

**AGENDA  
OURAY CITY COUNCIL**

**Monday, August 7, 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. PUBLIC HEARINGS
  - a. Ordinance 8, Series 2023 - Regulating Fireworks in the City of Ouray
  - b. Ordinance 9, Series 2023 - Establishing the Main Street Committee
5. APPROVAL OF MINUTES - July 10 and 24, 2023
6. CITIZENS' COMMUNICATION
7. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk
8. DEPARTMENT REPORTS
  - a. City Administrator
  - b. Police Chief
  - c. Fire Chief
  - d. Public Works Director
  - e. City Resources Director
  - f. Tourism and Destination Marketing Director
9. CONSENT AGENDA
  - Liquor License Renewal - Ouray Riverside Resort - Inn & Cabins
  - Liquor License Change of Ownership - Beaumont Food Service LLC
  - IGA with the Ouray County Clerk and Recorder for Election Services
10. ACTION ITEMS
  - a. Ordinance 8, Series 2023 - Regulating Fireworks in the City of Ouray - Second Reading
  - b. Ordinance 9, Series 2023 - Establishing the Main Street Committee - Second Reading
  - c. Resolution 4, Series 2023 - Amending the Fine Schedule for Violations of the Ouray Municipal Code
  - d. Request from Home Trust of Ouray County for \$100,000 for Affordable Rental Project
  - e. Professional Services Agreement with Buckhorn Engineering for Geotechnical Services for Predesign of Fellin Park Stage
11. DISCUSSION ITEMS

- a. Parking Study Goals
  - b. Future Agenda Items
12. ADJOURNMENT

**ORDINANCE NO. 08 (SERIES 2023)**

**AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING SECTION 10-2-N OF THE OURAY MUNICIPAL CODE TO LIMIT FIREWORKS WITHIN CITY LIMITS; AND ASSESSING PENALTIES FOR VIOLATIONS THEREON.**

**WHEREAS**, the Chief of Police experienced issues concerning excessive and dangerous fireworks over the fourth of July 2023 and the only remedy for such fireworks violations is nuisance abatement.

**WHEREAS**, on July 10, 2023, an ordinance which restricted fireworks use within City limits was presented to City Council who directed that staff return with a less restrictive ordinance for Council's consideration.

**WHEREAS**, the Chief of Police requests penalties for violations of the City's firework ordinance be assessed and set forth in a Resolution adopting a new Fine Schedule adopted at the second reading of this Ordinance.

**WHEREAS**, the Chief of Police request that City Council limit the location and height of use of allowed fireworks within City limits to protect the City of Ouray from potential fire danger from the use of fireworks.

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

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

**SECTION 1: REPEAL AND REPLACE.**

Section 10-2-N of Chapter 10 of the Ouray Municipal Code is repealed and replaced as follows:

**N. Fireworks**

1. It shall be unlawful to store or manufacture fireworks, as defined in C.R.S. §24-33.5-2001 et seq., as may be amended, within the City limits; and any violation is hereby declared a nuisance subject to abatement and costs thereon.
2. It shall be unlawful to sell or use fireworks on any City property or public right-of-way.
3. It shall be unlawful to sell or use fireworks within City limits unless allowed in accordance with C.R.S. §§24-33.5-2001, and (1) the fireworks are used on a hard flat surface with a minimum of ten feet distance from any building and other flammables

and (2) with the effect limited to a shower of sparks to a height of no more than fifteen feet above ground.

4. City staff may, grant special permits to responsible persons to display fireworks within the City, in connection with public celebrations and public firework displays and demonstrations only, and upon such restrictive conditions as attached to each such special license issued. The applicant shall submit proof of general liability insurance for the display in a minimum amount equal to the liability limits as set out in the Colorado Governmental Immunity Act for property damage and bodily injury. The issuance of any such special license shall be entirely discretionary upon the part of City Council and subject to special license fee as established by City Council. The City shall be exempt from obtaining a special permit for its storage and display of fireworks.
5. It shall be unlawful to fire, shoot, or use of dynamite, dynamite caps, fuses, black powder, or any explosives having or containing nitroglycerine or nitrocellulose compounds, or any form of industrial type of explosives, at, during or in connection with any celebration, public or otherwise, for the purposes of producing a spectacle or exhibition, are hereby declared to be and to constitute a public nuisance.
6. The Police Chief of the City, and all deputy police officers, are directed to suppress the sale, storage, manufacturing, and display or use of any fireworks or industrial explosives that are not otherwise permitted and pose a reasonable threat to public safety, by impounding the same, in addition to any other assessed penalties.

## **SECTION 2: EFFECTIVE DATE.**

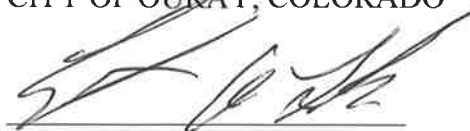
The provisions of this Ordinance shall become effective 30 days following publication in accordance with the City Charter, 3.5-G.

## **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 4 to 1 vote of the Ouray City Council this 24th day of July, 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. 08 (Series No. 2023) was introduced, read, and passed by the Ouray City Council on first reading on July 24, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JULY 27, 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. 09 (SERIES 2023)**

**AN ORDINANCE OF THE CITY OF OURAY, COLORADO,  
ADDING A NEW SECTION 2-18 OF THE OURAY  
MUNICIPAL CODE ESTABLISHING A MAIN STREET  
COMMITTEE.**

**WHEREAS**, Under Resolution No. 2021-01, City Council authorized the Ouray Economic Development Committee (OEDC) to apply to become an affiliate of the State of Colorado's Main Street program managed through DOLA, which offers support for community-led downtown revitalization efforts through various grants and other resources designed to assist in creating more vibrant local communities.

**WHEREAS**, the Main Street program application has been successful, and City Council now desires to form a standing committee for long-term sustainability, allowing the committee to propose by-laws and to self-direct future activities and direction.

**WHEREAS**, City Council finds that forming a standing committee to manage the Main Street program is necessary to preserve the public health, safety, and welfare.

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

**SECTION 1: NEW SECTION**

Chapter 2 of the Ouray Municipal Code, Section 18, is added to the Ouray Municipal Code as follows:

A. At its first meeting in January, City Council shall appoint a minimum of five (5) and a maximum of nine (9) members to the Main Street committee (MSC) for three (3) year staggered terms. The committee shall not have an even number of members. Members represent the community at-large. A quorum for meetings and voting shall be no less than three (3) members. If any member owns or represents a business located within the City of Ouray, that business shall be registered with the City.

B. The Main Street Committee is an advisory committee that functions as a recommending body to City Council and the City Administrator. Such committee shall have no authority to enter contracts, authorize expenditures on behalf of the City, or otherwise take any action as a city committee or member beyond the scope of the granted authority.

C. Members must be residents or owners of a business located within the City of Ouray. To achieve diversity, the committee shall be comprised of one member from each of the following committees:

1. Tourism Advisory Committee;
2. Ouray Economic Development Committee;
3. Ouray Beautification Committee;
4. Parks and Recreation Committee; and
5. Planning Commission,

Along with four (4) at-large members with a preference of representation from Ouray County Historical Society, the Ouray Chamber of Commerce, and OurayMade.

D. Members may be removed for malfeasance, any act in violation of C.R.S. § 24-18-101 et seq., or for substantial failure to attend scheduled meetings.

**SECTION 2: EFFECTIVE DATE.**


The provisions of this Ordinance shall become effective 30 days following publication in accordance with 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 5-10 vote of the Ouray City Council this 24th day of July 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. 10 (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first reading on JULY 24, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JULY 27, 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



## Ouray City Council Regular Meeting

Monday, July 10, 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: Finance and Administration Director Melissa Drake, Public Works Director Joe Coleman, City Resources Director Rick Noll, Police Chief Jeff Wood, Tourism and Destination Marketing Director Kailey Rhoten, IT Director Rich Willis and City Attorney Carol Viner.

### 1. CALL TO ORDER

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

### 2. ROLL CALL

### 3. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was recited.*

### 4. PUBLIC HEARING - Fixed Encroachment Application for 8 Dedicated Parking Spots from the Western Hotel

*Mayor Funk opened the public hearing. Antoine Moinard, the General Manager, said the Western Hotel is trying to secure close parking for convenient guest check-in. Since there were no comments, Mayor Funk closed the public hearing.*

### 5. APPROVAL OF MINUTES - June 20, 2023

Motion to approve minutes as presented. 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

### 6. CITIZENS' COMMUNICATION

*Mayor Funk opened the floor for public comment. Benny Ellis said he was frustrated that Mayor Funk said in the June 20th meeting Waterview Homes Preliminary Plat Review, that he wasn't concerned about the Chautauqua Homeowners. He said only Councilors Lindsey and Wood responded to the letter he wrote after the last meeting, and he appreciated Councilor Wood's response yesterday. Mr. Ellis replied to Councilor Wood's email, and asked him to share it with the rest of the council. Mr. Ellis quoted the ordinance again that David Smith referenced at the Preliminary Plat review, but did not mention the ordinance number.*

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

*Councilor Gulde - IPAT meeting will be held on August 2nd. Ice Park Sustainability Group met on June 22nd, and will submit a written report to IPAT in October with ideas. The Sustainability Group also suggested updating the OIPI website and improving marketing communications to inform the public about the costs of running the park and how membership supports that. The group's next meeting will be on August 11th. Attended the CML conference from June 25th to June 28th. Attended the Wayfinding meeting on June 29th and the Branding meeting June 30th. The next OEDC meeting will be July 13th.*

*Councilor Lindsey - Beautification Committee met on July 5th. The electric flower watering pump keeps going out and Public Works may have to switch back to a gas pump despite noise complaints. The committee would like to honor Cindy McCord for her years of service. The committee members are picking up trash along the highway on August 3rd and doing Riverwalk Trail cleanup on Tuesdays and Thursdays. The next meeting will be on August 2nd.*

*Councilor Wood - A design was selected for the Wayfinding project. Frank Robertson received notice that Ice Park is no longer under an operating agreement.*

*Mayor Pro Tem Smith - PARC meeting did not happen. Transportation meeting on August 10th. No update on CDOT contract approval.*

*Mayor Funk - Attended Branding and Wayfinding meetings, and the CML Conference. Attended meeting with preliminary hot springs augmentation options.*

**8. DEPARTMENT REPORTS**

a. Police Chief

*Chief Wood read his department report. Councilor Gulde said she would like to see more law enforcement in town next year for the 4th of July.*

b. Public Works Director

*Mr. Coleman reported that Aslan Construction is making progress on both the Wastewater and Water Treatment Plants, and may be doing more blasting soon for the Water Treatment Plant. They are backfilling around the Wastewater Treatment Plant foundation and continuing to pour concrete.*

c. City Resources Director

*Mr. Noll reported that Box Canon and Pool attendance is up 27% over the first two weekends of July 2022. A survey has determined there are 5 Black Swifts and two nests in the Box Canon, which is fewer than in prior years. Councilor Wood asked if the geothermal wells were being used for the pools currently. Mr. Noll responded that OX2 is being used to its full capacity, six days a week, allowing it to recharge on Tuesdays.*

d. Tourism and Destination Marketing Director

*Ms. Rhoten reported an increase in visitation at the Visitor Center over last year. The Wayfinding plan was sent out in the Visit Ouray newsletter.*

e. Director of Finance and Administration

*Ms. Drake presented financial reports for the 1st Quarter 2023.*

**9. CONSENT AGENDA - Western Hotel Ouray - Modification of Liquor License Premise to Include Entire Property**

Motion to approve the Consent Agenda. This motion, made by K. John Wood and seconded by Tamara Gulde, Carried.

