319	\$387,319
Electrical	\$29,355	\$29,433	\$30,515	\$29,433	\$29,433
Controls	\$44,126	\$41,085	\$44,607	\$41,085	\$41,085
TAB contractor	\$1,300	\$1,300	\$1,950	\$1,300	\$1,300
Plumbing	\$33,765	\$43,449	\$43,449	\$43,449	\$43,449
Sub-total	\$301,987	\$384,508	\$463,179	\$488,086	\$488,086
GC Markup	10%	\$30,199	\$38,451	\$46,318	\$48,809
Contingency	10%	\$30,199	\$38,451	\$46,318	\$48,809
Total		\$362,385	\$594,011	\$688,417	\$718,305

ATTACHMENTS

- Option #1 Diagram
- Option #2 Diagram
- Option #3 Diagram
- Option #4 Diagram

NOTE: ALL TEMPERATURES AND PRESSURES REPORT TO THE FACILITY MANAGEMENT SYSTEM. ALL TEMPERATURE AND PRESSURE SETPOINTS SHALL BE ADJUSTABLE.

- (T1) IF TEMPERATURE DROPS BELOW 120°F REDUCE HOT SPRINGS PUMP SPEED.
- (P1) IF PRESSURE DROPS BELOW 10"W.C. ENABLE HOT SPRINGS PUMP AND OPEN CONTROL VALVE#1. IF ACTIVE AND THE PRESSURE DROPS BELOW 10"W.C. INCREASE HOT SPRINGS PUMP SPEED.
- (T3) IF TEMPERATURE DROPS BELOW 80°F ACTIVATE POOL PUMP AND HOT SPRINGS PUMP. POOL PUMP SPEED TO MAINTAIN A CONSTANT 80°F TEMPERATURE. POOL PUMP AND HOT SPRINGS PUMP DEACTIVATE WHEN TEMPERATURE RISES ABOVE 84°F.
- (T2) (P2) (T3) (P3) (T4) (P4) TEMPERATURES AND PRESSURES RECORDED FOR DIAGNOSTICS ONLY

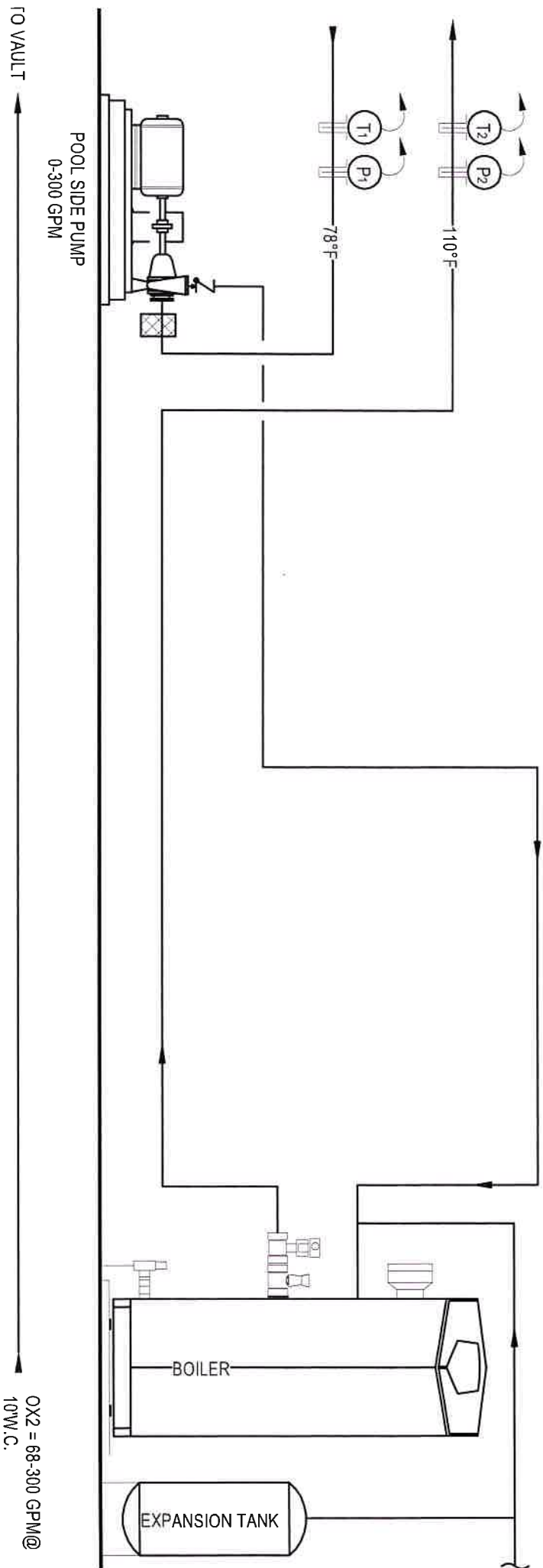


1

HX PIPING DIAGRAM

NOTE: ALL TEMPERATURES AND PRESSURES REPORT TO THE FACILITY MANAGEMENT SYSTEM. ALL TEMPERATURE AND PRESSURE SETPOINTS SHALL BE ADJUSTABLE.

(T₁) IF THE COLDEST POOL TEMPERATURE DROPS BELOW 78°F ACTIVATE THE PUMP AND BOILER TO MAINTAIN 78°F.

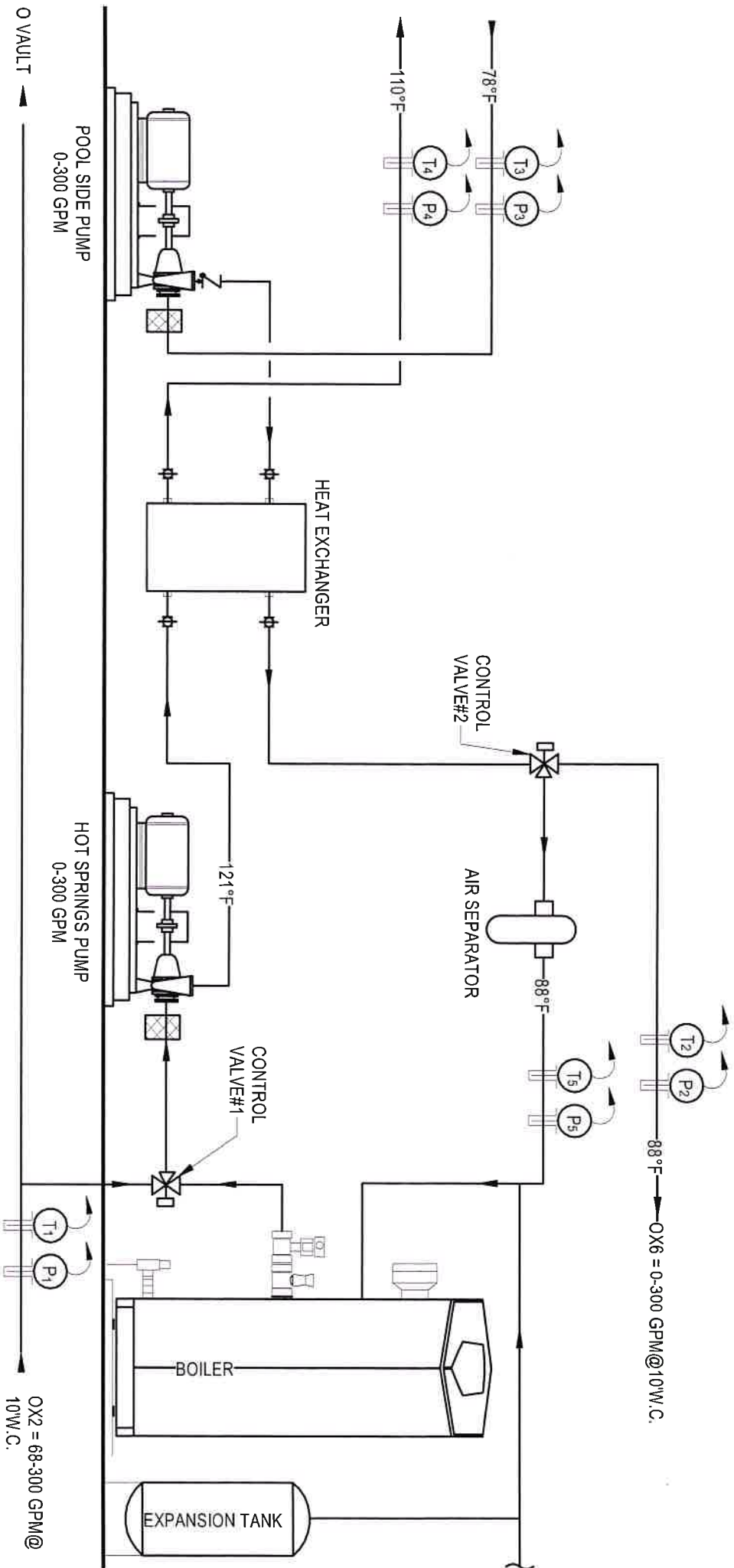


2

BOILER PIPING DIAGRAM

NOTE: ALL TEMPERATURES AND PRESSURES REPORT TO THE FACILITY MANAGEMENT SYSTEM. ALL TEMPERATURE AND PRESSURE SETPOINTS SHALL BE ADJUSTABLE.

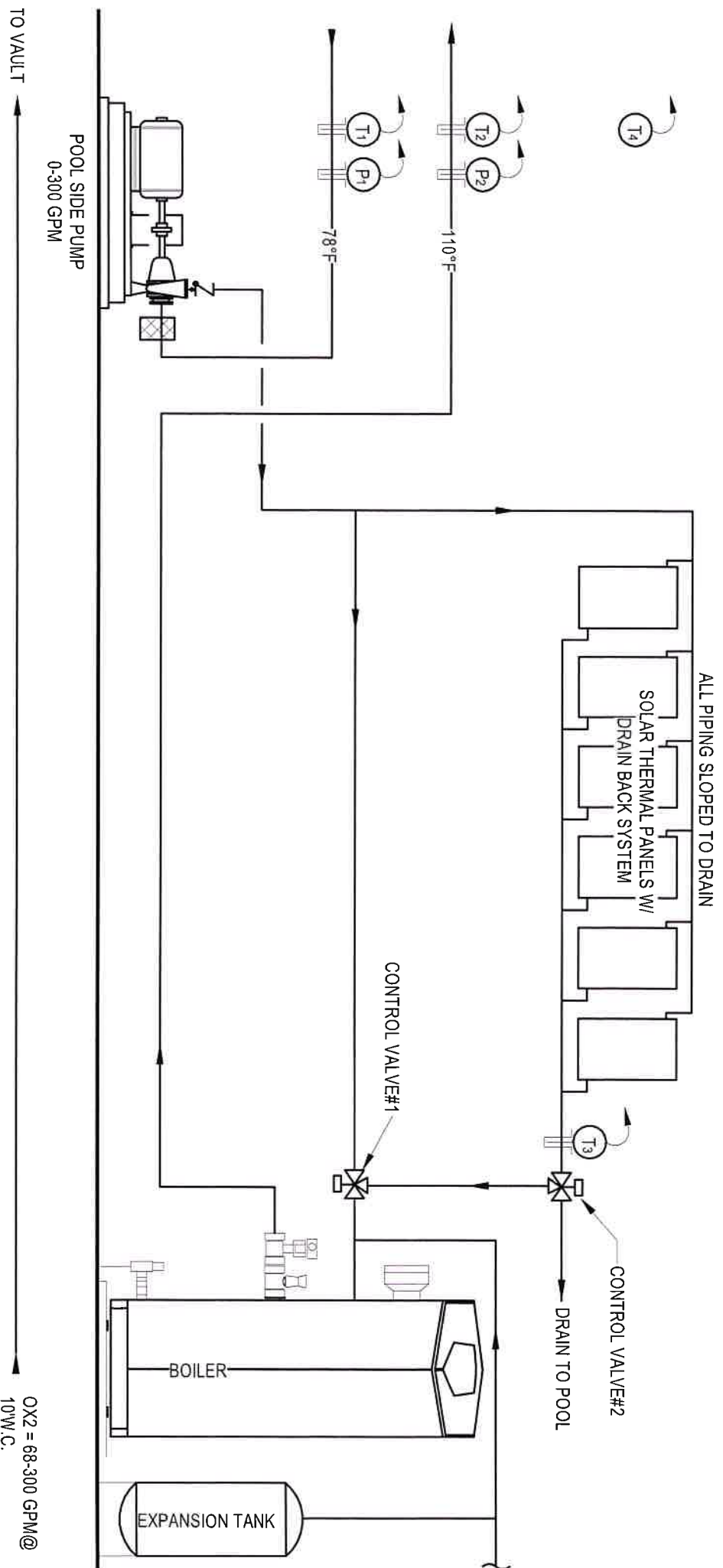
- (T1) IF TEMPERATURE DROPS BELOW 120°F REDUCE HOT SPRINGS PUMP SPEED. IF TEMPERATURE DROPS BELOW 115°F CLOSE CONTROL VALVE#1 AND #2 TO THE HOT SPRINGS AND OPEN TO THE BOILER SYSTEM. ACTIVATE BOILER TO MAINTAIN TEMPERATURES.
- (P1) IF PRESSURE DROPS BELOW 10W.C. ENABLE HOT SPRINGS PUMP AND OPEN CONTROL VALVE#1. IF ACTIVE AND THE PRESSURE DROPS BELOW 10W.C. INCREASE HOT SPRINGS PUMP SPEED.
- (T3) IF TEMPERATURE DROPS BELOW 80°F ACTIVATE POOL PUMP AND HOT SPRINGS PUMP. POOL PUMP SPEED TO MAINTAIN A CONSTANT 80°F TEMPERATURE. POOL PUMP AND HOT SPRINGS PUMP DEACTIVATE WHEN TEMPERATURE RISES ABOVE 84°F.



HX/BOILER PIPING DIAGRAM

NOTE: ALL TEMPERATURES AND PRESSURES REPORT TO THE FACILITY MANAGEMENT SYSTEM. ALL TEMPERATURE AND PRESSURE SETPOINTS SHALL BE ADJUSTABLE.

- (T₁) IF THE COLDEST POOL TEMPERATURE DROPS BELOW 78°F ACTIVATE THE PUMP TO MAINTAIN 78°F .
- (T₃) IF THE WATER TEMPERATURE DROPS BELOW 110°F CONTROL VALVE#1 SHALL DIVERT FLOW TO BOILER LOOP AND CONTROL VALVE#2 DRAINS TO THE POOL. IF THE WATER TEMPERATURES RISE ABOVE 120°F CONTROL VALVE#1 SHALL DIVERT WATER TO THE BOILER LOOP AND CONTROL VALVE #2 SHALL DIVERT WATER TO A POOL.



SOLAR THERMAL DIAGRAM



July 28, 2022

Silas Clarke, Administrator
City of Ouray
320 6th Ave
Ouray, CO 81427

RE: Record of Approved Waterworks / Approval of Drinking Water Final Plans and Specifications for Construction
City of Ouray, Surface Water Treatment Plant
Public Water System Identification (PWSID) No. CO0146588, Ouray County
ES Project No. ES.21.DWDR.06671, GLU Project No. 142030D

Dear Silas Clarke:

The Colorado Department of Public Health and Environment (Department), Water Quality Control Division, Engineering Section has received and reviewed the Final Plans and Specifications for the City of Ouray's Surface Water Treatment Plant, in accordance with Section 11.4(1)(b) of the *Colorado Primary Drinking Water Regulations* (Regulation 11). The design meets or exceeds the requirements of the *State of Colorado Design Criteria For Potable Water Systems* (Design Criteria) and is hereby approved.

This approval is limited to the following:

- The Record of Approved Waterworks (RAW) has been created and can be viewed/downloaded at www.colorado.gov/cdphe/raw and is also attached to this letter. All treatment plant updates that will be performed under this project have been recorded in the RAW and are highlighted in gray. Please note: the proposed improvements will ensure the supplier will comply with Section 11.8 of Regulation 11. Therefore, in accordance with *Requirements Notice, Reclassification to Ground Water Under the Direct Influent of Surface Water (GWUDI)* letter issued to the supplier on March 2, 2021, construction must be completed by October 1, 2022 to ensure compliance with Regulation 11.
- The project requires changes to the facility's monthly operating report (MOR). Therefore, the Department has prepared a new MOR for use upon completing construction. Upon completing construction, the new MOR will be available at <https://www.colorado.gov/cdphe/mors> for your use. Please utilize the portal (<http://wqcdcompliance.com/login>) to submit the file electronically as a Microsoft Excel File (*.xlsx). If you have questions about reporting, please contact Ben Keilly for questions regarding the new MOR. Ben Keilly can be reached by email at ben.keilly@state.co.us or by phone at 303-692-3367.

Conditions of Approval:

The approval is subject to the following conditions:

General Requirements:

- The Department has initiated a program to consolidate all approved waterworks and operating conditions into a single document called the RAW. This record serves as the sole approval of all sources, treatment, and water storage tanks for the public water system. The record must be incorporated into the Supplier of Water's Monitoring Plan required under Section 11.5(3) of Regulation 11. Any changes to the RAW must be requested in writing to the Department. The Department will modify the RAW following any future waterworks construction approvals and provide the Supplier of Water an updated RAW. The Department will review sources, treatment, storage tanks, and operations against the RAW during sanitary surveys.
- Section 2.21 of the Design Criteria requires all chemicals and materials that come in contact with treated or partially treated water to be ANSI/NSF 60 and 61 certified, respectively, for potable water use.
- All wells, pipes, tanks and equipment that can convey or store water intended for potable use must be disinfected in accordance with current AWWA procedures prior to initial use as required in Sections 2.15, 6.6.2, 7.0.18 and 8.7.7 of the Design Criteria.
- All change orders or addenda that address treatment, storage or piping must be submitted to this office in duplicate for review and approval by the Department.



- Upon completion of construction and prior to commencement of operation, a completed “Drinking Water Construction Completion as Approved Certification Form” stating that the system was constructed as approved and the operational starting date must be submitted to the Department. This form is available at <https://www.colorado.gov/cdphe/wq-facility-design-and-approval-forms> under the “Drinking water construction complete form” heading.
- As required by Section 11.4(3)(b) of Regulation 11, if construction of the project is not commenced within one year from the date of this letter, this approval will expire and all information will be required to be updated and resubmitted for review and approval by the Department. Please note that this requirement is specific to this approval and the associated commencement of construction and has no impact on other compliance deadlines that are set forth in Regulation 11 and that may be included in other communications that are issued by the Department.

Monitoring Requirements:

- Section 11.5(5) of Regulation 11 requires that systems submit any revisions to the Monitoring Plan within 30 days of the effective date of the change. Changes that are made under this approval may require updates to multiple parts of the Monitoring Plan. Information regarding monitoring plan requirements is available online at: <http://www.colorado.gov/cdphe/wqforms> on the Drinking Water page under the “Inventory/System Updates” heading.
- Lead and Copper Monitoring: In accordance with Section 11.26(2)(d)(iv)(D)(I) of Regulation 11, the Engineering Section reviewed the project scope to determine if lead and copper sampling requirement modifications are appropriate as a result of the project. Based on the project scope, there is a probable impact to corrosivity. In accordance with the State of Colorado Design Criteria for Potable Water Systems - Table A.2 Impacts to Corrosivity Categories (Category 3), the Engineering Section recommends that the supplier’s monitoring frequency and sample sites for lead and copper be increased to the standard six-month monitoring following completion of construction.

