

**AGENDA  
OURAY CITY COUNCIL**

**Monday, April 17, 2023 - 6:00 PM**

**Ouray Community Center  
320 6th Ave  
Ouray, CO 81427**

**VIRTUAL OPTION - <https://zoom.us/j/9349389230>**

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

**Ouray City Council Regular Meeting**

- Changes to this agenda can be found on the bulletin board at City Hall
- Electronic copies of the Council Packet are available on the City website at [www.cityofouray.com](http://www.cityofouray.com). A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Economic Development Committee, Beautification Committee, Tourism Advisory Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES - April 3, 2023
5. CITIZENS' COMMUNICATION
6. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk
7. DEPARTMENT REPORTS
  - a. City Administrator
  - b. Director of Finance and Administration
  - c. Community Development Director
  - d. Information Technology Director
  - e. Communications and Community Engagement Coordinator
8. CONSENT AGENDA - Liquor License Renewal - Ouray Brewery
9. ACTION ITEMS
  - a. Ordinance 3, Series 2023 - Regarding City Council Compensation - First Reading
  - b. Ordinance 5, Series 2023 - Regarding Temporary Encroachments on Sidewalks - First Reading
  - c. Forest Service Special Use Permit
10. DISCUSSION ITEMS
  - a. River Dredging
  - b. Water EQR for Affordable Housing
  - c. Future Agenda Items
11. ADJOURNMENT



## Ouray City Council Regular Meeting

Monday, April 3, 2023 6:00 PM

Ouray Community Center, 320 6th Ave, Ouray, CO 81427

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

Also present were: City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, City Resources Director Rick Noll, Police Chief Jeff Wood, Community Development Director Lily Oswald, Tourism and Destination Marketing Director Kailey Rhoten, and City Attorney Carol Viner.

### 1. CALL TO ORDER

*Mayor Funk called the meeting to order at 6:03 pm.*

### 2. ROLL CALL

### 3. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was recited.*

### 4. APPROVAL OF MINUTES - March 20, 2023

Motion to approve minutes as presented. This motion, made by Peggy Lindsey and seconded by Tamara Gulde, Carried.

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

### 5. CITIZENS' COMMUNICATION

*Mayor Funk opened the floor for public comment. John Hart asked if the Waterview Homes project would be discussed at future meetings. Ms. Oswald said the project still had to go through a preliminary review and final review by both the planning commission and the council. Mayor Funk closed the floor.*

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

- *Councilor Gulde - OEDC will be meeting on April 13th in the Community Center. Micro grants will be awarded in the spring. Application forms will be finalized at the meeting. The roundtable will be April 27th at 6:30 pm in the Community Center. The IPAT breakout group met on March 23rd. The group charter is expanding to include how to sustain the ice park without charging recreational users, since charging is not allowed per the agreement with the County. Details will be presented at the IPAT Meeting on April 5th. Attended branding meeting on March 27th and the international tourism meeting on March 23rd. Councilor Gulde read a prepared statement about community involvement.*
- *Councilor Lindsey - Beautification committee will meet on April 5th.*

- *Councilor Wood - out of town last week, missed the IPAT breakout meeting.*
- *Mayor Pro Tem Smith - PARC meeting tomorrow. The community meeting for the Parks Master Plan will be April 13th.*
- *Mayor Funk - attended the branding meeting and EQR committee meetings.*

## **7. DEPARTMENT REPORTS**

### a. City Administrator

*Mr. Clarke gave an overview of his report.*

### b. Police Chief

*Chief Wood read his report. Councilor Gulde asked if officers would be doing foot patrols on Main Street during the summer. Chief Wood said the only reason they don't do foot patrols in the winter is because of the ice, and they will be back out soon.*

### c. Public Works Director

*Report in packet. Dates are set for street cleaning and striping.*

### d. City Resources Director

*Ski Hill closed yesterday, and the ice rink closed a few weeks ago. Starting to recruit for summer positions. Mayor Funk asked about the pool covers. Mr. Noll said he expected them to be delivered by the end of the month. Councilor Wood asked about the pool deck improvements. Mr. Noll said the cabanas are going to be installed in May, and the Yurt will be postponed until the fall, but is still in progress.*

### e. Tourism and Destination Marketing Director

*Ms. Rhoten said Lead Customer Service Associate Patty Pitts has taken over the management of the visitor center and has started writing the visitor center update in her reports. Ms. Rhoten gave an overview of her report.*

## **8. CONSENT AGENDA - Resignation of Sarah Gray from the Beautification Committee**

Motion to approve the Consent Agenda. This motion, made by Josh Smith and seconded by Tamara Gulde, Carried.

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

## **9. ACTION ITEMS**

### a. Emergency Ordinance Regarding SMPA Franchise

Motion to approve Ordinance 4, Series 2023. This motion, made by Tamara Gulde and seconded by Peggy Lindsey, Carried.

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

### b. Water Treatment Plant Construction Agreement with Aslan Construction

Motion to accept the construction agreement with Aslan Construction. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

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

*Councilor Wood asked if the contract included any remuneration for any design or construction defects. Mr. Clarke said there is a two-year period, but staff also must pay attention to the punch lists to help catch errors in a timely manner. Mayor Pro Tem Smith said there are two kinds of defects in his line of*

*work, patent and latent, and latent issues, such as structural foundation issues, have a period of 10 years. Engineer Nick Marcotte said they use a standard workmanship warranty of 2 years. Ms. Viner said the warranty on the Water Treatment Plant is the same as the Wastewater Treatment Plant.*

c. Water Treatment Plant Construction Oversight Agreement with Element Engineering

Motion to approve agreement with Element Engineering, extending the expiration date to July 30th, 2024. 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

d. Consideration of Application for Beautification Committee Membership - Gerardo Tarango-Martha

Motion to approve Gerardo Tarango-Martha's appointment to the Beautification Committee. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

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

e. Consideration of Fellin Park Restroom Design

Motion to approve Fellin Park Restroom design. 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

f. Request from Home Trust of Ouray County to Waive Remodel Permit Fees for 734 4th Street

Motion to approve request to waive remodel permit fees for 734 4th St. This motion, made by Tamara Gulde and seconded by K. John Wood, Withdrawn. Motion to table the conversation until a building permit application is received. 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

*The council wanted to see how much the fees would be before approving, and to make policies for future affordable housing projects.*

g. Consideration of Agreement with CDOT for Ouray Main Street Safety Improvements Project and Authorize the City Administrator's Signature

Motion to approve agreement and authorize the City Administrator to sign the agreement. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

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

*Mayor Pro Tem Smith expressed hesitation about the mid-block crossing from the post office to the grocery store. Mr. Clarke recommended keeping it in the study, but it could be removed after the study. Mayor Funk opened the floor for public comment. John Hart had concerns about a crosswalk by the visitor center because of traffic speeding around the corner. Chief Wood said the average speed at that corner is actually only around 27 mph. Mayor Funk closed the floor.*

**10. DISCUSSION ITEMS**

a. Request from John & Virginia Ast for Additional Handicapped Parking in the City

*The council decided to change the motorcycle parking spot in front of the Masonic Lodge into a handicapped spot, since it is not often used.*

b. Mayor and Council Compensation

*Council discussed raises for council members. Councilor Gulde felt that adding more compensation and/or benefits would attract younger residents to run for council who are not as well established as the current council members, adding diversity to the council. Councilor Wood felt that too much compensation would create "career politicians" and wanted to see term limits instated if compensation was increased, but felt that compensation changed the "social contract," leading people to pursue council seats for the wrong reasons. Mayor Funk felt that paying council members would make them take it more seriously as a job, and expressed appreciation to the council members who work 20-30 hours a week on city business. Mayor Funk opened the floor for public comment. John Hart felt that council deserved raises, but that city staff could use cost of living stipends as well, beyond just the police. Kevin Schiffer felt that coming into the conversation of compensating the council for hours worked was not feasible. Mayor Funk closed the floor. The council asked staff to bring back the ordinance with \$1000/month for the mayor and \$500/month for the councilors.*

c. Future Agenda Items

**11. ADJOURNMENT**

Motion to adjourn at 8:29 pm. check second. 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

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Ethan Funk, Mayor

ATTEST:

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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, April 3, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Monday, April 3, 2023.

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Melissa M. Drake, City Clerk

# **OURAY VOLUNTEER FIRE DEPARTMENT MONTHLY MEETING**

**FEBRUARY 13, 2023**

*CALLED TO ORDER AT 6:35*

## ***ATTENDANCE AND REPORTS***

18 members present; 2 excused; 3 absent  
The Treasurer's Report was read and approved.  
Prior minutes were read and approved.

## ***DETAILED ATTENDANCE***

### **Present**

Adam Kunz, Bumper Williams, Patrick Rondinelli, John Fedel, Craig Kaminsky, Chris Miller, Max Austin, Kyle Easley, Tom Fedel, Tyler Ferguson, Nathan Judd, Dack Klein, Chris Lee, Steve Martinez, Dave Turner, Sam Tyler, Tom Tyler, Danny Wilbur

### **Excused**

Tim Pasek, Ted Pullig

### **Absent**

Steve Duce, Kevin Koprek, Jonatan Salazar

## ***OLD BUSINESS***

None

## ***NEW BUSINESS***

*Paperwork* - Fire fighters were given a new set of paperwork that will be separate from the City's HR department (fire under fire now). Members are required to read and acknowledge (i.e., sign the paperwork) and return to Chief. The paperwork includes a general understanding, a code of ethics, and a volunteer membership form for FFFPA.

*Stipend* - Starting January 1, 2023 stipends for calls are being collected/saved for the year. Payment will be made in December. Fire fighters will get \$20 per call and per training. Training sessions must be department-sanctioned to be considered for a stipend. Chief maintains discretion to determine whether or not a call qualifies for a stipend. Payments, over \$600 for the year, will be made on a 1099. Members may be responsible for tax payments.

*By Laws* - The officers met and revised the by laws. Membership must approve the by laws before being sent to the Mayor. A motion was made to adopt (approve) the new by laws. The motion was seconded and passed unanimously. Chief noted that all members will have a copy of the revised by laws. Those copies are due back to Chief, signed, at the March meeting.

*Training* - The officers are committing to doing a day a month. They are meeting with Ridgway to schedule out the next 6 months. The schedule will be posted at the fire house and on the website. All members who went to the academy in Utah are required to run a training session for the department on something they learned at the academy. Members are to coordinate and organize the sessions amongst each other and with Chief.

Chief requested SID numbers from all members who took NIMS courses. The courses 100, 200 and 700 are available online and are required for each fire fighter. FEMA.gov. Officers are required to take course 300 and chiefs are required to also take course 400. Chief noted that the certification is good "for life" once completed. Finishing the courses qualifies as training. Members can turn in proof of completion to get hours credited.

*CPR Course* - Ruth Stewart will do a CPR training in April. All fire fighters needing to keep their certification current should plan to attend. Ruth can run the course on either April 20 or April 22 (will set the date based on numbers).

*Membership* - Jonatan Salazar is resigning from the department. He no longer has the time to devote to the department. A motion was made to accept his resignation. The motion was seconded and passed unanimously. Justin Clark applied for membership again. Since he was previously on the department, the officers opted to bypass normal interviews for a reinstatement vote. A motion was made to readmit Justin. That motion was seconded and passed unanimously.

*Street Cleaning* - The department will help the city on Saturday, April 29 cleaning the streets. Work will start at 11 PM on the 29th (final meeting time to be sent via WENS later).

*Easter Egg Hunt* - Volunteers are needed for the easter bunny ride from the Elks to Fellin Park and back. April 9 around 1 PM. Final volunteers will be added in March.