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

## 10. ACTION ITEMS

- a. Ordinance 7, Series 2023 - Banning Fireworks Within City Limits and Regulating Trailers Not Attached to Vehicles on Public Rights-of-Way - First Reading

*Councilor Wood said he was not in favor of putting two different subjects in one ordinance, and council discussed breaking the ordinance into two ordinances for each topic. Councilors decided to discuss both items and modify them as needed in one ordinance as presented. Chief Wood felt it would be clearer for enforcement to ban all fireworks, since permissible fireworks are based on weight and chemical composition, which would have to be determined by the officer making the citation. Councilor Wood and Councilor Lindsey felt that banning fireworks entirely was not right. Council discussed adding safety regulations for using fireworks as opposed to a complete ban. The council decided to follow state regulations for fireworks, but requiring a clear zone with a 10 ft radius dome, and assessing a \$2000 fine for violations.*

Motion to approve Ordinance 7 series 2023, removing section 1, and directing staff to draft a new ordinance for fireworks requiring a 10 foot radius dome clear zone, a \$2000 fine for violation and to define fireworks that are permissible. 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

- b. IGA with Ouray County Regarding Wildfire Mitigation Plan

Motion to approve IGA. Check motion and second. 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

- c. Fixed Encroachment Application for 8 Dedicated Parking Spots from the Western Hotel

*Staff recommended denying the application based on public opinion of the parking spaces granted to the Beaumont Hotel and Hotel Ouray. The council suggested the City create one or two 15-minute loading parking spots for guest check-ins as a compromise.*

Motion to deny the fixed encroachment permit and direct staff to create an ordinance to create two 15 minute loading spots adjacent to the Western Hotel on 7th Ave with the option to seasonally enforce between April-October. 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

## 11. DISCUSSION ITEMS

- a. Future Tactics for Preventing Illegal Fireworks in the City

*Council discussed starting social media messaging on all city platforms two weeks before the 4th of July and making flyers to pass out to businesses.*

*Councilor Wood requested a survey be created to inventory existing rental housing in town for the housing needs analysis.*

- b. Schedule Next Work Session for Land Use and Sign Code Ordinance

*3:30-5:30 pm July 24th.*

- c. Future Agenda Items

**12. ADJOURNMENT**

Motion to adjourn at 8:31 pm. 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

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

ATTEST:

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

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on Monday, July 10, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Monday, July 10, 2023.

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



## Ouray City Council Regular Meeting

Monday, July 24, 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, Public Works Director Joe Coleman, City Resources Director Rick Noll, Police Chief Jeff Wood, IT Director Rich Willis and City Attorney Carol Viner.

### 1. CALL TO ORDER

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

### 2. ROLL CALL

### 3. PLEDGE OF ALLEGIANCE

*The Pledge of Allegiance was recited.*

### 4. PUBLIC HEARING - Ordinance 7, Series 2023 - Regulating Trailers Not Attached to Vehicles on Public Rights-of-Way

*Mayor Funk opened the public hearing. Since there were no comments, Mayor Funk closed the public hearing.*

### 5. CEREMONIAL/INFORMATIONAL

- a. Thank You to the Ouray Volunteer Fire Department for the 4th of July Activities

*Mayor Funk thanked the Fire Department for their work that makes the 4th of July celebration a success every year.*

- b. Congratulations to Bev Martensen, Deputy Clerk/Treasurer, for Achieving Her Designation as a Certified Municipal Clerk by the International Institute of Municipal Clerks

*Ms. Martensen thanked the council and city leadership for allowing her to attend the training sessions that enabled her to achieve her certificate.*

- c. Introduction of Shirley Diaz, Housing Development Specialist, DOLA

*Ms. Diaz introduced herself.*

- d. City of Ouray - Election Calendar

*Mayor Funk announced the City's election calendar for the November 2023 election.*

### 6. CITIZENS' COMMUNICATION

*Mayor Funk opened the floor for public comment. Since there were no comments, Mayor Funk closed the floor.*

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

*Councilor Gulde - OEDC met on July 13th. A young entrepreneur camp is happening from August 8th to August 24th for children ages 12-18. The committee discussed the possibility of creating scholarships. The roundtable is scheduled for September 14th at 6:30. The topic is how AI can support small businesses. The next OEDC meeting is August 10th. Mayor Pro Tem Smith and Councilor Gulde toured the Pinion Park affordable housing project in Norwood to see what the modular houses looked like. Participated in a tour of the dam at Ridgway State Park. Another tour is scheduled for August 17th at 2:00 pm, since many original attendees couldn't make it due to the accident on Red Mountain Pass on the same day. IPAT meeting is scheduled for August 2nd and the IPAT Sustainability Group is meeting in September and will be meeting quarterly moving forward. Councilor Wood asked about their opinions of the project. Councilor Gulde and Mayor Pro Tem Smith expressed positive opinions of the empty home they toured, and the overall appearance of the neighborhood. Mayor Funk asked how many kids were signed up for the young entrepreneur camp. Councilor Gulde said there were 5 as of the last OEDC meeting.*

*Councilor Lindsey - The Beautification Committee met on July 5th. The committee is working on the Riverwalk Trail, and wanted to thank the Elks Club and Woman's Club for their help on that. Mr. Noll has additional cleanup volunteers working on the trail this week as well. Highway cleanup day will be on August 3rd.*

*Councilor Wood - Met with Superintendent Tod Lokey on how the school district can secure some homes at the Waterview Housing Project. The OIPI board meeting was held on July 19th. Updates of various projects. OIPI was informed that a grant they applied for 18 months ago should have been applied for by the City, so the application was resubmitted with the City's information. OIPI discussing how to approach Ms. Rhoten for the Blueprint Ouray grant.*

*Mayor Pro Tem Smith - The next PARC meeting will be on August 1st. The next Transportation Committee meeting will be on August 10th. The fire mitigation group met to prepare to create an RFP. No update on CDOT approval for the bus service. Councilor Wood announced that the app in development needs review from locals for correct names and possibly remove things that shouldn't be highlighted.*

*Mayor Funk - nothing to report.*

**8. DEPARTMENT REPORTS**

a. City Administrator

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

b. Director of Finance and Administration

*Ms. Drake presented the financial reports.*

c. Information Technology Director

*Mr. Willis highlighted the Axon project for better PD communications and car cameras.*

**9. CONSENT AGENDA - Special Events Permit Application - Ouray Highgraders Holiday, August 18-20, 2023**

Motion to approve the Consent Agenda. 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

**10. ACTION ITEMS**

a. Ordinance 7, Series 2023 - Regulating Trailers Not Attached to Vehicles on Public Rights-of-Way - Second Reading

Motion to approve Ordinance 7, Series 2023. 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

b. Ordinance 8, Series 2023 - Regulating Fireworks in the City of Ouray - First Reading

*Councilor Wood made a motion to approve Ordinance 8, Series 2023. Mayor Pro Tem Smith seconded the motion. Councilor Wood discussed liability if an individual hurts themselves with a firework on public right of way. Mr. Clarke requested that the ordinance regulations match state statutes, specifically in the height of the fireworks, so that fireworks purchased in Montrose would be acceptable to light in Ouray.*

Amended motion to approve Ordinance 8, Series 2023, changing the distance in N(3) from ten to fifteen feet. This motion, made by K. John Wood and seconded by Josh Smith, Carried.

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

c. Ordinance 9, Series 2023 - Establishing the Main Street Committee - First Reading

Motion to approve Ordinance 9, Series 2023. 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

d. Professional Services Agreement with KRW to Recruit a New Community Development Director

*Mark Collins from KRW said the process takes a minimum of three to four months.*

Motion to approve Professional Services Agreement with KRW. 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

## 11. DISCUSSION ITEMS

a. Future Messaging Regarding Fireworks within the City

*Council discussed different mediums of messaging to effectively communicate to everyone/as many as possible.*

b. Future Agenda Items

*Councilor Wood discussed ways to get Rural Homes to provide a financial plan for the Waterview Homes Project.*

## 12. ADJOURNMENT

Motion to adjourn at 7:41 pm. This motion, made by Peggy Lindsey and seconded by K. John Wood, Carried.

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

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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, July 24, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Monday, July 24, 2023.

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Melissa M. Drake, City Clerk

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



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

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**City Administrator**  
**Report for August 7, 2023**  
**City Council July 24 – August 4, 2023:**

**New Fellin Park Restroom:**

Construction is planned to begin August 9, 2023 and materials are starting to be delivered.

**Fire Mitigation Project - IGA with Ouray County:**

Excellent news, the West Region Wildfire Council has obtained up to \$100,000 in grant funding from the U.S. Forest Service to conduct the required historic preservation reviews on the City and County property. This grant money will only require a 5% match. Historic preservation reviews are now required by the federal government if any federal funding is utilized for tree removal. The City will have to conduct a Request for Proposal to hire a consulting firm to conduct this work prior to any tree removal.

**National Night Out:**

Thank you to the Ouray Police Department and Autumn Bailey, with the help of the County and Ridgway for a successful National Night Out. The combined efforts led to a much larger community policing event.

**Ice Park Property – County Property:**

I am meeting with the County Board on Tuesday, August 8 to discuss the City obtaining the Ice Park property that is owned by the County.

**Community Development Director Open Position:**

KRW has begun creating the flyer for the advertisement of the Community Development Director position. Our goal is to begin advertising during the week of August 14 and end the posting during the third week of September.

**Via Ferrata/Ice Park Restroom:**

The salesman for the CXT walked the road to the proposed new restroom location to service the Via Ferrata, Ice Park and Perimeter Trail. It is believed a restroom can be located there, however a lot of rock will need to be removed to widen the road past the new Water Treatment Plant. Mark Iuppenlatz, Craig Hinkson and I are meeting to walk the road and discuss the cost of the road improvements.

**EPA Grant Funding Technical Assistance:**

I requested and received free technical assistance on federal grant funding opportunities through the EPA. A consultant and EPA employee will keep me posted on any opportunities to assist with the future construction of a redundant water line from the spring boxes to Mineral Farms.

**Master Parks Plan Survey:**

If you have not already, please complete the Parks and Trails Master Plan Survey. The survey can be found in the “Stay Informed” popup on the City’s homepage or located here:

<https://www.surveymonkey.com/r/892H9TN> DHM is still on track to complete the plan in October.

**PARC Field Day:**

The Parks and Recreation Committee Field Day (Youth Games and Food) in Fellin Park will take place August 25 from 4:00 pm to 6:00 pm.

# City of Ouray Police Department

July 2023

For the month July 2023 OUPD ran approximately 430 dispatched calls for service as of 7/28/23 at 1330 hours.

Last month we ran 322 dispatched calls for service and 414 in July 2022.

These included:

- 70+ Parking complaints (similar to last month's)
- 13 Traffic Stops
- 8 VIN inspections
- 12 Bar checks
- 1 Property Damage Accidents
- 2 Noise complaints
- 1 Theft (theft of gas cans from Horseshoe Lot)
- 2 Bear calls
- 1 Arrest for Harassment (included Trespassing and Resisting Arrest)

Information on patrol checks unavailable at this time.

## Recent Events:

This was a very busy month. July has shown a pattern for leading the year in the number of calls for service. Individual crimes statistics have not displayed much increase, but the total call volume does noticeably increase.

We have seen an increase in parking complaints. This is largely out of state vehicles parking in marked No Parking zones. We are enforcing this.

On 07-26-2023 The Dolphin House hosted training on interviewing child witnesses. Most of the local officers attended.

## Upcoming Events:

We are working with the planners of the annual Imogene Run for this year's event on 09/09/2023.

## Fire Department Report for June, 2023

06/27/23

4 Training opportunities held in Ridgway

4 Training Opportunities held in Ouray

Prepping for Music in the Park, 3<sup>rd</sup> Firemans party, and the 4<sup>th</sup> of July

In Process of Fireworks show.

Swapping over to summer calls. (Wildland Ready)

### Calls for June

6/6	Gas Leak	5ffs 1hr
6/14	Elevator	3 ffs 1hr
6/21	Helo Landing Zone	5 ffs 1 hr
6/21	False Alarm	3 ffs
6/22	Fuel Leakage	6ffs 1 hr

Fire Department Report for July, 2023

08/01/23

1 Training opportunities held in Ridgway

2 Training Opportunities held in Ouray

We currently have no fire danger within the county.