Facility Classification under Regulation 100:

- In accordance with the current Colorado Operators Certification Board regulations, the water treatment system is a Class “A” water treatment system and the distribution system is a Class “3” water distribution system.

Funding Requirements:

To comply with the DWRP loan program, the following items require further clarification:

The project is subject to the DWRP requirements:

- In accordance with the Davis Bacon Act, the following wage determination should be included as part of the bid solicitation: Wage Decision No: CO20220001, Date: 03/10/2022. Please note an updated wage determination will be required if the federal Department of Labor (DOL) publishes a modification prior to the ten calendar days preceding bid opening. Modifications can be found at the DOL website www.wdol.gov.
- This project is subject to the purchase and installation of American Iron and Steel (AIS) products. AIS requires State Revolving Fund recipients use iron and steel products that are produced in the United States for projects for the construction, alteration, maintenance or repair of a public water system or treatment works if the project is funded through an assistance agreement executed on or after January 17, 2014.
- A preconstruction meeting must be held prior to initiating construction to discuss Davis-Bacon prevailing wage rates, American Iron and Steel requirements, progress payments, change order procedures, progress meetings and compliance with Federal and State regulations e.g., Civil Rights (Title VI), Equal Employment Opportunity, Occupational Safety and Health Administration, National Historic Preservation Act and all associated reporting requirements. Please notify the Grants and Loans project manager when the preconstruction meeting is scheduled.
- Notify Grants and Loans project manager when the project is estimated to be within 30 days of completion. A site visit will be scheduled with the division project manager and review engineer to conduct a final construction inspection.

The BORROWER is responsible to submit the following DWRP required documents:

- A copy of the executed engineering contract.

- A certified tabulation of all bids received.
- Proof of advertising indicating circulation dates and time for receipt of bids.
- A copy of the executed construction contract and schedule. Please note that the contractor must maintain adequate fire and extended coverage, workman's compensation, public liability, property damage and "all risk" builders insurance, including blasting where appropriate, during the construction phase of the contract.
- A copy of the Notice of Award and Notice to Proceed.
- A copy of the preconstruction agenda and meeting summary with list of attendees.
- Any change orders or addenda that relate to the SRF funded project must be submitted to the division project manager for review and approval.
- Submit all completed forms required to comply with the Davis-Bacon Act as provided in the State Revolving Fund Required Bid Specifications document. Please note that to comply with the Davis-Bacon Act, the wage determination decision number must be referenced in the bid documents and contract. Please reference the State Revolving Fund Required Bid Specifications for wage lock in rules. If you have any questions regarding compliance with the Davis-Bacon Act, please contact Matthew Alms at matthew.alms@state.co.us or 303-692-6264.
- Submit each pay request with the AIS Product Spreadsheet and AIS Certification used in the construction of this project. The SRF recipients are required to maintain self-certification letters from iron and steel manufacturers.

Failure to submit these documents may delay processing pay requests. Please direct any questions regarding the above required submittals to:

Alex Hawley (GLU PM)
Colorado Department of Public Health & Environment
Water Quality Control Division, Grants and Loans Unit
4300 Cherry Creek Drive South - B-2
Denver, CO 80246-1530
Alex.hawley@state.co.us

The documents that were reviewed for this approval are as follows:

- City of Ouray Water Treatment Plant Improvements Basis of Design Report - dated January 2022 prepared by Element Engineering LLC for the City of Ouray.
- Design Drawings dated January 2022 titled *Plans for Permitting City of Ouray Water Treatment Plant* prepared by Element Engineering LLC for the City of Ouray.
- Request for Information Response Memorandum dated April 22, 2022 titled *Basis of Design Report Request for Information (Email)* prepared by Element Engineering LLC for the City of Ouray.
- Miscellaneous correspondence.

Please be advised of the following notifications and requirements that may apply to the project:

- Approval of this project is based only upon engineering design to provide safe potable water, as required by Regulation 11 and shall in no way influence local building department or local health department decisions on this project. This review does not relieve the owner from compliance with all Federal, State, and local regulations and requirements prior to construction nor from responsibility for proper engineering, construction, and operation of the facility.
- Any point source discharges of water from the facility, including backwash wastes, are potentially subject to a discharge permit under the State Discharge Permit System. Any point source discharges to state waters without a permit are subject to civil or criminal enforcement action. If you have any questions regarding permit requirements contact the Permits Unit at 303-692-3500, and if a discharge permit is required, application for a new discharge permit must be made at least 180 days prior to the planned date that discharge will commence.

Please direct any further correspondence regarding the technical approval (plans and specifications/design review) to:

Ian Sutton, P.E.
Colorado Department of Public Health & Environment
Water Quality Control Division - Engineering Section
4300 Cherry Creek Drive South
Denver, CO 80246-1530

The Engineering Section is interested in gaining feedback about your experience during the engineering review process. We would appreciate your time to complete a Quality-of-Service Survey regarding your experience during the engineering review process leading up to issuance of this decision letter. The Engineering Section will use your responses and comments to identify strengths, target areas for improvement, and evaluate process improvements to better serve your needs. Please take a moment to fill out our [survey](#).

Thank you for your time and cooperation in this matter. Please contact me by telephone at 720-260-4629 or by email at ian.sutton@state.co.us if you have any questions.

Sincerely,

Ian Sutton, P.E.
Senior Review Engineer
Engineering Section | Water Quality Control Division
Colorado Department of Public Health & Environment

Encl: Record of Approved Waterworks

cc: John Volk, Responsible Treatment Operator
Nicholaus Marcotte, Element Engineering
Tanner Kingery, Ouray County Environmental Health Department
Ben Keilly, WQCD DW Compliance Assurance Section
Bret Icenogle, WQCD ES Engineering Review Section Manager
Michael Emming, WQCD ES Engineering Review Unit Manager
Tyson Ingels, WQCD DW Lead Drinking Water Engineer

C00146588 City of Ouray

Record of Approved Waterworks (RAW)

System Name	City of Ouray
PWSID No.	C00146588
County	Ouray
Created Date	July 28, 2022
Previous CDPHE Approvals	
Date	Details
November 9, 2011	Approval of Drinking Water Final Plans and Specifications for Construction Water City of Ouray Ground Water Treatment Plant Upgrade, New Storage Tank and Pipeline; ES.11.43394 (Jocelyn Mullen, P.E., District Engineer)
RAW Version Control Log	
Date Modified	Reason for Modification
July 28, 2022	<p>Record of Approved Waterworks / Approval of Drinking Water Final Plans and Specifications for Construction for new surface water treatment plant (Ian Sutton, P.E., Senior Review Engineer). All treatment plant updates that will be performed under this project have been recorded in the RAW and are highlighted in gray.</p> <ul style="list-style-type: none">• ES Project No. ES.21.DWDR.06671• Replacement of the existing chlorination system (Chlorinator, 001T) with a new treatment plant building including membrane filtration and sodium hypochlorite disinfection.• Installation of a new above ground storage tank to be utilized for contact time.

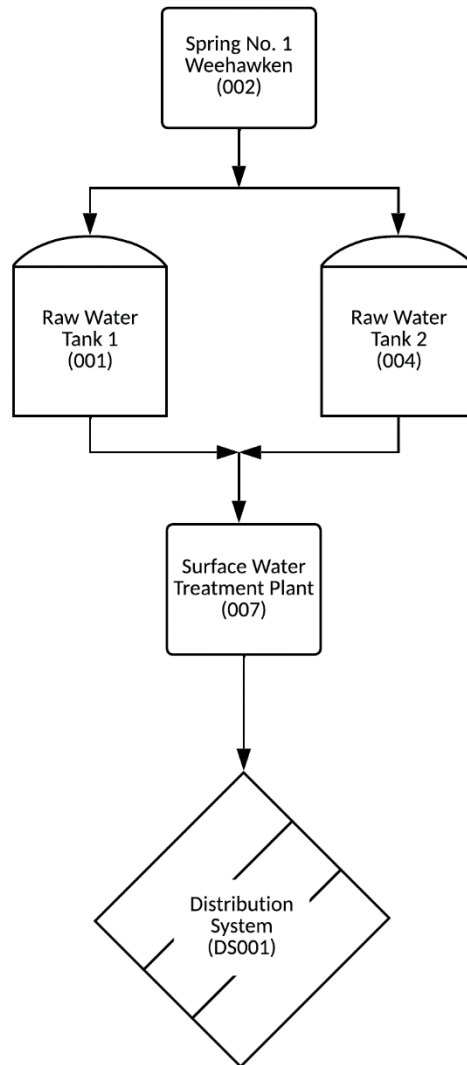
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Public Water System Facility Summary

Public Water System Classification	Community		
Overall Source Classification	Groundwater Under the Direct Influence of Surface Water		
Section S: Sources			
ID	Name	Acceptance or Approval Date	Last Modified
Groundwater Sources: None			
GWUDI Sources:			
002	Spring No 1 Weehawken	July 28, 2022	
Surface Water Sources: None			
Section T: Treatment			
ID	Name	Acceptance or Approval Date	Last Modified
007	Surface Water Treatment Plant	July 28, 2022	
Section ST: Storage Tanks			
ID	Name	Acceptance or Approval Date	Last Modified
001	Raw Water Tank 1	October 17, 2019	
004	Raw Water Tank 2	October 17, 2019	
008	1MG Contact Storage Tank	July 28, 2022	
Section D: Distribution			
ID	Name	Acceptance or Approval Date	Last Modified
DS001	Distribution System	June 1, 1974	

System Wide Schematic



Water Source Details

Source ID/ Name	(002) Spring No 1 Weehawken
Flow Rate	as needed to meet potable water demands
Information	Three (3) springs are captured in perforated concrete vaults and piped downhill (approximately 10-20 vertical feet) to another sealed concrete vault holding water from all three (3) springs. Water from the final spring vault is then piped using gravity to the two raw water storage tanks.
Appurtenances	<ul style="list-style-type: none">• Cast-in-place concrete spring vault• Two (2) runs of 6-inch diameter raw water lines from the upper springs (20 vertical feet) to spring vault• One (1) run of 8-inch diameter raw water line from the lower spring (10 vertical feet) to spring vault• One (1) run of 10-inch diameter raw water line (approximately 12,800-feet in length) from the spring vault to the two (2) raw water storage tanks• One (1) raw water tee to serve Mineral Farms subdivision
Deviations from Design Criteria: None	
Conditions of Approval: None	

Water Treatment Plant Details

NOTE: “Design Basis” means either specified equipment or equivalent must be used. If the term “Design Basis” does not appear, then the specified equipment must be used.

Treatment ID/ Name	(007) Surface Water Treatment Plant			
Plant Design Flowrate and Limiting Process	Design Flowrate: 1480 gpm Rate limiting process is filtration; re: Condition of Approval No. 1			
Minimum Water Treatment Facility Classification/Basis	“A” Per Regulation 100.4.2: Membrane Filtration and Sodium Hypochlorite; More than 1,400 gpm design flow			
Disinfection Credits (Triggered GW)	n/a			
Disinfection Credits (4-log Certified)	n/a			
Treatment Credits (GWUDI/SW Bin 1) “membrane filtration”	Required from Regulation 11	<i>Cryptosporidium</i>	<i>Giardia</i>	Virus
	Minimum Total Required	2.0	3.0	4.0
	Removal Credit	3.0	3.0	0.0
	Inactivation Needed	0.0	0.0	4.0
Optimal Corrosion Control Treatment	n/a			
Overall Treatment Process Description	Membrane filtration with Sodium Hypochlorite for disinfection.			
Treatment Processes				
Process	Description			
Microscreening (520)	<ul style="list-style-type: none"> • Number: two (2); in parallel • Type: Two (2) self-cleaning basket strainers (design basis: X-Flow B.V. SXL-55) for large particulate removal • Size: 200-micron • Screening discharge: to septic holding tank via floor drains 			
Filtration, Ultrafiltration (347)	<ul style="list-style-type: none"> • Description: Membrane filter skids using pressure driven hollow fiber membrane modules • Primary membrane skids <ul style="list-style-type: none"> ○ Number of trains: three (3) ○ Skid Model: Filter Tech UltraFlex ○ Filter Module Models: X-Flow AquaFlex 55 ○ Number of membrane modules per skid: 48 ○ Nominal membrane pore size: 0.2-micron ○ Membrane surface area: <ul style="list-style-type: none"> ▪ Per module: 592 sq ft 			

	<ul style="list-style-type: none"> ▪ Per skid: 28,416 sq ft ○ Rated capacity: <ul style="list-style-type: none"> ▪ Filtrate flow: 700 gpm per filter skid based on vendor's site specific design parameters ▪ Design flux @ rated capacity: 35.4 gfd (per skid) ○ Cross connection control: Filtrate piping block and bleed assemblies (AV2 and AV4 closed and AV3 open) are present for backwash and Chemically Enhanced Backwash (CEB). Air gaps will be implemented at the discharge to the recycle buffer tank and neutralization tanks. ○ Backwash: <ul style="list-style-type: none"> ▪ Type: air scour with finished water (from 1 MG contact tank) wash parallel to membrane fibers ▪ Water Supply: Backwash pump skid with double check valve to protect finished water supply ▪ Discharge: to Neutralization Tank or Backwash Recycle Buffer Tank where the flow is treated by backwash filter skid, disinfected and sent to 1 MG contact tank • Secondary membrane skid (backwash recycle) <ul style="list-style-type: none"> ○ Filtration of Primary membrane skids backwash from Backwash Recycle Buffer Tank ○ Number of trains: One (1) ○ Skid Model: Filter Tech UltraFlex ○ Filter Module Models: X-Flow AquaFlex 55 ○ Number of membrane modules per skid: 6 ○ Nominal membrane pore size: 0.2-micron ○ Membrane surface area: <ul style="list-style-type: none"> ▪ Per module: 592 sq ft ▪ Per skid: 3,552 sq ft ○ Rated capacity: <ul style="list-style-type: none"> ▪ Filtrate flow: 80 gpm per filter skid based on vendor's site specific design parameters ▪ Design flux @ rated capacity: 32.4 gfd (per skid) ○ Cross connection control: Filtrate piping block and bleed assemblies (AV6A and AV6C closed and AV6B open) are present for backwash and Chemically Enhanced Backwash (CEB). ○ Backwash: <ul style="list-style-type: none"> ▪ Type: air scour with finished water (from 1 MG contact tank) wash parallel to membrane fibers ▪ Water Supply: Backwash pump skid with double check valve to protect finished water supply ▪ Discharge: to septic holding tank via floor drains
<p>Membrane Chemically Enhanced Backwash (CEB) Chemical Feed Systems</p>	<ul style="list-style-type: none"> • Chemical Feed: caustic soda (NaOH) <ul style="list-style-type: none"> ○ Type: Delivered, stored and administered as liquid (design basis: 25% sodium hydroxide, ANSI/NSF60) ○ Treatment Goal: Chemically enhanced backwash of membrane filtration skids, neutralization of backwash/CEB for discharge ○ Chemical transfer: peristaltic feed pump (design basis: Blue White Model M-424-BNP) to CEB feed line prior to static mixer ○ Cross connection control: N/A, chemical fed neat ○ Chemical Storage: 55-gallon drum

	<ul style="list-style-type: none"> ○ Secondary containment: full secondary spill containment space for two (2) 55-gallon drums ● Chemical Feed: Hydrochloric acid (HCl) <ul style="list-style-type: none"> ○ Type: Delivered, stored and administered as liquid (design basis: 25% hydrochloric acid, ANSI/NSF60) ○ Treatment Goal: Chemically enhanced backwash of membrane filtration skids, neutralization of backwash/CEB for discharge ○ Chemical transfer: peristaltic feed pump (design basis: Blue White Model M-424-BNP) to CEB feed line prior to static mixer ○ Cross connection control: N/A, chemical fed neat ○ Chemical Storage: 55-gallon drum ○ Secondary containment: full secondary spill containment space for two (2) 55-gallon drums ● Chemical Feed: Sodium Hypochlorite <ul style="list-style-type: none"> ○ Type: Delivered, stored and fed as liquid (design basis: 12.5% sodium hypochlorite; ANSI/NSF60) ○ Treatment Goal: Chemically enhanced backwash of membrane filtration skids ○ Chemical transfer: peristaltic feed pump (design basis: Blue White Model M-424-BNP) to CEB feed line prior to static mixer ○ Cross connection control: N/A, chemical fed neat and separate pump for injection point ○ Chemical Storage: 500-gallon storage tank (used for pre-filtration disinfection and post-filtration disinfection as well) ● Backwash and CEB Pumps: <ul style="list-style-type: none"> ○ Number: three (3) ○ Type: vertical split case cast pump with VFD ○ Capacity: 2,790 gpm at 40 psi ○ Location: adjacent to CEB neutralization tanks ● CEB Neutralization Tanks: <ul style="list-style-type: none"> ○ Number: two (2) hydraulically connected ○ Capacity: 6,500 gallons each ○ Location: inside treatment building ● Recycle Buffer (Backwash) Tank: <ul style="list-style-type: none"> ○ Number: 1 ○ Capacity: 3,000 gallons ○ Location: inside treatment building ● CEB and Backwash waste discharge: CEB waste sent to neutralization tanks then treated and discharged to ground surface using general discharge permit.
Chemically Enhanced Backwash Neutralization	<ul style="list-style-type: none"> ● Chemical Feed: sodium bisulfate (NaHSO₄) <ul style="list-style-type: none"> ○ Type: Delivered, stored and administered as liquid (design basis: 38% sodium bisulfate, ANSI/NSF60) ○ Treatment Goal: Neutralization of backwash/CEB for discharge ○ Chemical transfer: peristaltic feed pump (design basis: Blue White Model M-424-BNP) to CEB neutralization tanks ○ Cross connection control: N/A, chemical fed neat ○ Chemical Storage: 55-gallon drum ○ Secondary containment: full secondary spill containment space for two (2) 55-gallon drums