*Meeting Notices and Schedule* - We will now post the schedule and minutes outside the City offices.  
*Elections* - The department was reminded that next month (March) is our elections. This year, all positions, including chief are up.

*SCBAs in Trucks* - Chris Lee noted that he cleaned up a truck after a call and the SCBAs were set in the seats inconsistently and one will not dislodge. Chris raised a question as to whether it would be good to set a standard for the department. Chief noted that the straps should be off in the Ladder truck.

*Training Suggestions* - Max Austin suggested we have a central place for members to request specific trainings. Chief noted there is an essentially unused whiteboard in his office at the fire house. Members were directed to write any thoughts on that board.

*ADJOURNED AT 7:15*

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



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

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**City Administrator**  
**Report for April 17, 2023**  
**City Council April 3 - 14, 2023:**

**OIPI Agreement:**

OIPI stated they will have another redlined agreement to us this week. I do not expect any large proposed changes.

Carol is currently working on drafting the lease agreement with Eric Jacobson, which will mirror the OIPI agreement of five years, with a possible 5-year extension.

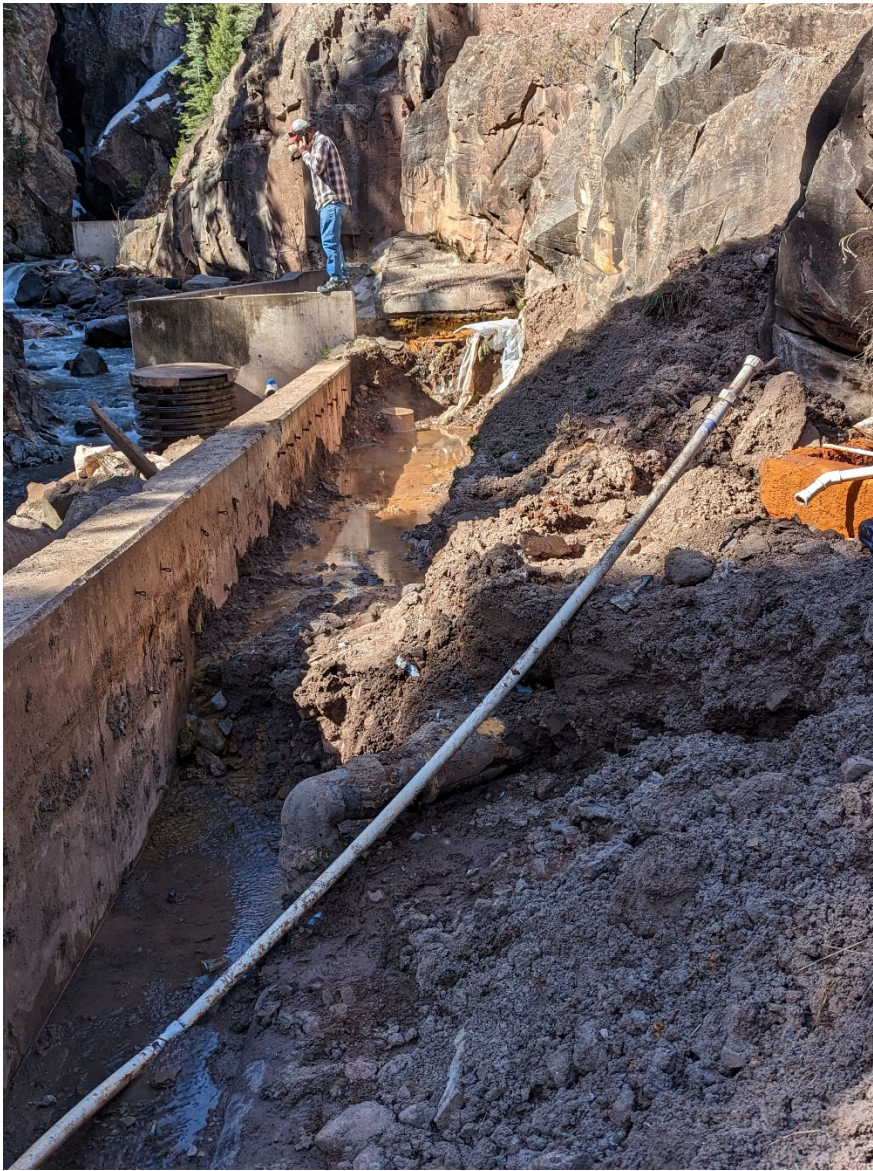
The Mayor, Carol and I have separately discussed the new water line agreement for the Ice Park. Due to the new water infrastructure project and the multiple discussions between Council and OIPI that will need to be completed prior to drafting the agreement, we are proposing a one-year extension of the current water agreement using the City's water tanks. The new water agreement can then be created through a Work Session once the new water line and pump infrastructure is completed and we fully understand the operational requirements.

**County Property:**

Per Council direction and request by County Administrator Hunt, I have provided the County with official correspondence requesting to purchase the RIO M.S. 1965 mining claim in the Ice Park and possibly the adjacent Nellie Mack M.S. 17584 mining claim. Administrator Hunt will keep me posted on when the item will be added to the BOCC agenda.

**Geothermal Update (Box Canyon Line):**

Ryan Heine and his crew began digging into the City's geothermal vault to expose the source water and piping. They plan to bring in a large sewer jetter on Thursday to clean the lines in and around the collection vault. We are still in the process of determining if a pump will be needed or if the flow restriction can just be removed to capture all of the water.



Exposed Geothermal Pipe in Box Canyon



Mineral Buildup within Geothermal Pipe



Mineral Buildup Removed from Geothermal Line

### **Geothermal Supplemental Heat Source:**

The Mayor and I met with ME&E and RA+A last week to further discuss providing a pre-design proposal to include a heat pump system that uses the heat from OX2, OX6 and the outflow water sources. The two firms are working on a proposal and I hope to get this pre-design agreement in front of Council soon for discussion and consideration.

I also met with the Wayne Goin, a hydrogeologist who represents the Weisbaden, and the owners of Twin Peaks Lodge & Hot Springs to discuss acceptable approaches to fixing the City's geothermal pool issues. The heat pump system that utilizes the heat only (no water) from the wells was discussed in depth and all parties so far have verbally agreed this is an option worth researching.

### **Parks & Trails Master Plan:**

Thank you to everyone for their interest and attending the first community meeting for the Parks & Trails Master Plan last Thursday. We had twenty-four community members in attendance at the meeting. Rick and I spent a day and a half with the two teams from DHM taking them to the parks and discussing potential trail expansion projects.

### **Box Cañon Park & Road:**

Currently the south half of Box Cañon Road is very muddy and a culvert was completely covered due to the Ice Park water line project. The crane cannot remove the competition tower for at least another week due to the mud and we are concerned the park will not be able to open on April 28, as originally planned. The Ice Parks contractor was notified last week and they are setting up a time before the end of the month to regrade the road back to original conditions.

Jeff Skoloda, Chris Haaland and team are working daily on the platform extension project in the park. The project should be completed before the end of the month. The platform staircase will be closed from time to time over the next two weeks to ensure the safety of park visitors. This has been posted on our social media pages and other digital resources.



New Gate for Box *Cañon* Platform Extension

**Water Treatment Facility:**

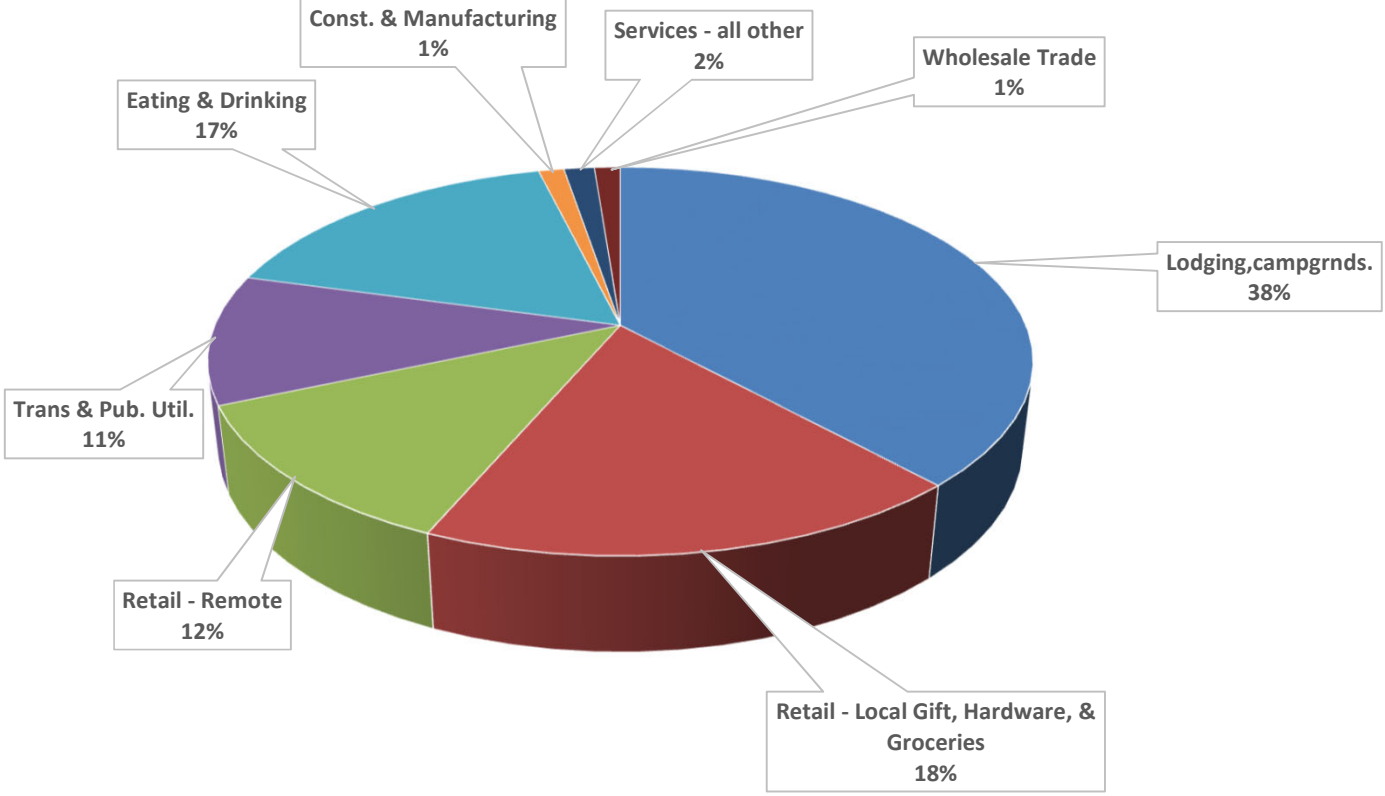
Project kick-off meeting will take place on Thursday, April 20<sup>th</sup>. Equipment for the road improvements, south of County Road 361, will be moved to the site within the next two weeks. Perimeter Trail access will be maintained throughout the project and enough road space for safety equipment to service the Via Ferrata will be maintained.

**Hot Springs Pool:**

The Hot Springs Pools has been an all-hands-on deck operation for the last week and a half.