Calls for July

7/3	Landing Zone protocol	5ffs 1hr
7/9	Fire	7 ffs 1hr
7/13	MVA	6 ffs 1 hr
7/16	Fire	5 ffs 1hr
7/21	False Alarm(Smoke)	6ffs 1 hr
7/22	Gas Smell	8ffs 1hr
7/25	MVA	5ffs 1hr

## Public Works July 2023 Update

### Water

- Water Usage Numbers for **June:**
  - Influent (Water from spring) – 75,868,672 Gallons
  - Effluent (Water to town) – 22,007,608 Gallons
  - Hydro Plant – 18,287,856 Gallons
  - Mineral Farms – 131,400 Gallons
- Continued to monitor and sample chlorine residuals at the two entry points of the distribution system. The City has been in compliance and meeting all CDPHE requirements.
- Aslan Construction continues site work for the new Water Treatment Facility. Blasting was completed on Monday July 17<sup>th</sup>. Crews continue to excavate and remove overburden for the building and tank foundations. Crews will begin to work on preparation for the dental concrete (subbase) for the building and tank foundations. Once the dental concrete is poured they will compact road base to give both structures a solid foundation. Pipes will then be stubbed out from the new water tank location along with forming for the footings for the new water tank.  
*Please see current pictures attached to this report*
- Attended onsite meetings in regards to the Waterview Housing Project. City staff along with Built Construction discussed materials along with backfilling and pressure testing of the new waterline being installed.
- Repaired two fire hydrants and replaced one fire hydrant in town.
- Repaired a water service line leak on Oak St.

### Sewer

- Aslan Construction continues to make progress on the new Wastewater Treatment Facility. On July 19<sup>th</sup> enough of the building had been backfilled and Aslan was able to turn off the ground water pumps. On Monday July 31<sup>st</sup> the digester slab was poured, this was a 90 yard concrete pour. For the month of August, crews will be working on the grit chamber walls along with the UV walls.  
*Please see current pictures attached to the this report*
- Continued to clean head works three to five times daily.
- Continued to skim lagoons of debris as needed.
- Cleaned debris out of multiple aerators in order to keep them running.

### Streets

- Continued equipment maintenance on all City vehicles and heavy equipment.
- Trim trees at the intersection of 7<sup>th</sup> Ave and Oak St.
- Stage barricades at City Hall for July 4<sup>th</sup> road closures.
- Coordinated with Waste Management for the dumpsters to be delivered for July 4<sup>th</sup>.
- Move pedestrian crossing signs from Highway 550 on July 4<sup>th</sup>.

Water Treatment Plant



Water Treatment Plant



## Wastewater Treatment Plant



Wastewater Treatment Plant



## City Resources Department

August 7 2023

- The Southwest Youth Conservation Corps returned for a second week of work for the City. Working independently, and alongside members of the Beautification Committee and City staff, they cut much brush along the Uncompahgre River trail. The crew began wrapping trees to protect from beavers but ran out of time before completing this task.
- A pile of wood chips was illegally dumped at the Dog Park. The parks crew has removed the chips which posed a safety hazard for dogs and their companions. Seven loads of material were removed using the city's small dump truck.
- Gravel has been placed at the Dog Park to reduce the mud in the area near the gates and the doggie bathtub.
- During a high winds episode two large trees were blown down across the High Bridge trail at the Box Canon Falls. The trees were removed by the Parks Crew the following morning.
- Attendance at the Box Canon Falls in July 2023 exceeds July 2022 attendance by nearly 5,000 visitors. This is an increase of almost 25% over the previous year. People are enjoying the waterfall park but there are numerous problems associated with continued increases in visitation – the parking lot is inadequate for this number of people, trails are crowded, and lines for admission can be long during peak times.
- A staff member resigned from their position at the Box Canon Falls for health reasons. The position has been covered by other Box Canon Falls staff and by bringing in a cashier from the Hot Springs Pool.
- The City Gardener has resigned their position. Their final day is this week. A replacement has been hired to fill the position and keep the flowers and gardens looking bright for the remainder of the season.
- Interviews were conducted last week for several open positions that include: Assistant Pool Manager, Pool Maintenance Operator I, Aquatic Coordinator, and Seasonal Parks and Facilities Operator. The Pool Maintenance Operator and Seasonal Parks and Facilities positions have been filled. In addition to the positions just listed that remain unfilled, there are also currently openings for an additional Parks and Facilities Operator, Hot Springs Pool Customer Service Associates, Hot Springs Pool Lead Customer Service Associate, and Lifeguards.
- The current Aquatics Coordinator is resigning in early August to pursue a teaching career. They will be missed. Another long-term aquatics employee has been promoted from Lead Lifeguard to fill the Aquatic Coordinator position. Aquatics Coordinators manage swim lessons, aquatic fitness classes, lifeguard training, water safety instructor training, staff recruitment, and serve as lifeguard in rotation as needed.
- Worn and damaged padding on the weight equipment in the Gym has been reupholstered or replaced.
- The Treadwall climbing wall is reassembled in the entrance area of the Gym.

- An all-pool staff in-service was held last week at the Hot Springs Pool. Topics addressed include ActiveNet point of sale operation, customer service, swim skills, basic rescue technique refresher, red hat drills, and oxygen administration.
- Hot Springs Pool staff are strategizing which pools to prioritize for winter operation. The goal is to have a hot water pool, warm water pool, and lap lanes open, if possible with current geothermal water availability.
- Excessive mineral build-up in the main drain in the men's locker room caused a blockage that required closing several toilets for several days until a professional drain service with equipment to handle this type of blockage could come onsite for the repair.
- A clinic for regional adaptive rock climbers was held at Rotary Park last week. More than ten climbers from the southwest Colorado region participated.
- Cyber-security training has been provided to City Resource staff by the IT Department. Staff are completing the training as time allows.
- City Resource staff participated in CIRSA training with other City Hall staff members.
- City Resource staff is recognized for their efforts on the 4<sup>th</sup> of July. All facilities were open and busy.
- A new rope is needed for the tow at Lee's Ski Hill. The person who previously spliced the rope for the City is no longer available and efforts to find another splicer have been unsuccessful. City Resource staff have reached out to the two other ski areas in Colorado that have tows similar to what is at Lee's. Other ski areas utilize their own staff to splice rope. It appears this is the approach that will need to be used here.
- The truck mounted flower watering system for Main Street flowers broke down in late July. The City mechanic prioritized this repair and was able to get the machine back in service in less than a day. This quick response meant that the flowers were watered uninterrupted during the heat of July.
- The restroom project at Fellin Park has begun. Management of this project will consume much time from the Parks and Facilities Manager for the next several months.
- The Hardrock 100 and Ouray 100 running events were held at Fellin Park in July. Both events went smoothly.
- Numerous events that were scheduled back to back, and hot dry weather over the 4<sup>th</sup> of July, made it difficult to keep the turf at Fellin Park watered. Brown spots that had developed in early July have been heavily watered, even during the day as needed, and the turf is back in good condition. Sprinkler repairs are made throughout the summer as needed.
- The air conditioning unit at the Visitor Center failed during the hot days of July. The unit was repaired quickly.
- One of the heat registers in the San Juan Room has been relocated to allow for installation of the room divider for the City Council Chambers.
- One of the air-handling units at City Hall failed. A new coil has been installed and the unit is now operating properly.
- Toilet repairs were made at City Hall and the Community Center.
- Toilet repairs were made at Fellin Park.
- City staff service and maintain 39 toilets daily throughout the summer.

- An exhaust fan was replaced at the Box Canon Falls.
- Refrigerators in the Community Center kitchen have been calibrated for proper operating temperature within safe-food handler guidelines.
- A standing dead tree has been removed from Rotary Park. A live cottonwood tree was removed from Fellin Park to make room for the new restrooms.
- A pH sensor associated with the Hot Springs Pool discharge permit was replaced in the Uncompahgre River.
- New ceiling tiles were installed at the Ouray Public Library. The tiles and labor were provided by the Library. Leftover new tiles were donated to the City by the library and have been installed in the public hallway in front of City offices.
- There are currently six open positions in the City Resource Department.

## Visitor Center

- We are currently looking for a new Lead Customer Service Associate, job listing closed August 6th
- In July 31, 2023, we saw 5,182 people, took 239 calls, mailed 9 packets, and had 80 scavenger hunt finishers.
- The virtual reality headset is very popular that is in the visitor center now.
- We now carry the Ouray County Sheriff's Posse shirts to sell
- Ordered new hats and beanies for the Visitor Center and Box Cañon Falls
- We have some new volunteers assisting at the Do Ouray Right booth
- Continued to respond to emails from the general email address and requests for mailing of information.
- Continued to maintain and update events page in the VisitOuray website.
- Did a staff appreciation dinner at the Bon Ton.
- Staff starting to make calls to businesses and destinations that we are low on rack cards to get more.
- Total sales for the month, as of June 30th, were \$4,279.65

## Visit Ouray

### Website:

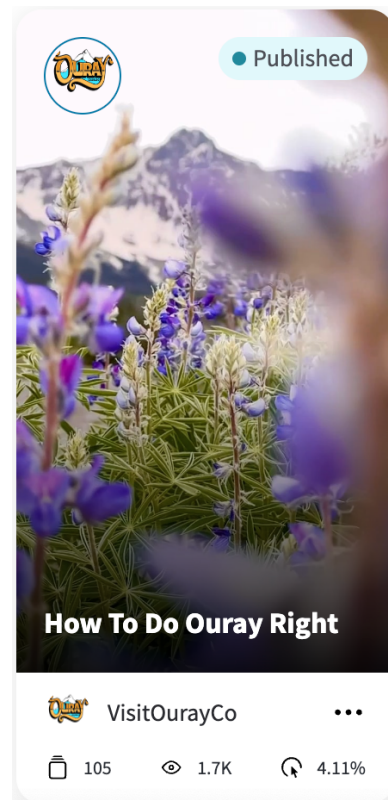
- Created an App Information page
- Updated the Family-Friendly page
- Added Dexter Dog Itinerary page
- Added Levin's Spring Itinerary page
- Added Logan's Winter Itinerary page
- Added Lou's Fall Itinerary page
- Updated Fall Colors page
- Updated Art's page

### Social Media:

- Facebook Insights for Last 28 Days | 255,115 page reaches, 151 new followers, 249 link clicks
- Instagram Insights for Last 30 Days | 29,575 reaches, 391 new followers, 3,589 engagements
- Hosted Jay Gentile, Journalist for an the Thrillist and lonely planet magazine.
- Hosted Albert Yang, influencer for the Colorado Tourism Office
- How To Do Ouray Right - Localhood Story
- Adjusted Localhood Stories based on feedback from Crowdriff
- Story series for #PackItInPackItOut on the perimeter trail. Posted to VisitOurayCo
- Historical Hot Springs Loop - Thank you to Abby Romero for being our local ambassador

### Media:

- Google Ad Campaign for Visiting in the Fall (549.12% increase in the page visit, 550% increase in engagements on page)
- Ad space (free spot) in the Toyota Round Up - Do Ouray Right's Respect the Trail.
- Denver 7 Segment - Art and Performing Arts Showcase
- Ouray Plaindealer - Do Ouray Right Mention



## Visit Ouray

### Business Spotlights:

- The Burning Ass Trading Company
- Canyoning Colorado
- Altitude Adventures
- Othello Production
- San Juan Chamber MusicFest
- Shaggy Coo
- KJ Wood Distillers
- Basecamp Ouray
- Yankee Girl Cafe

### Business Consultation:

- Ouray County Performing Arts Guild - San Juan Chamber MusicFest
- Ouray Ice Park

### Meetings:

6.30.23 Branding Meeting

6.30.23 App Development

7.11.23 Denver 7

7.11.23 Crowdriff/ Localhood

7.12.23 CTO - International

7.14.23 Partnership discussion with San Juan Mountain Association

7.14.23 Interview with Stateline about our DOR Ambassador Program

7.20.23 Destination Stewardship Program

7.20.23 Brainstorm/ Mentor Meeting with Ridgway Area Chamber of Commerce Representative

7.25.23 CTO Tourism Marketing Grant Webinar

8.1.23 Destination Blueprint Kickoff Meeting

8.2.23 Destination Stewardship

## Visit Ouray

### Newsletters:

- 7.10.23 Local Newsletter - showing results of wayfinding/ gateway, Hard Rock 100 Film Festival, and idea for free marketing course.
- 8.1.23 Local Newsletter
- 8.1.23 Tourism Newsletter