<p>pH Adjustment - Elevation (848)</p>	<ul style="list-style-type: none"> • Chemical Feed: Soda Ash (Sodium Carbonate) <ul style="list-style-type: none"> ○ Type: Delivered and stored in 50-pound dry bags. Administered as liquid (design basis: 20% stock solution) using finished plant water to mix batches of solution in day tank ○ Treatment Goal: Control pH of finished water ○ Chemical transfer: peristaltic feed pump (design basis: Blue White Model M-324-SNJ) to finished water line prior to 1MG storage tank ○ Cross connection control: air gap from finished water line to day tank for solution mixing ○ Chemical Storage: 50-pound bags
<p>Disinfection, Hypochlorite (421)</p>	<p><u>Disinfection Injection Point 1: Pre-filtration</u></p> <ul style="list-style-type: none"> • Chemical feed: sodium hypochlorite • Treatment goal: disinfection • Type: Delivered, stored and fed as liquid (design basis: 12.5% sodium hypochlorite; ANSI/NSF60) • Feed Pump Type: Peristaltic (design basis: Blue White Model M-324-SND) • Feed Pump Capacity: 2.1 gph • No. of Pumps: 2; 1 duty and 1 shelf spare (1 spare for all disinfection chemical feed) • Cross connection control: N/A, chemical fed neat and separate pump for injection point • Chemical Storage: 500-gallon storage tank (one tank used for all sodium hypochlorite usage) • Injection Point: after 150-micron microscreening filters and prior to membrane/ultrafiltration skid branch. • Mixing: mixing in pipeline before membrane skids • Control: Flow paced chlorine feed based on raw water flowrate <p><u>Disinfection Injection Point 2: Backwash Recycle Pre-filtration</u></p> <ul style="list-style-type: none"> • Chemical feed: sodium hypochlorite • Treatment goal: disinfection • Type: Delivered, stored and fed as liquid (design basis: 12.5% sodium hypochlorite; ANSI/NSF60) • Feed Pump Type: Peristaltic (design basis: Blue White Model M-324-SND) • Feed Pump Capacity: 2.1 gph • No. of Pumps: 2; 1 duty and 1 shelf spare (1 spare for all disinfection chemical feed) • Cross connection control: N/A, chemical fed neat and separate pump for injection point • Chemical Storage: 500-gallon storage tank (one tank used for all sodium hypochlorite usage) • Injection Point: after 3,000-gallon backwash buffer tank and 150-micron microscreening filters and prior to backwash recycle membrane/ultrafiltration skid. <p><u>Disinfection Injection Point 3: Contact Storage Tank</u></p> <ul style="list-style-type: none"> • Chemical feed: sodium hypochlorite • Treatment goal: disinfection • Type: Delivered, stored and fed as liquid (design basis: 12.5% sodium hypochlorite; ANSI/NSF60) • Feed Pump Type: Peristaltic (design basis: Blue White Model M-324-SND)

	<ul style="list-style-type: none"> • Feed Pump Capacity: 2.1 gph • No. of Pumps: 2; 1 duty and 1 shelf spare (1 spare for all disinfection chemical feed) • Cross connection control: N/A, chemical fed neat and separate pump for injection point • Chemical Storage: 500-gallon storage tank (one tank used for all sodium hypochlorite usage) • Injection Point: after finished water flow meter and CFE sample point on filter effluent piping prior to contact storage tank (clearwell) • Mixing: mixing in filter effluent piping and clearwell • Control: Flow paced chlorine feed based on filtered water flowrate
Disinfection, Contact Time (825)	<ul style="list-style-type: none"> • Type: Tank (clearwell), variable volume • Description: circular above ground concrete contact tank/clearwell • Dimensions & Volume: <ul style="list-style-type: none"> ○ Dimensions: 67-foot diameter, 40-foot height ○ Effective floor area: 3,525 sq ft ○ Maximum water depth: 39-feet set by height of overflow weir ○ Maximum operating volume: 1,000,000 gallons total ○ Minimum operating volume: as required to meet minimum disinfection requirements; refer to Condition of Approval No. 1 • Tank baffle factor = 0.1 (per Section 4.4.3.a.iii of the CDPHE Design Criteria for Potable Water Systems) • Water Level/Volume Control: Water level depends on filtered water production rate and storage tank/clearwell gravity outflow rate into distribution system. Water level is measured via an ultrasonic level sensor and monitored/recorded via WTP SCADA system.
Monitoring Locations	<ul style="list-style-type: none"> • Raw Water Sample (002): sample tap located raw water line after Raw Water Equalization Tanks and before raw water microscreening inside the treatment plant building • Turbidity: <ul style="list-style-type: none"> ○ Combined Filter Effluent (CFE) Turbidity: <ul style="list-style-type: none"> ▪ Sampling Location: combined filtrate pipe (primary and secondary membrane skids) prior to post-filtration chlorine feed ▪ Instrumentation: continuous online turbidimeter ○ Individual Membrane Unit (IMU): <ul style="list-style-type: none"> ▪ Sampling Location: filtrate pipe on each membrane skid ▪ Instrumentation: continuous online turbidimeter • Entry Point Chlorine Residual (EP): <ul style="list-style-type: none"> ○ Sampling Location: contact time storage tank/clearwell outlet piping after re-entering the treatment plant ○ Instrumentation: continuous online free chlorine analyzer
Approach to Achieving Adequate Disinfection (Log-Inactivation or Minimum Chlorine)	Minimum Chlorine
Additional Sample Locations	<ul style="list-style-type: none"> • Flow Measurement <ul style="list-style-type: none"> ○ Raw water magnetic flow meters located on each primary membrane skid

	<ul style="list-style-type: none"> ○ Filtered water magnetic flow meter located after secondary membrane skid (Backwash Recycle) ○ Filtered water magnetic flow meter located after CFE sample location • Turbidity: <ul style="list-style-type: none"> ○ Raw Water Turbidity: <ul style="list-style-type: none"> ▪ Sampling Location: combined raw water pipe entering plant prior to microscreening ▪ Instrumentation: continuous online turbidimeter
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Deviations from the Colorado Design Criteria for Potable Water Systems (Design Criteria)

Deviation No. 1	None
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Conditions of Approval

Condition No. 1	<p>Per filtration credits identified above, the Supplier is required to continuously provide a minimum of 4.0-log inactivation of viruses by disinfection. Pursuant to Section 11.1(6) of Regulation 11, to demonstrate adequate disinfection and compliance with Section 11.8(3)(b)(i)(A) of Regulation 11, the Supplier must:</p> <p>A. Continuously maintain a minimum chlorine residual of 0.9 mg/L at the entry point sampling location assuming:</p> <ul style="list-style-type: none"> i. Maximum peak hour flowrate entering the clearwell: 2180 gpm <ul style="list-style-type: none"> ▪ Note, the maximum flow rate assumes all four (4) membrane skids are operating at maximum design capacity ii. pH: between 6.0 and 9.0 iii. Minimum temperature: 2 °C iv. Minimum Clearwell depth (or volume): 10.5-ft (276,800 gallons) <p>B. Certify that tank level for the storage tank/clearwell did not drop below the minimum level (i.e., Low-Low Level Alarm has not occurred) at least as often as each disinfectant residual monitoring event as defined in Section 11.8(3)(c) of Regulation 11.</p> <ul style="list-style-type: none"> i. The records of tank level/volume certifications are subject to Department review during sanitary surveys. ii. At the request of the Department, the Supplier must be able to show proof of the accuracy of any level-measuring device, which must indicate values within five (5) percent of the actual tank volume being measured
Condition No. 2	<p>A. The water system must continuously meet the design, performance, and operation and maintenance requirements established in Section 4.3.8 of the Design Criteria (effective July 1, 2022).</p> <p>B. The following are required by the <i>General requirements of membrane filtration technologies as Alternative Filtration Technologies for meeting Colorado Primary Drinking Water Regulations requirements for Giardia lamblia and Cryptosporidium Removal</i> letter dated July 25, 2012:</p> <ul style="list-style-type: none"> i. Turbidity Performance Standards: Combined Filter Effluent (CFE) turbidity of less than or equal to 0.1 NTU 95% of the time; never to exceed 0.5 NTU. Turbidity data shall be monitored and reported to the department in accordance with the requirements of Regulation 11. ii. Direct Integrity Testing Frequency: 1X per calendar week that the membrane is in operation and immediately following a chemically enhanced backwash (CEB). CEB and Integrity testing records subject

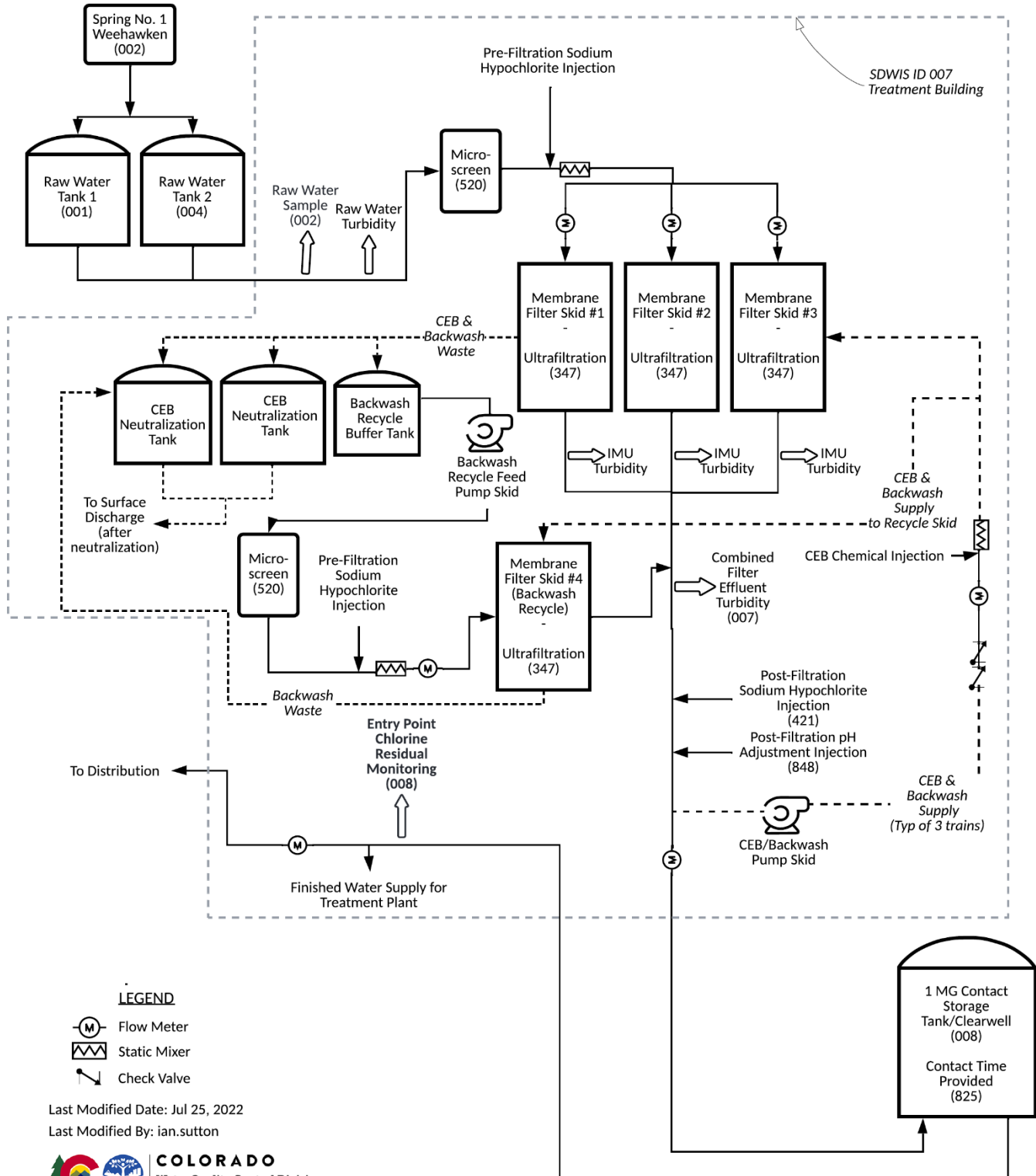
to Department review during sanitary surveys.

C. The following operating criteria must be met:

- i. Maximum membrane inlet pressure: 85 psi
- ii. Maximum transmembrane pressure (TMP) differential: 31 psi
- iii. Minimum direct integrity test pressure (starting pressure): 14.5 psi
- iv. Direct integrity testing failure criteria: >1.16 psi per minute decay

Treatment Process Schematic

(007) Surface Water Treatment Plant



LEGEND

- Flow Meter
- Static Mixer
- Check Valve

Last Modified Date: Jul 25, 2022

Last Modified By: ian.sutton



COLORADO
 Water Quality Control Division
 Department of Public Health & Environment

Distribution System Details

Distribution System ID	DS001
Overall Distribution System Description	Gravity fed to distribution system from 1-million gallon contact storage tank located at the treatment plant
Minimum Distribution System Class/ basis	Class 3 Distribution System, per Regulation 100.8.2(a) <ul style="list-style-type: none">• Population: 3,300 or Less• Pressure zones: 7
Distribution System Appurtenances	
No. of Pressure Zones	7
No. of Distribution System Pump Stations	0
No. of Pressure Reducing Valves	9
Typical Pressure Range	50 - 135 psi
Flushing Protocol	

Storage Tank Details

Tank ID/ Name	Raw Water Tank 1 (001)
Description	Type: Circular, above ground Material: welded steel
Tank Volume (gallons)	500,000 gallons
Operating Volume (gallons)	variable
Tank Residence Time/ Turnover Info	
Tank Appurtenances	
Deviations from Design Criteria:	none
Conditions of Approval:	none

Tank ID/ Name	Raw Water Tank 2 (004)
Description	Type: Circular, above ground Material: welded steel
Tank Volume (gallons)	500,000 gallons
Operating Volume (gallons)	variable
Tank Residence Time/ Turnover Info	
Tank Appurtenances	
Deviations from Design Criteria:	none
Conditions of Approval:	none

Tank ID/ Name	Contact Storage Tank/Clearwell (008)
Description	Type: Circular, above ground Material: Pre-Stressed Concrete with cast in place roof Diameter, inside: 67'-0"
Tank Volume (gallons)	1,000,000 gallons
Operating Volume (gallons)	
Tank Residence Time/ Turnover Info	
Tank Appurtenances	<ul style="list-style-type: none"> • Inlet: 14-inch tank inlet pipe with Variable Orifice Inlet Manifold • Outlet: 14-inch pipe with 6-inch silt stop • Drain: 6-inch exiting tank and using blind flange at the base of the tank. Drain discharge daylights 1-foot above ground surface into drainage

	<p>easement to limit erosion.</p> <ul style="list-style-type: none"> • Overflow: 14-inch overflow line; 24-mesh screen (double flanged) discharge exiting tank exiting 1-foot above ground surface with Duckbill type check valve. Discharge daylights 1-foot above ground surface into drainage easement with splash pad to limit erosion. • Vent: 20-inch mushroom vent (design basis: AST vent with freeze free and pressure plates/screens), approximately 36-inches off tank roof, with 16-mesh screen. • Access Hatch: One (1) 42-inch square access hatch on tank roof. Extends a minimum of 4-inches above roof deck with an overlapping curve. Cover is hinged on one side with a locking mechanism on the other and provided with a water tight gasket around opening. • Manway: 37-inch stainless steel circular manway, approximately 3-foot, 6-inches above grade to center. Manway cast into the concrete wall and exterior manway ring bolted on. • Associated piping.
Deviations from Design Criteria:	none
Conditions of Approval:	none

City Resources Department

August 1 2022

- The Bird Conservancy of the Rockies had a survey team at the Box Canon Falls to observe and count the nesting Black Swifts in the canyon.
- There had been several problems with toilets at the Box Canon Falls. After several repair attempts four toilets were replaced and all are now working properly.
- Damaged fencing has been repaired at the Box Canon Falls.
- Lifeguard games, a fun activity-based training, was held at the Hot Springs Pool July 28. This was in place of their monthly in-service training. Teams competed in skill based competitions. It is hoped that next year Ouray will be able to host a team to participate in statewide lifeguard competitions.
- The 'cage' section of the Wubit has been removed.
- Hiring has slowed at the Hot Springs Pool but new staff continue to be added. In the beginning of August many seasonal staff will depart for school and other activities. Management has been developing strategies for maintaining current hours for the remainder of the summer.
- The City applied for, and received, funds from the State of Colorado Lifeguard Incentive program. Due to overwhelming statewide demand only half the amount of requested funding was awarded to Ouray. These funds are being applied to training, employee recognition, and retention incentives.
- A shade sail that had been damaged by high winds earlier this summer has been repaired and is back in place above the hot pool.
- Pool leadership, Customer Service staff, and City Hall staff are meeting to review, discuss, and maximize user experience, reporting, and efficiency of the ActiveNet point of sale system.
- Sales of towels, candy, and other concessions has been strong this season at the Hot Springs Pool. During the summer sales of swim goggles have averaged \$100 per day. For comparison, in previous years when the Swim Shop was leased to private operators the City received \$300 rent per month.
- Hot Springs Pool water discharge samples are delivered to Grand Junction weekly. Discharge water is in compliance with State requirements.
- Geothermal monitoring is performed as required by the Wiesbaden settlement.
- Participated in a meeting with City staff, Wright Water engineering, and others regarding possible improvements to the OX2 well.
- Required annual training has been completed by the Park Manager to fulfill requirements for an industrial discharge permit.
- One of the seasonal parks workers has resigned. The employee stated they liked the work but were frustrated with the commute from Montrose that at times could take up to two hours with traffic and road construction. Ads have been placed to fill the position.
- Covid continues to infect people and affects the work schedule as employees are on quarantine restrictions.
- Members of the Beautification Committee and occasional other volunteers have cut many, many piles of willows and brush along the River Trail. This effort got a significant boost when volunteers from the National Land Rover Rally came out with loppers and saws for several hours one morning this week.
- The Parks crew continues to trim grass, support park events, clean public restrooms and empty trash on Main Street and in the parks daily as needed.
- Sprinklers have been repaired at the Woman's Club Park.
- A significant amount of the Parks and Facilities crew's time this month has been consumed with the creation of administrative office space in the San Juan Room of the Community Center. This has included:
 - Painting
 - Installing trim

- Assembly of desks and office furniture
- Obtaining prices for divider wall
- Installing TV in Administrator's office
- Installing window blinds
- Installing cabinets and arranging for granite counter tops
- Moving office equipment from temporary office space to upstairs
- City Resource Department staff has assisted the Ouray County Arts Association with set-up of the Community Center for the 59th Artists Alpine Holiday
- Assisted with local coordination of multiple running events including the Ouray 100 and the Hardrock 100 races.
- A technician was brought in to adjust and verify chemical settings on the new dishwasher at the Community Center that was installed last winter.
- There are currently 61 employees on payroll in City Resources Department.



August 1, 2022

TOURISM & DESTINATION MARKETING REPORT

Visitor Center

- We have added an outdoor notice board with rack card dispensers. This is where we have events, lodging, and common inquiries (maps, pool hours/ pricing, popular brochures) posted for people who may be here before or after hours.
- Working with Ouray Mountain Rescue, Fire Department, and getting in touch with Ouray Ice Park to sell their t-shirts at the Visitor Center.
- Promoted the free advertising opportunity for all businesses in the monthly e-newsletter if they bring their brochures/ rack cards to the visitor center.