**City of Ouray**  
**February 2023 Sales Tax Revenues by Business Category**  
**(received in April 2023)**

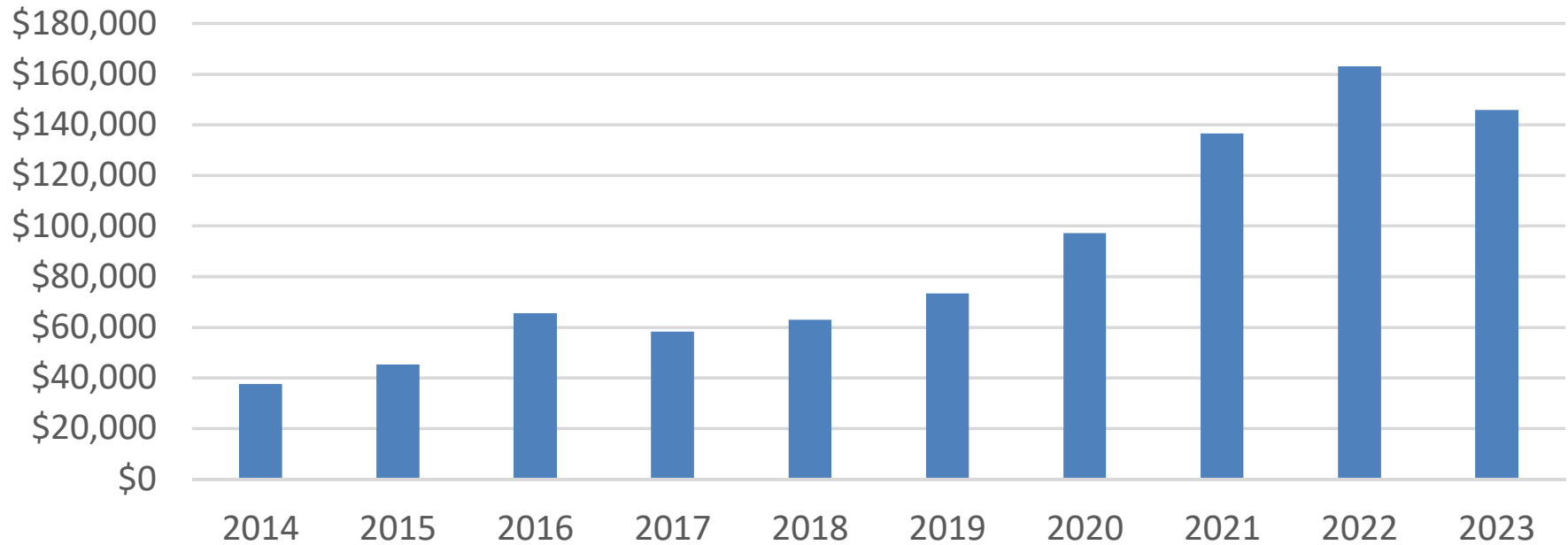


**CITY OF OURAY**  
**2023 MONTHLY SALES TAX REVENUES BY BUSINESS CATEGORY**

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

2023 SALES TAX REVENUES BY BUSINESS CATEGORY							
(1) Funds received by City in: July (mostly re: May)							
Business Category	January	February	March	April	May	June	
Lodging, campgrnds.	\$ 26,318.81	\$ 49,002.77	\$ 60,276.11	\$ 55,728.49			
Retail - Local Gift, Hardware, & Groceries	\$ 23,149.55	\$ 39,030.97	\$ 35,654.83	\$ 26,647.60			
Retail - Remote	\$ 24,538.24	\$ 25,093.62	\$ 14,747.70	\$ 17,585.84			
Trans & Pub. Util.	11,808.23	13,673.78	15,715.67	15,749.48			
Eating & Drinking	18,958.81	27,276.64	32,116.12	24,642.34			
Const. & Manufacturing	2,164.96	5,198.58	4,857.24	1,735.20			
Services - all other	2,857.90	3,975.15	1,823.96	2,079.81			
Wholesale Trade	1,352.95	1,844.32	2,193.74	1,767.56			
<b>TOTAL</b>	<b>\$ 111,149.45</b>	<b>\$ 165,095.83</b>	<b>\$ 167,385.37</b>	<b>\$ 145,936.32</b>	<b>\$ -</b>	<b>\$ -</b>	
Business Category	July	August	September	October	November	December	Year-to-date
Lodging, campgrnds.							\$ 191,326.18
Retail - Local Gift, Hardware, & Groceries							\$ 124,482.95
Retail - Remote							\$ 81,965.40
Trans & Pub. Util.							56,947.16
Eating & Drinking							102,993.91
Const. & Manufacturing							13,955.98
Services - all other							10,736.82
Wholesale Trade							7,158.57
<b>TOTAL</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 589,566.97</b>

# CITY OF OURAY FEBRUARY SALES TAX REVENUE COMPARISON Over Past 10 Years



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

**CITY OF OURAY**  
**SALES TAX REVENUES BY BUSINESS CATEGORY 2014-2023**

**SALES TAX REVENUES BY BUSINESS CATEGORY**

Funds received by City in April (mostly re: February) of:										
Business Category	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Lodging, campgrnds.	\$ 10,388.45	\$ 11,213.83	\$ 19,715.80	\$ 15,912.22	\$ 19,077.49	\$ 23,081.46	\$ 26,580.81	\$ 37,873.92	\$ 57,820.63	\$ 55,728.49
Retail - Local Gift, Hardware, & Groceries							\$ 17,147.45	\$ 23,627.21	\$ 27,054.56	\$ 26,647.60
Retail - Remote							\$ 15,352.60	\$ 24,933.67	\$ 20,865.37	\$ 17,585.84
Retail - groceries, liquor, candy, hardw	4,492.91	5,309.70	12,255.70	11,214.99	10,942.86	21,912.81				
Retail - gift, souvenir, variety, books	3,090.97	3,681.39	5,819.29	4,652.93	7,363.15	1,264.87				
Trans & Pub. Util.	7,996.63	7,983.69	6,400.62	7,942.73	8,182.18	8,674.18	12,276.40	12,631.99	14,646.02	15,749.48
Eating & Drinking	6,864.74	9,896.38	13,393.00	12,463.99	11,100.93	11,248.23	22,111.84	31,787.40	30,031.16	24,642.34
Const. & Manufacturing	3,678.27	5,527.75	6,329.68	4,905.28	5,028.85	5,624.30	1,661.83	2,448.18	9,370.64	1,735.20
Services - all other	553.12	635.67	485.56	520.70	911.04	197.56	1,194.72	1,615.88	1,292.90	2,079.81
Finance, Ins. Real Estate	585.01	1,041.07	1,071.57	623.61	217.43	899.22				
Wholesale Trade	51.99	39.00	78.22	47.00	168.00	565.13	964.13	1,658.85	2,019.23	1,767.56
Mining	-	-	-	-	-	-	-	-	-	-
All Other	8.55	2.85		-						
<b>TOTAL</b>	<b>\$ 37,710.64</b>	<b>\$ 45,331.33</b>	<b>\$ 65,549.44</b>	<b>\$ 58,283.45</b>	<b>\$ 62,991.93</b>	<b>\$ 73,467.76</b>	<b>\$ 97,289.78</b>	<b>\$ 136,577.10</b>	<b>\$ 163,100.51</b>	<b>\$ 145,936.32</b>
					\$1,501.70 out-of-period	\$2,700.82 out-of-period	\$4,613.53 out-of-period	\$7,518.92 out-of-period	\$14,671.86 out-of-period	\$9,211.74 out-of-period

# Year to Date Sales Tax Comparison

		Percentage Change from 2022	Percentage Change from 2021
February 2021 Activity	\$ 136,577.10		
February 2022 Activity	\$ 163,100.51		
February 2023 Activity	\$ 145,936.32	<b>-10.52%</b>	<b>+6.85%</b>

**Ouray Lodging Occ. Tax Collection Summary**

<b>ROOMS</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>23 vs 22</b>
<b>Month</b>											
<b>January</b>	4349	5712	5826	5113	5782	6196	6245	5936	7718	7167	-7.14%
<b>February</b>	3874	4816	5226	4509	5085	5593	4641	7189	7776	5447	-29.95%
<b>March</b>	2949	3394	3638	3499	4763	4152	1952	6993	6782		
<b>April</b>	1836	2236	2660	2411	3080	2857	32	4941	4285		
<b>May</b>	4149	5047	5850	5939	7396	7894	3111	11093	10002		
<b>June</b>	10718	12015	13521	14494	14578	15026	12736	17520	16180		
<b>July</b>	17248	19171	19960	20248	19802	19482	20444	20509	16551		
<b>August</b>	15198	16477	16949	17344	17613	18629	16919	20798	17825		
<b>September</b>	13377	15478	16149	16526	17743	18498	17564	13517	18930		
<b>October</b>	6450	7937	7691	7762	7462	9407	12877	12038	12080		
<b>November</b>	1936	2141	2113	2674	2856	3237	3864	3199	3012		
<b>December</b>	3696	3656	3382	4226	5038	4268	5153	5237	3998		
<b>Total Rooms</b>	<b>85780</b>	<b>98080</b>	<b>102965</b>	<b>104745</b>	<b>111198</b>	<b>115239</b>	<b>105538</b>	<b>128970</b>	<b>125139</b>	<b>12614</b>	

<b>DOLLARS</b>											
<b>January</b>	\$11,848	\$15,867	\$15,819	\$13,795	\$16,294	\$22,444	\$25,204	\$27,107	\$29,038	\$33,226	14.42%
<b>February</b>	\$10,430	\$12,468	\$13,908	\$12,648	\$14,021	\$19,580	\$18,464	\$28,191	\$36,284	\$26,188	-27.82%
<b>March</b>	\$7,945	\$9,240	\$9,505	\$9,529	\$12,884	\$14,526	\$6,834	\$27,858	\$30,334		
<b>April</b>	\$4,975	\$5,701	\$6,633	\$6,294	\$8,090	\$8,312	\$107	\$18,324	\$18,466		
<b>May</b>	\$11,357	\$13,876	\$15,372	\$15,734	\$19,031	\$22,068	\$7,922	\$41,033	\$43,131		
<b>June</b>	\$28,419	\$31,431	\$34,498	\$36,654	\$36,236	\$62,392	\$51,634	\$100,852	\$98,839		
<b>July</b>	\$44,740	\$47,884	\$49,767	\$50,344	\$49,371	\$110,244	\$114,230	\$138,864	\$131,139		
<b>August</b>	\$40,035	\$41,643	\$41,801	\$42,090	\$43,236	\$90,952	\$92,809	\$127,157	\$122,778		
<b>September</b>	\$35,960	\$40,336	\$41,704	\$41,965	\$44,480	\$79,505	\$93,050	\$98,575	\$119,099		
<b>October</b>	\$17,556	\$21,385	\$20,717	\$20,355	\$19,711	\$37,511	\$60,690	\$54,480	\$74,824		
<b>November</b>	\$5,092	\$5,136	\$5,802	\$7,079	\$7,000	\$10,367	\$15,399	\$14,134	\$13,273		
<b>December</b>	\$9,918	\$9,571	\$9,590	\$11,882	\$13,622	\$17,593	\$24,892	\$29,038	\$23,554		
<b>Total Dollars</b>	<b>\$228,275</b>	<b>\$254,538</b>	<b>\$265,116</b>	<b>\$268,369</b>	<b>\$283,976</b>	<b>\$495,494</b>	<b>\$511,234</b>	<b>\$705,613</b>	<b>\$740,759</b>	<b>\$59,414</b>	

Data represents rooms and dollars for month in which lodging activity occurred.  
 LOT report and payment are due by 20th of following month.  
 "ROOMS" data includes exempt rooms.