### Do Ouray Right Ambassador Program:

- Obtained goals from the Reimagine Workshop "Educate Responsible and Respectable Recreation by mean's of creating a Do Ouray Right Program"
- Distributed the rack cards to community
- First day out 7.7.23 at Perimeter Trailhead
- Created a data collector spreadsheet for each outing (see attached spreadsheet)
- 7.12.23 Hard Rock 100 Film Festival - Do Ouray Right Booth
- 7.14.23 Partnered with the San Juan Mountain Association - They took materials out on the perimeter trail
- 7.17.23 Quote adjustment approved for shirts and hats | Ordered
- Purchased the WAG bags
- 7.27.23 Campbird Rd
- 7.29.23 John with SJMA took materials for the perimeter trail
- 8.3.23 Cascade Falls

### QR Code Stats:

- Window clings Autumn Bailey created and handed out - 200 scans
- Montrose Airport Ad - 8 scans
- Discovery Maps - 17 scans
- Do Ouray Right Posters - 11 scans
- Visitor Guide Scans - QR Code 187 scans
  - 861 Impressions (each time it is loaded)
  - 632 Views (Interactions)
  - 7:25 Average time spent

## Visit Ouray

### Approvals Needed:

- Visit Ouray has been selected to participate in the Destination Blueprint Program
- Drew Loewen Creative for Do Ouray Right video shoot (see quote attached)

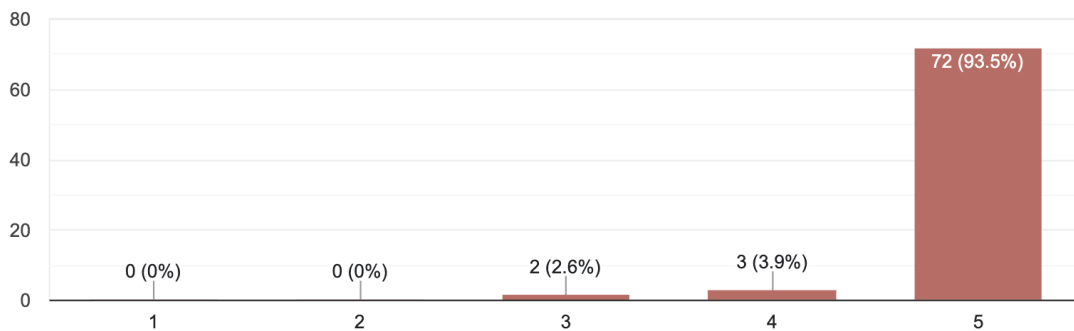
### Other Things To Note:

- Visit Ouray has been selected to participate in the Destination Blueprint Program!
  - Goal: to increase our winter visitation December - March
- Instagram Takeovers are available!
- 85 Responses to our Visitor Center Registration (See below)

### How satisfied were you with the Ouray Visitor Center Staff

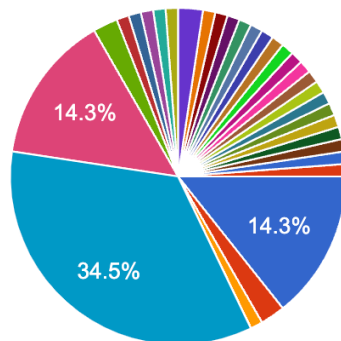
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77 responses



### How did you hear about Ouray?

84 responses



- Internet
- Social Media
- Newspapers
- Radio
- Magazine
- Word of mouth
- Just driving by
- Been here before

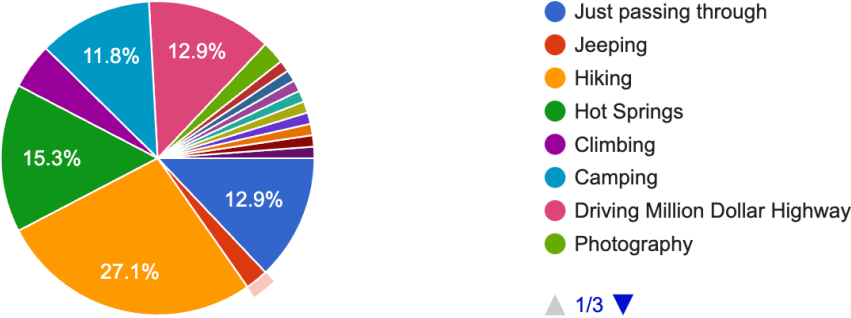
▲ 1/5 ▼



## Visit Ouray

What activity are you doing?

85 responses



▲ 1/3 ▼



**Submit to Local Licensing Authority**

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

Fees Due	
Renewal Fee	146.25
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
<b>Amount Due/Paid</b>	<b>\$ 146<sup>25</sup></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.

## Retail Liquor License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name JTP INCORPORATED		Doing Business As Name (DBA) OURAY RIVERSIDE RESORT - INN & CABINS	
Liquor License # 04-01622	License Type Fermented Malt Beverage and Wine (city)		
Sales Tax License Number 30569103	Expiration Date 09/08/2023	Due Date 07/25/2023	
Business Address 1804 NORTH MAIN STREET Ouray CO 81427			Phone Number 7049989888
Mailing Address PO BOX 1360 Ouray CO 81427		Email	
Operating Manager <i>Amber Beelind</i>	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

## AGREEMENT CONCERNING ELECTION SERVICES

THIS AGREEMENT is made effective this \_\_\_\_\_ day of \_\_\_\_\_, 2023, between the Ouray County Clerk and Recorder (“**Clerk**”) and City of Ouray (“**Public Entity / Special District**”):

The Public Entity/Special District desires to conduct an Election pursuant to its statutory authority. Such Election will occur on Tuesday, November 7, 2023 (the “Election”); and

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

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

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

### **I. Duties of the Clerk:**

The Clerk, Cristy Lynn Sulewski, or an agent of the Clerk, whose telephone number is (970) 325-4961, is the “Contact Officer” to act as the primary liaison with the Public Entity/Special District for the purposes of the Election.

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

#### **A. Preparation for the Election**

1. Provide the Public Entity/Special District with a street locator file from the statewide voter registration system (SCORE) which lists the street addresses located inside the boundaries of Public Entity/Special District.
2. Assist and inform the Public Entity/Special District on any matter that could reasonably further the efficient preparation and conduct of the Election. ***The Clerk will not provide legal advice.***
3. Manage all countywide voter records and correspondence in accordance with Elections Title 1, Colorado Revised Statutes, and Election Rules of the Colorado Secretary of State and policy directives from the Colorado Secretary of State.
4. Set up the Voter Service and Polling Center (VSPC) for the preparation and conduct of the Election.
5. Certify the Election Judges and determine their compensation; provide a list of Election Judges, if requested, by the Public Entity; train Election Judges prior to the Election, including specific instruction in the secure operation of the election equipment.
6. Certify ballot content and prepare printed ballots.
7. Provide notice by publication of an election pursuant to C.R.S. §1-5-205(1.4).
8. Conduct all required tests and audits of the voting system prior to and after the Election pursuant to C.R.S. §1-7-509 and Secretary of State Election Rule 11.
9. Establish backup procedures and a backup site for the counting of votes at the Election, should the counting equipment become unavailable during the count.

- **B. Conduct of the Election**

- 1. Operate and staff the Voter Service and Polling Center (VSPC). The VSPC will be accessible to electors with disabilities.
- 2. Provide for the security and processing of all mail ballots and the verification of signatures on the ballot return envelopes.
- 3. Facilitate special accommodations for all military and overseas citizens as provided by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).
- 4. Provide provisional ballots to electors who qualify under C.R.S. §1-8.5-101.
- 5. Provide properly trained and certified personnel for the preparation and conduct of the Election.
- 6. Official results will be made available following the Election Canvass and Risk Limiting Audit; approximately twenty-two days following Election Day.
- 7. Preserve all Election records in accordance with C.R.S. §1-7-802.
- 8. Conduct a recount of any contest where the final ballot tabulation results are close enough to require a recount per state statute, or if requested and paid for by an interested party.

- **C. Election Costs**

- 1. Keep an accurate account of all Election costs including, but not limited to, supplies, printing costs, legal notices, judges labor and other expenses attributable to the Clerk's administration of the Election on behalf of the Public Entity/Special District.
- 2. Charge the Public Entity/Special District for its portion of the costs of the Election incurred by the Clerk for that Public Entity/Special District, up to and including the date of cancellation of the Election, if applicable.
- 3. Submit to the Public Entity/Special District an invoice for all expenses incurred under this agreement.
- 4. Recount costs will be charged to the Public Entity/Special District, or if more than one Entity/District is involved in the recount, the cost will be prorated among the participating Entities/Districts per C.R.S. §1-10.5-101.

- **D. TABOR Notice**

- 1. Coordinate and prepare the consolidated TABOR notice in accordance with Article X Section 20 of the Colorado Constitution and any pertinent Rules of the Colorado Secretary of State.
- 2. Charge the Public Entity/Special District for all expenses for the preparation, printing, labeling and postage for the TABOR notice. Said expenses will be proportionally pro-rated among all Entities/Districts participating in the TABOR notice.
- 3. Mail to each household containing a voter in Ouray County the TABOR notice not less than thirty days prior to the Election pursuant to Colorado Constitution Article X, Section 20(3)(b). The Clerk must determine the lowest cost method for mailing the TABOR notice. The TABOR notice will be addressed to "All Registered Voters" at each address where one or more active registered voters of the Public Entity/Special District reside.

## II. Duties of the Public Entity/Special District

The Public Entity/Special District has designated Melissa Drake, whose

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

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

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

### A. Preparation for the Coordinated Election

- 1. Provide the Clerk with a copy of the ordinance or resolution stating that the Public Entity/Special District will participate in the Election in accordance with the terms and conditions of this agreement. The ordinance or resolution will authorize the presiding officer of the Entity/ District or other designated person to execute this agreement.
- 1. Post and/or publish, any legal notices required by the Colorado Municipal Election Code of 1965, §31-10-101, et seq., C.R.S., or C.R.S. Article 31 of Title 22, School District Director Election, as amended, except as otherwise provided herein.
- 2. Determine, with the advice of the Public Entity/Special District’s attorney, whether a ballot issue, question or candidate is properly placed before the voters, including petition verification.
- 3. To avoid ballot space issues, the Clerk requests that each issue and question are not more than 250 words.
- 4. Obtain access to the statewide voter registration system (SCORE) to check petition signatures and addresses. The Clerk will be available to assist in this process.
- 5. Verify all addresses on the street locator list provided by the Clerk for accuracy against the special district boundaries map. Notify the Clerk of any address additions or deletions as soon as possible.
- 6. **FOR TITLE 32 SPECIAL DISTRICTS ONLY:** If the Public Entity/Special District is referring a tax (TABOR) question to the ballot that shall be presented to property owners, the Entity/District must obtain a list of property owners from the County Assessor. The list must be verified to ensure that property owners are registered Colorado voters living OUTSIDE of Ouray County. This list must then be vetted to remove property held by a trust, an LLC or is a commercial business. Any duplicate addresses must be removed from the list. After the list is completely vetted, the list must be provided to the Clerk in Microsoft Excel format. Reference: C.R.S. §32-1-806, C.R.S. §1-7-104.

### A. Ballot Content

- 1. Provide a certified copy of the ballot content as an email attachment to elections@ourayco.gov in Microsoft Word (2010 or newer) format, at the earliest possible time pursuant to C.R.S. §1-5-203(3)(a) and no later than the date shown in Exhibit A. The certified list of candidates, ballot issues and/or ballot questions must be final and the Clerk is not responsible for making any changes after the certification.
- 2. Proofread the ballot content for printing. The Public Entity/Special District must provide a phone number and an email address for the DEO who will be available at a time specified in Exhibit A. Due to tight time constraints, the DEO must be available until final approval of ballot content has been reached.
- 3. Provide to the Clerk notice of resolution in the event that the Public Entity/Special District resolves not to participate in the Election. Within thirty days, the Entity/ District must promptly pay the Clerk any incurred costs relating to the Election, including without limitation, production and mailing costs, incurred both before and after the Clerk’s receipt of such notice. The Public Entity/Special District must provide notice by publication of the cancellation of the Election and a

copy of the notice must be posted in the office of the Clerk, in the office of the Designated Election Official (as defined in the Municipal Code) and, in the office of the Division of Local Government, if applicable.