Visit Ouray

- Awarded the Reimagine Destinations Program from the Colorado Tourism Office. That allows for a full-day community workshop, 100 hours of consulting, and \$20,000 for creative asset production shoot.
- Attended the Colorado Tourism Office Annual Research Partner Webinar. I asked what efforts were being done to influence bringing visitors (especially the RVs) to our state with the increase in gas prices. They said there is not a campaign currently in place, but that they are tracking the trends with the gas prices and want to stay in touch with the mountain towns as we go through this period. Stats to take note are: 44% of travelers are saying gas is affecting their travel and 12% are canceling due to gas prices.
- Facebook Insights for July 1 - July 26 | 88,948 page reaches (up 101.7%)
- Top performing posts for Facebook: Flowers in Miner's Cart (59,980 people reached), Uphill traffic right-of-way (11,768 people reached) and Scenic Views in Yankee Boy (9,408 people reached)
- Instagram Insights for July 1 - July 26 | 46,424 reaches (up 51.2%)
- Top performing posts for Instagram: Uphill traffic right-of-way (26.4K views), Scenic Views in Yankee Boy 22.9K views), Columbine Mineral Shop (21.6K views)
- Up 57 followers on TikTok
- Hosted Robin Smith representing the Colorado Historic Hot Springs Loop. She is a writer and helping promote the hot springs.
- Set up VisitOuray.com on Google Analytics to track trends, popular pages, and demographics on who is looking at us. This started July 10, 2022. Please see page 3 for data July 10 - July 26.



August 1, 2022

TOURISM & DESTINATION MARKETING REPORT

Visit Ouray Continued

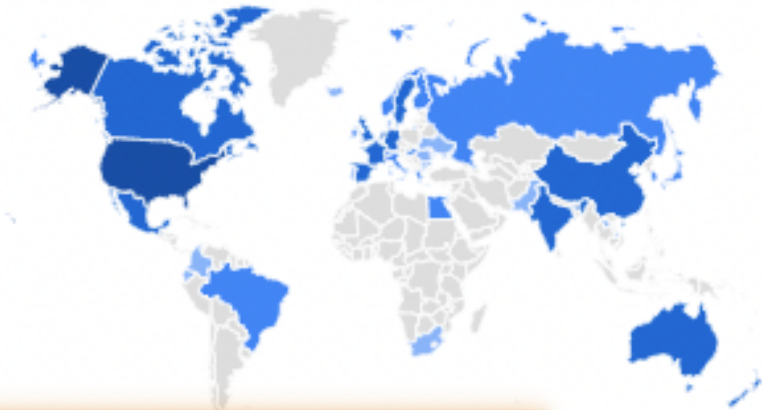
- Updated the Home, Shopping, and Dining page on VisitOuray.com. Will be updating more pages across the website. Please see page 4 for a before and after example. The added photo is to appeal to guests visually, the increased text is to help with our Search Engine Optimization (SEO) for not just our website, but to help direct traffic to all businesses and their sites.
- Introduced myself to business owners and employees for all retail businesses on Main Street. While there, I took photos and videos of the business to use on our website and social media for promotion.
- Hosted Tangram Design (Wayfinding) July 18- July 21. Day 1: they explored Ouray as a new visitor, saw what current wayfinding we have in place and what they had issues finding because of a lack of signage. Day 2: Kailey Rhoten took them on a tour of areas outside Main Street for main points of interest. We also had a meeting for TAC, City Council, and CDOT for community engagement in regards to what they would like to see. Day 3 & 4: They explored Main Street area and talked to businesses and guests to Ouray.
- Working with the Colorado Tourism Office on hosting a Familiarization Tour for an Australian freelance writer, Julia Dorazio, here in Ouray. In exchange for showing her Ouray, and all it encompasses, we will receive earned media to the Australian demographic.
- Karsh Hagan branding workshop: July 26, 2022. We had City Council, TAC, and Tangram Design take part in this workshop to help guide us in a direction for branding "Visit Ouray." Key take-aways were the commonality that people saw Ouray having unmatched authenticity, we are true to our origins, and an uncompromisable community. There was a mutual thought that we would like to see the word "Ouray" in the current logo used with an updated mountain scene, maybe some color adjustments. Another point was coming up with a new tag line that represents Ouray as a whole. Possibly stepping away from "The Switzerland of America" and "Outdoor Recreational Capital of Colorado." The process has just started, and we have many more steps in this process of identifying and expanding the "Visit Ouray" brand.



August 1, 2022

Google Analytics for VisitOuray.com

Users ▾ by Country



COUNTRY	USERS
United States	9.1K
Canada	59
China	40
United Kingdom	21
Germany	18
France	10
Mexico	8

Users ▾ by City

CITY	USERS
Phoenix	1K
Chicago	765
Denver	670
Ridgway	626
Dallas	447
Englewood	427
Los Angeles	321

[View cities →](#)

Totals 21,276
100% of total

1	Visit Ouray	8,969
2	Web Cams – Visit Ouray	2,632
3	Box Cañon Falls – Visit Ouray	1,476
4	Hot Springs – Visit Ouray	1,467
5	Hiking – Visit Ouray	1,107
6	Where To Stay – Visit Ouray	1,014
7	Visitors Guide – Visit Ouray	573
8	4x4 and OHV – Visit Ouray	549
9	Dining and Drinks – Visit Ouray	477
10	Ouray City Map – Visit Ouray	413



August 1, 2022

Shopping Page Before

THAT PERFECT GIFT OR MEMORY.




ARTS, CRAFTS, ADVENTURE SPORTS AND MORE.


AGO GALLERY	MOUSE'S CHOCOLATES & COFFEE	OURAY T-SHIRT & MOMENTOS
445 Main Street 970-325-0270 Website	520 Main Street 970-325-7285 Website	1612 Main Street 970-325-9868 Facebook



Shopping Page After

FOR THAT PERFECT GIFT OR MEMORY OF OURAY

		
BLOOM MODERN MERCANTILE	CHIEF OURAY TRADING POST	COLOR & QUILL
Bloom Modern Mercantile is a mountain boutique full of unique home decor, candles, handbags and wallets, clothing and jewelry, too! Gifts for everyone. 645 Main St Ouray, CO 81427 970.325.0645 Visit Site	Specializing in Native American Indian Jewelry and art. As you walk into our store, you will be mesmerized by our display of turquoise jewels, vibrant paintings, and much more. 735 Main Street Ouray, CO 81427 970.325.9860 Visit Site	These small pieces of color, texture and love are hand stitched by using Japanese seed beads and quills. Visit Site



Submit to Local Licensing Authority

**OURAY RIVERSIDE RESORT - INN & CABINS
 PO BOX 1360
 Ouray CO 81427**

Fees Due	
Renewal Fee	146.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

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 JTP INCORPORATED		Doing Business As Name (DBA) OURAY RIVERSIDE RESORT - INN & CABINS	
Liquor License # 04-01622	License Type Fermented Malt Beverage Off (city)		
Sales Tax License Number 30569103	Expiration Date 09/08/2022	Due Date 07/25/2022	
Business Address 1804 NORTH MAIN STREET Ouray CO 81427			Phone Number 7049989888
Mailing Address PO BOX 1360 Ouray CO 81427		Email	
Operating Manager JASON PERKINS	Date of Birth	Home Address	
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input checked="" 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			

WAIVER OF CONFLICTS OF INTEREST

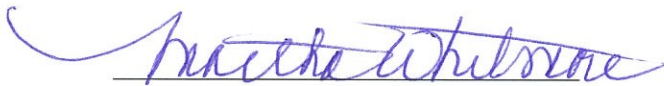
This Waiver is made effective this 1st day of August 2022, by and between Hockersmith & Whitmore, LLC (Law Firm) the City of Ouray (the City).

1. Ms. Thomasson is currently an Associate Attorney with the Law Firm and was appointed as the Ouray Municipal Judge on August 1, 2022.
2. The City of Ouray Municipal Judge is a paid employee of the City and does not provide legal representation of the City.
3. The Law Firm represents clients in land use applications and other regulatory and contractual matters before the City and it is anticipated that the Law Firm will continue to represent its clients in future such matters before the City.
4. While the Parties to this Waiver do not believe that Ms. Thomasson's appointment presents an actual or perceived conflict with the Law Firm representing clients in matters before the City, the Parties nonetheless execute this Waiver to ensure that any possible conflict that may arise is hereby waived by the City.
5. As a result, the City agrees to waive any conflict of interest pursuant to the Colorado Rules of Professional Conduct (CRPC) 1.7 and 1.9, unless the conflict is explicitly prohibited by law as described in CRPC 1.7(b)(2), (3), resulting from the Law Firm representing clients in land use applications, other regulatory matters and/or contractual matters before the City.
6. The City acknowledges that it has had a reasonable opportunity to consult with counsel about this Waiver.

Hockersmith and Whitmore, *LLC*



Lane Thomasson, Associate



Martha P. Whitmore, Managing Partner

City of Ouray

Silas Clarke, City Administrator

Rule 1.7. Conflict of Interest: Current Clients.

Colorado Court Rules

Colorado Rules of Professional Conduct

Client-lawyer Relationship

As amended through Rule Change 2018(6), effective April 12, 2018

Rule 1.7. Conflict of Interest: Current Clients

- (a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:
- (1) the representation of one client will be directly adverse to another client; or
 - (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.
- (b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:
- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
 - (2) the representation is not prohibited by law;
 - (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
 - (4) each affected client gives informed consent, confirmed in writing.

Cite as RPC 1.7

History. Committee comment amended October 17, 1996, effective January 1, 1997; entire Appendix repealed and readopted April 12, 2007, effective January 1, 2008.

Note:

COMMENT

General Principles

[1] Loyalty and independent judgment are essential elements in the lawyer's relationship to a client. Concurrent conflicts of interest can arise from the lawyer's responsibilities to another client, a former client or a third person or

from the lawyer's own interests. For specific rules regarding certain concurrent conflicts of interest, see Rule 1.8. For former client conflicts of interest, see Rule 1.9. For conflicts of interest involving prospective clients, see Rule 1.18. For definitions of "informed consent" and "confirmed in writing," see Rule 1.0(e) and (b).

[2] Resolution of a conflict of interest problem under this Rule requires the lawyer to: 1) clearly identify the client or clients; 2) determine whether a conflict of interest exists; 3) decide whether the representation may be undertaken despite the existence of a conflict, i.e., whether the conflict is consentable; and 4) if so, consult with the clients affected under paragraph (a) and obtain their informed consent, confirmed in writing. The clients affected under paragraph (a) include both of the clients referred to in paragraph (a)(1) and the one or more clients whose representation might be materially limited under paragraph (a)(2).

[3] A conflict of interest may exist before representation is undertaken, in which event the representation must be declined, unless the lawyer obtains the informed consent of each client under the conditions of paragraph (b). To determine whether a conflict of interest exists, a lawyer should adopt reasonable procedures, appropriate for the size and type of firm and practice, to determine in both litigation and non-litigation matters the persons and issues involved. See also Comment to Rule 5.1. Ignorance caused by a failure to institute such procedures will not excuse a lawyer's violation of this Rule. As to whether a client-lawyer relationship exists or, having once been established, is continuing, see Comment to Rule 1.3 and Scope.

[4] If a conflict arises after representation has been undertaken, the lawyer ordinarily must withdraw from the representation, unless the lawyer has obtained the informed consent of the client under the conditions of paragraph (b). See Rule 1.16. Where more than one client is involved, whether the lawyer may continue to represent any of the clients is determined both by the lawyer's ability to comply with duties owed to the former client and by the lawyer's ability to represent adequately the remaining client or clients, given the lawyer's duties to the former client. See Rule 1.9. See also Comments [5] and [29].

[5] Unforeseeable developments, such as changes in corporate and other organizational affiliations or the addition or realignment of parties in litigation, might create conflicts in the midst of a representation, as when a company sued by the lawyer on behalf of one client is bought by another client represented by the lawyer in an unrelated matter. Depending on the circumstances, the lawyer may have the option to withdraw from one of the representations in order to avoid the conflict. The lawyer must seek court approval where necessary and take steps to minimize harm to the clients. See Rule 1.16. The lawyer must continue to protect the confidences of the client from whose representation the lawyer has withdrawn. See Rule 1.9(c).

Identifying Conflicts of Interest: Directly Adverse

[6] Loyalty to a current client prohibits undertaking representation directly adverse to that client without that client's informed consent. Thus, absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated. The client as to whom the representation is directly adverse is likely to feel betrayed, and the resulting damage to the client-lawyer relationship is likely to impair the lawyer's ability to represent the client effectively. In addition, the client on whose behalf the adverse representation is undertaken reasonably may fear that the lawyer will pursue that client's case less effectively out of deference to the other client, i.e., that the representation may be materially limited by the lawyer's interest in retaining the current client. Similarly, a directly adverse conflict may arise when a lawyer is required to cross-examine a client

who appears as a witness in a lawsuit involving another client, as when the testimony will be damaging to the client who is represented in the lawsuit. On the other hand, simultaneous representation in unrelated matters of clients whose interests are only economically adverse, such as representation of competing economic enterprises in unrelated litigation, does not ordinarily constitute a conflict of interest and thus may not require consent of the respective clients.

[7] Directly adverse conflicts can also arise in transactional matters. For example, if a lawyer is asked to represent the seller of a business in negotiations with a buyer represented by the lawyer, not in the same transaction but in another, unrelated matter, the lawyer could not undertake the representation without the informed consent of each client.

Identifying Conflicts of Interest: Material Limitation

[8] Even where there is no direct adverseness, a conflict of interest exists if there is a significant risk that a lawyer's ability to consider, recommend or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer's other responsibilities or interests. For example, a lawyer asked to represent several individuals seeking to form a joint venture is likely to be materially limited in the lawyer's ability to recommend or advocate all possible positions that each might take because of the lawyer's duty of loyalty to the others. The conflict in effect forecloses alternatives that would otherwise be available to the client. The mere possibility of subsequent harm does not itself require disclosure and consent. The critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.

Lawyer's Responsibilities to Former Clients and Other Third Persons

[9] In addition to conflicts with other current clients, a lawyer's duties of loyalty and independence may be materially limited by responsibilities to former clients under Rule 1.9 or by the lawyer's responsibilities to other persons, such as fiduciary duties arising from a lawyer's service as a trustee, executor or corporate director. Personal Interest Conflicts

[10] The lawyer's own interests should not be permitted to have an adverse effect on representation of a client. For example, if the probity of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client detached advice. Similarly, when a lawyer has discussions concerning possible employment with an opponent of the lawyer's client, or with a law firm representing the opponent, such discussions could materially limit the lawyer's representation of the client. In addition, a lawyer may not allow related business interests to affect representation, for example, by referring clients to an enterprise in which the lawyer has an undisclosed financial interest. See Rule 1.8 for specific Rules pertaining to a number of personal interest conflicts, including business transactions with clients. See also Rule 1.10 (personal interest conflicts under Rule 1.7 ordinarily are not imputed to other lawyers in a law firm).

[11] When lawyers representing different clients in the same matter or in substantially related matters are closely related by blood or marriage or when there is a cohabiting relationship between the lawyers, there may be a significant risk that client confidences will be revealed and that the lawyer's family or cohabiting relationship will interfere with both loyalty and independent professional judgment. As a result, each client is entitled to know of the existence and implications of the relationship between the lawyers before the lawyer agrees to undertake the

representation. Thus, a lawyer related to another lawyer, e.g., as parent, child, sibling or spouse (or in a cohabiting relationship with another lawyer,) ordinarily may not represent a client in a matter where that lawyer is representing another party, unless each client gives informed consent. The disqualification arising from a close family relationship or a cohabiting relationship is personal and ordinarily is not imputed to members of firms with whom the lawyers are associated. See Rule 1.10.

[12] A lawyer is prohibited from engaging in sexual relationships with a client unless the sexual relationship predates the formation of the client-lawyer relationship. See Rule 1.8(j).

Interest of Person Paying for a Lawyer's Service

[13] A lawyer may be paid from a source other than the client, including a co-client, if the client is informed of that fact and consents and the arrangement does not compromise the lawyer's duty of loyalty or independent judgment to the client. See Rule 1.8(f). If acceptance of the payment from any other source presents a significant risk that the lawyer's representation of the client will be materially limited by the lawyer's own interest in accommodating the person paying the lawyer's fee or by the lawyer's responsibilities to a payer who is also a co-client, then the lawyer must comply with the requirements of paragraph (b) before accepting the representation, including determining whether the conflict is consentable and, if so, that the client has adequate information about the material risks of the representation.

Prohibited Representations

[14] Ordinarily, clients may consent to representation notwithstanding a conflict. However, as indicated in paragraph (b), some conflicts are nonconsentable, meaning that the lawyer involved cannot properly ask for such agreement or provide representation on the basis of the client's consent. When the lawyer is representing more than one client, the question of consentability must be resolved as to each client.

[15] Consentability is typically determined by considering whether the interests of the clients will be adequately protected if the clients are permitted to give their informed consent to representation burdened by a conflict of interest. Thus, under paragraph (b)(1), representation is prohibited if in the circumstances the lawyer cannot reasonably conclude that the lawyer will be able to provide competent and diligent representation. See Rule 1.1 (competence) and Rule 1.3 (diligence).

[16] Paragraph (b)(2) describes conflicts that are nonconsentable because the representation is prohibited by applicable law. For example, in some states substantive law provides that the same lawyer may not represent more than one defendant in a capital case, even with the consent of the clients, and under federal criminal statutes certain representations by a former government lawyer are prohibited, despite the informed consent of the former client. In addition, decisional law in some states limits the ability of a governmental client, such as a municipality, to consent to a conflict of interest.

[17] Paragraph (b)(3) describes conflicts that are nonconsentable because of the institutional interest in vigorous development of each client's position when the clients are aligned directly against each other in the same litigation or other proceeding before a tribunal. Whether clients are aligned directly against each other within the meaning of this paragraph requires examination of the context of the proceeding. Although this paragraph does not preclude a lawyer's multiple representation of adverse parties to a mediation (because mediation is not a proceeding before a "tribunal" under Rule 1.0(m)), such representation may be precluded by paragraph (b)(1).

Informed Consent

[18] Informed consent requires that each affected client be aware of the relevant circumstances and of the material and reasonably foreseeable ways that the conflict could have adverse effects on the interests of that client. See Rule 1.0(e) (informed consent). The information required depends on the nature of the conflict and the nature of the risks involved. When representation of multiple clients in a single matter is undertaken, the information must include the implications of the common representation, including possible effects on loyalty, confidentiality and the attorney-client privilege and the advantages and risks involved. See Comments [30] and [31] (effect of common representation on confidentiality).

[19] Under some circumstances it may be impossible to make the disclosure necessary to obtain consent. For example, when the lawyer represents different clients in related matters and one of the clients refuses to consent to the disclosure necessary to permit the other client to make an informed decision, the lawyer cannot properly ask the latter to consent. In some cases the alternative to common representation can be that each party may have to obtain separate representation with the possibility of incurring additional costs. These costs, along with the benefits of securing separate representation, are factors that may be considered by the affected client in determining whether common representation is in the client's interests.