**OURAY LODGING OCCUPANCY TRENDS**

Based on Lodging Occupation Tax Collections

	2021				2022				2023			
	Avail.	Rooms		Exempt	Avail.	Rooms		Exempt	Avail.	Rooms		Exempt
	Rooms	Rented	Occ.%	Rooms	Rooms	Rented	Occ.%	Rooms	Rooms	Rented	Occ.%	Rooms
	+ RVs, Unfurnished Cabins				+ RVs, Unfurnished Cabins				+ RVs, Unfurnished Cabins			
January	16357	5936	36.3%	61	17411	5237	30.1%	0	19166	7167	37.4%	469
February	17752	7189	40.5%	209	16580	7776	46.9%	0	15347	5447	35.5%	386
March	18804	6993	37.2%	364	17657	6782	38.4%	7				
April	16716	4941	29.6%	191	16620	4285	25.8%	31				
May	20240	11093	54.8%	213	21206	10002	47.2%	57				
June	21576	17520	81.2%	88	20577	16180	78.6%	13				
July	22375	20509	91.7%	121	20677	16551	80.0%	432				
August	23292	20798	89.3%	215	21613	17825	82.5%	53				
September	19088	13517	70.8%	209	21327	18930	88.8%	47				
October	17778	12038	67.7%	95	20398	12080	59.2%	10				
November	13529	3199	23.6%	54	14606	3012	20.6%	260				
December	17411	5237	30.1%	12	16619	4785	28.8%	4				
Total	224918	128970	57.3%	1832	225291	123445	52.2%	914	34513	12614	36.4%	855

Data represents rooms for month in which lodging activity occurred.

LOT report and payment are due by 20th of following month.

"Rooms Rented" columns includes exempt rooms.

"Exempt Rooms" columns are for memo purposes only.

**2023 Lodging Occupation Tax, By Business Category**

AVAILABLE ROOMS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	11,592	8,946											20,538
Bed and Breakfast	1,072	996											2,068
House, Townhouse, Condo (1)	3,929	3,081											7,010
RV Space, Unfurnished Cabin	2,573	2,324											4,897
<b>Total Rooms</b>	19,166	15,347	-	-	-	-	-	-	-	-	-	-	34,513
												Prior YTD	30,967

ROOMS RENTED	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	4,688	3,788											8,476
Bed and Breakfast	413	235											648
House, Townhouse, Condo (1)	1,171	769											1,940
RV Space, Unfurnished Cabin	895	655											1,550
<b>Total Rooms</b>	7,167	5,447	-	-	-	-	-	-	-	-	-	-	12,614
												Prior YTD	11,243

DOLLARS	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Hotel, Motel	\$ 20,479.22	\$ 17,834.27											\$ 38,313.49
Bed and Breakfast	\$ 2,078.19	\$ 1,506.37											\$ 3,584.56
House, Townhouse, Condo (1)	\$ 9,520.90	\$ 6,194.63											\$ 15,715.53
RV Space, Unfurnished Cabin	\$ 1,147.90	\$ 652.97											\$ 1,800.87
<b>Total Dollars</b>	\$ 33,226.21	\$ 26,188.24	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 59,414.45
												Prior YTD	59,642.05

(1) For a property that is marketed as a stand-alone short-term rental, for which there are no hotel/motel amenities offered.

Data represents rooms for month in which lodging activity occurred.

LOT report and payment are due by 20th of following month.

"Rooms Rented" columns includes exempt rooms.

Activity Month	2022	2023	% Change
January	\$ 27,661.19	\$ 36,761.93	33%
February	\$ 32,883.88	\$ 25,920.37	-21%
March	\$ 28,220.99		
April	\$ 7,217.41		
May	\$ 23,933.67		
June	\$ 72,625.26		
July	\$ 109,220.30		
August	\$ 90,863.82		
September	\$ 83,065.86		
October	\$ 41,028.93		
November	\$ 9,274.82		
December	\$ 29,333.34		
<b>Grand Total</b>	<b>\$ 555,329.49</b>	<b>\$ 62,682.30</b>	

Up 3.5% YTD

YTD Total Breakdown by Fund	
Affordable/Attainable Housing	\$ 31,341.15
Water Capital Improvements	\$ 15,670.58
Sewer Capital Improvements	\$ 15,670.58

Average YTD Income Per Property	\$ 4,060.58
Average YTD Excise Tax Paid Per Property	\$ 609.09

## City of Ouray Hot Springs Pool and Fitness Center - Visitor and Revenue Trends

(Source: Point of Sale Software)

VISITORS	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% change from 2022
January	7,496	9,160	9,287	36	9,392	8,553	8,149	4,961	5,258	6,871	30.68%
February	6,177	7,158	9,095	13	7,342	5,970	7,836	4,824	6,660	5,599	-15.93%
March	7,832	10,045	10,087	58	10,468	9,118	3,638	7,697	8,621	7,148	-17.09%
April	4,277	5,691	6,195	16	7,048	5,481	-	7,104	5,249		
May	10,040	11,798	12,065	2,984	13,346	11,397	-	11,580	9,549		
June	18,294	20,970	22,404	18,175	24,764	24,525	1,540	25,977	20,156		
July	29,009	32,485	36,116	37,483	35,943	36,986	6,416	30,994	26,286		
August	21,625	22,377	22,353	25,486	23,936	23,274	12,622	22,179	19,101		
September	10,617	14,334	9,258	16,065	16,397	14,833	11,946	13,612	14,652		
October	6,473	7,360	62	9,834	8,771	9,596	10,699	9,368	10,135		
November	6,576	6,878	49	7,077	7,043	6,920	4,644	6,782	5,354		
December	7,158	7,646	47	10,753	9,046	8,174	4,439	6,317	6,510		
<b>TOTAL YEAR</b>	<b>135,574</b>	<b>155,902</b>	<b>137,018</b>	<b>127,980</b>	<b>173,496</b>	<b>164,827</b>	<b>71,929</b>	<b>151,395</b>	<b>137,531</b>	<b>19,618</b>	

REVENUE	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	% change from 2022
January	\$ 70,853.78	\$ 84,848.13	\$ 85,983.09	\$ 2,189.00	\$ 89,885.46	\$ 95,701.53	\$ 99,306.81	\$ 66,989.85	\$ 63,150.43	\$ 96,783.56	53.26%
February	\$ 58,070.40	\$ 62,350.28	\$ 78,569.69	\$ 724.00	\$ 70,970.13	\$ 65,918.59	\$ 97,215.12	\$ 61,086.55	\$ 85,924.20	\$ 112,926.04	31.43%
March	\$ 73,228.30	\$ 92,289.88	\$ 84,745.80	\$ 1,012.00	\$ 102,232.15	\$ 108,526.39	\$ 47,810.30	\$ 106,419.45	\$ 126,759.01	\$ 120,467.93	-4.96%
April	\$ 35,578.60	\$ 50,940.75	\$ 52,112.54	\$ 2,234.00	\$ 72,957.12	\$ 62,025.47	\$ -	\$ 98,819.49	\$ 152,003.71	\$ -	
May	\$ 90,214.50	\$ 109,383.77	\$ 108,047.29	\$ 123,474.60	\$ 155,881.40	\$ 138,237.34	\$ -	\$ 162,720.12	\$ 143,279.82	\$ -	
June	\$ 175,517.27	\$ 186,061.57	\$ 211,853.56	\$ 166,974.02	\$ 317,542.31	\$ 311,093.17	\$ 19,273.04	\$ 352,538.72	\$ 321,377.13	\$ -	
July	\$ 278,448.14	\$ 300,620.51	\$ 332,026.16	\$ 479,802.39	\$ 455,519.84	\$ 474,330.32	\$ 74,169.01	\$ 428,489.09	\$ 452,460.99	\$ -	
August	\$ 196,542.94	\$ 194,321.61	\$ 198,465.34	\$ 326,151.96	\$ 308,882.04	\$ 295,953.46	\$ 165,977.58	\$ 312,872.14	\$ 316,183.52	\$ -	
September	\$ 93,619.70	\$ 127,909.15	\$ 80,149.87	\$ 184,807.92	\$ 200,777.07	\$ 188,131.33	\$ 158,666.78	\$ 186,412.51	\$ 238,796.90	\$ -	
October	\$ 56,515.76	\$ 63,216.05	\$ 2,737.00	\$ 82,537.92	\$ 99,235.68	\$ 120,843.43	\$ 145,302.53	\$ 131,806.01	\$ 170,555.12	\$ -	
November	\$ 55,891.66	\$ 54,218.80	\$ 1,796.25	\$ 62,435.74	\$ 84,885.49	\$ 83,976.37	\$ 58,403.16	\$ 88,639.21	\$ 84,930.60	\$ -	
December	\$ 73,048.24	\$ 74,421.59	\$ 1,957.00	\$ 112,212.40	\$ 111,645.98	\$ 105,050.32	\$ 60,304.81	\$ 79,891.78	\$ 94,844.99	\$ -	
<b>TOTAL YEAR</b>	<b>\$ 1,257,529.29</b>	<b>\$ 1,400,582.09</b>	<b>\$ 1,238,443.59</b>	<b>\$ 1,544,555.95</b>	<b>\$ 2,070,414.67</b>	<b>\$ 2,049,787.72</b>	<b>\$ 926,429.14</b>	<b>\$ 2,076,684.92</b>	<b>\$ 2,250,266.42</b>	<b>\$ 330,177.53</b>	

Revenue up 19.7% YTD

## CITY OF OURAY VISITOR CENTER - REVENUE TRENDS

### REVENUES

	2022	2023	Incr./Decr.	23 vs. 22
	Concessions	Concessions		
January		\$ 281.95	\$	
February		\$ 236.84	\$	
March		\$ 399.38	\$	
April			\$	
May			\$	
June			\$	
July	\$ 1,125.80		\$	
August	\$ 1,965.90		\$	
September	\$ 2,491.66		\$	
October	\$ 1,658.05		\$	
November	\$ 501.36		\$	
December	\$ 595.45		\$	
<b>TOTAL \$</b>	<b>\$ 8,338.22</b>	<b>\$ 918.17</b>	<b>\$</b>	

320 6<sup>th</sup> Avenue  
PO Box 468  
Ouray, Colorado 81427



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

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**TO:** Ouray City Council  
**FROM:** Lily Oswald, Community Development Director  
**DATE:** April 14, 2023  
**FOR:** April 17, 2023  
**SUBJECT:** Community Development Department Report

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### **CURRENT PLANNING**

Staff is working on the following projects:

- Managing Short-Term Rental coordination (applications, renewals, expiration notifications, Building Inspection updates). Working with STR owners/managers on 2023 renewals.
- Hosting various preapplications for small-and large-scale land use projects, lot splits, rezones, minor subdivisions, condominiumization, replats, new single- and multi-family housing unit projects.
- Processing Temporary/Fixed Encroachment, Site Development, PUDs, and other Land Use/Building Permits.
- Updating the existing Community Development/Building Department forms, processes, and webpages for easier/transparent processing (website changes: [STR webpage](#), [Backflow Prevention webpage](#), [Land Use Code Update webpage](#), [FEMA Flood Map webpage](#)).
- Coordinating the Ouray Economic Development Committee and their programs/goals for 2023.
- Coordinating with FEMA/CWCB on the updated floodplain, floodways, and flood insurance rate maps.
- Coordinating with EPS for a Housing Analysis and Policy Strategy Report for the City of Ouray.
  - Preliminary data and findings report on April 25 – June (TBD) schedule a findings meeting with Council
- Coordinating with iWorQ Systems on onboarding information and getting the department set up for permit management, code enforcement organization, and parcel-based permit management.
- Administering CDPHE's backflow and cross connection program, as required for the City's water system.

### **CODE ENFORCEMENT**

Code enforcement cases continue to be monitored and enforced. Matt Haldeman, the City's Building Inspector, is working on building and STR inspections, sidewalk snow removal, plan review, enforcing building and land use codes, and administering and surveying properties for the backflow program (in accordance with CDPHE requirements).