## **B. Election Costs**

- 1. The Public Entity/Special District's proportional share of costs must be based on County expenditures relative to the Election and the number of electors per Entity/District.
- 2. The Public Entity confirms that it has sufficient funds available in its approved budget to pay its prorated Election expenses.
- 3. Promptly pay the invoice submitted by the Clerk including any additional or unique Election costs resulting from Entity/District delays and/or special preparations for or cancellations of the Election.

## **D. TABOR Notice**

- 1. Prepare, if required, the TABOR notice for any ballot issue(s). The Public Entity/Special District will be solely responsible for its preparation, accuracy and the language contained therein, and must submit such notice, including pro and con summaries and fiscal information, to the Clerk no later than the date specified in Exhibit A per C.R.S. §1-7-904. Such notice must be provided to the Clerk in Microsoft Word format.
- 2. The DEO of the Public Entity/Special District is required to receive and summarize written comments for and against tax questions (TABOR) subject to Article X, Section 20 of the Colorado Constitution.
- 3. Format and proofread the TABOR notice content for printing. The Public Entity/Special District must provide a phone number and an email address for the DEO who will be available at a time specified in Exhibit A. Due to tight time constraints, the DEO must be available until final approval of TABOR notice content has been reached.
- 4. Include a local Election office address and telephone number listing on the TABOR notice. If the Clerk receives questions about the TABOR information provided to voters, the Clerk will refer all inquiries to Public Entity/Special District DEO.
- 5. Pay a prorated amount of the costs to produce and mail the TABOR notice. Such proration to be based upon the number of persons registered to vote within each Public Entity/Special District.

## **Additional Agreements**

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

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

**CLERK AND RECORDER OF OURAY COUNTY, COLORADO**

Date: \_\_\_\_\_

\_\_\_\_\_  
Cristy Lynn Sulewski, Clerk

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

ATTEST:

\_\_\_\_\_  
Chair, Board of County Commissioners (print)

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

**PUBLIC ENTITY/SPECIAL DISTRICT:**

City of Ouray  
Name of Public Entity/Special District

Melissa Drake  
Name of DEO (print)



\_\_\_\_\_  
DEO Signature

970-325-7066  
Entity/District phone number

\_\_\_\_\_  
Ethan Funk, Mayor  
Title of Authorized Representative  
signing on behalf of Public Entity/Special District

m Drake@cityofouray.com  
Entity/District email

Attached: Exhibit A; Candidate Race Worksheet; Ouray County Ballot Measure Worksheets A & B

**Exhibit A**  
**2023 Coordinated Election Deadlines Schedule**  
**Election Day: November 7, 2023**

<b>Due Date</b>	<b>Activity</b>	<b>Clerk</b>	<b>Political Sub</b>	<b>Citations &amp; Comments</b>
7/28/2023	Last day to submit in writing to Clerk, Political Subdivision's intent to participate in the election (100 days before the Coordinated Election)		X	C.R.S. §1-7-116(5) C.R.S. §1-1-106(5)
8/29/2023	Deadline to sign and submit final IGA (Intergovernmental Agreement) to the Clerk (No later than 70 days before the Coordinated Election)	X	X	C.R.S. §1-7-116(2)
9/1/2023	Last day to certify your jurisdiction addresses to the Clerk		X	
9/8/2023	Last day for DEO to certify the ballot content (No later than 60 days before the Coordinated Election)		X	C.R.S. §1-5-203(3)(a)
9/12/2023 - 9/15/2023	Proofing Official for the Political Subdivision should be available until final approval to print ballots has been established		X	
9/19/2023	Post notice of LAT	X		
9/22/2023	Last day for public to submit pro/con comments pertaining to local ballot issues with the DEO to be included in the Ballot Issue Notice (By noon the Friday before the 45th day before the Coordinated Election)		X	C.R.S. §1-7-901(4) C.R.S. §1-7-903(3) C.R.S. §1.1.106(5)
9/23/2023	UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) Last day to transmit ballots and ballot materials to UOCAVA (No later than 45 days before the Coordinated Election)	X		C.R.S. §1-8.3-110(1) Rule 16
9/25/2023	DEO to deliver the full text of their Ballot Issue Notice to the Clerk no later than 3:30 pm (No later than 43 days before the Coordinated Election)		X	C.R.S. §1-7-904
9/26/2023 - 10/3/2023	(Taxpayer Bill of Rights, Article X, Section 20 of the Colorado Constitution. TABOR Notice Contact person should remain available until final print of TABOR is established		X	
9/26/2023	Pick-up LAT packet between 2:30 pm and 4:00 pm (or sign form forgoing participation in LAT)		X	
9/27/2023	LAT 10:00 am (Bring completed packet, if participating)	X	X	
9/28/2023	Last day for DEO to order list of property owners from Assessor's Office, if certifying a TABOR question (No later than the 40th day before the Coordinated Election)		X	C.R.S. §1-5-303(1) C.R.S. §1-5-304(1)(2)

**Exhibit A**  
**2023 Coordinated Election Deadlines Schedule**  
**Election Day: November 7, 2023**

<b>Due Date</b>	<b>Activity</b>	<b>Clerk</b>	<b>Political Sub</b>	<b>Citations &amp; Comments</b>
10/4/2023	Last day for the Political Subdivision to provide Property Owner List to the Clerk. (Only for Political Subdivisions certifying a TABOR question that requires property owner ballots)		<b>X</b>	
10/6/2023	Last day to mail the TABOR Notice (At least 30 days before a ballot issue election)	<b>X</b>		Article X Section 20(3)(b) C.R.S. §1-1-106(5)
10/16/2023 - 10/20/2023	Ballots will be mailed to all active, eligible voters (Not sooner than 22 days and no later than 18 days before the Coordinated Election)	<b>X</b>		C.R.S. §1-7.5-107(3)(a) Rule 7.2.3
10/18/2023	Last day for the Notice of Election to be published in the local paper (No later than 20 days before the Coordinated Election)	<b>X</b>		C.R.S. §1-1-104(34) C.R.S. §1-5-205(1)
10/30/2023	Last day to register online, by mail, or through an agency to receive a ballot by mail. (Through the 8th day prior to the Coordinated Election)	<b>X</b>		C.R.S. §1-2-201(3)(b)(III) C.R.S. §1-2-201(4) C.R.S. §1-2-508(3)(a)(I)
10/30/2023 - 11/6/2023	Voting Service and Polling Center (VSPC) opens 9:00 am to 5:00 pm M-F at the Ouray County Courthouse	<b>X</b>		C.R.S. §1-7.5-107(4.5)(a)(III),(c) Rule 7.8.1(b)
11/4/2023 (Saturday)	To serve voters, The Ouray County Courthouse VSPC will be open from 8:00 am to 12:00 pm	<b>X</b>		
11/7/2023	Coordinated Election Day - Polls open from 7:00 am to 7:00 pm at the Ouray County Courthouse VSPC	<b>X</b>		Article X, Section 20(3)(a) C.R.S. §1-1-104(6.5) C.R.S. §1-7-101 C.R.S. §1-41-102(1) Rule 7.9.1(b)
11/15/2023	Last day for ballots cast by military and overseas electors to be received by the Clerk in order to be counted (No later than the 8th day after Election Day)	<b>X</b>		C.R.S. § 1-8.3-113(2) Rule 16.1.5
11/15/2023	Last day for elector to cure signature discrepancy or missing signature, or to provide missing ID (By 11:59 pm MT 8 days after Election Day)	<b>X</b>		C.R.S. § 1-7.5-107(3.5)(d) C.R.S. § 1-7.5-107.3(2)(a) C.R.S. §1-8.5-105(3)(a) Rule 7.6.1 Rule 7.7.5
11/29/2023	Last day for Canvass of Election (No later than the 22nd day after the election)	<b>X</b>	<b>X</b>	C.R.S. § 1-10-102(1) C.R.S. § 1-10-103(1) Rule 10
ASAP - Post Election	The Clerk will send an invoice to the Political Subdivision as soon as possible after the Canvass of Election	<b>X</b>		

**Exhibit A**  
**2023 Coordinated Election Deadlines Schedule**  
**Election Day: November 7, 2023**

Due Date	Activity	Clerk	Political Sub	Citations & Comments
30 Days after Invoice received	The Political Subdivision has 30 days to pay their invoice for the 2023 Coordinated Election		<b>X</b>	

**ORDINANCE NO. 08 (SERIES 2023)**

**AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING SECTION 10-2-N OF THE OURAY MUNICIPAL CODE TO LIMIT FIREWORKS WITHIN CITY LIMITS; AND ASSESSING PENALTIES FOR VIOLATIONS THEREON.**

**WHEREAS**, the Chief of Police experienced issues concerning excessive and dangerous fireworks over the fourth of July 2023 and the only remedy for such fireworks violations is nuisance abatement.

**WHEREAS**, on July 10, 2023, an ordinance which restricted fireworks use within City limits was presented to City Council who directed that staff return with a less restrictive ordinance for Council's consideration.

**WHEREAS**, the Chief of Police requests penalties for violations of the City's firework ordinance be assessed and set forth in a Resolution adopting a new Fine Schedule adopted at the second reading of this Ordinance.

**WHEREAS**, the Chief of Police request that City Council limit the location and height of use of allowed fireworks within City limits to protect the City of Ouray from potential fire danger from the use of fireworks.

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

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

**SECTION 1: REPEAL AND REPLACE.**

Section 10-2-N of Chapter 10 of the Ouray Municipal Code is repealed and replaced as follows:

**N. Fireworks**

1. It shall be unlawful to store or manufacture fireworks, as defined in C.R.S. §24-33.5-2001 et seq., as may be amended, within the City limits; and any violation is hereby declared a nuisance subject to abatement and costs thereon.
2. It shall be unlawful to sell or use fireworks on any City property or public right-of-way.
3. It shall be unlawful to sell or use fireworks within City limits unless allowed in accordance with C.R.S. §§24-33.5-2001, and (1) the fireworks are used on a hard flat surface with a minimum of ten feet distance from any building and other flammables

and (2) with the effect limited to a shower of sparks to a height of no more than fifteen feet above ground.

4. City staff may, grant special permits to responsible persons to display fireworks within the City, in connection with public celebrations and public firework displays and demonstrations only, and upon such restrictive conditions as attached to each such special license issued. The applicant shall submit proof of general liability insurance for the display in a minimum amount equal to the liability limits as set out in the Colorado Governmental Immunity Act for property damage and bodily injury. The issuance of any such special license shall be entirely discretionary upon the part of City Council and subject to special license fee as established by City Council. The City shall be exempt from obtaining a special permit for its storage and display of fireworks.
5. It shall be unlawful to fire, shoot, or use of dynamite, dynamite caps, fuses, black powder, or any explosives having or containing nitroglycerine or nitrocellulose compounds, or any form of industrial type of explosives, at, during or in connection with any celebration, public or otherwise, for the purposes of producing a spectacle or exhibition, are hereby declared to be and to constitute a public nuisance.
6. The Police Chief of the City, and all deputy police officers, are directed to suppress the sale, storage, manufacturing, and display or use of any fireworks or industrial explosives that are not otherwise permitted and pose a reasonable threat to public safety, by impounding the same, in addition to any other assessed penalties.

## **SECTION 2: EFFECTIVE DATE.**

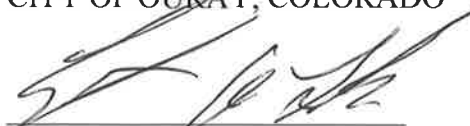
The provisions of this Ordinance shall become effective 30 days following publication in accordance with the City Charter, 3.5-G.