Consent Confirmed in Writing

[20] Paragraph (b) requires the lawyer to obtain the informed consent of the client, confirmed in writing. Such a writing may consist of a document executed by the client or one that the lawyer promptly records and transmits to the client following an oral consent. See Rule 1.0(b). See also Rule 1.0(n) (writing includes electronic transmission). If it is not feasible to obtain or transmit the writing at the time the client gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter. See Rule 1.0(b). The requirement of a writing does not supplant the need in most cases for the lawyer to talk with the client, to explain the risks and advantages, if any, of representation burdened with a conflict of interest, as well as reasonably available alternatives, and to afford the client a reasonable opportunity to consider the risks and alternatives and to raise questions and concerns. Rather, the writing is required in order to impress upon clients the seriousness of the decision the client is being asked to make and to avoid disputes or ambiguities that might later occur in the absence of a writing. Revoking Consent

[21] A client who has given consent to a conflict may revoke the consent and, like any other client, may terminate the lawyer's representation at any time. Whether revoking consent to the client's own representation precludes the lawyer from continuing to represent other clients depends on the circumstances, including the nature of the conflict, whether the client revoked consent because of a material change in circumstances, the reasonable expectations of the other client and whether material detriment to the other clients or the lawyer would result. Consent to Future Conflict

[22] Whether a lawyer may properly request a client to waive conflicts that might arise in the future is subject to the test of paragraph (b). The effectiveness of such waivers is generally determined by the extent to which the client reasonably understands the material risks that the waiver entails. The more comprehensive the explanation of the types of future representations that might arise and the actual and reasonably foreseeable adverse consequences of those representations, the greater the likelihood that the client will have the requisite understanding. Thus, if the client agrees to consent to a particular type of conflict with which the client is already familiar, then the consent ordinarily will be effective with regard to that type of conflict. If the consent is general and open-ended, then the consent ordinarily will be ineffective, because it is not reasonably likely that the client will have understood the material risks involved. On

the other hand, if the client is an experienced user of the legal services involved and is reasonably informed regarding the risk that a conflict may arise, such consent is more likely to be effective, particularly if, e.g., the client is independently represented by other counsel in giving consent and the consent is limited to future conflicts unrelated to the subject of the representation. In any case, advance consent cannot be effective if the circumstances that materialize in the future are such as would make the conflict nonconsentable under paragraph (b).

Conflicts in Litigation

[23] Paragraph (b)(3) prohibits representation of opposing parties in the same litigation, regardless of the clients' consent. On the other hand, simultaneous representation of parties whose interests in litigation may conflict, such as co-plaintiffs or codefendants, is governed by paragraph (a)(2). A conflict may exist by reason of substantial discrepancy in the parties' testimony, incompatibility in positions in relation to an opposing party or the fact that there are substantially different possibilities of settlement of the claims or liabilities in question. Such conflicts can arise in criminal cases as well as civil. The potential for conflict of interest in representing multiple defendants in a criminal case is so grave that ordinarily a lawyer should decline to represent more than one codefendant. On the other hand, common representation of persons having similar interests in civil litigation is proper if the requirements of paragraph (b) are met.

[24] Ordinarily a lawyer may take inconsistent legal positions in different tribunals at different times on behalf of different clients. The mere fact that advocating a legal position on behalf of one client might create precedent adverse to the interests of a client represented by the lawyer in an unrelated matter does not create a conflict of interest. A conflict of interest exists, however, if there is a significant risk that a lawyer's action on behalf of one client will materially limit the lawyer's effectiveness in representing another client in a different case; for example, when a decision favoring one client will create a precedent likely to seriously weaken the position taken on behalf of the other client. Factors relevant in determining whether the clients need to be advised of the risk include: where the cases are pending, whether the issue is substantive or procedural, the temporal relationship between the matters, the significance of the issue to the immediate and long-term interests of the clients involved and the clients' reasonable expectations in retaining the lawyer. If there is significant risk of material limitation, then absent informed consent of the affected clients, the lawyer must refuse one of the representations or withdraw from one or both matters.

[25] When a lawyer represents or seeks to represent a class of plaintiffs or defendants in a class-action lawsuit, unnamed members of the class are ordinarily not considered to be clients of the lawyer for purposes of applying paragraph (a)(1) of this Rule. Thus, the lawyer does not typically need to get the consent of such a person before representing a client suing the person in an unrelated matter. Similarly, a lawyer seeking to represent an opponent in a class action does not typically need the consent of an unnamed member of the class whom the lawyer represents in an unrelated matter. Nonlitigation Conflicts

[26] Conflicts of interest under paragraphs (a)(1) and (a)(2) arise in contexts other than litigation. For a discussion of directly adverse conflicts in transactional matters, see Comment [7]. Relevant factors in determining whether there is significant potential for material limitation include the duration and intimacy of the lawyer's relationship with the client or clients involved, the functions being performed by the lawyer, the likelihood that disagreements will arise and the likely prejudice to the client from the conflict. The question is often one of proximity and degree. See Comment [8].

[27] For example, conflict questions may arise in estate planning and estate administration. A lawyer may be called upon to prepare wills for several family members, such as husband and wife, and, depending upon the circumstances, a conflict of interest may be present. In estate administration the identity of the client may be unclear under the law of a particular jurisdiction. Under one view, the client is the fiduciary; under another view the client is the estate or trust, including its beneficiaries. In order to comply with conflict of interest rules, the lawyer should make clear the lawyer's relationship to the parties involved.

[28] Whether a conflict is consentable depends on the circumstances. For example, a lawyer may not represent multiple parties to a negotiation whose interests are fundamentally antagonistic to each other, but common representation is permissible where the clients are generally aligned in interest even though there is some difference in interest among them. Thus, a lawyer may seek to establish or adjust a relationship between clients on an amicable and mutually advantageous basis; for example, in helping to organize a business in which two or more clients are entrepreneurs, working out the financial reorganization of an enterprise in which two or more clients have an interest or arranging a property distribution in settlement of an estate. The lawyer seeks to resolve potentially adverse interests by developing the parties' mutual interests. Otherwise, each party might have to obtain separate representation, with the possibility of incurring additional cost, complication or even litigation. Given these and other relevant factors, the clients may prefer that the lawyer act for all of them.

Special Considerations in Common Representation

[29] In considering whether to represent multiple clients in the same matter, a lawyer should be mindful that if the common representation fails because the potentially adverse interests cannot be reconciled, the result can be additional cost, embarrassment and recrimination. Ordinarily, the lawyer will be forced to withdraw from representing all of the clients if the common representation fails. In some situations, the risk of failure is so great that multiple representation is plainly impossible. For example, a lawyer cannot undertake common representation of clients where contentious litigation or negotiations between them are imminent or contemplated. Moreover, because the lawyer is required to be impartial between commonly represented clients, representation of multiple clients is improper when it is unlikely that impartiality can be maintained. Generally, if the relationship between the parties has already assumed antagonism, the possibility that the clients' interests can be adequately served by common representation is not very good. Other relevant factors are whether the lawyer subsequently will represent both parties on a continuing basis and whether the situation involves creating or terminating a relationship between the parties.

[30] A particularly important factor in determining the appropriateness of common representation is the effect on client-lawyer confidentiality and the attorney-client privilege. With regard to the attorney-client privilege, the prevailing rule is that, as between commonly represented clients, the privilege does not attach. Hence, it must be assumed that if litigation eventuates between the clients, the privilege will not protect any such communications, and the clients should be so advised.

[31] As to the duty of confidentiality, continued common representation will almost certainly be inadequate if one client asks the lawyer not to disclose to the other client information relevant to the common representation. This is so because the lawyer has an equal duty of loyalty to each client, and each client has the right to be informed of anything bearing on the representation that might affect that client's interests and the right to expect that the lawyer will use that information to that client's benefit. See Rule 1.4. The lawyer should, at the outset of the common representation and

as part of the process of obtaining each client's informed consent, advise each client that information will be shared and that the lawyer will have to withdraw if one client decides that some matter material to the representation should be kept from the other. In limited circumstances, it may be appropriate for the lawyer to proceed with the representation when the clients have agreed, after being properly informed, that the lawyer will keep certain information confidential. For example, the lawyer may reasonably conclude that failure to disclose one client's trade secrets to another client will not adversely affect representation involving a joint venture between the clients and agree to keep that information confidential with the informed consent of both clients.

[32] When seeking to establish or adjust a relationship between clients, the lawyer should make clear that the lawyer's role is not that of partisanship normally expected in other circumstances and, thus, that the clients may be required to assume greater responsibility for decisions than when each client is separately represented. Any limitations on the scope of the representation made necessary as a result of the common representation should be fully explained to the clients at the outset of the representation. See Rule 1.2(c).

[33] Subject to the above limitations, each client in the common representation has the right to loyal and diligent representation and the protection of Rule 1.9 concerning the obligations to a former client. The client also has the right to discharge the lawyer as stated in Rule 1.16. Organizational Clients

[34] A lawyer who represents a corporation or other organization does not, by virtue of that representation, necessarily represent any constituent or affiliated organization, such as a parent or subsidiary. See Rule 1.13(a). Thus, the lawyer for an organization is not barred from accepting representation adverse to an affiliate in an unrelated matter, unless the circumstances are such that the affiliate should also be considered a client of the lawyer, there is an understanding between the lawyer and the organizational client that the lawyer will avoid representation adverse to the client's affiliates, or the lawyer's obligations to either the organizational client or the new client are likely to limit materially the lawyer's representation of the other client.

[35] A lawyer for a corporation or other organization who is also a member of its board of directors should determine whether the responsibilities of the two roles might conflict. The lawyer may be called on to advise the corporation in matters involving actions of the directors. Consideration should be given to the frequency with which such situations may arise, the potential intensity of the conflict, the effect of the lawyer's resignation from the board and the possibility of the corporation's obtaining legal advice from another lawyer in such situations. If there is material risk that the dual role will compromise the lawyer's independence of professional judgment, the lawyer should not serve as a director or should cease to act as the corporation's lawyer when conflicts of interest arise. The lawyer should advise the other members of the board that in some circumstances matters discussed at board meetings while the lawyer is present in the capacity of director might not be protected by the attorney-client privilege and that conflict of interest considerations might require the lawyer's recusal as a director or might require the lawyer and the lawyer's firm to decline representation of the corporation in a matter.

Rule 1.9. Duties to Former Clients.

Colorado Court Rules

Colorado Rules of Professional Conduct

Client-lawyer Relationship

As amended through Rule Change 2018(4), effective March 15, 2018

Rule 1.9. Duties to Former Clients

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client
 - (1) whose interests are materially adverse to that person; and
 - (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.
- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
 - (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
 - (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Cite as RPC 1.9

History. IP(c) amended March 17, 1994, effective July 1, 1994; entire Appendix repealed and readopted April 12, 2007, effective January 1, 2008.

Note:

COMMENT

[1] After termination of a client-lawyer relationship, a lawyer has certain continuing duties with respect to confidentiality and conflicts of interest and thus may not represent another client except in conformity with this Rule. Under this Rule, for example, a lawyer could not properly seek to rescind on behalf of a new client a contract drafted on behalf of the former client. So also a lawyer who has prosecuted an accused person could not properly represent the accused in a subsequent civil action against the government concerning the same transaction. Nor could a lawyer who has represented multiple clients in a matter represent one of the clients against the others in the same or a substantially related matter after a dispute arose among the clients in that matter, unless all affected clients give informed consent. See Comment [9]. Current and former government lawyers must comply with this Rule to the extent required by Rule 1.11.

[2] The scope of a "matter" for purposes of this Rule depends on the facts of a particular situation or transaction. The lawyer's involvement in a matter can also be a question of degree. When a lawyer has been directly involved in a specific transaction, subsequent representation of other clients with materially adverse interests in that transaction clearly is prohibited. On the other hand, a lawyer who recurrently handled a type of problem for a former client is not precluded from later representing another client in a factually distinct problem of that type even though the subsequent representation involves a position adverse to the prior client. Similar considerations can apply to the reassignment of military lawyers between defense and prosecution functions within the same military jurisdictions. The underlying question is whether the lawyer was so involved in the matter that the subsequent representation can be justly regarded as a changing of sides in the matter in question.

[3] Matters are "substantially related" for purposes of this Rule if they involve the same transaction or legal dispute or if there otherwise is a substantial risk that confidential factual information as would normally have been obtained in the prior representation would materially advance the client's position in the subsequent matter. For example, a lawyer who has represented a businessperson and learned extensive private financial information about that person may not then represent that person's spouse in seeking a divorce. Similarly, a lawyer who has previously represented a client in securing environmental permits to build a shopping center would be precluded from representing neighbors seeking to oppose rezoning of the property on the basis of environmental considerations; however, the lawyer would not be precluded, on the grounds of substantial relationship, from defending a tenant of the completed shopping center in resisting eviction for nonpayment of rent. Information that has been disclosed to the public or to other parties adverse to the former client ordinarily will not be disqualifying. Information acquired in a prior representation may have been rendered obsolete by the passage of time, a circumstance that may be relevant in determining whether two representations are substantially related. In the case of an organizational client, general knowledge of the client's policies and practices ordinarily will not preclude a subsequent representation; on the other hand, knowledge of specific facts gained in a prior representation that are relevant to the matter in question ordinarily will preclude such a representation. A former client is not required to reveal the confidential information learned by the lawyer in order to establish a substantial risk that the lawyer has confidential information to use in the subsequent matter. A conclusion about the possession of such information may be based on the nature of the services the lawyer provided the former client and information that would in ordinary practice be learned by a lawyer providing such services.

Lawyers Moving Between Firms

[4] When lawyers have been associated within a firm but then end their association, the question of whether a lawyer should undertake representation is more complicated. There are several competing considerations. First, the client

previously represented by the former firm must be reasonably assured that the principle of loyalty to the client is not compromised. Second, the Rule should not be so broadly cast as to preclude other persons from having reasonable choice of legal counsel. Third, the Rule should not unreasonably hamper lawyers from forming new associations and taking on new clients after having left a previous association. In this connection, it should be recognized that today many lawyers practice in firms, that many lawyers to some degree limit their practice to one field or another, and that many move from one association to another several times in their careers. If the concept of imputation were applied with unqualified rigor, the result would be radical curtailment of the opportunity of lawyers to move from one practice setting to another and of the opportunity of clients to change counsel.

[5] Paragraph (b) operates to disqualify the lawyer only when the lawyer involved has actual knowledge of information protected by Rules 1.6 and 1.9(c). Thus, if a lawyer while with one firm acquired no knowledge or information relating to a particular client of the firm, and that lawyer later joined another firm, neither the lawyer individually nor the second firm is disqualified from representing another client in the same or a related matter even though the interests of the two clients conflict. See Rule 1.10(b) for the restrictions on a firm once a lawyer has terminated association with the firm.

[6] Application of paragraph (b) depends on a situation's particular facts, aided by inferences, deductions or working presumptions that reasonably may be made about the way in which lawyers work together. A lawyer may have general access to files of all clients of a law firm and may regularly participate in discussions of their affairs; it should be inferred that such a lawyer in fact is privy to all information about all the firm's clients. In contrast, another lawyer may have access to the files of only a limited number of clients and participate in discussions of the affairs of no other clients; in the absence of information to the contrary, it should be inferred that such a lawyer in fact is privy to information about the clients actually served but not those of other clients. In such an inquiry, the burden of proof should rest upon the firm whose disqualification is sought.

[7] Independent of the question of disqualification of a firm, a lawyer changing professional association has a continuing duty to preserve confidentiality of information about a client formerly represented. See Rules 1.6 and 1.9(c).

[8] Paragraph (c) provides that information acquired by the lawyer in the course of representing a client may not subsequently be used or revealed by the lawyer to the disadvantage of the client. However, the fact that a lawyer has once served a client does not preclude the lawyer from using generally known information about that client when later representing another client.

[9] The provisions of this Rule are for the protection of former clients and can be waived if the client gives informed consent, which consent must be confirmed in writing under paragraphs (a) and (b). See Rule 1.0(e). With regard to the effectiveness of an advance waiver, see Comment [22] to Rule 1.7. With regard to disqualification of a firm with which a lawyer is or was formerly associated, see Rule 1.10.

RESOLUTION NO. 15 (SERIES 2022)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, APPROVING ALTERNATE JUDGES TO PRESIDE OVER OURAY MUNICIPAL COURT IN THE EVENT OF A CONFLICT OR ABSENCE OF THE APPOINTED MUNICIPAL JUDGE.

WHEREAS, Judge Lane Thomasson was appointed on August 1, 2022, as the Ouray Municipal Judge.

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 Jock Fleming and Anna Cooling of Fleming, Lowenberg & Cooling, 144 S Uncompahgre Ave, Montrose, CO 81401 as alternative judges to preside over municipal court, should it be necessary.
2. Both Jock Fleming and Anna Cooling have acted as the alternative judge previously and both are familiar with Ouray Municipal Code and able to act as the alternative judge, should it become necessary.
3. City attorney shall schedule the alternative judge in accordance with availability between the two alternates, should it become necessary to have an alternate judge preside over municipal court.
4. This Order shall remain in effect until rescinded.

ADOPTED this 1st day of August 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 Alternate Municipal Court Judges as described below.

Ouray Municipal Court Docket: Anytime it becomes necessary
Date of Docket

or

Citation Number: _____;

Incident Number: _____;

Defendant(s): _____;
_____.