### **BACKFLOW PREVENTION PROGRAM**

Matt Haldeman has been comprehensively administering and surveying properties for the City's backflow program in accordance with CDPHE requirements. There is a [dedicated webpage](#) for this program to provide public resources and FAQs. The City is working to ensure property owners submit testing reports on an annual basis. **The City has begun coordinating surveys and test results for 2023 to ensure the city remains in compliance with the State.**

### **BUILDING & SIGN PERMITS**

Three (3) building permits and one (1) sign permit were issued by the department in the month of March.

### **CODE UPDATES**

- LAND USE & DEVELOPMENT CODE // SIGN CODE:
  - **December 20, 2022:** the Planning Commission considered revised drafts of the land use code and sign code and recommended approval to the City Council.

- **January 23, 2023:** a Joint Work Session with the City Council and Planning Commission, discussing substantial changes, updates, and items of significance before Council discusses the land use code.
- **2/27/23; 3/16/23; 4/6/23:** City Council discussed the updated land use code and specific provisions.
  - **Next work session is TBD.**
- **I-CODES:** Staff and the City Administrator met with Dan Reardon (former Interim Building Inspector) on code update processes, examples, exclusions, redactions, and additions to best fit the Ouray community based on the 2018 I-Codes. Staff’s recommended I-Code adoption exemptions is under review by City Attorney. To ensure the City adopts codes with redactions/exemptions/exclusions prior to July 1, 2023, the Council must have a first reading of the I-Code adoption ordinance by May 1, 2023.

**OURAY ECONOMIC DEVELOPMENT COMMITTEE (OEDC)**

The OEDC held a regular meeting on April 13<sup>th</sup> and discussed the following:

- **2023 Micro Grant Program: *Application window is OPEN!*** In an effort to benefit projects in the “peak business season”, applications for 2023 Micro Grants can be submitted between **April 17, 2023 and May 8, 2023 (EOD)**. Awards will be decided May 12, 2023. The application, program narrative, and rubric can be found [HERE](#).
- *Due to generous matching contributions from the Ouray community, the OEDC Micro-Grant Program has nearly \$26,000 to award.*
  - **Special thanks to:** Citizens State Bank, Ouray Chamber, San Juan Mountain Guides, and Frank & Jeanne Robertson.
- The “State of the Region” OEDC Roundtable will be held in the Ouray Community Center on **April 27, 2023** from **6:30pm – 8:00pm** and will feature the Town of Ridgway Mayor, City of Ouray Mayor, Ouray County BOCC representative, and Region 10 to discuss the regional economy, infrastructure, projects, housing and more.
- There are six (6) active members on the OEDC at this time, applications can be found on the City website, [here](#).

The next OEDC meeting was postponed one day, from May 11 to **May 12, 2023 at 8:30am**.

**PLANNING COMMISSION (PC)**

The Planning Commission did not hold a meeting in April due to a lack of agenda items. The next Regular Planning Commission meeting is scheduled for May 9, 2023.

**MISCELLANEOUS PROJECTS**

The following miscellaneous and ongoing projects have also been taken on by the Community Development Department:

- **The City was awarded \$1,050,000** from DOLA’s HB21-1271 Incentives Grant Program (IHOI) to go towards infrastructure costs for the Waterview PUD. Grant administration is in process.
- Coordinating multi-departmental administration of short term rental licenses.
- Compiling a list of properties within Ouray with “erroneous” zoning boundaries.
- Mapping updates, including city-owned parcel maps and reference materials for housing decisions.
  - *Converting City GIS service to ArcPro to better integrate with iWorq and REST service links.*
- Fixing ongoing address discrepancies in city properties. 54 address assignments/changes have been made.
- Research into housing solutions, opportunities, and partnerships in the region and meetings with various stakeholders. Research into similar municipal fee schedules, land use regulations, and permit processes.
- Research into funding and grant opportunities for community-, business- and land use-related projects.
- Coordinating with Buckhorn Engineering on rockfall engineering and mitigations plans for the City’s potential Cascade Creek housing project.

**SHORT TERM RENTAL (STR) LICENSES**

The table below summarizes STR license status and counts including applications submitted to the City. Non-inspection-ready applications are not included in the table below, per Council request.

*Table 1. STR Status and Counts (updated 4/14/2023)*

Identifier	Status	Number of Units
A	Active; Non-Expired Licenses	104
B	New Applications; In Process	1
C	Total Active + Pending + Applications In Process (A+B)	105

## March - April 2023 IT Highlights

- Migration to Google Voice continues and 30 of 50 numbers have been ported from previous providers. The Ouray Hot Springs is on Google Voice with an Auto Attendant and the last numbers will be finished up at City Hall. The anticipated day when we will no longer rely on the Avaya Voice Server is planned for May 4<sup>th</sup>.
- The Water Tanks cameras have been installed and configured. They are now operating and providing live monitoring at the site. The last site in this project will be at the Via Ferrata once the thaw is complete. We will complete this project before June 30<sup>th</sup> as called for by the grant.
- Server Backup Software licensing was renewed.
- Battery backup replaced at Pool Filtration for network
- Snack Shack Point of Sale computer with cash drawer, receipt printer and card reader completed for May start.
- SCADA support completed to change the clock settings in the application for daylight savings time.
- The next knowbe4 security awareness campaign training was started 4/11 to continue awareness toward phishing attacks
- ArcGIS Pro installed on Community Development Director machine and access provided to ArcGIS online for continued integration with iWorq.
- Buildfire App Account Cancelled and the current app is removed from Apple and Google Play stores. We will still have access to Apple App Store and Google Play Store for the next app.
- Continued adjustment of audio gating for the council chambers meetings has occurred with the audio/video vendor remotely. The audio quality has been improving every meeting.
- Normal software patch updates were completed to Servers requiring night time maintenance.



# CCEC Report


Friday, 04.14.2023

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## Project Updates

### Main Street Program Application Progress

1. Matt Ayres met with the Main Street Steering Committee on February 22 and they created a 2023 Work Plan to guide Main Street Program projects and their timelines.
2. A resolution in support of this program was approved by City Council at the February 6th meeting.
3. We have received wonderful Letters of Support from TAC, OEDC, the Ouray County Historical Society, the Town of Ridgway, and OCRA. "Thank you!" to all contributing organizations!
4. A completed [Main Street Candidate Application](#) was submitted to our state representatives on Friday, March 10. It was 313 pages long. Slight changes were made after a review with DOLA to comply with ADA regulations on the Strategic Plan and the Work Plan as far as font style and color choice. These documents will be updated at a later time and will not hinder the advisory board review.
5. A meeting happened **Mar 21, 2023** with our DOLA Main Street Program state representatives, Gayle Langley, Traci Stoffel, and Larry Lucas, as well as our City Administrator Silas Clarke, to preliminarily review our application and provide notes/ suggestions/ corrections to strengthen the application ahead of the advisory board review. We were told the only "weakness" they could identify wasn't a weakness as it is not required, which was having job descriptions for our fairly new Main Street Steering committee. After the meeting, a document was shared with us that provides sample job descriptions we can shape to fit our needs. The outcome of this initial review was being told ours is an extremely strong application, that the City of Ouray has already done some wonderful work in all areas that the Main Street Program identifies and requires work in, and that our application is one of the best they have seen! We should be notified of the advisory board decision by the end of



May. Great job, City of Ouray and all volunteer community members on all of the hard work you have already completed to better our city!

## Creative District Program Movement

1. On March 7 I forwarded a [Colorado Creative Industries Newsletter](#) to OurayMade and UpstART, The Wright, and Weehawken/ Sherbino which included information on the Colorado Created Grant which has an application window of 3/28 to 5/24. There were also other grants and opportunities listed for creatives, as well as some upcoming events I am looking into that may be beneficial to attend.
2. On April 5 I met with UpstART and The Wright Opera House to discuss the differentiation between the CCEC and the Tourism & Marketing Director. We spoke about future event collaborations and discussed if UpstART may want to help with a Creative District Program designation.
3. On April 12 I forwarded a [National Endowment for the Arts \(NEA\)](#) link to OurayMade and UpstART, and The Wright regarding upcoming grant opportunities. One of the programs looked very promising for our local creatives:

“Grants for Arts Projects” is our largest grants program for organizations, providing comprehensive and expansive funding opportunities for communities.

Applicants may request cost share/matching grants ranging from \$10,000 to \$100,000. Designated local arts agencies eligible to subgrant may request from \$30,000 to \$150,000 for subgranting programs in the Local Arts Agencies discipline. A minimum cost share/match equal to the grant amount is required.”

Second Grants for Arts Projects Deadline:

Part 1 - Submit to Grants.gov

July 6, 2023 at 11:59 p.m., Eastern Time

## City Updates

### Website

1. At the time of this report, there are 109 registered businesses. A listing of registered businesses can be found on the [Business Registration & Licensing page](#). The list includes their Registration #, Business Name, Industry, and website address if provided. They are grouped by Industry alphabetically.
2. Work continues to be done on pages that need updating. Thank you to everyone for their assistance and patience in this process!


3. The [Ouray Economic Development Committee \(OEDC\) page](#) has new announcements, especially regarding their 2023 Micro-Grant Program. They have also been adding to the [Business Resources page](#), including upcoming grant opportunities as well as a program that could assist employers in finding employees.
4. The [Main Street Steering Committee page](#) has new announcements, as well as additional information regarding the [Main Street Program from DOLA](#).
5. Calendar events are updated daily and are viewable on the [homepage](#) of our new website.
6. The Visit Ouray website [events page](#) was updated with a calendar embed code for City Events, as well as the link to Community Events.
7. A Press Release was posted by the City of Ouray Police Department PIO regarding a recent [burglary at 400 Main Street](#). This was added to our City website in Latest News on 4/14/23 and will expire in one month.
8. An article was added to Latest News regarding the Ouray Ice Park. World Record Academy has awarded them the: ["World's largest human-made public ice-climbing park: world record in Ouray, Colorado"](#)

## Ouray Economic Development Committee

1. [CLICK HERE](#) to view the 2023 Micro-Grant Program Donor Packet. The application window will open on April 17 and close on May 8. Please see an updated application packet on the OEDC website committee page. Micro-Grants will be awarded by the end of May, prior to the busy summer season. This information has been put on our public-facing calendar, the community calendar, as a Facebook event, within the OEDC regular meeting calendar event info, on the OEDC page, on the Business Resources page, and has been printed out and distributed during recent meetings in the Ouray Community Center. It has also been handed out to businesses, put in the Plaindealer, included in our monthly E-Newsletter, and posted at the Community Center, the Visitor Center, and the Fellin Park Community Board.

An email will also go out to the registered businesses on Monday, **Apr 17, 2023**. A separate email will go out to unregistered businesses that I have addresses for reminding them to register and take advantage of the wonderful micro-grant opportunity once they are registered.

2. [SAVE THE DATE for the Upcoming OEDC Roundtable - "State of the Region"](#). This event will be on April 27th, 6:30 pm at the Ouray Community Center. This information has been put on our public-facing calendar, the community calendar, as a Facebook event, within the OEDC regular meeting calendar event info, on the OEDC page, put in the Plaindealer, included in our monthly E-Newsletter, and



posted at the Community Center, the Visitor Center, the Fellin Park Community Board, and has been printed out and distributed during recent meetings/events in the Ouray Community Center and out to businesses. It will be included in the April 17 email to registered businesses.

## PIO Meetings and Training

1. On **Mar 23, 2023** I virtually attended the West Region Wildfire Council All Areas Meeting. West Region Wildfire Council staff shared what they've accomplished in 2022 and plans for the future, followed by a discussion on ways stakeholders can work together and collaborate.
2. Attended a WENS Training on **Apr 13, 2023** . I now have access to distribute approved messaging for emergency notifications.
3. I will be attending the ESPIOC Conference on April 24-27 in Avon, CO. This is the Emergency Services Public Information Officers of Colorado and they are offering all PIOs and communication professionals – especially first responder agencies or organizations working with police, fire, medical and other emergency services – and personnel who may be assigned to back up the PIO, an informative conference along with essential PIO training.