## **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 4 to 1 vote of the Ouray City Council this 24th day of July, 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. 08 (Series No. 2023) was introduced, read, and passed by the Ouray City Council on first reading on July 24, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JULY 27, 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. 09 (SERIES 2023)**

**AN ORDINANCE OF THE CITY OF OURAY, COLORADO,  
ADDING A NEW SECTION 2-18 OF THE OURAY  
MUNICIPAL CODE ESTABLISHING A MAIN STREET  
COMMITTEE.**

**WHEREAS**, Under Resolution No. 2021-01, City Council authorized the Ouray Economic Development Committee (OEDC) to apply to become an affiliate of the State of Colorado's Main Street program managed through DOLA, which offers support for community-led downtown revitalization efforts through various grants and other resources designed to assist in creating more vibrant local communities.

**WHEREAS**, the Main Street program application has been successful, and City Council now desires to form a standing committee for long-term sustainability, allowing the committee to propose by-laws and to self-direct future activities and direction.

**WHEREAS**, City Council finds that forming a standing committee to manage the Main Street program is necessary to preserve the public health, safety, and welfare.

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

**SECTION 1: NEW SECTION**

Chapter 2 of the Ouray Municipal Code, Section 18, is added to the Ouray Municipal Code as follows:

A. At its first meeting in January, City Council shall appoint a minimum of five (5) and a maximum of nine (9) members to the Main Street committee (MSC) for three (3) year staggered terms. The committee shall not have an even number of members. Members represent the community at-large. A quorum for meetings and voting shall be no less than three (3) members. If any member owns or represents a business located within the City of Ouray, that business shall be registered with the City.

B. The Main Street Committee is an advisory committee that functions as a recommending body to City Council and the City Administrator. Such committee shall have no authority to enter contracts, authorize expenditures on behalf of the City, or otherwise take any action as a city committee or member beyond the scope of the granted authority.

C. Members must be residents or owners of a business located within the City of Ouray. To achieve diversity, the committee shall be comprised of one member from each of the following committees:

1. Tourism Advisory Committee;
2. Ouray Economic Development Committee;
3. Ouray Beautification Committee;
4. Parks and Recreation Committee; and
5. Planning Commission,

Along with four (4) at-large members with a preference of representation from Ouray County Historical Society, the Ouray Chamber of Commerce, and OurayMade.

D. Members may be removed for malfeasance, any act in violation of C.R.S. § 24-18-101 et seq., or for substantial failure to attend scheduled meetings.

**SECTION 2: EFFECTIVE DATE.**

The provisions of this Ordinance shall become effective 30 days following publication in accordance with 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 5-10 vote of the Ouray City Council this 24th day of July 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. 10 (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first reading on JULY 24, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on JULY 27, 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

**RESOLUTION NO. 04 (Series 2023)**

**A RESOLUTION OF THE CITY OF OURAY, COLORADO, AMENDING THE FINE SCHEDULE FOR VIOLATIONS OF THE OURAY MUNICIPAL CODE.**

**WHEREAS** the City fine schedule for municipal code violations was last amended on December 10, 2022.

**WHEREAS** fines for violations are an important mechanism to encourage code compliance and to ensure public safety.

**WHEREAS** the City Council now regulates (1) unattended trailers from parking on a public right-of-way, and (2) revised the fireworks regulations, such that new penalties are required to be established.

**WHEREAS** the City finds it necessary for public health, safety, and welfare to increase its code violation fines.

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

1. The City Council hereby adopts the Ouray Municipal Court Fine Schedule as set forth on the attached Exhibit A.
2. This fine schedule replaces any previous schedule.
3. The City attorney shall notify Municipal Court Judge of this new fine schedule.
4. The revised fine schedule shall be posted on the City's website.

**ADOPTED** this 7th day of August 2023 by the Ouray City Council.

CITY OF OURAY, COLORADO

---

Ethan Funk, Mayor

ATTEST:

---

Melissa M. Drake, City Clerk

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Ouray Code Violations</b>		
<b>Municipal Code</b>	<b>Description of Charge</b>	<b>Fine</b>
	<b>ALCOHOL AND TOBACCO OFFENSES</b>	
OC § 10-2-BB-2-a	Unlawful Consumption of Alcohol - Prohibit Location	Summons, Fine \$200.00 to \$1000.00
OC § 10-2-BB-2-b	Unlawful Possession of Unsealed or Open Container - Prohibit Locations	Summons, Fine: \$200.00 to \$1000.00
OC § 10-2-BB-2-c	Unlawful Possession, Purchase or Consumption by Anyone Under 21 Years of Age	Summons, Fine: 200.00 to \$1000.00
OC § 10-2-BB-2-d	Unlawful to Serve, Give, Dispose, Exchange, Deliver or Permit the Sale, Serving, Giving or Procuring to Anyone Under 21 Years of Age	Summons, Fine: \$400.00 to \$1000.00
OC § 10-2-CC-2	Unlawful Possession of Tobacco by Anyone Under 18 Years of Age	Summons, Fine: \$200.00 to \$1,000.00
	<b>ANIMAL CONTROL</b>	
OC § 10-5-C	Rabies Control	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$150.00 to \$1000.00
OC § 10-5-D	Animal Attacks	Summons, Fine: \$250.00 to \$1000.00
OC § 10-5-E	Dogs Running at Large Prohibited	Summons, Fine: First Offense \$100.00, Second Offense \$250.00, Third Offense \$500.00, and Fourth Offense \$1000.00
OC § 10-5-G	Limitation on Number of Dogs and Cats	First Offense: Fine: \$100.00, Second Offense: Summons, Fine: \$250.00 to \$1000.00
OC § 10-5-H	Poultry Running at Large Prohibited	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-I	Release of Restrained Animal Prohibited	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Ouray Code Violations</b>		
<b>Municipal Code</b>	<b>Description of Charge</b>	<b>Fine</b>
OC § 10-5-J	Vicious Animals	Summons, Fine: \$200.00 to \$1000.00
OC § 10-5-K	Cruelty to Animals	Summons, Fine: \$200.00 to \$1000.00
OC § 10-5-L-1	Nuisance - Any Animal that Produces or Creates a Nuisance	First Offense: Fine: \$100.00, Second Offense: Summons, Fine: \$200.00 to \$1000.00
OC § 10-5-L-3	Littering Animal	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-M	Female Animals in Heat	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-N	Keeping Farm Livestock, herding or driving farm livestock Prohibited	Summons, Fine: \$100.00 to \$1000.00
	<b>FIREWORKS, GUNS, EXPLOSIVES</b>	
OC § 10-2-N	Fireworks Prohibited	Summons, Fine: First Offense \$500.00, Second Offense \$1,000.00, Third Offense \$2,000.00
OC § 10-2-O	Discharge of Guns Prohibited	Summons, Fine: \$250.00
OC § 10-2-P	Explosives - Noncompliance with State Law	Summons, Fine: \$1,000.00

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Ouray Code Violations</b>		
<b>Municipal Code</b>	<b>Description of Charge</b>	<b>Fine</b>
	<b>LICENSE REQUIRED/PEDDLERS/TAX</b>	
OC § 10-2-K	Peddlers and Solicitors Prohibited	First Offense: Fine: \$100, Second Offense, Summons, \$100 to \$1000
OC § 3-2-C	Sales Tax License Required	Summons, Fine: \$100.00 to \$1000.00
OC § 3-3	Nonpayment of Liquor and Beer Dispenser's Occupation Tax	Summons, Fine: \$100.00 to \$1000.00
OC § 3-4	Nonpayment of Lodging Occupation Tax and Short-Term Rental Excise Tax	Summons, Fine: \$100.00 to \$1000.00
OC § 3-15; 13-7-E	Huckstering Prohibited	Summons, Fine: \$100.00 to \$1000.00
	<b>PUBLIC PROPERTY</b>	
OC § 10-2-G	Injuring or Destroying Public Property	Summons, Fine: \$300.00 to \$1000.00
OC § 13-1	Encroachment Prohibited	Summons, Fine: \$100.00 to \$1000.00
OC § 13-3	Work on Encroachment	Summons, Fine: \$100.00 to \$2650.00
OC § 13-2	Disturbance of Grade or Line Stakes or Marks Prohibited	Summons, Fine: \$50.00 to \$1000.00
OC § 13-6	Failure to Remove Snow and Ice from Sidewalks	First Offense - Warning, Second Offense - Fine \$150.00, Third Offense – Summons, \$200.00 to \$500.00
OC § 13-7-A	Destruction of Park Property	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-B	Erection of Tents and Buildings	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-C	Fires Prohibited	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-D	Riding of Animals in Public Parks Prohibited	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-K	Offenses Related to the Ice Park	Summons, Fine: \$300.00 to \$1000.00
OC § 13-3-H	Nonpermitted Outdoor Display of Merchandise	Fine: \$300.00

**OURAY MUNICIPAL COURT FINE SCHEDULE**  
**Ouray Code Violations**

OC § 13-3-H	Unlawful Fruit, Vegetable, Cider and Honey Sales	Fine: \$300.00
<b>REFUSE AND TRASH</b>		
OC § 12-6	Unlawful Commercial Refuse Containers	First Offense - Warning Second Offense - Summons, \$300.00 to \$1000.00
OC § 12-7	Refuse - Prohibited and Controlled Materials	First Offense - Warning Second Offense - Summons, \$300.00 to \$1000.00
OC § 12-8	Unlawful Tampering with Refuse Containers	First Offense - Warning Second Offense - Summons, \$300.00 to \$1000.00
OC § 12-10	Illegal Use of Refuse Collection Service	First Offense - Warning Second Offense - Summons, \$300.00 to \$1000.00
OC § 12-11	Feeding of Wildlife Prohibited	First Offense - Warning Second Offense - Summons, \$300.00 to \$1000.00
<b>FIRE REGULATIONS</b>		
OC § 10-3-A	Disobedience of Fire or Police Officials During Fire	Summons, Fine: \$300.00 to \$2650.00
OC § 10-3-B	Open Burning	Summons, Fine: \$300.00 to \$2650.00
<b>MISCELLANEOUS OFFENSES</b>		
OC § 8-1-B	Unlawful Erection or Maintenance of Signage	Summons, Fine: \$300.00 to \$1000.00
OC § 8-5	Prohibited Signs	Summons, Fine: \$300.00 to \$1000.00
OC § 3-14	Unlawful Animal Ride Businesses	Summons, Fine: \$300.00 to \$1000.00
OC § 9-11	Unlawful Water Use	Summons, Fine: \$300.00 to \$1000.00
OC § 9-12	Nonpermitted Use of Fire Hydrants	Summons, Fine: \$300.00 to \$2650.00
OC § 9-13	Tampering with or Unauthorized Use of Utilities and Service	Summons, Fine: \$300.00 to \$2650.00
OC § 9-15	Unlawful Use of Sewer Systems	Summons, Fine: \$300.00 to \$2650.00

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Ouray Code Violations</b>		
<b>Municipal Code</b>	<b>Description of Charge</b>	<b>Fine</b>
OC § 10-2-F	Handbill, Posters and Placards - Nuisance	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-H	Injuring or Destroying Private Property	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-1	Trespassing - Entry onto Premises of Another	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-2	Trespassing - Remaining on the Property of Another	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-3	Trespassing - Entering or Remaining on Private or Public Property - Posted Signs	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-4	Trespassing - Waters	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-J	Injury or Removal of Street Signs	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-L	Begging	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-M	Occupying or Sleeping in Unlawful Places	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-Q	Throwing of Stone, Missiles, Etc	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-R-1	Resisting or Interfering with an Officer	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-R-2	Assisting or Endeavor to Assist Person in Custody of Police to Escape or to Attempt to Escape from Custody	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-R-3	Rescuing or Attempting to Rescue Person in Custody of Police	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-S	Impersonating an Police Officer	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-T	Impersonating City Officers and Employees	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-U	Obstructing Traffic	Fine: \$300.00
OC § 10-2-V	Interfering with Use of Streets or Sidewalk	Fine: \$300.00
OC § 10-2-W	Indecent Conduct	Summons, Fine: \$100.00 to \$2650.00
OC § 10-2-X	Disorderly Conduct	Summons, Fine: \$300.00 to \$2650.00