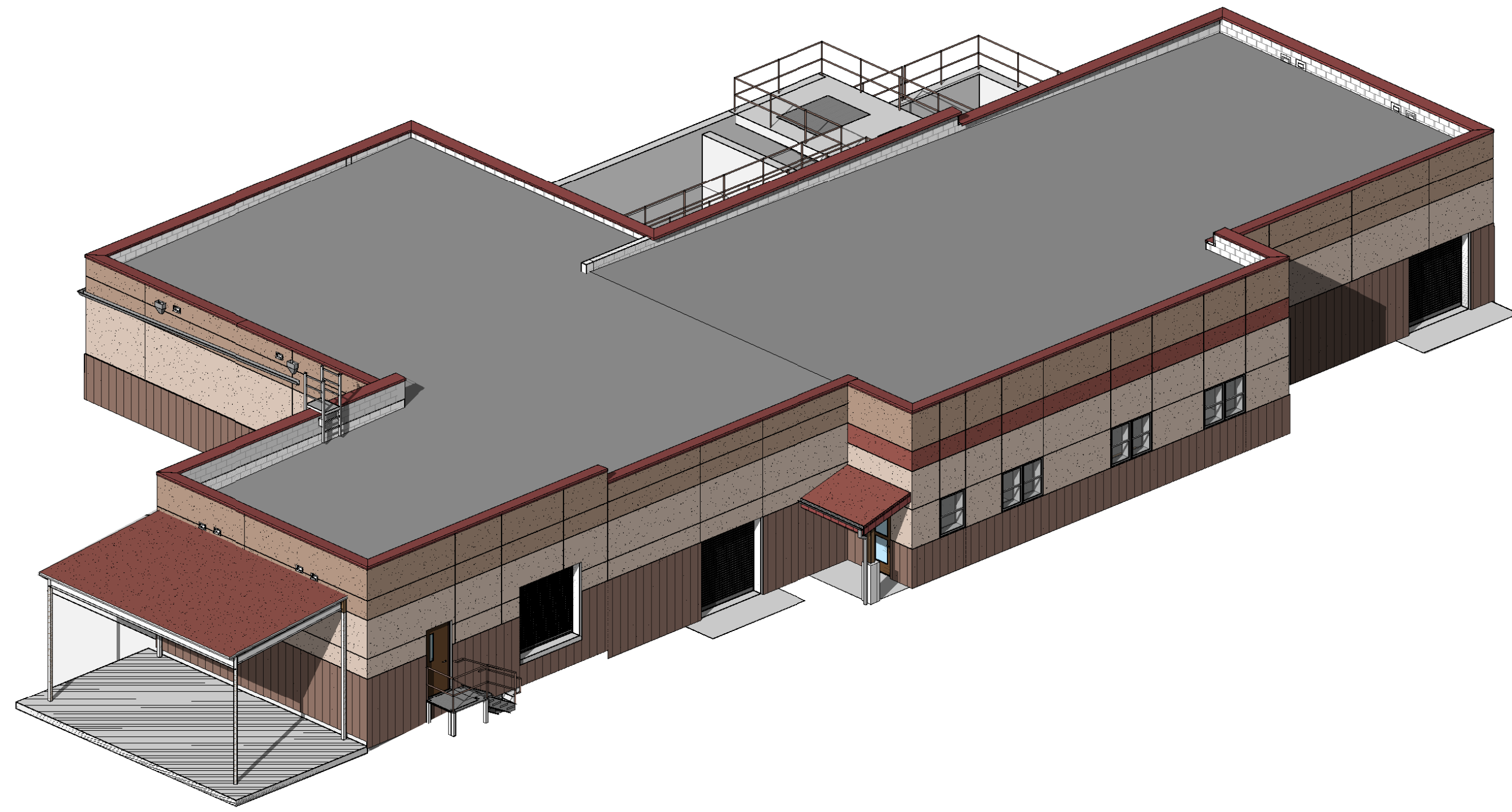
By:

Ethan Funk, Mayor

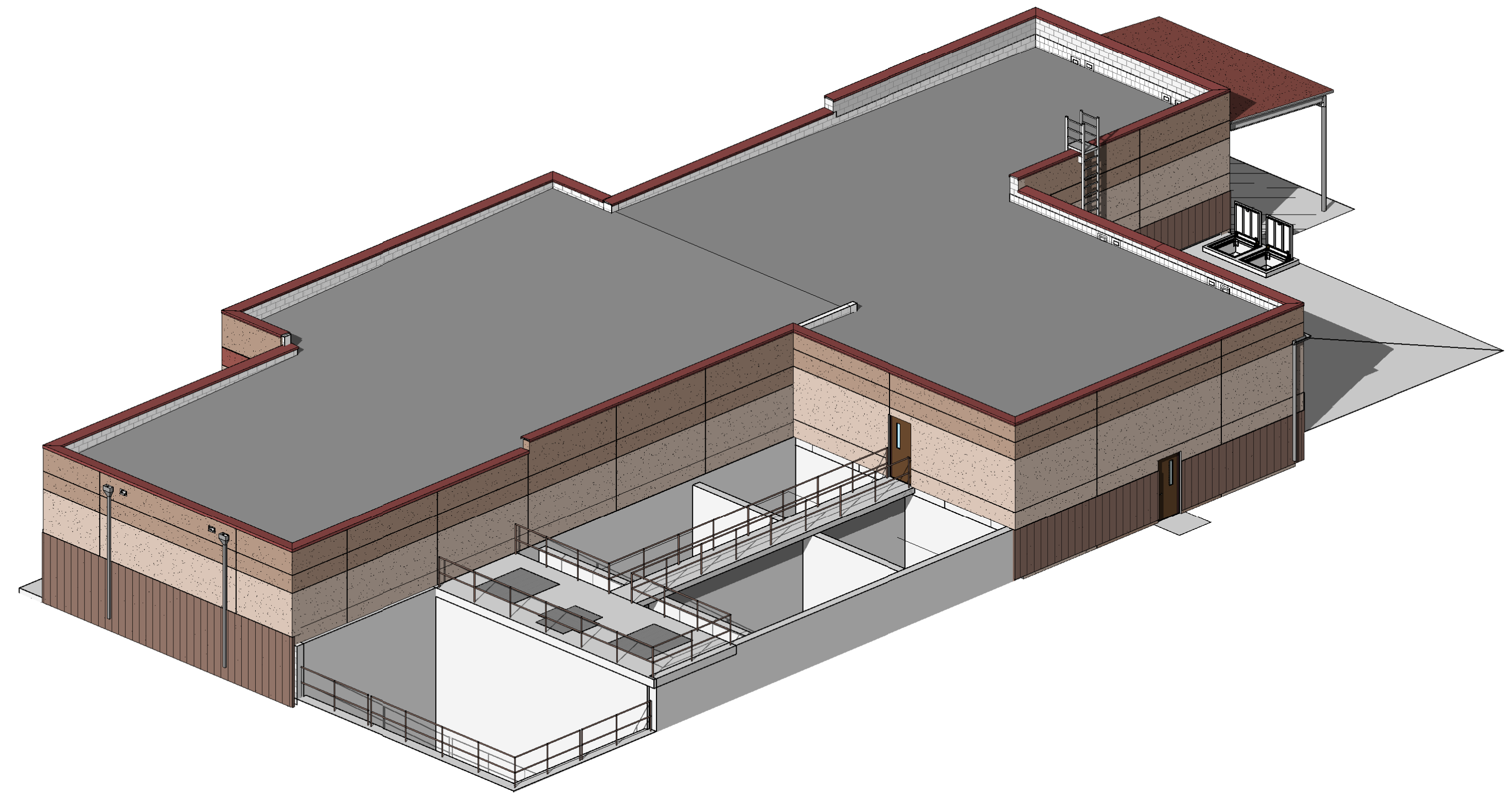
Date

Attest:

Melissa Drake, City Clerk



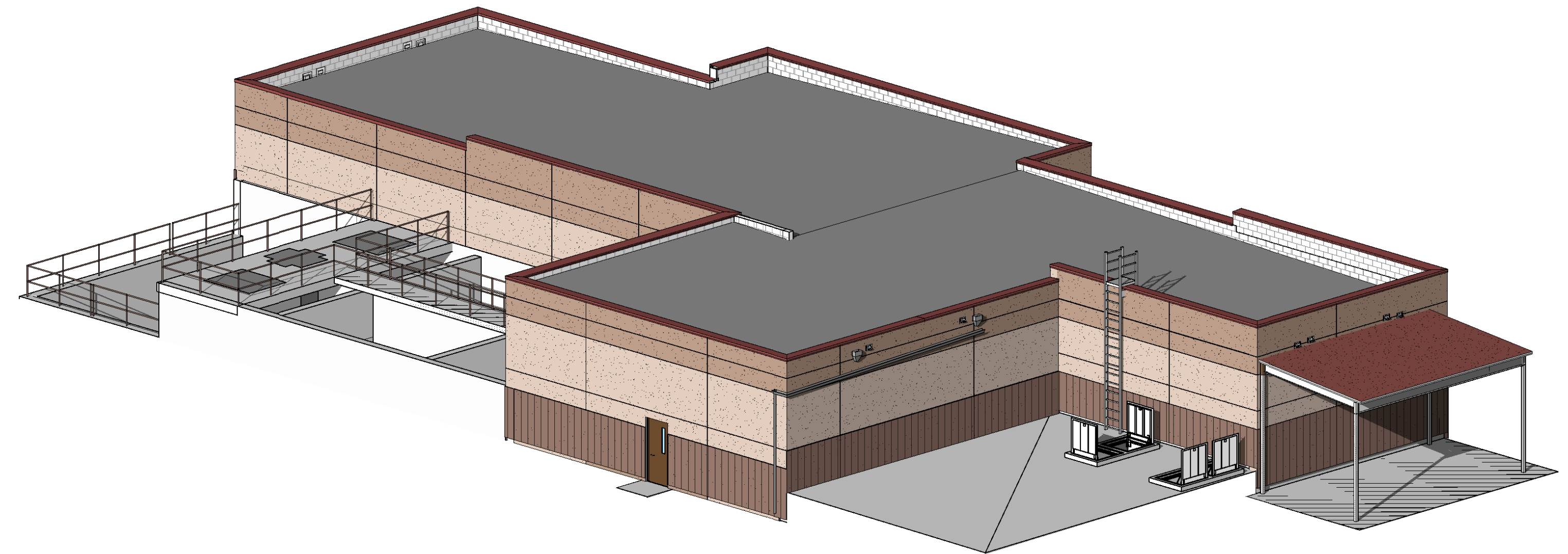
1. E Isometric



2. W Isometric



3. N Isometric

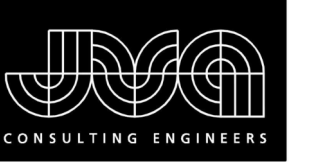


4. S Isometric



6. East Elevation - Shaded

1/8" = 1'-0"



JVA, Inc. 817 Colorado Ave., Suite 301
Glenwood Springs, CO 81601
970.404.3100
www.jvajva.com
Boulder • Fort Collins • Winter Park
Glenwood Springs • Denver



NO.	DATE	DESIGN	DRAWN	REVISION DESCRIPTION

DESIGNED BY: LMH/KK
DRAWN BY: KK/ENV
CHECKED BY: Checker
JOB #: 21003
DATE: JUNE 21, 2022
© JVA, INC.

CITY OF OURAY
WWTF EXPANSION
OURAY, COLORADO
ARCHITECTURAL RENDERINGS

90% REVIEW SET
SHEET NO.
A2.1

**CITY OF OURAY
ORDINANCE NO. 7 (SERIES 2022)**

**A STANDALONE EMERGENCY ORDINANCE OF THE CITY OF OURAY EXTENDING
ORDINANCE 2020-06 AND 2020-08 TO NOVEMBER 1, 2022.**

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

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

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

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

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

WHEREAS, on August 2, 2021, Council passed Emergency Ordinance 2021-06 rescinding the emergency declaration and extending Ordinances 6 and 8, 2020 to August 1, 2022;

WHEREAS, City Council desires to further extend both ordinances at the same time to November 1, 2022;

WHEREAS, this ordinance is temporary and shall expire by its terms on November 1, 2022.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO on August 1, 2022 that:

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

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

CITY OF OURAY

By: _____
Ethan Funk, Mayor

Date: _____

ATTEST:

Melissa M. Drake, City Clerk

Date: _____

**CITY OF OURAY
ORDINANCE 2020-06**

**A STANDALONE EMERGENCY ORDINANCE OF THE CITY OF OURAY
ALLOWING FOR TEMPORARY SIDEWALK FOOD SERVICE AREA
PERMITS TO EXTEND FOOD SERVICE PREMISES FOR INCREASED
OUTDOOR SEATING AND SETTING FORTH REGULATIONS.**

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

WHEREAS, due to the COVID-19 pandemic, on-premises food services were closed, and take out, and other delivery methods were put into place;

WHEREAS, as Colorado now starts to re-open, the City Council desire to pass this emergency ordinance to allow food services to re-open in compliance with state regulations, authorizing food services to increase its outdoor seating by serving on sidewalks, parking lots or other City ROWs temporarily to facilitate social distancing by employees and customers and to facilitate compliance with the requirements of applicable public health orders;

WHEREAS, many on-site food services operate with a state liquor license such that the Colorado Liquor Enforcement Division has developed an extensive plan to re-open and allow increased outdoor seating to comply with evolving changes in public health orders under 1 CCR 203-2:47-302, which allows a temporary modification of premises;

WHEREAS, the Plan, adopted on an emergency basis to assist the Colorado Department of Public Health and Environment, County Health Departments, City and County Law Enforcement Partners and the Colorado Liquor Enforcement Division by providing safety guidelines, allows liquor licensed premises to serve outside without going through a lengthy modification of premises on its liquor license;

WHEREAS, the City desires to allow sidewalk service for on-premises food service with or without a liquor license and to follow the guidelines of the Colorado Liquor Enforcement Division when allowing service of food and beverages on outside on sidewalks and other City ROWs; and

WHEREAS, this ordinance does not replace or supplant any requirements of the state liquor enforcement division with respect to a modification of premises license and the City has no control over such a license.

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

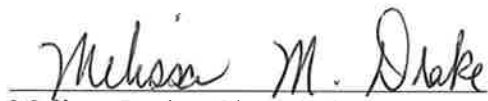
1. This Ordinance is necessary for the immediate preservation of public property, health, welfare, peace and safety.

2. This ordinance, including the temporary license program attached as Exhibit 1 is hereby adopted and will remain in effect until September 12, 2020 or upon such further action of this Council.
3. This ordinance is effective immediately and shall be published in the newspaper as soon as practical.

CITY OF OURAY

By: 
Greg Nelson, Mayor

ATTEST:


Melissa Drake, City Clerk

**CITY OF OURAY
LICENSE PROGRAM**

**ON-PREMISE FOOD ESTABLISHMENT TEMPORARY USE
OF SIDEWALKS AND CITY ROW**

I. SCOPE AND PURPOSE

On-premises food establishments have been closed, except for takeout or to-go. To open, The establishments must arrange their inside dining for social distancing such that they lose table space. To offset the table loss and encourage social distancing, the Colorado Liquor Enforcement Division has loosened its rigorous modification of premises application, making it easier to expand and serve liquor outdoors so long as the outdoor space is contiguous to the current space.

This License Program allows On-Premise Food Establishments to expand outdoors onto City sidewalks and other rights-of-way, allowing for outside dining expansion whether they have a liquor license or not. Those that have a liquor license have a two-step process. First, a City permit must be obtained which includes a lease for certain City ROW. Second, those with a liquor license must obtain a modification of premises through the new expedited state process. The grant of the City permit is not a guaranty you will obtain permission from the state but the City has made efforts to mirror its standards with the state requirements.

II. DEFINITIONS

- A. *On-Premise Food Establishment* means any Restaurant, Hotel, Brew Pub, Brewery, Distillery, Winery, Bar, Tavern, or other establishment serving food so long as it offers at a minimum, food products such as sandwiches or light snacks, whether it operated under a state liquor license or not.
- B. *Temporary Outside Area* means an area located on a sidewalk or other City ROW that is immediately adjacent to the On-Premise Food Establishment premises.

III. LICENSE REQUIRED; FEES; TERM; EXEMPTION

- A. Any On-Premise Food Establishment may, upon the granting of a temporary modification of premises application issued administratively by City staff, serve food and beverages in a Temporary Outside Area located on a sidewalk or other City ROW or where the use of the sidewalk or City ROW would allow access to an adjacent outside area.
- B. The application fee for this temporary license shall be waived. On-Premise Food Establishments are responsible for the costs of all necessary barriers, signage and any other required personal property purchases.

- C. This temporary license shall expire on September 12, 2020, unless extended by subsequent rule or other action of the City and licensee is not required to pay an additional modification of licensed premises fee or obtain approval to remove a temporary modification to the licensed premises upon expiration of this Resolution.
- D. This Temporary License does not allow any material change in the interior of any premises that would affect the basic character of the premises or the physical structure.

IV. ELIGIBILITY FOR TEMPORARY LICENSE

- A. An approved diagram of the currently On-premise Food Establishment and a diagram of the proposed changes to allow for the Temporary Outside Area, including the use of barriers approved by the City and the state licensing authority, as applicable.
- B. The diagram must include the location of all required warning signs to be posted in areas visible to the public, including all points of ingress and egress, and signs regarding laws against public consumption of food or beverages beyond the barriers, as well as any other alcohol related signed, as applicable.
- C. Along with a detailed diagram, a control plan must be submitted which specifically addresses the number of seats that will be available in the Temporary Outside Area; how the servers will prevent food or beverages from going beyond the barriers; and how all City, County, State and any Public Health laws will be adhered to, as applicable.
- D. Possession, by the licensee, of the changed premises by temporary lease arrangement between City and licensee for use of sidewalk or City ROW.
- E. The licenses premises, as temporarily modified, must comprise a definite contiguous area and a sidewalk or City ROW can provide access to achieve such contiguous area.
- F. The licensed premises, as temporarily modified, will not encroach upon, or overlap with the licensed premises of any other licensee.
- G. The licensed premises, as temporarily modified, complies with local building and zoning laws.
- H. The licensed premises, as temporarily modified, complies with all other restrictions and requirements imposed by the Colorado liquor code and rules, if applicable.
- I. Any local, state, and federal taxes are timely paid.
- J. No permanent structure shall be erected on any sidewalk to City ROW.
- K. Tables seating no more than six shall be used.

- L. Umbrellas may be allowed so long as the City is satisfied the wind cannot lift the umbrellas into traffic or the public causing injury or harm.
- M. Smoking shall not be allowed on any Temporary Outside Service Area.
- N. On-premise Food Establishments shall provide adequate space for pedestrian traffic which complies with the American with Disabilities Act of 1990. Tables or chairs may not prohibit walking traffic on the sidewalks.
- O. All costs are paid.
- P. Permittee must file with the City a certificate evidencing valid and effective policies of worker's compensation insurance and public and property liability insurance, naming the City and its officers and employees as an additional insured on the liability policy at least to the limits required with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) in the aggregate.

V. FACTORS FOR GRANT OF TEMPORARY LICENSE

No temporary license for using City sidewalks or other City ROW for a Temporary Outside Area shall be granted unless the City finds that the following criteria have been met:

- A. The possession, by the licensee, of a lease with the City for the use of City sidewalk or other ROWs.
- B. Compliance with the applicable zoning laws of the City regulations.
- C. Balances the safety of patrons, pedestrians, and traffic such that no such group shall be subject to an unreasonable risk of harm if the temporary license is granted.

VI. ENFORCEMENT PROVISIONS

- A. It shall be unlawful to violate any of the provisions of this ordinance, or of the permit issued hereunder. In addition, continuing violations of this ordinance, or of any permit issued hereunder is declared a nuisance, which may be abated in any lawful manner.
- B. The penalties for violation of this ordinance shall be as set forth under the general penalty provision of Ouray Municipal Code 1-4.
- C. The permittee's rights hereunder are subject to the police powers of the City. The Permittee shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the City or any other legally constituted government unit having lawful jurisdiction over the subject matter hereof. The City reserves the right to exercise its police powers, notwithstanding anything in this section, any permit issued hereunder, any franchise, or any other permit to the contrary. Any conflict between the provisions of this

Ordinance, any franchise or any permit and any other present or future lawful exercise of the City's police powers shall be resolved in favor of this ordinance.

- D. Any revocation of any permit issued herein shall be in compliance with Ouray Municipal Code 13-3-F-17 and 18.