## UPCOMING CLOSURES:










**Sunday, April 9 - Sunday, April 23 | Overlook Pool** | The maintenance staff will be doing repairs and replacing missing tiles during this time. We will be sending the water from the Overlook to the Hot Pool to keep the temperatures up in that pool.

**Monday, April 17 - Sunday, April 23 | Entire Pool Facility** | Pool Lobby and Facilities will be closed for cleaning, repairs, and updates. The gym will remain open. We will re-open the Pool Facility, along with the Overlook Pool, on April 24th.














Please be patient with us during this time as we get everything ready for a busy summer season.

~ Thank you, Pool Staff

## Media Updates as of 3.30.2023

City of Ouray - Last 28 days	
Facebook Posts	Instagram Posts
Followers: 8,955	Followers: 1,140
Reach: 4,267K  25.5% (Last 90 = 39.6K  239.3%)	Reach: 5,073  239.3%
Engagement: 1.4K  16.3% (last 90 days)	Engagement: 676  42.8% (last 90 days)
Page Visits: 562  65.2%	Profile Visits: 81  92.9%
New Facebook Followers: 32  37.3%	New Instagram Followers: 13  160%

Ouray Police Department - Last 28 days	
Facebook Posts	Instagram Posts
Followers: 7,608	Followers: 1,155
Reach: 19,427  21.6% (Last 90 = 42.4K  33.9%)	Reach: 814  22.3% (Last 90 = 5.5K  58.8%)
	Story Reach: 814  18.9K%
Engagement: 2.2K  0.9% (last 90 days)	Engagement: 1K  13% (last 90 days)
Page Visits: 706  94% (Previous 28 = 11,294  839.6%)	Profile Visits: 33  45%
New Facebook Likes: 28  84% (Previous 28 = 166  435.5%)	New Instagram Followers: 5  70.6%

## Upcoming Events

- Every Monday (unless otherwise noted) · 12:00 – 1:00 pm · [Senior Lunch](#) · Location changed for this month, please contact Neighbor to Neighbor
- April 17 – May 8 · [OEDC 2023 Micro-Grant Application Window](#)
- April 17 – 23 · [Ouray Hot Springs: Spring Cleaning Closure](#)
- **Monday, April 17 · 6:00 – 8:00 pm · [City Council Regular Meeting](#)**
- Tuesday, April 18 · Tax Day
- Tuesday, April 18 · 1:00 – 3:00 pm · [Woman's Club of Ouray County \(WCOC\)](#) · Location changed for this meeting, please contact WCOC
- Tuesday, April 18 · 4:30 – 6:30 pm · [Tourism Advisory Committee Meeting \(TAC\)](#)
- Wednesday, April 19 · 2:00 – 4:00 pm · [Visit Ouray Presents: Business Tools and Tips Workshop](#)
- Wednesday, April 19 · 6:00 – 8:00 pm · [Ouray Ice Park Inc Board Meeting \(OIPI\)](#)
- Thursday, April 20 · 11:00am – 3:00 pm · [Ouray County Volunteer Fair · Ridgway Space to Create](#)
- Saturday, April 22 · Earth Day
- Saturday, April 22 · 10:00 am – 3:30 pm · [Friends of the Ouray Library Luncheon and Fashion Show](#)
- Saturday, April 22 · 10:00 am – 3:00 pm · [WCOC Rummage Sale Donation Day!](#)
- Monday, April 24 · 5:30 – 7:30 pm · [WCOC After 5](#)
- Thursday, April 27 · 6:30 – 8:00 pm · [OEDC Roundtable - "State of the Region"](#)
- Friday, April 28 · No School Ouray
- Friday, April 28 · [Box Cañon OPENS](#) (conditions permitting)
- Saturday, April 29 · 8:00 am – 5:00 pm · [Chainsaw and Crosscut Saw Training by Ouray Trail Group](#) (additional in-field training to continue on Sunday, April 30)
- Monday, May 1 · Main Street Striping (weather dependent)
- **Monday, May 1 · 6:00 – 8:00 pm · [City Council Regular Meeting](#)**
- Tuesday, May 2 · 6:00 – 7:00 pm · [Park and Recreation Committee \(PARC\)](#)
- Wednesday, May 3 · 8:00 – 9:00 am · [Ouray Beautification Committee \(OBC\)](#)
- Friday, May 5 · Cinco de Mayo
- Tuesday, May 9 · 4:00 – 6:00 pm · [Planning Commission Meeting \(PC\)](#)
- Wednesday, May 10 · 9:00 – 10:30 am · [Ouray Trail Group Meeting \(OTG\)](#)
- Thursday, May 11 · 8:30 – 10:00 am · [Ouray Economic Development Committee \(OEDC\)](#)
- Sunday, May 14 · Mother's Day
- **Monday, May 15 · 6:00 – 8:00 pm · [City Council Regular Meeting](#)**

\*Events are subject to change. Check calendars or verify with the host.

**Submit to Local Licensing Authority**

**OURAY BREWERY  
 PO BOX 811  
 Ouray CO 81427**

Fees Due	
Renewal Fee	800.00
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	\$
<b>Amount Due/Paid</b>	\$

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.

## Colorado Beer and Wine License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name <b>OURAY BREWERY LLP</b>		Doing Business As Name (DBA) <b>OURAY BREWERY</b>	
Liquor License # 15-75245-0001	License Type Brew Pub (city)		
Sales Tax License Number 15752450001	Expiration Date 07/27/2023	Due Date 06/12/2023	
Business Address 607 - 609 MAIN ST Ouray CO 81427-9903			Phone Number 9703181376
Mailing Address PO BOX 811 Ouray CO 81427		Email <b>OURAYBREW@GMAIL.COM</b>	
Operating Manager <b>ERIN A. EDDY</b>	Date of Birth	Home Address	Phone Number
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>SEE ATTACHED</b>			
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			

**CITY OF OURAY**

**ORDINANCE NO. 03 (Series 2023)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO REPEALING AND REPLACING OURAY MUNICIPAL CODE, SECTION 2-4-A AND 2-4-B TO INCREASE CITY COUNCIL MEMBERS' SALARY; REMOVING THE SPECIFIC MONETARY SALARY FOR THE MUNICIPAL JUDGE AND MUNICIPAL COURT CLERK; AND THE COUNCIL SALARY INCREASE SHALL BE EFFECTIVE ON JANUARY 1, 2024, FOR THREE RENEWING COUNCIL TERMS OF OFFICE AND JANUARY 1, 2026 FOR THE OTHER TWO RENEWING TERMS OF OFFICE.**

**WHEREAS**, the Mayor requested Staff to review Ouray Municipal Code, Section 2-4-A and B which sets a salary per annum, payable monthly for the Mayor of \$6,000, and \$2,400 for Council members with no other benefits.

**WHEREAS**, Staff obtained a survey from the Colorado Association of Ski Towns of salaries and benefits of other local government elected officials serving as a Council member or Trustee on a board governing a local government in Colorado.

**WHEREAS**, Staff's findings suggest that Ouray City Council members are paid less than their peers who often are also eligible for health, vision, and dental benefits and recommend adopting this ordinance to provide equality with other local governing bodies, attract a more diverse pool of candidates to serve on City Council, and to compensate elected officials for the hard work of representing the citizens of Ouray.

**WHEREAS**, on February 21, 2023, at a regularly scheduled Council meeting, Council considered Ordinance No. 03 (Series 2023) to increase Council member's pay and to add health insurance coverage but the Ordinance failed to pass.

**WHEREAS**, on April 3, 2023, at a regularly scheduled Council meeting, Council discussed bringing an Ordinance back before Council where Council members' pay would increase but health care benefits be stricken, citing that City Council members are being asked to handle more complex tasks which result in a significant increase in the hours spent per month conducting City business.

**WHEREAS**, The City of Ouray Home Rule Charter, § 2.7, allows council members to increase their compensation so long as the increase does not occur during any council member's current term of office.

**WHEREAS**, City Council finds the increase in pay when serving on City Council shall be effective on January 1, 2024, to the three new terms of office and on January 1, 2026, for the two remaining renewing terms of office.

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

**SECTION 1: REPEAL AND REPLACE**

Section 2-4-A of Chapter 2 is repealed and replaced as follows:

A. Elected Officials: Mayor shall receive a salary of \$12,000 per annum, payable monthly and Council members shall receive a salary of \$6,000 per annum, payable monthly. Such salaries are governed by City of Ouray Home Rule Charter, § 2.7.

**SECTION 2: REPEAL AND REPLACE**

Section 2-4-B of Chapter 2 is repealed and replaced as follows:

B. Municipal Judge: The Municipal Judge shall receive a salary, per annum, payable monthly, as adopted by resolution of the City Council from time to time.

**SECTION 3: EFFECTIVE DATE**

The provisions of this Ordinance pertaining to the Municipal Judge Salary shall become effective 30 days following final adoption and publication in accordance with the City Charter 3.5-G. The provisions concerning an increase of the mayor's and council members' salaries shall be effective on January 1, 2024, for three renewing terms of office and on January 1, 2026, for the other two renewing terms of office pursuant to the City of Ouray Home Rule Charter, § 2.7.

**SECTION 4: SEVERABILITY**

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

**INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED** on first reading by \_\_\_\_\_ vote of the Ouray City Council this 17th day of April 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**INTRODUCED, READ, AND ADOPTED** on second reading by \_\_\_\_\_ vote of the Ouray City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**CERTIFICATE OF ATTESTATION**

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 03 (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first reading on April 17, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on \_\_\_\_\_, 2023, and thereafter introduced, read, and adopted by the Ouray City Council on \_\_\_\_\_, 2023, and thereafter published in the *Ouray County Plaindealer*, as required by law.

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**ORDINANCE NO. 05 (Series 2023)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO ADDING NEW SUBSECTIONS G, H, I, AND J, TO SECTION 3-13 LIQUOR LICENSES TO ALLOW A TEMPORARY OUTSIDE SERVICE AREA LICENSE UTILIZING CITY SIDEWALKS OR OTHER CITY RIGHTS-OF-WAY TO SERVE FOOD AND BEVERAGES SO LONG AS THE OUTSIDE AREA IS IMMEDIATELY ADJACENT TO THE LICENSED PREMISES; AND ESTABLISHING PENALTIES AND FEES, THEREON.**

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

**WHEREAS**, during the COVID-19 pandemic, the City of Ouray allowed for increased outdoor seating on sidewalks, parking lots, or other City ROWs to facilitate social distancing by employees and customers and to facilitate compliance with the requirements of applicable public health orders.

**WHEREAS**, Colorado state liquor license regulations allow for a temporary modification of premises on an annual basis to extend premises to outdoor seating under 1 CCR 203-2:47-302.

**WHEREAS**, the City desires to allow permanent 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 sidewalks and other City ROWs.

**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 of Ouray has no control over such state licenses.

**WHEREAS**, City Council finds this ordinance is necessary to preserve the public health, safety, and welfare.

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

**SECTION 1: ADDITION OF NEW SUBSECTIONS**

Section 3-13 is hereby amended by the addition of Subsections G, H, I, J, as follows:

G. License for Outside Service Area

Any licensed or unlicensed premises serving food may obtain an outside service area permit issued administratively by City staff, upon an annual application to serve food and beverages in and

outside areas located on a public sidewalk or other City right-of-way that is immediately adjacent to a licensed or unlicensed premises.