OC § 10-2-Y	Unreasonable Noise	First Offense, Fine: \$100.00, Second Offense, Summons, \$200 to \$1000.00
OC § 10-2-Z-2	Littering - Person	Summons, Fine: \$100.00 to \$1000.00
OC § 10-2-Z-3	Storage of Litter	Summons, Fine: \$100.00 to \$1000.00
OC § 10-2-Z-4	Keeping of Junk	First Offense: Fine: \$100.00 Second Offense, Summons, \$300.00 to \$1000.00
OC § 10-2-AA	Removal of Weeds and Brush	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-DD	Marijuana Related Offense – Juvenile	Summons, Fine \$100.00 to \$1000.00
OC § 10-2-AA	Marijuana Related Offenses – Adult Use and Possession	Fine Offense, Fine \$100.00, Second Offense, Summons, \$300.00-\$1000.00
OC § 10-4	Nuisances	Summons, Fine: \$300.00 to \$1000.00
OC § 14-6	Use of Streets for Sliding Prohibited Except at Certain Areas	Summons, Fine: \$300.00 to \$1000.00

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b> <b>Traffic Violations</b>		
<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
<b>EQUIPMENT</b>		
201	Obstruction of view or driving mechanism	\$50.00
202	Unsafe Vehicles	\$50.00
204	Lighted Lamps Required - Visibility 1000'	\$50.00
205	Head Lamps - Motor Vehicles	\$50.00
206	Tail Lamps, Reflectors, Rear Plate Lights	\$50.00
207	Clearance and Identification	\$30.00
208	Stop Lamps and Turn Signals	\$30.00
209	Lamp or Flag Projecting Load	\$30.00
210	Lamps Parked Vehicles	\$50.00
212	Spot Lamps and Auxiliary Lamps	\$50.00
213	Audible and Visual Signals Required- Emergency Vehicles	\$50.00
214	Visual Signals - Service Vehicles	\$50.00
215	Signal Lamps and Devices - Additional Lighting Equipment	\$50.00
216	Multiple Beam Road Lights	\$50.00
217	Use of Multiple Beam Lights	\$50.00
218	Single Beam Road-Lighting Equipment	\$50.00
219	Number of Lamps Permitted	\$50.00
221	Bicycle and personal mobility device equipment	\$50.00
222	Volunteer firemen - volunteer ambulance attendants - special lights and alarms systems	\$50.00
223	Brakes Required	\$50.00
224	Horns or warning devices	\$50.00
225	Mufflers - prevention of noise	\$50.00

**OURAY MUNICIPAL COURT FINE SCHEDULE  
Traffic Violations**

<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
226	Mirrors - exterior placements	\$50.00
227 (1)	Windows obstructed - certain materials prohibited	\$100.00
227 (2)	Windows obstructed - certain materials prohibited - windshield wiper requirements	\$50.00
228	Restrictions on tire equipment	\$50.00
229	Safety glazing material in motor vehicles	\$50.00
230	Emergency lighting equipment - who must carry	\$50.00
231	Parking Lights	\$50.00
232	Minimum safety standards for motorcycles and motor-driven cycles	\$50.00
233	Alteration of suspension system	\$150.00
234	Slow-moving vehicles - display of emblem	\$50.00
235	Minimum standards for commercial vehicles - spot inspections	\$100.00
236	Child restraint systems required - definitions - exemptions	\$100.00
237	Safety belt systems - mandatory use - exemptions - penalty	\$100.00
<b>DRIVING</b>		
OC§14-12	Unnecessary Operation of Motor Vehicles Prohibited	First Offense, Fine: \$100.00, Second Offense, Summons, Fine: \$100.00 to \$1000.00
<b>MOTORIZED BICYCLE/OHV/TOY VEHICLE/ ROLLERSKATES</b>		
109	Unlawful Operation of low power scooters, animals, skis, skates and toy vehicles	\$50.00
109(6.5)	Driver Under 18 Operating Motorized Bicycle - Helmet	\$150.00
220	Low-power scooters – lighting equipment	\$50.00

**OURAY MUNICIPAL COURT FINE SCHEDULE**  
**Traffic Violations**

<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
OC§ 14-9	Off-Highway Vehicle Operation Prohibited	First Offense, \$200, Second Offense, Summons, Fine, \$400-\$1000
<b>SIZE, WEIGHT, LOAD</b>		
502	Width of vehicles	\$75.00
503	Projecting loads on passenger vehicles	\$50.00
504	Height and length of vehicles	\$75.00
505	Longer vehicle combinations	\$75.00
506	Trailers and towed vehicles	\$50.00
509	Vehicles weighed - excess removed	\$50.00
512	Liability for damage to highway	\$75.00
<b>SIGNALS-SIGNS-MARKINGS</b>		
603	Obedience to official traffic control devices	\$100.00
604	Traffic control signal legend	\$100.00
605	Flashing Signals	\$75.00
606	Display of unauthorized signs or devices	\$50.00
607	Interference with official devices	\$50.00
608 (1)	Signals by Hand or Signal Device	\$75.00
608 (2)	Signals by Hand or Signal Device	\$50.00
609	Method - Hand and Arm Signals	\$50.00
610	Unauthorized insignia	\$50.00
611	Paraplegic persons or persons with disabilities - distress flag	Summons
612	Failure to Proceed with Caution when Traffic Controls are Malfunctioning	\$75.00
<b>RIGHTS OF WAY</b>		
701	Failure to Yield - Approaching Intersection	\$75.00
702	Failure to Yield - Vehicle turning left	\$75.00

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Traffic Violations</b>		
<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
703	Entering through highway – stop or yield intersection	\$75.00
704	Failure to Yield - Entering a Roadway	\$75.00
705	Failure to Yield - Approaching emergency vehicles	\$75.00
706	Failure to Yield - Railroad signal	\$75.00
707	School Bus/Commercial Vehicle - Failure to Stop at Railroad Crossings	\$75.00
708	Moving heavy equipment at railroad grade crossing	\$50.00
709	Failure to Stop when Traffic Obstructed	\$75.00
710	Failure to Yield ROW to Pedestrian - Emerging from or entering alley, driveway, or building	\$75.00
710.3	Driving on Sidewalk	\$75.00
711	Driving on mountain highways	\$150.00
712	Failure to Yield ROW - Highway Work Area	\$75.00
<b>PEDESTRIANS</b>		
801	Pedestrian Obedience - Traffic Control Devices	\$50.00
802	Pedestrians' right-of-way in crosswalks	\$50.00
803	Crossing at other than crosswalks	\$50.00
805	Pedestrians walking or traveling in a wheelchair on highways	\$50.00
806	Driving through Safety Zone Prohibited	\$75.00
807	Drivers Failure to Exercise Due Care	\$75.00
808	Failure to Yield ROW to Disabled Person	\$75.00
<b>TURNING AND STOPPING</b>		
901	Improper Right Turn, Improper Left Turn, Improper Use of Two-Way Left Turn (Can Be Spilt into Different Offenses)	\$75.00
902	Improper U-Turn at a Dangerous Location, Made Unsafe U- Turn, Made U-Turn Where Prohibited (Can Be Spilt into Different Offenses)	\$75.00
903	Failure/Improper Signal for Turn, Failure to Signal Certain Distance Before Turn, Failure to Signal for a Stop, Improper Use of Signals (Can Be Spilt into Different Offenses)	\$75.00

**OURAY MUNICIPAL COURT FINE SCHEDULE**  
**Traffic Violations**

MTC/OC	Description of Charge	Fine
<b>DRIVING, OVERTAKING, PASSING</b>		
1001	Failure to Drive on Right Side of Roadway, Improper Lane Usage - Impeding Traffic, Driving on Left Side of Roadway Having 4 or More Lanes (Can Be Spilt into Different Offenses)	\$70.00
1002	Passing oncoming vehicles	\$100.00
1003	Overtaking a vehicle on the left	\$100.00
1004	Improper Passing on the Right	\$100.00
1005	Improper Passing - Pass on Left When Not Clear to Traffic	\$100.00
1006	Driving Wrong Way on One Way Roadway	\$70.00
1007	Failure to Drive in a Single Lane (Weaving)/Unsafe Lane Change	\$100.00
1008	Following Too Closely (Can Be Spilt into Different Offenses)	\$100.00
1009	Coasting Prohibited	\$70.00
1010	Driving on divided or controlled-access highways	\$70.00
<b>SPEEDING</b>		
1101(1)(b)	Speeding 1-4 mph over the Posted Speed Limit	\$30.00
1101(1)(c)	Speeding 5-9 mph over the Posted Speed Limit	\$70.00
1101(1)(d)	Speeding 10-19 mph over the Posted Speed Limit	\$135.00
1101(1)(e)	Speeding 20-24 mph over the Posted Speed Limit	\$200.00
1101(1)(f)	Speeding 25-39 mph over the Posted Speed Limit	Summons
1101(1)(g)	Speeding 40+ mph over the Posted Speed Limit	Summons
1101(2)	Speed Too Fast for Conditions	Summons, Fine \$100.00 to \$1000.00
1101(3)	Speed Too Fast - Special Hazard	\$100.00
1103	Impeding Normal Flow of Traffic	\$50.00
1104	Speed - Elevated Structures	\$30.00
1105 (1)	Engaging in - Speed contests	Summons
1105 (3)	Aiding or facilitating in - Speed contests	Summons

<b>OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations</b>		
<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
	<b>PARKING</b>	
1201	Starting Parked Vehicle	\$35.00
1202	Parking or Abandonment of Vehicles	\$50.00
1204	Stopping, Standing, or Parking Prohibited in Specified Areas	\$50.00
1205	Parking at Curb or Edge of Roadway	\$50.00
1206	Unattended Motor Vehicle, Parking on a Grade	\$50.00
1207	Unsafe Opening Vehicle Doors Into Lane or Traffic	\$35.00
1208	Unlawful Use of Designated Disability Parking Spaces	\$150.00
1211	Unsafe Backing	\$100.00
OC§ 14-7	Unattended Motor Vehicles and trailers	\$100.00
OC§14-8-A	Parking Outside of Marked Spaces	\$50.00
OC§14-8-B	Prohibited Parking in Alleys	\$50.00
OC§14-8-C	Parking Overnight	\$150.00
OC§14-8-D	Parking for Certain Purposes Prohibited	\$50.00
OC§14-8-E	Parking Without Sufficient Clearance Between Vehicles	\$50.00
OC§14-8-F	Parking Next to Yellow Curb	\$50.00
OC§14-8-G	Parking Prohibited for Snow Removal	\$150.00
OC§14-8-H	Disobeying a Traffic Control Device	\$100.00
OC§14-8-I	Impeding Parking	\$50.00
	<b>RECKLESS, CARELESS, ELUDING</b>	
1413	Eluding or Attempting to Elude a Police Officer While Driving	Summons
	<b>NO INSURANCE</b>	
1409	Failure to Provide Proof of Required Insurance	Summons

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Traffic Violations</b>		
<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
<b>SPILLING LOADS/DAMAGING HIGHWAY</b>		
1406	No Littering on Highway	\$50.00
1407 (3)(a)	Spilling Loads on Highways Prohibited	\$50.00
1407 (3)(b)	Spilling Loads on Highways Prohibited - While Driving or Moving a Car or Pickup, No Bodily Injury	\$100.00
1407 (3)(c)	Spilling Loads on Highways Prohibited - While Driving or Moving a Car or Pickup, Proximately Causes Bodily Injury	\$500.00
1407.5	Splash guards - when required	\$50.00
1502	Improper Riding on Motorcycles	\$50.00
1503	Operating Motorcycles on Roadways Laned for Traffic	\$50.00
1504	Clinging to other vehicles	\$50.00
<b>BICYCLES</b>		
1412	Unlawful Operation of Bicycles and Other Human-Powered Vehicles	Summons
<b>SCHOOL BUSES</b>		
1903(1)	Passing Stopped School Bus with Flashing Lights	Summons
1904	Regulations for school buses - regulations on discharge of passengers - penalty - exception	Summons

<b>OURAY MUNICIPAL COURT FINE SCHEDULE</b>		
<b>Traffic Violations</b>		
<b>MTC/OC</b>	<b>Description of Charge</b>	<b>Fine</b>
<b>OTHER TRAFFIC OFFENSES</b>		
107	Disobedience to a Police Officer	Summons
108	Public Officers to Obey Provisions	Summons, Max. Fine: \$300.00
1403	Following Fire Apparatus Prohibited	\$50.00
1404	Crossing A Fire Hose	\$35.00
1405	Prohibited -Riding in Trailers	Summons
1408	Unlawful Operation of Motor Vehicles -Property under Control of or Owned by Parks and Recreation Districts	\$50.00
1411	Use of Earphones While Driving	Fine, \$100.00
1414	Moving Construction Related Equipment	Summons, Max Fine, \$300.00
1415(2)(a)	Use of Dyed Fuel on Highways Prohibited	\$500.00
1415(2)(b)	Use of Prohibited Dyed Fuel - Second Subsequent Violation in 12 Months	Summons
1415(2)(c)	Use of Prohibited Dyed Fuel - Third Subsequent Violation in 12 Months	Summons

(Revised and adopted on August 5, 2023, pursuant to Resolution 04 (Series 2023))



## Home Trust of Ouray County

*The Community's Affordable Housing Resource*

95 Meadows Circle  
Ridgway, CO 81432  
(970)309-9314

[www.hometrusted.org](http://www.hometrusted.org)

July 27, 2023

Dear City of Ouray Council Members,

As you know, the Home Trust of Ouray County is a 501(c)(3) nonprofit which is committed to growing inclusive, economically diverse communities by providing permanently affordable housing and housing-related services to modest income households. We currently serve Ouray County, which includes the town of Ridgway and the city of Ouray.