**CITY OF OURAY
ORDINANCE 2020-08**

**A STANDALONE EMERGENCY ORDINANCE OF THE CITY OF OURAY
SUSPENDING THE PROHIBITION OF PUBLIC CONSUMPTION OF
ALCOHOLIC BEVERAGES WITHIN LIMITED AREAS OF THE CITY.**

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

WHEREAS, due to the COVID-19 pandemic, on-premises food services were closed, and take out, and other delivery methods were put into place;

WHEREAS, as Colorado now starts to re-open and attempts to remain open, City Council encourages increased outdoor seating be had for the public to enjoy food and drink within the City so social distancing can be achieved;

WHEREAS, on May 18, 2020 Colorado Governor Jared Polis encouraged local governments to look at a variety of options to encourage outdoor dining, including the use of public sidewalks and streets to host outdoor dining, suspending state liquor license prohibitions;

WHEREAS, on May 21, 2020, City passed an emergency ordinance to allow establishments expand their premises to City property for outdoor dining experiences for social distancing;

WHEREAS, on June 5, 2020 Colorado Governor Jared Polis issued Executive Order D 2020-093 suspends the enforcement provisions of C.R.S. § 44-3-901(l)(i)(D)(VII), which prohibits public consumption of alcohol beverages on any public right-of-way, so long as a local jurisdiction permits it;

WHEREAS, the City desires to allow the public consumption of alcohol beverages on certain City rights-of-way, within the limits set forth for the health, safety and welfare of all the public;

WHEREAS, this ordinance does not replace or supplant any requirements of the state liquor enforcement division with respect to a modification of premises license and the City has no control over such a license; and

WHEREAS, this ordinance is temporary and shall expire by its terms on September 12, 2020, upon further action of this Council or if the Governor reinstates the prohibition against consuming alcohol in any public-right-of-way.

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

1. This Ordinance is necessary for the immediate preservation of public property, health, welfare, peace and safety.
2. This ordinance is hereby adopted and will remain in effect until September 12, 2020 or upon such further action of this Council.

3. This ordinance is effective immediately and shall be published in the newspaper as soon as practical.
4. Pursuant to the authority granted by Colorado Governor Jared Polis under executive Order D 2020-093, issued June 5, 2020, the City of Ouray hereby authorizes a suspension of the provisions of C.R.S. § 44-3- 901(1)(i)(D)(VII) and any other sections of law or ordinance enacted by the City of Ouray which would prohibit open public consumption of alcoholic beverages in any public place or on any public right of way subject to the limitations included herein.
5. The suspension of the open container law authorized herein is only as to the following limited areas known as City Open Public Consumption Areas:
 - a. Fellin Park; and
 - b. Rotary Park.
6. The map attached as Exhibit A to this ordinance depicts the two City Open public consumption Areas.
7. In the City Open Public Consumption Areas, the City hereby permits possession and consumption, by those who are at least twenty-one (21) years of age and not otherwise prohibited from possession or consumption of alcoholic beverages, of the following types of alcoholic beverages with a substantive meal: malt liquors, vinous liquors or spirituous liquors as the same are defined under the Colorado Liquor Code, 44-3-101 *et. seq.*
8. Any alcoholic beverage consumed on City Open Public Consumption Areas shall be confine the designated area and the public shall arrive to the area with their alcohol beverage in sealed containers, which are defined as:
 - a. any container or receptacle used for holding an alcohol beverage, which container or receptacle is corked or sealed with any stub, stopper, or cap under C.R.S. § 44-3-103(51); or
 - b. any alcoholic beverages sold to a consumer through takeout in a cup or other container closed securely with a lid taped securely to the cup or other container. A plastic lid complies so long as any holes in the lid are sealed securely with tape, no straw is inserted through the lid, and the contents of the cup are not partially removed. Such a cup or other container shall be affixed with a label containing a warning statement, with a minimum fourteen (14) font size, stating as follows: **WARNING: DO NOT OPEN OR REMOVE SEAL WHILE IN TRANSIT. Purchasers are subject to state and local laws prohibiting drinking or possessing open containers of alcoholic beverages in motor vehicles, including C.R.S. § 42-4-1305.**
 - c. No sealed container may be made of glass or other breakable materials.
9. Sealed containers must continue to remain sealed during transit from the on-premise retail liquor establishment until the public enters a City Open Public Consumption Area or the public risks a violation of Colorado law under C.R.S. § 44-3-901.
10. Hours for permitted possession and consumption of open containers of alcoholic beverages within the City Open Public Consumption Areas shall be limited from 11:00 a.m. until 8:00 pm daily.

11. Unless otherwise specifically authorized, amplified music is not permitted in any of the City Open Public Consumption Areas.
12. Use of any of the City Open Public Consumption Areas shall be temporarily suspended if the City previously or subsequently approved use of these areas, including any portion of the same, for any Special Event Liquor License.
13. The City shall continue to enforce provisions under Colorado law and local provisions in the Ouray Municipal Code that prohibit the open or public consumption of alcoholic beverages on all public sidewalks, public parks or any other public property not otherwise specifically suspended herein by the terms of this Ordinance or other provisions of Colorado law.
14. It shall be unlawful to violate any of the provisions of this ordinance and the penalty for a violation is set forth under Ouray Municipal Code (OMC) 1-4 General Penalties provisions.
15. It shall be prima facie evidence that any beverage or liquid is an alcoholic beverage if it is or was contained within a container labeled as an alcoholic beverage container of any sort and if it either looks like, smells like or tastes like an alcoholic beverage.
16. The provisions of OMC 3-13-E concerning special event permits and private events on City property remain in effect.

CITY OF OURAY

By: 
Greg Nelson, Mayor

ATTEST:


Melissa M. Drake, City Clerk

**CITY OF OURAY
ORDINANCE 2020-10**

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

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

WHEREAS, due to the COVID-19 pandemic, City Council passed three emergency ordinances to allow businesses and the public to utilize outdoor space for dining, picnicking, and shopping;

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

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

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

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

WHEREAS, City Council desires to extend all three ordinances with exceptions for winter months throughout the pendency of the local disaster emergency declared on March 16, 2020; and

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

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

1. This Ordinance is necessary for the immediate preservation of public property, health, welfare, peace and safety.
2. This ordinance is hereby adopted and will remain in effect until the local disaster emergency declaration is rescinded or upon such further action of this Council.
3. This ordinance is effective immediately and shall be published in the newspaper as soon as practical.

4. Ordinance 2020-06 is hereby extended and will remain in effect throughout the pendency of the local disaster emergency declared on March 16, 2020 except that this Ordinance 2020-06 shall be suspended from November 1, 2020 until May 1, 2021;
5. Any lease granted by the City under Ordinance 2020-06 shall be extended and remain in effect until the City revokes the lease.
6. Ordinance 2020-07 is hereby extended and will remain in effect throughout the pendency of the local disaster emergency declared on March 16, 2020 except that Ordinance 2020-07 shall be suspended from November 1, 2020 until May 1, 2021;
7. Ordinance 2020-08 is hereby extended and will remain in effect throughout the pendency of the local disaster emergency declared on March 16, 2020.

CITY OF OURAY

By: 
Greg Nelson, Mayor

Date: 9/11/2020

ATTEST:


Melissa M. Drake, City Clerk

Date: 9/11/2020

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF OURAY

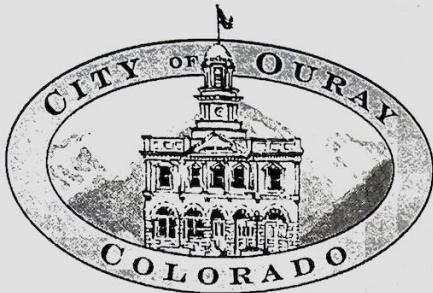
By: 
Greg Nelson, Mayor

Date: 8/9/21

ATTEST:


Melissa M. Drake, City Clerk

Date: 8/9/21



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: Amy Van Dyke
Physical Address: 00000 main Street, Ouray, CO 81427
Mailing Address: 000000000000000000000000, College Station, TX 77845
E-Mail Address: 0000@00000000000000000000.com
Home Telephone Number: 0000000000000000
Business Telephone Number: 0000000000000000
Present job title: Director of TXOV
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? yes

PART 2: BACKGROUND INFORMATION

Please check the name of the committee you are interested in:
[] Planning Commission [] Community Economic & Development (CDEC) [] Beautification
[X] Park & Recreation (PARC) [] Tourism Advisory Committee (TAC) [] Other:
How long have you lived in the City of Ouray? 9 months
What do you think are the major issues affecting our City?
I feel the public spaces such as parks and the dog park are huge assets to the city and should be as functional and inviting as possible. Currently the dog park is in need of improvements and updates.
How do you envision your contribution to this committee?
I would like to help plan and fund improvements to the dog park.

Signature Amy Van Dyke

Date 6/6/22

Print Name Amy Van Dyke

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

Perimeter Trail Master Plan

Ouray, Colorado

July 3, 2022

Principal Stakeholders

Ouray Trail Group
U.S. Forest Service
City of Ouray

Collaborators and Partners

Ouray County
Private Landowners

Signatures

Ouray Trail Group: Steve Boyle, President Date

DANA GARDUNIO Digitally signed by DANA GARDUNIO
Date: 2022.07.22 09:29:00 -06'00'

U.S. Forest Service: Dana Gardunio, Ouray District Ranger Date

City of Ouray: Ethan Funk, Mayor Date

List of Figures

Figure 1. Perimeter Trail and Land Ownership

List of Appendices

Appendix A. Ouray Perimeter Trail Preliminary Assessment Report

Appendix B. U.S. Forest Service Design Parameters

Part 1 Introduction

The Perimeter Trail (PT) is a 5.4-mile loop trail that encircles the City of Ouray on lands owned and managed by multiple jurisdictions. The trail has become the most popular hiking trail in the vicinity of Ouray, with an estimated 84,000 user-days in 2021 and steadily increasing user numbers each year. In a region with many public trails that provide challenging hiking in rugged mountain terrain, the PT provides unique opportunities for short or long hikes of easy to moderate difficulty, suitable for less-experienced hikers, families with children, or hikers with less time. The PT has multiple access points from Ouray and connects several City Parks. The PT generates considerable economic activity for the tourist-based economy of Ouray and the county. The PT also provides excellent opportunities for outdoor education through interpretive displays and organized events.

The purposes of this plan are to:

- Foster communication and collaboration between the stakeholders.
- Define the public purpose and goals of the PT.
- Describe land ownership and define existing trail conditions and infrastructure.
- Define desired conditions and uses of the PT and identify needs for improvements.
- Define stakeholder roles in planning, maintenance, improvements, and funding.

Part 2 Purpose and Goals of the PT

- Provide a safe and enjoyable hiking trail of varying difficulty that surrounds the City of Ouray, accessible from several points to allow short to long hiking experiences in natural landscapes.
- Provide and enhance connections for the public between city parks, the Ouray Visitors Center, and between the city and nearby public lands.
- Improve the quality of life for residents and the hiking experience of visitors.
- Provide public education and interpretation of natural, scenic, and historic resources that can be viewed along the trail.
- Be consistent with other recreation plans and direction of stakeholders:
 - City of Ouray Parks, Recreation, and Trails Community Plan
 - Forest Service: Grand Mesa, Uncompahgre, and Gunnison National Forests Land and Resource Management Plan, Uncompahgre National Forest Travel Management EIS and Decision

Part 3 History of the PT

OTG conceived of the trail in the early 2000s, to provide a recreational trail encircling the City of Ouray that could lead hikers to scenic panoramas of the visually striking valley, canyons, and

mountain slopes of the area. OTG has led the planning and development of the PT since inception in 2006. Long-time OTG member and leader Bob Risch conceived of the trail in the 2000s, inspired in part by game trails used by elk to move between the Amphitheater and the valley floor north of Ouray. In 2007 the first section from the Ouray Visitor's Center to Cascade Falls was constructed, mostly on National Forest System lands with challenging slopes and cliffs. The Forest Service requested and OTG agreed that this section be built by a Forest Service contract crew, due to hazards of work in the steep terrain. In the next few years OTG extended the trail from Cascade Falls to the Portland Road using parts of existing trails including the Baby Bathtubs Trail that OTG had constructed earlier, remnant mining trails, and new construction. OTG next built new trail from Portland Road through an area of National Forest locally known as the Potato Patch, over a scenic high point of the trail, and down to US Highway 550. From there the PT was originally routed on the Ice Park Trail east of the Ice Park to County Road 361; the Ice Park Trail is one of many historic mining trails OTG has restored to modern use. Later OTG acquired permission from landowner Eric Jacobsen and routed the PT on limited-access roads to the south, across the Uncompahgre River on a new footbridge built by Mr. Jacobsen and upgraded by OTG, and onto the reservoir private access road west of the Ice Park, north to County Road 361. From there the PT was routed through the City of Ouray's Box Cañon Park on existing trails across the scenic High Bridge over Canyon Creek, through a rock tunnel originally constructed for a City waterline, and down a steep section following the old waterline to Pinecrest Drive.

In the 2010s OTG considered alternatives to extend the PT north of Pinecrest Drive, across rugged terrain on the National Forest in the Oak Creek drainage. Engineer Chris Haaland found a workable route, and in 2015 OTG received Forest Service approval for new trail construction. The route connects the existing Oak Creek and Old Twin Peaks Trails and required trail construction on steep slopes and an engineered bridge over Oak Creek on National Forest System lands. OTG successfully raised \$60,000 from local donations and grants, and worked closely with Forest Service engineers and recreation staff to complete this part of the PT.

At that time the PT continued down the Old Twin Peaks Trail to the Queen Street trailhead, but OTG and the Forest Service had agreed in 2016 to new trail construction that would extend the PT from the Old Twin Peaks Trail north to Oak Street across from the 4J Campground. This section crosses about ¼ mile of National Forest, then 2 private mining claims, one of which OTG purchased to gain access for the PT. Construction was delayed for several years while OTG negotiated with the owners of the other parcel. In summer 2020 OTG completed a boundary adjustment that secured access for the trail, and in August OTG worked with Forest Service engineers and planners to design and mark the trail. In September 2020 OTG volunteers built the trail section to Forest Service Class 3 standards, the first time that a class 3 standard was definitively applied to PT construction.

A goal has always been to build the PT on the mountainside west of Ouray to cross Oak Street at the City Shop, but the owner of the intervening Brown Lode parcel declined to provide access for many years. In summer 2021 OTG was able to purchase the 8-acre Brown Lode with \$30,000 raised from donors and is now pursuing a right of way easement with a willing

landowner to the north and Forest Service approval to construct new trail on two sections of National Forest totaling less than 100 feet. When the private right of way and federal authorizations are secured, OTG plans to construct 0.3 miles of new trail to extend the PT to Oak Street at the City shop.

The steep section of the PT just north of Box Canon Park below the waterline tunnel, known as the Ramp, had deteriorated since it was constructed in the early 1900s. After it was incorporated into the PT, OTG has periodically constructed and repaired steps and railings on this section of trail, but by 2019 earlier work had deteriorated from heavy use and rockfall. OTG fundraised \$6,000 and engineer Chris Haaland designed an improved wood staircase and railing system for the site. In fall 2019 and winter 2020 OTG volunteers removed failing steps and railings and constructed the engineered wood staircase and railings.

Since inception OTG designed and installed distinctive Perimeter Trail signs on the route. OTG funded and constructed a kiosk in the City’s Cascade Falls Park with PT information and an OTG donation box, and smaller metal panels showing a PT map at the PT Visitor’s Center trailhead and Oak Street trailhead across from the 4J Campground. OTG has created PT maps and brochures for distribution at the Ouray Visitors Center and Ouray businesses.

Part 4 Land Ownership

Figure 1 shows the PT, comprising 5.4 miles. Extent of the PT by land ownership is:

Forest Service	2.3 miles (42%)
City of Ouray	1.9 miles (36%)
Private	0.8 miles (15%)
Ouray County	0.4 miles (3%)

The PT on Ouray County land includes a parcel along Portland Creek and a short section through the City Shop parking area.

The PT on private land includes the Virginia Lode parcel purchased by OTG specifically to enable the PT. The PT also crosses parcels owned by Eric Jacobsen; the City of Ouray will include an agreement with Mr. Jacobsen for the PT right of way in its agreements for operation of the Ice Park.

Part 5 Current Conditions and Features

Trail and Corridor Conditions

The City of Ouray hired a contractor in 2018 to assess the PT. Their report, *Ouray Perimeter Trail Preliminary Assessment Report* (attached as Appendix A) described trail and corridor

conditions in summer 2018 as follows. The PT section from the Old Twin Peaks Trail to Oak Street was not constructed at that time, and the repairs recommended to the Ramp below the waterline tunnel were addressed by OTG in 2019-2020.

Ouray Visitor Center to Cascade Creek - half to full-bench tread, 16-24" widths follow exposed cliffs and/or traverse very steep rocky cross-slopes; steep timbered steps require maintenance.

Cascade Creek to 5th Avenue Trail - half- to full-bench tread, 16-24" widths, on steep cross-slopes.

5th Avenue Trail to Portland Creek - narrow trail; 12-24" tread; hard to follow along creek.

Portland Creek to US-550 - trail crosses "Potato Patch" meadow, then traverses solid exposed bedrock; erosion induced trail braiding prevalent east of US-550 needs maintenance, steps and/or reroute.

US-550 to Camp Bird Road - initially trail follows gravel access road; then becomes 16-24" trail on steep descent to river; maintenance and/or step installation recommended; west of river, route follows Ice Park ATV/UTV access route for pipe; 36 to 48" trail widths; good signage.

Camp Bird Road to Canyon Creek - trail follows historic bench cut; 24 to 36" tread widths; great trail conditions; good signage.

Canyon Creek to Oak Creek Trailhead - beyond tunnel, steep dangerous timbered stairs along cable-route north of tunnel; this area requires immediate maintenance/upgrade (Note-has been rebuilt by OTG).

Oak Creek Trailhead to Queen Street - 16-24" tread widths; short steep sections <25% grades; some exposure; otherwise follows base of cliff band; new trail needs some touch-up finish work.

Trailheads and Access Points

The following points provide access with vehicle parking noted.

Principal Trailheads

There are 2 trailheads:

1. **Ouray Visitors Center.** The principal PT trailhead; across US Highway 550 from the Visitors Center and marked with a small PT sign and a metal case displaying a PT map. Parking for several vehicles exists at the Visitors Center.
2. **Oak Street.** Across from the entrance to the 4J Campground, this trail entrance is marked with a metal sign containing a PT map, but no public parking is available.

Access from Roads

US Highway 550 crossing south of Ouray, no parking.

Cascade Falls Park, at the east end of 8th Avenue, short walk on a wide trail from parking area for many vehicles.

Amphitheater Road at the Baby Bathtubs trailhead, parking for several vehicles.
Portland Road, where PT is coincident with road for several hundred feet, 4-wheel drive or short walk from Amphitheater Road, parking for a few vehicles on County land north of road.
County Road 361, parking for a few vehicles on road shoulder on steep grade.
Pinecrest Drive, 4-wheel drive or short walk from Queen Street, parking for 2 or 3 vehicles at the bottom of Pinecrest Drive, and for two 4-wheel drive vehicles at the top of Pinecrest Drive at the Oak Creek trailhead.