#### H. Eligibility Criteria for Outside Service Area License

1. A diagram of the current establishment area showing the proposed location of the outside service area, including the location of barriers, warning signs, points of ingress and egress, and signs regarding laws against public consumption of food or beverages beyond the premises, as well as any other alcohol related signage, as applicable.
2. A control plan which sets forth the number of seats available in the outside service area and a narrative as to how the licensed premises will prevent food or beverages from leaving the boundary of the outside service area.
3. A lease between the City and licensee for use of sidewalk or other City rights-of-way using the City approved form lease, as amended from time to time.
4. A certificate evidencing valid and effective policies of worker's compensation insurance and property liability insurance, naming the City and its officers and employees as an additional insured on the liability policy with minimum limits of One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) in the aggregate.
5. Proof that all local, state, and federal taxes for the licensed premises are paid and no delinquency exists.
6. Proof that no unreasonable risk of harm to licensed premises patrons, the general public, or other traffic will occur.

#### I. Outside Service Area Prohibitions

1. No encroachment or overlap with the licensed premises of any other Licensee.
2. No permanent structures.
3. No table seating more than six people.
4. No umbrellas that could impede traffic or other public rights-of-way.
5. No smoking.
6. No violation of the Americans with Disabilities Act of 1990, in which tables or chairs interfere with walking traffic on the sidewalk.

J. Enforcement of Outside Service Area License; Fees

1. It shall be unlawful to violate any of the provisions of these outside service area regulations, or of the permit issued thereon.
2. Any violation is declared a nuisance, which may be abated in any lawful manner.
3. The penalty provisions shall be as set forth under the general penalty provision of Ouray Municipal Code 1-4.
4. Any revocation of a permit issued herein shall comply with Ouray Municipal Code 13-3-F-17 and 18.
5. The fees for an annual outside service area license shall be adopted by resolution of City Council, as amended from time to time.

**SECTION 2: EFFECTIVE DATE**

The provisions of this Ordinance shall become effective 30 days following publication in accordance with the City Charter 3.5-G.

**SECTION 3: SEVERABILITY**

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

**INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED** on first reading by \_\_\_\_\_ vote of the Ouray City Council this 17th day of April 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**INTRODUCED, READ, AND ADOPTED** on second reading by \_\_\_\_\_ vote of the Ouray City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF OURAY, COLORADO

\_\_\_\_\_  
Ethan Funk, Mayor

ATTEST:

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**CERTIFICATE OF ATTESTATION**

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 05 (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first reading on April 17, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on \_\_\_\_\_, 2023, and thereafter introduced, read, and adopted by the Ouray City Council on \_\_\_\_\_, 2023, and thereafter published in the *Ouray County Plaindealer*, as required by law.

\_\_\_\_\_  
Melissa M. Drake, City Clerk

**U.S. DEPARTMENT OF AGRICULTURE**  
**FOREST SERVICE**  
**SPECIAL USE PERMIT**

**Authority: FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976**

**CITY OF OURAY** of PO BOX 468, OURAY, CO UNITED STATES 81427 (hereinafter "the holder") is authorized to use or occupy National Forest System lands in the Grand Mesa, Uncompahgre, and Gunnison National Forests or Ouray Ranger District unit of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers 16.3 acres or 1.48 miles in the Secs. 1, 12, and 13, T. 43 N., R. 8 W., Sec. 36, T. 44 N., R. 8 W., and Sec. 31, T. 44 N., R. 7 W., NEW MEXICO PRINCIPAL MERIDIAN, ("the permit area"), as shown on the map attached as **Attachment B**. This and any other appendices to this permit are hereby incorporated into this permit.

Attachment A – Project Description  
Attachment B – Map of Powerlines and Diversion  
Attachment C – Facility Inventory

**This permit issued for the purpose of:**

**Maintaining and operating a municipal water supply system, consisting of the improvements listed on the attached facility inventory, to collect, transport and store water from the collection box to the distribution line system within the City of Ouray.**

**TERMS AND CONDITIONS**

**I. GENERAL TERMS**

- A. **AUTHORITY.** This permit is issued pursuant to the FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.
- B. **AUTHORIZED OFFICER.** The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.
- C. **TERM.** This permit shall expire at midnight on **12/31/2052**, 30 years from the date of issuance.
- D. **CONTINUATION OF USE AND OCCUPANCY.** This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and

occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

- E. **AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.
- F. **COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.
- G. **NON-EXCLUSIVE USE.** The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.
- H. **ASSIGNABILITY.** This permit is not assignable or transferable.
- I. **TRANSFER OF TITLE TO THE IMPROVEMENTS.**
  - 1. **Notification of Transfer.** The holder shall notify the authorized officer when a transfer of title to all or part of the authorized improvements is planned.
  - 2. **Transfer of Title.** Any transfer of title to the improvements covered by this permit shall result in termination of the permit. The party who acquires title to the improvements must submit an application for a permit. The Forest Service is not obligated to issue a new permit to the party who acquires title to the improvements. The authorized officer shall determine that the applicant meets requirements under applicable federal regulations.

## **II. IMPROVEMENTS**

- A. **LIMITATIONS ON USE.** Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.
- B. **PLANS.** All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

- C. CONSTRUCTION. Any construction authorized by this permit shall commence by N/A and shall be completed by N/A.

### **III. OPERATIONS**

- A. PERIOD OF USE. Use or occupancy of the permit area shall be exercised at least 365 days each year.
- B. CONDITION OF OPERATIONS. The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.
- C. MONITORING BY THE FOREST SERVICE. The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

### **IV. RIGHTS AND LIABILITIES**

- A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.
- B. VALID EXISTING RIGHTS. This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.
- C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.
- D. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.
- E. RISK OF LOSS. The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

Indemnification and Insurance Requirements for States (B-12).

- F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the

holder 's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of clauses IV.G and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. § 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder 's use and occupancy of the permit area. If the environment or any government property covered by this permit becomes damaged during the holder 's use and occupancy of the permit area, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the Authorized Officer and at no expense to the United States.
2. Subject only to the limits on the holder 's liability under the State Tort Claims Act, the holder shall be liable for all injury, loss, or damage, including fire suppression or other costs associated with rehabilitation or restoration of natural resources, associated with the holder's use and occupancy of the permit area. Compensation shall include but is not limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all associated administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.L.
3. The holder shall be liable for damage caused by use of the holder or the holder 's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States that are open to public use to the same extent as provided under clause IV.G.1, except that liability shall not include reasonable and ordinary wear and tear.

G. INDEMNIFICATION OF THE UNITED STATES. Subject only to the limits on the holder 's liability under the State Tort Claims Act, the holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use and occupancy Authorized by this permit. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the holder or the holder 's heirs, assigns, agents, employees, contractors, or lessees in connection with the use and occupancy Authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, including but not limited to those environmental laws listed in this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment.

H. ENVIRONMENTAL AND OTHER LIABILITY. Clauses IV.G and IV.I shall not be interpreted to limit any of the holder 's liability for, or prevent the United States from taking any action to address, injury, loss, damages, or costs associated with environmental contamination, injury to natural resources, or other cause of action that arises under other law, including the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6901 et seq., CERCLA, 42 U.S.C. § 9601 et seq., and the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq., in connection with the holder 's use and occupancy of federal lands, or to diminish any independent obligation of the holder to indemnify the United States with respect to the same.

- I. **INSURANCE.** The Authorized Officer has determined through a risk assessment that the potential liability of the United States for property damage and personal injury or death arising from the holder 's use and occupancy Authorized by this permit is \$1,093,000 or less per incident. Pursuant to the Colorado Governmental Immunity Act, the holder shall provide self-insurance covering claims for personal injury or death up to \$1,093,000. The self-insurance documentation shall name the United States as an additional insured. The coverage under the holder 's self-insurance shall extend to property damage and personal injury or death arising from the holder 's activities under the permit, including use and occupancy of National Forest System lands and the construction, maintenance, and operation of the structures, facilities, or equipment Authorized by the permit.
1. The Forest Service reserves the right to review and approve the self-insurance documentation and the CGL insurance. The holder shall send a copy of the approved self-insurance documentation and an authenticated copy of the CGL insurance to the Forest Service immediately upon approval or issuance. The self-insurance documentation and the CGL insurance shall specify that the Forest Service shall be given 30 days prior written notice of cancellation or any modification of the self-insurance documentation or CGL insurance.
  2. If there is a conflict between this permit, the certificate of insurance provided by the State risk management division (certificate) and/or State risk management division self-insurance policy manuals (self-insurance policy manuals), the order of precedence among those documents shall be (1) this permit/lease; (2) the certificate; and (3) the self-insurance policy manuals.
  3. If a claim is submitted to the United States for property damage and personal injury or death arising from the holder 's use and occupancy Authorized by this permit/lease, the Forest Service shall tender the defense of the claim to the respective representatives of the self-insurance and procured insurance provider. The holder understands that tort claims against the United States are governed by the Federal Tort Claims Act, which may result in the administrative denial of a claim. The holder further understands that in litigation the United States is represented by the United States Department of Justice (DOJ) and agrees that representatives of the self-insurance and procured insurance provider will coordinate the defense with DOJ, if a claim is litigated.

## V. RESOURCE PROTECTION

- A. **COMPLIANCE WITH ENVIRONMENTAL LAWS.** The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.
- B. **VANDALISM.** The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.
- C. **PESTICIDE USE.**
1. **Authorized Officer Concurrence.** Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those

products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.
  3. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.
- D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.
- E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the forest archaeologist certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.
- F. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.
1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical

habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

G. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

#### H. CLEANUP AND REMEDIATION.

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.
2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

## VI. LAND USE FEE AND DEBT COLLECTION

- A. LAND USE FEES. The holder shall pay an initial annual land use fee of **\$371.35** for the period from 01/01/2022 to 12/31/2022, and thereafter on **January 1st**, shall pay an annual land use fee of **\$371.35**. The annual land use fee shall be adjusted annually using the Implicit Price Deflator - Gross Domestic Product Index (IDP-GDP Index).

B. **MODIFICATION OF THE LAND USE FEE.** The land use fee may be revised whenever necessary to reflect the market value of the authorized use or occupancy or when the fee system used to calculate the land use fee is modified or replaced.

C. **FEE PAYMENT ISSUES.**

1. **Crediting of Payments.** Payments shall be credited on the date received by the deposit facility, except that if a payment is received on a non-workday, the payment shall not be credited until the next workday.
2. **Disputed Fees.** Fees are due and payable by the due date. Disputed fees must be paid in full. Adjustments will be made if dictated by an administrative appeal decision, a court decision, or settlement terms.
3. **Late Payments**
  - a. **Interest.** Pursuant to 31 U.S.C. 3717 et seq., interest shall be charged on any fee amount not paid within 30 days from the date it became due. The rate of interest assessed shall be the higher of the Prompt Payment Act rate or the rate of the current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate), as prescribed and published annually or quarterly by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. Interest on the principal shall accrue from the date the fee amount is due.
  - b. **Administrative Costs.** If the account becomes delinquent, administrative costs to cover processing and handling the delinquency shall be assessed.
  - c. **Penalties.** A penalty of 6% per annum shall be assessed on the total amount that is more than 90 days delinquent and shall accrue from the same date on which interest charges begin to accrue.
  - d. **Termination for Nonpayment.** This permit shall terminate without the necessity of prior notice and opportunity to comply when any permit fee payment is 90 calendar days from the due date in arrears. The holder shall remain responsible for the delinquent fees.
4. **Administrative Offset and Credit Reporting.** Delinquent fees and other charges associated with the permit shall be subject to all rights and remedies afforded the United States pursuant to 31 U.S.C. 3711 et seq. and common law. Delinquencies are subject to any or all of the following:
  - a. Administrative offset of payments due the holder from the Forest Service.
  - b. If in excess of 60 days, referral to the United States Department of the Treasury for appropriate collection action as provided by 31 U.S.C. 3711(g)(1).
  - c. Offset by the Secretary of the Treasury of any amount due the holder, as provided by 31 U.S.C. 3720 et seq.
  - d. Disclosure to consumer or commercial credit reporting agencies.

**VII. REVOCATION, SUSPENSION, AND TERMINATION**

- A. **REVOCATION AND SUSPENSION.** The authorized officer may revoke or suspend this permit in whole or in part:
1. For noncompliance with federal, state, or local law.
  2. For noncompliance with the terms of this permit.
  3. For abandonment or other failure of the holder to exercise the privileges granted.

4. With the consent of the holder.
5. For specific and compelling reasons in the public interest.

Prior to revocation or suspension, other than immediate suspension under clause VII.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension and a reasonable period, typically not to exceed 90 days, to cure any noncompliance.

- B. **IMMEDIATE SUSPENSION.** The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.
- C. **APPEALS AND REMEDIES.** Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.
- D. **TERMINATION.** This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.
- E. **RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT.** Upon revocation or termination of this permit without issuance of a new permit, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

## **VIII. MISCELLANEOUS PROVISIONS**

- A. **MEMBERS OF CONGRESS.** No member of or delegate to Congress or resident commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.
- B. **CURRENT ADDRESSES.** The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.
- C. **SUPERSEDED PERMIT.** This permit supersedes a special use permit designated CITY OF OURAY, OUR101206, dated 12/27/2001.
- D. **SUPERIOR CLAUSES.** If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.
- E. **Water Facilities and Water Rights (D-25).** This permit does not confer any water rights on the holder. Any necessary water rights must be acquired by the holder in accordance with State law. Any expenses

for acquiring water rights shall be the responsibility of the holder. The United States reserves the right to place any conditions on installation, operation, maintenance, and removal of facilities to pump, divert, store, or convey water on National Forest System lands covered by this permit that are necessary to protect public property, public safety, and natural resources on National Forest System lands in compliance with applicable law. The holder waives any claims against the United States for compensation in connection with imposition of any conditions on installation, operation, maintenance, and removal of water facilities under this permit.

- F. Improvement Relocation (X-33). This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the Authorized Officer.
- G. Water Depletions in the Upper Colorado River Basin (R2-D-104). The holder recognizes that the obligation for providing conservation measures which allow the Forest Service to issue this Special Use Authorization has been provided by the Colorado River Programmatic Biological Opinion (ES/GJ-6-CO-99-F-033) issued on December 20, 1999. These conservation measures are implemented by the Upper Colorado River Recovery Program. It is the obligation of the holder to comply with these conservation measures and to participate in the Upper Colorado River Recovery Program. In the event the Upper Colorado Recovery Program is unable to fulfill those responsibilities required by the programmatic biological opinion, re-initiation of consultation under the Endangered Species Act (ESA) would be required. The holder agrees it is their responsibility to insure compliance with the ESA, and that continued use of this authorization depends on the holder's compliance with the ESA. The holder further agrees that this authorization may be re-opened if the Forest Service is obligated to reinitiate consultation.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

ACCEPTED:

SILAS CLARKE  
CITY ADMINISTRATOR  
CITY OF OURAY

---

HOLDER NAME	SIGNATURE	DATE
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APPROVED:

CHAD STEWART  
FOREST SUPERVISOR

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NAME AND TITLE OF AUTHORIZED OFFICER	SIGNATURE	DATE
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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and, where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

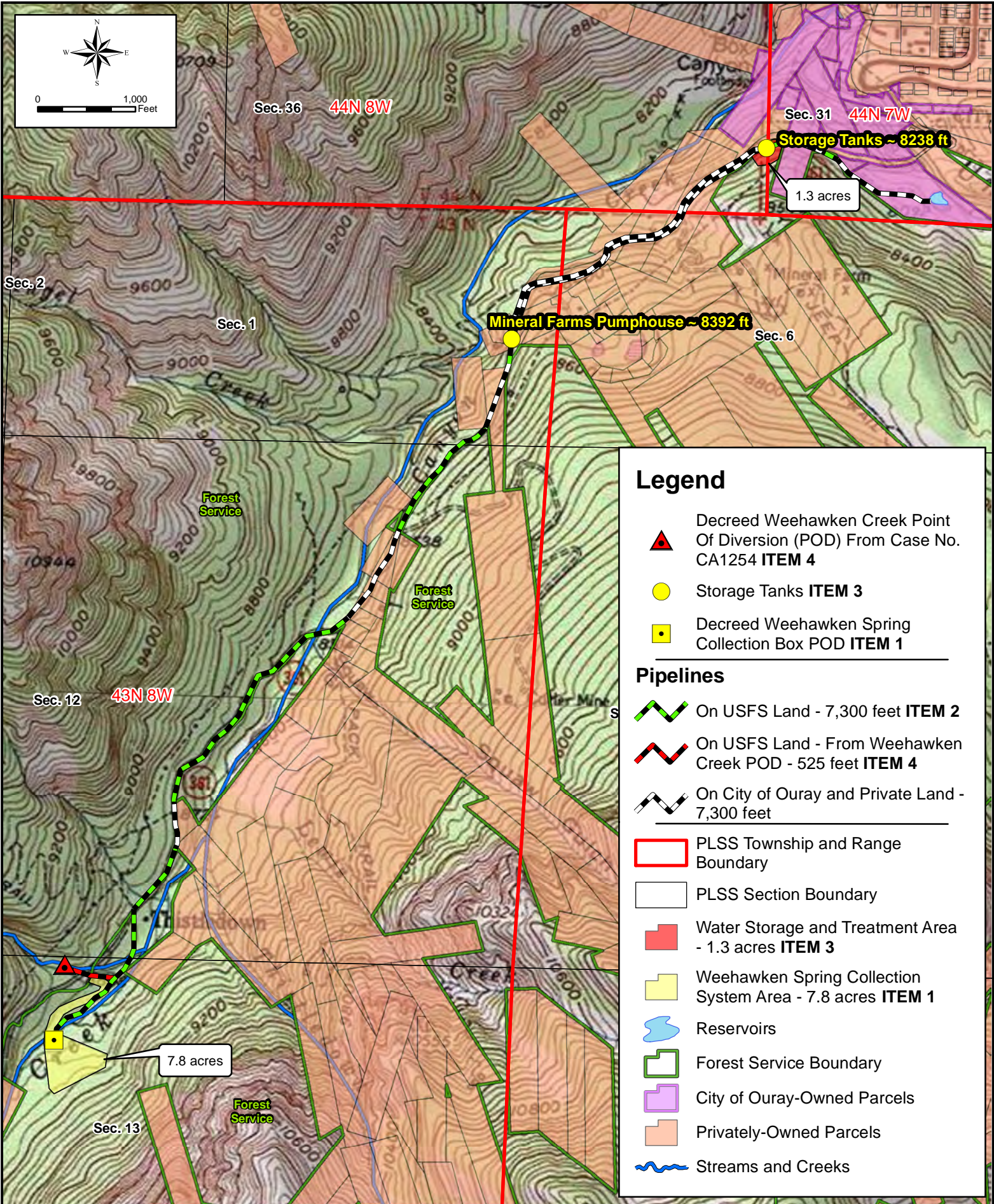
## Attachment A

### 7. Project Description

In 2001, the U.S. Forest Service (Forest Service) issued to the City of Ouray (City) a Special Use Permit (SUP) (Authorization ID: OUR101206). The purpose of the project authorized under that existing SUP, and for this SUP renewal, is for the City to maintain, repair, replace and operate the City's municipal water supply system, and to collect, divert, transport, treat, and store water from spring collection boxes and diversion structures and pipelines on and across Forest Service lands to the distribution system within the City of Ouray, and for associated access to all related facilities. The City's existing municipal water supply system operates year-round and is decreed to divert up to 5.2 cubic feet per second (cfs) of water with an appropriation date of 10/1/1881 and 3.816 cfs of water with an appropriation date of 7/1/1889 from Weehawken Spring and Weehawken Creek.\* Water is and will continue to be delivered from the collection boxes and diversion points to the City's water storage tanks and distribution system. This application is intended to renew the City's SUP and update the facility inventory for the portion of the City's water system that is located on Forest Service lands. The City's municipal water supply and transmission system was initially constructed in the 1880s, and the City asserts that it has vested pre-Forest Service and pre-Federal Land Policy and Management Act (FLPMA) easement and right of way interests under the 1866 Act and other authorities. Nothing in this application, or in the renewed SUP sought to be issued, is intended or shall be construed to abandon or diminish the City's vested pre-FLPMA easements or right of way claims. The map attached as Attachment B provides a project area map of the City's municipal water supply system that shows the location and extent of the City's water system and depicts which portions of the system are located on: (1) United States Forest Service (USFS) land, (2) City of Ouray-owned land, and (3) non-USFS privately-owned land. The existing SUP and requested renewed SUP cover only that portion of the City's water system that is located on or traverses Forest Service lands. The table attached as Attachment C provides an updated facility inventory of the City of Ouray Water System by land ownership category.

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\* The Colorado state court Decrees for the City's water rights spell the name of this spring and creek as "Wehawken", but the City in this Application and SUP are using the spelling "Weehawken" to conform to the standard spelling in USGS and Forest Service maps and in common usage.



Date: 6/28/2021 Document Path: P:\051-036\000 Water Right Inventory\Mapping\Planning Maps 2021\Attachment B - Ouray Pipelines.mxd

User Name: TDowning



Wright Water Engineers, Inc.  
1666 N. Main Ave., Ste C  
Durango, CO 81301  
(970) 259-7411 ph 259-8758 fx

OURAY COUNTY, CO

# PIPELINES AND POINTS OF DIVERSION

CITY OF OURAY

PROJECT NO.  
051-036.000

ATTACHMENT  
B

**Attachment C**  
**Facility Inventory City of Ouray Water System**  
 (Item numbers correlate to items shown on Attachment B Map)

Item	Description	Pipeline Length*	Linear Area*	Total Area*
		(Feet)	(Acres)	(Acres)
1	Weehawken Spring Collection System: access road, bridge over Canyon Creek, spring boxes and piping.	0	0.0	7.8
2	Ten inch diameter water lines between Weehawken Spring and storage tanks and over flow from storage tanks to South Reservoir	7,300	6.7	6.7
3	Water Storage and Treatment Area: Two 500,000 gallon storage tanks, chlorination treatment building, valve and meter vault, piping, and access road.	0	0.0	1.3
4	Weehawken Creek Point of Diversion to connection with Weehawken Spring pipeline.	525	0.5	0.5
<b>TOTAL</b>		7,825	7.2	16.3

\*The above distances and area include only the portion of the City's Water System that is currently located on or under USFS lands. For example, roughly half of the Item 2 water lines are located on or under non-USFS lands owned by the City of Ouray or private parties, as reflected on the Attachment B Map.

## **Future Agenda Items/Work Sessions**

- 2018 International Code Adoption (IBC/IRC/IEBC/IMC/IFC/IECC) (Ordinance First Reading May 1, 2023)
- Land Use and Sign Codes (April 6):
  - Lodging Establishments (Special Use License)
  - Impact Fees
- EPS Housing Needs Assessment Preliminary Findings & Strategy (mid-June)
- Alcohol at the pool (Proposal from Staff at end of May)
- (Non-Land Use) Code Revisions
- Additional Fee & Fine Schedules
- Workforce & Attainable Housing
- Alcohol – Entertainment/Consumption District on Main Street (In discussions)
- Water Conservation Incentive
- OIPI Water Use Agreement