Access From Ouray on Intersecting Trails

Upper Cascade Falls Trail, a Forest Service system trail, the lower part near Ouray is often called the 5th Ave Trail. The trailhead is at the east end of 5th Avenue, marked with a Forest Service trailhead sign. The 2018 Assessment stated: “braided fall-line tread near base; existing stairs need maintenance - go-arounds being created; otherwise, stairs structurally sound.”

Ice Park Trail, a Forest Service system trail that was restored and upgraded by OTG before construction of the PT. The Assessment stated: “rugged 18-24” tread; includes steep 20% grades on bedrock.”

High Bridge Trail, Box Canon Park. This City of Ouray trail leads from the Box Canon Park visitors center to the PT just south of the High Bridge over Canyon Creek. The trail has engineered steel staircases in the lower half; the upper half is steep and rugged with many boulders, deep erosion gullies, and braiding.

Old Twin Peaks Trail, a Forest Service system trail. The trailhead is on the upper end of Queen Street just before a locked gate on the road and is marked with a wood trail sign.

Coincident Roads

The PT is coincident with Pinecrest Drive for about 0.2 miles and with Portland Road for about 0.1 miles. Both roads are 4-wheel drive rocky roads open to the public.

Coincident Trails

The PT is coincident with the following Forest Service system trails: the Lower Cascade Falls Trail for 0.1 miles south of Cascade Falls Park, the Oak Creek Trail for 0.1 miles north of Pinecrest Drive, and the Old Twin Peaks Trail for 0.3 miles north of the Oak Creek Bridge.

Signage

The PT is marked with signs made and installed by OTG. The metal signs depict a trail map with arrow stickers to indicate direction. The signs are mounted on metal or wood posts or on trees.

Structures

Bridges

- Cascade Creek, wood planks with wood railings on each side. This bridge was constructed by the City and later improved by OTG.
- Portland Creek, wood planks with wood railings on each side.

- Uncompahgre River, wood planks with wood railings on each side. It was built by Mr. Jacobsen, and OTG later installed the railings.
- Canyon Creek (High Bridge), metal grate with metal and wire railings on each side, built and maintained by City of Ouray.
- Oak Creek, metal grate with metal railings on each side, designed and funded by OTG, approved by Forest Service, built by contractors overseen by OTG.
- Gully just west of the Oak Street trailhead, bridge wood planks with wood railing on 1 side, built by OTG.

Overlooks

- Cascade Falls Overlook, unsigned informal user-created route along ledge near Cascade Falls, on City of Ouray land.
- High Point Overlook, unsigned informal user-created trail that leads a short distance to high point on rocks, in Potato Patch area on Forest Service land.
- Henn's Overlook, wide place in trail above cliff overlooking City on private land north of Oak Creek Bridge, marked with small sign. Named for Roger Henn, an early OTG member and benefactor.

Box Canon Tunnel and Ramp

Just north of the Canyon Creek High Bridge, the PT passes through a rock tunnel constructed in the early 1900s for a waterline. The tunnel is about 100 feet long, about 4 feet wide and 5 to 6 feet tall. OTG installed and maintains small battery-powered lights in the ceiling that turn on by motion sensors.

North of the tunnel the trail descends steeply along a cliff face, following the original waterline route. In 2019-2020 OTG built an engineered wood staircase with outside railing attached to the stairs, and an inside cable railing attached to the rock face.

Style Over Pipe

Where the PT crosses the Ouray Hydro Plant water pipe just west of the Uncompahgre River footbridge, a style exists with wood steps for hikers to get over the 3-ft diameter metal pipe. The style was built by landowner Eric Jacobsen.

Register Boxes and Use Levels

OTG maintains 41 trail register boxes in the region following Forest Service standards to assess relative use and assist search and rescue operations. The following boxes are maintained along the PT:

- Visitors Center trailhead
- Cascade Falls

- Baby Bathtubs trailhead on Amphitheater Road
- PT intersection with Oak Street near the 4J Campground
- Oak Creek trailhead near the PT upper intersection with Pinecrest Drive

OTG also maintains the following registers on trails commonly used to access the PT:

- Portland trailhead
- Upper Cascade (5th Avenue) trailhead
- Old Twin Peaks trailhead

These registers off of the PT, as with some of the boxes along the PT, include some sign-ins by users not accessing the PT or using short sections of the PT to reach other trails. Taking this into account, OTG estimates that in 2021 at least 28,000 sign-ins are attributable to PT use. Using the Forest Service standard 3x multiplier to adjust for users who don't sign in, OTG estimates 84,000 PT user-days in 2021. Use is mostly in summer and early fall with peaks in July and August, but steadily increasing winter use by snowshoers and hikers often using traction devices. Recorded use has been steadily increasing by about 10% per year for several years.

Restrooms

Public restrooms exist along the PT at:

- Ouray Visitors Center, inside the building, only when the Visitors Center is open.
- A portable toilet at Cascade Falls Park maintained by the City, with plans to construct a vault toilet.
- A pit toilet at the Ouray Ice Park, not always open.
- An indoor restroom at the Box Canon Park visitor's center, ½ mile from the PT, only available to persons who pay the park entrance fee.

Maintenance

OTG volunteers have maintained the PT since inception. The PT is among OTG's highest priority trails. OTG typically begins Ouray area trail maintenance work each year with the PT because of its lower elevations and high user demand. OTG typically deploys several work parties each year to the PT and repairs tread and steps, removes down trees and encroaching brush, and repairs signage. Local high school student groups often participate in an organized work day on the PT.

Part 6 Desired Conditions

The stakeholders agree that the following conditions are desired.

Trail Tread and Corridor

- Trail Type: Standard/Terra, dirt surface.

- Trail Class: Following the federal government National Trail Class system, the PT will be Class 3 (Developed). Rugged terrain in some areas may preclude attaining these standards in some areas of the PT but where possible a Class 3 standard will be the goal. A Class 4 (highly developed) standard may be considered for short reaches in heavy use areas such as in Cascade Park and Box Canon Park. Refer to Appendix B for Trail Class Standards.
- Tread surface: generally 24", at least 18". Protrusions or obstacles such as roots or rocks are not substantial.
- Grade: target grade 3-12%, occasionally up to 25%.
- Corridor: trees and branches will be kept clear in corridor 4-5' wide, 7-8' high.

Allowed Uses

The managed and allowed use will be non-motorized, non-mechanized, hiker/pedestrian only, with the following exceptions:

Where the PT is coincident with the Oak Creek trail, horses are permitted.

Where the PT is coincident with the Portland Trail, horses and bicycles are permitted.

Permitted uses include use of snowshoes, skis, and shoe traction devices in winter.

Dogs are permitted if under physical or audible control.

Signs

At the Visitors Center trailhead and the Oak Street trailhead (to be moved to the City shop area if right of way approvals are obtained), develop and construct a sign panel approximately 4' high and 5' wide that identifies the PT trailhead and provides a map showing the PT and other useful information such as roads, connecting trails, landmarks, You Are Here locator, a scale bar, north arrow, and legend. The signs should also provide explanatory information about the stakeholders and provide information for safe and sustainable use of the public lands. The signs will use professional design standards including ADA (Americans with Disabilities Act)-compliant fonts.

Maintain signs at all trail and road junctions to indicate the PT and the intersecting trails and roads as needed. Indicate direction and distance to destinations as needed. Standard Forest Service wood or plastic signs as commonly used in the adjacent National Forest will be used to identify trail junctions and the names and direction of other trails and destinations. A distinctive PT marker sign will be developed by OTG and approved by the stakeholders that can be placed on junction signposts to identify the PT, or placed along the PT where needed as reassurance markers to help users find and stay on the PT. The PT marker sign will incorporate standard practices for recreational trail signage including readability, and consistency with other recreational signage systems in the area maintained by the City of Ouray and the Forest service.

Access and Facilities

Maintain all of the current access points. The Forest Service, City of Ouray, and OTG will reach agreement on the names and locations of all access trails and use consistent names when developing signs and maps. Develop other access points in the future if a need is identified.

Improve the Oak Street trailhead, which currently has no public parking and very little room for the planned enhanced sign. The preferred alternative is to move the trailhead to the west side of Oak Street across from the City shop. If right of way authorizations are obtained for the proposed 0.3-mile PT extension, OTG will construct the trail extension and the City will work with OTG and the Forest Service to develop a dedicated public parking area and trailhead signage. The existing trailhead will become an access point and the existing trail from Oak Street to the PT will be renamed and maintained as an access trail. If right of way authorizations for the PT extension cannot be obtained, the existing trailhead will be improved by the City and OTG to the extent possible.

Improve the Visitors Center trailhead. The City will enlarge the existing parking east of Highway 550 by expanding it to the south to include the current trail surface. OTG will work with the City to relocate the trailhead to the east end of this new parking area, and the stakeholders will work together to develop and install new trailhead signage.

At other trailheads and access points, maintain adequate and safe parking as problems and needs arise.

Provide adequate public restroom facilities along the PT for public safety and to help prevent resource damage and littering. The City of Ouray plans to construct a vault toilet near the PT in Cascade Park in 2022.

Provide information boards and benches at various locations to inform the public and provide users a more enjoyable hiking experience. Information may include local geology, biology, cultural history, and practices for traveling lightly and minimizing resource damage. Add more information at the Cascade Falls Park kiosk such as interpretation about the Falls, City parks information, and Leave No Trace practices.

Trail Registers

Continue to provide and manage trail registers to gather information on trail use. OTG will evaluate the current number and location of registers and may move some registers to improve their usefulness for estimating PT use.

Considerations on Uses

Commercial and organized events on the PT such as foot races may be allowed by the affected land management agencies if the uses are consistent with the PT standards and purposes identified in this plan, and with the regulations and policies of the agency.

Land management agencies may close parts of the PT for certain periods for public safety or to protect other resources. Currently the Forest Service implements a winter closure of the PT on Forest Service land from Portland Road to US Highway 550, to protect wintering bighorn sheep. The land management agency is responsible to sign and enforce any closures. Signage should make clear to users the purpose and duration of the closure and encourage compliance through public education.

Part 7 Achieving Desired Conditions: Implementation Plan

To achieve the desired conditions for the PT stated in this plan, the stakeholders agree:

1. To create simultaneously with this plan a Five-Year Implementation Plan that identifies and prioritizes actions to be completed within five years of the signing of this Plan. For each action item the Implementation Plan will identify a primary responsible stakeholder, toles and responsibilities of each stakeholder, and other information such as costs as the information is available.
2. To work diligently and with foresight to complete all of the action items within the time period of the Implementation Plan. While each stakeholder has many other responsibilities, stakeholders acknowledge the significance of the PT to Ouray and nearby residents and to the City's tourism-based economy.
3. To review, revise, and extend the Implementation Plan as needed to continue to improve the PT and ensure that the goals of the Master Plan are met.

Part 8 Long-Term Monitoring and Maintenance Responsibilities

The PT Trail

OTG will continue to monitor the trail several times per year. Any stakeholder may also informally monitor the trail or conduct professional trail assessments if desired.

OTG will perform routine trail maintenance several times per year including clearing the corridor of down trees, vegetation, and debris; repairing tread and drainage issues; and

repairing existing steps or cribbing. When desired by a stakeholder, other volunteer groups or professionals may be engaged to conduct trail repair or reconstruction.

Bridges

Bridges on the PT will be inspected and maintained to ensure public safety as follows:

Bridges over Cascade Creek, Portland Creek, Canyon Creek, and the Uncompahgre River at the City Shop. All are on City of Ouray or Ouray County property, and the City will inspect and maintain these bridges.

Oak Creek Bridge, on National Forest. The Forest Service will inspect and maintain this bridge.

Uncompahgre River Bridge at the south end of the PT. The bridge is on property owned by Eric Jacobsen. OTG will inspect and maintain this bridge.

Proposed Memorial Bridge over a ravine on the proposed PT extension west of Oak Street. If constructed, the bridge will be on OTG land, and OTG will inspect and maintain the bridge using professional contractors.

Other Structures

Parking areas at the two principal PT trailheads will be maintained by the City of Ouray. The trailhead signboards and any associated structures will be inspected periodically by OTG and the City and will be maintained by the City.

Any public bathrooms or other structures in proximity to the PT will be inspected and maintained by the organization that constructed them.

Adaptive Management

This Master Plan may be revised by mutual agreement of the stakeholders when needed to adapt the PT and its management to changing conditions, needs, or opportunities.

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Appendix A. Ouray Perimeter Trail Preliminary Assessment Report

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Appendix B. U.S. Forest Service Design Parameters

Design Parameters are technical guidelines for the survey, design, construction, maintenance, and assessment of National Forest System trails, based on their Designed Use and Trail Class and consistent with their management intent¹. Local deviations from any Design Parameter may be established based on trail-specific conditions, topography, or other factors, provided that the deviations are consistent with the general intent of the applicable Trail Class.

Designed Use HIKER/PEDESTRIAN		Trail Class 1	Trail Class 2	Trail Class 3 ²	Trail Class 4 ²	Trail Class 5 ²
Design Tread Width	Wilderness (Single Lane)	0" – 12"	6" – 18"	12" – 24" Exception: may be 36" – 48" at steep side slopes	18" – 24" Exception: may be 36" – 48" at steep side slopes	Not applicable
	Non-Wilderness (Single Lane)	0" – 12"	6" – 18"	18" – 36"	24" – 60"	36" – 72"
	Non-Wilderness (Double Lane)	36"	36"	36" – 60"	48" – 72"	72" – 120"
	Structures (Minimum Width)	18"	18"	18"	36"	36"
Design Surface ³	Type	Native, ungraded May be continuously rough	Native, limited grading May be continuously rough	Native with some onsite borrow or imported material where needed for stabilization, occasional grading Intermittently rough	Native with improved sections of borrow or imported material, routine grading Minor roughness	Likely imported material, routine grading Uniform, firm, and stable
	Protrusions	≤ 24" Likely common and continuous	≤ 6" May be common and continuous	≤ 3" May be common, not continuous	≤ 3" Uncommon, not continuous	No protrusions
	Obstacles (Maximum Height)	24"	14"	10"	8"	No obstacles
Design Grade ³	Target Grade	5% – 25%	5% – 18%	3% – 12%	2% – 10%	2% – 5%
	Short Pitch Maximum	40%	35%	25%	15%	5% FSTAG: 5% – 12% ²
	Maximum Pitch Density	20% – 40% of trail	20% – 30% of trail	10% – 20% of trail	5% – 20% of trail	0% – 5% of trail

10/16/2008

Designed Use HIKER/PEDESTRIAN		Trail Class 1	Trail Class 2	Trail Class 3 ²	Trail Class 4 ²	Trail Class 5 ²
Design Cross Slope	Target Cross Slope	Natural side slope	5% – 20%	5% – 10%	3% – 7%	2% – 3% (or crowned)
	Maximum Cross Slope	Natural side slope	25%	15%	10%	3%
Design Clearing	Height	6'	6' – 7'	7' – 8'	8' – 10'	8' – 10'
	Width	≥ 24" Some vegetation may encroach into clearing area	24" – 48" Some light vegetation may encroach into clearing area	36" – 60"	48" – 72"	60" – 72"
	Shoulder Clearance	3" – 6"	6" – 12"	12" – 18"	12" – 18"	12" – 24"
Design Turn	Radius	No minimum	2' – 3'	3' – 6'	4' – 8'	6' – 8'

¹ For definitions of Design Parameter attributes (e.g., Design Tread Width and Short Pitch Maximum) see FSH 2309.18, section 05.

² Trail Classes 3, 4, and 5, in particular, have the potential to provide accessible passage. If assessing or designing trails for accessibility, refer to the Forest Service Trail Accessibility Guidelines (FSTAG) for more specific technical provisions and tolerances (FSM 2350).

³ The determination of trail-specific design grades, design surface, and other Design Parameters should be based upon soils, hydrological conditions, use levels, erosion potential, and other factors contributing to surface stability and overall sustainability of the trail.

FIRST ADDENDUM TO FIBER-OPTIC INDEFEASIBLE RIGHT OF USE AGREEMENT

Clearnetworx LLC
And
The City of Ouray Colorado
And
Region10 League for Economic Assistance and Planning, Inc.

THIS First Addendum is made and entered into on the ____ day of August, 2022 (the "Effective Date") by and between CLEARNETWORX, LLC, a Colorado limited liability company, having a principal address of 301 N Cascade Ave, Montrose, Colorado, 81401 (hereinafter referred to as "**Company**") and the CITY OF OURAY (hereinafter referred to as "**City**"), a Colorado home rule municipality with principal offices located at 320 6th Ave, Ouray, Colorado 81427 and the REGION 10 LEAGUE FOR ECONOMIC ASSISTANCE AND PLANNING INC., a 501(c)(3) nonprofit corporation with principal offices located at 145 South Cascade Avenue, Montrose Colorado 81401 (hereinafter referred to as "**Region 10**"). Company, City and Region 10 are each referred to as a "**Party**" and collectively referred to as the "**Parties**."

WHEREAS the parties executed a Fiber-Optic Indefeasible Right of Use Agreement (IRU Agreement) on June 6th, 2022.

WHEREAS the IRU stated that payment to Clearnetworx LLC would be owed ten days following completion of the work called for in the IRU agreement and now Clearnetworx LLC required 50% up front and the final 50% payment after the work is completed.

WHEREAS the parties desire to amend the IRU Agreement as set forth below.

AGREEMENT

In consideration of the mutual covenants, promises and agreements contained in this Agreement, and for other good and valuable consideration, the Parties agree as follows:

1. Paragraph A-3 is repealed and replaced as follows:

In consideration of the IRU grant for four (4) strands of fiber-optic cables from the CNL to Wastewater plant, with four (4) strands pass through to Public Works, and twelve (12) strands of fiber-optic cables from the CNL to Future Site of the Water Tank, with twelve (12) strands pass through to Box Canyon Visitors Center (collectively the **IRU Fibers**) on the COMPANY System as shown in the attachments, CITY and REGION 10 shall pay to COMPANY two-hundred and sixty eight thousand five-hundred and ninety seven dollars (\$268,597) with 50% due to Clearnetworx, LLC immediately and the final payment of 50% shall due within ten (10) days following the completion and acceptance by the City of the work related to the provision of the IRU Fibers.

2. All other provisions of the IRU Agreement dated June 6, 2022, shall remain in full force and effect.

IN WITNESS WHEREOF, COMPANY and CITY have caused this Grant of IRU to be executed by their duly authorized representatives effective as of the date last set forth below.

Clarnetworx, LLC

By: _____

Name: _____

Title: _____

Region 10

By: _____

Name: _____

Title: _____

City of Ouray

By: _____

Name: _____

Title: _____

Future Agenda Items/Work Sessions

Energy Code Adoption

Sidewalk Repairs/Creation

Fee Schedule

Workforce & Attainable Housing

Charter Modifications

(Non-Land Use) Code Revisions

Bachelor Switch Water Users' Agreement

Snow and Ice Removal on Sidewalks (September 5th)

Nose-to-nose School Bus Parking on 4th Street

EQR Utility Rate Review (September 5th)