The Home Trust of Ouray County is moving forward with building a 13-unit rental property at 1505 Oak Street in Ouray, CO. This project will provide affordable rentals to households making 120% of the area median income and below. These units will be affordable in perpetuity due to the Home Trust's mission to ensure affordability for 99 years and the restrictions built into the funding for the project. The Home Trust will own the land and buildings as well as co-manage the rentals with a local property management company.

This 10,800 square foot project will have three separate buildings with five one-bedroom units, five two-bedroom units, and three three-bedroom units. The buildings will be a maximum of two-story. There will be snow storage, tenant and guest parking, and green space on-site.

The Home Trust has already completed a substantial amount of the pre-development work required for this project. In the past eight months we have:

- Identified a suitable property within city limits with all utilities already in place to serve the proposed use
- Acquired the property, after conducting an appraisal, using a \$675,000 loan from the Colorado Department of Local Affairs' Division of Housing
- Applied for and received a \$20,000 technical assistance grant from the Colorado Housing and Finance Authority (CHFA) which included:
  - Conducting multiple stakeholder outreach meetings to inform the project.
  - Conducting a county-wide rental survey to assess demand.
  - Created conceptual renderings based on feedback from stakeholders.
  - Additional grant funding for:
    - A Geotech survey - \$2725
    - An Environmental Phase 1 Assessment - \$2300

- A lot line/topo survey - \$2102.23
- Issued a Request for Proposals for an architect and interviewed candidates with selection set for early September.
- Met with Silas Clarke about requesting the city submit a letter of intent to the Colorado Department of Local Affairs for a Stronger Communities grant to cover infrastructure costs (including water/sewer tap fees) and structural engineering for the project.

This project has received meaningful support. In addition to the \$675,000 acquisition grant from the Division of Housing and \$27,127.23 in funding from the CHFA for technical assistance, San Miguel Power Association and Basin Electric Power Cooperative have contributed \$15,000, and Ouray County has authorized \$100,000 of American Rescue Plan Act (ARPA) funds for the design phase of the project.

We are now at a pivotal point in this project: the design phase. Our consultants at CHFA have assisted us in financial modeling and design costs are estimated at 8% of hard costs, which amounts to \$283,500. Approximately \$200,000 of that is allocated for architecture and civil engineering services. As mentioned above, the county has already authorized \$100,000 to the design phase and to move forward and complete the pre-development phase, the project needs an additional \$100,000 so that we can begin working with an architect and a civil engineer to create construction documents. The design phase, particularly schematic design, will provide us with the documentation necessary for a sketch plan submittal to the city.

Fortunately, we can include the cost of the structural engineering in our Stronger Communities infrastructure grant request, so we are asking the city of Ouray for a **\$100,000 match with the county** for the design costs that include architecture and civil engineering services. This will help us move this project forward and provide the city of Ouray with permanently affordable rentals for our local workforce. This would be a 1.5% contribution to a \$6.5M project. If the contribution came from the proceeds of the city's short-term rental tax, which is intended to support affordable housing efforts, this would directly support an affordable housing project that is in process and well-supported. As the city councilors know, affordable workforce rental housing is needed for our local businesses and community to survive and thrive.

Please help the Home Trust of Ouray County build 13 affordable rentals by contributing \$100,000 towards this project.

Thank you for your time and consideration,

Andrea Sokolowski  
Executive Director  
Home Trust of Ouray County  
[www.hometrusted.org](http://www.hometrusted.org)

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S.H.I.P. PRE-DEVELOPMENT ASSISTANCE

# HOME TRUST

OF OURAY COUNTY



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JULY 2023

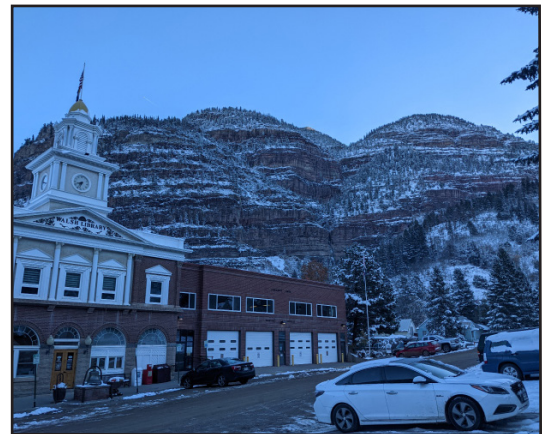
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# INTRODUCTION

## PROJECT BACKGROUND

The Home Trust of Ouray County is a community land trust located in southwest Colorado. The Home Trust was created to develop and manage permanently affordable housing for Ouray County residents through homeownership and rental opportunities. The Home Trust owns a 0.53 acre site in Ouray, Colorado, a small mountain town at the base of the San Juan Mountains. The property is located in Ouray's high density residential (R-2) district on 1505 Oak Street. The Home Trust purchased the land with Operation Turnkey funds through Colorado Division of Housing in 2022. The Trust is now exploring feasibility for a permanently affordable rental housing development on the site.



## Why is Technical Assistance Needed?

Housing within Ouray County has become out of reach for most locals. There is a great need for rental units that are affordable to residents at or below 120% AMI. Technical assistance will advance this project by strengthening the project concept, providing financial modeling, real estate management planning, architectural and design support, checking construction cost estimates, offering energy efficient design ideas, and providing performance modeling. Additionally, technical assistance is needed in planning community engagement with potential renters, adjacent businesses and property owners.

## CURRENT HOUSING MARKET

As part of this technical assistance, a market snapshot for the area was conducted. The snapshot looks at Ouray County demographics and housing market, having gathered data from 102 employee respondents to understand the current housing market and its challenges. The majority of respondents (83%) live in Ouray County, with 42% residing in the city of Ouray.

The majority of the respondents (70%) are in search of a home with 2 or fewer bedrooms, as the average household size of renter-occupied homes is 2.3. Eighty percent indicated a need for 1 or 2 parking spaces, with a weighted average of 1.67. Pet-friendly amenities and yard space were reported as the most important amenities by the respondents.

Ouray is a desirable location for respondents looking for these attributes in a rental. Over half (51) of the respondents indicated that they are very or extremely likely to move to a different home in the next two years if their housing payment was no more than 30% of their household income. 27 people indicated they would move to a new rental in Ouray, and the majority (75%) of these respondents indicated a need for a 1 or 2 bedroom home and 56% can afford no more than \$1,500 in rent.

A total of 68% of rental listings were for one, two, or three-bedroom units, with an average asking rent ranging from \$1,500 to \$2,700. For the highest percentage of respondents, who reported earning \$50,000-\$60,000, and \$75,000-\$100,000, this is feasible. For others, however, this poses a much greater challenge. Approximately 40% of respondent households earn \$60,000 or less per year, which only allows for a maximum of \$1,500 per month to be allocated towards housing. Additionally, a large percentage (47%) of respondents work in education or government, with many local workers needing multiple jobs to afford the cost of living including housing. With the average market rent being over 100% AMI for 2 and 3-bedroom units, this makes affordable housing a challenge for many residents in Ouray County.

## PURCHASING POWER OF LOCAL HOUSEHOLDS

Household	Annual Income	Affordable Purchase	Affordable Rent
Two People 120% AMI	\$85,080	\$353,600	\$2,127
Two people 100% AMI	\$70,900	\$294,600	\$1,773
Two People 80% AMI	\$56,720	\$235,800	\$1,418
Two people 60% AMI	\$42,540	\$176,800	\$1,064
Four People 60% AMI	\$53,160	\$221,000	\$1,329

## PROJECT GOALS

A successful project would result in affordable rentals for the local workforce. The buildings would be compatible with the neighborhood and designed to facilitate community building.

Affordable for locals:

- Stewardship through the Home Trust, (a local organization with close proximity to project and tenants)
- Serving members of the local workforce
- Financially successful and sustainable over time
- Energy efficient construction, durable materials, and low utility bills

Good Neighbor - Compatible with Ouray:

- Partners and neighbors are aligned with goals
- Meets neighborhood expectations of quality
- Parking, trash, and landscape are well-maintained
- Makes efficient use of scarce land
- Quiet
- Has a garden/green space

Strong Community:

- 100% year round occupancy with low turnover; minimal vacancy
- Good communication between proposed rentals and other neighbors to mitigate conflict
- Feels like home and community members have a sense of pride and belonging



# PROCESS

## SCOPE



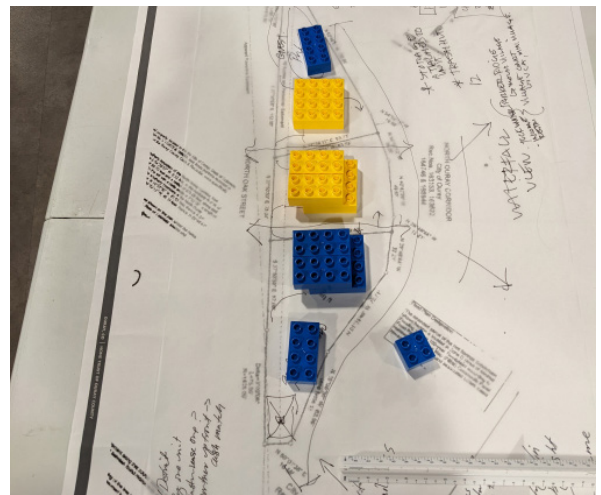
- Kickoff meeting/ Site visit
- Roles and Process discussions
- Concept design
- Design Feasibility
- Financial Feasibility
- Client Next Steps for Success

## SITE VISIT

The CHFA SHIP team and project stakeholders conducted a site visit and design workshop on October 28, 2022. The discussion covered site constraints, planning and zoning, desired outcomes, an initial conversation on proposed roles and process, and discussion of a series of preliminary design ideas.

Participants included:

- Silas Clarke – City Manager,
- Lily Oswald – City of Ouray Community Development Director,
- Jake Niece – Ouray County Commissioner,
- Tamara Gulde – City Council Member,
- Josh Smith – City Council Member,
- Jay Lauderdale – Ouray resident,
- Peter O’Neil – Ouray Ice Park Executive Director,
- Doug Price – Citizens State Bank former president,
- Jessica Frigetto – Citizens State Bank Chief Lending Officer,
- Tod Lokey – Ouray School District Superintendent,
- Ross Crawford – Neighbor/Mobile Home Park Owner



# SITE ANALYSIS

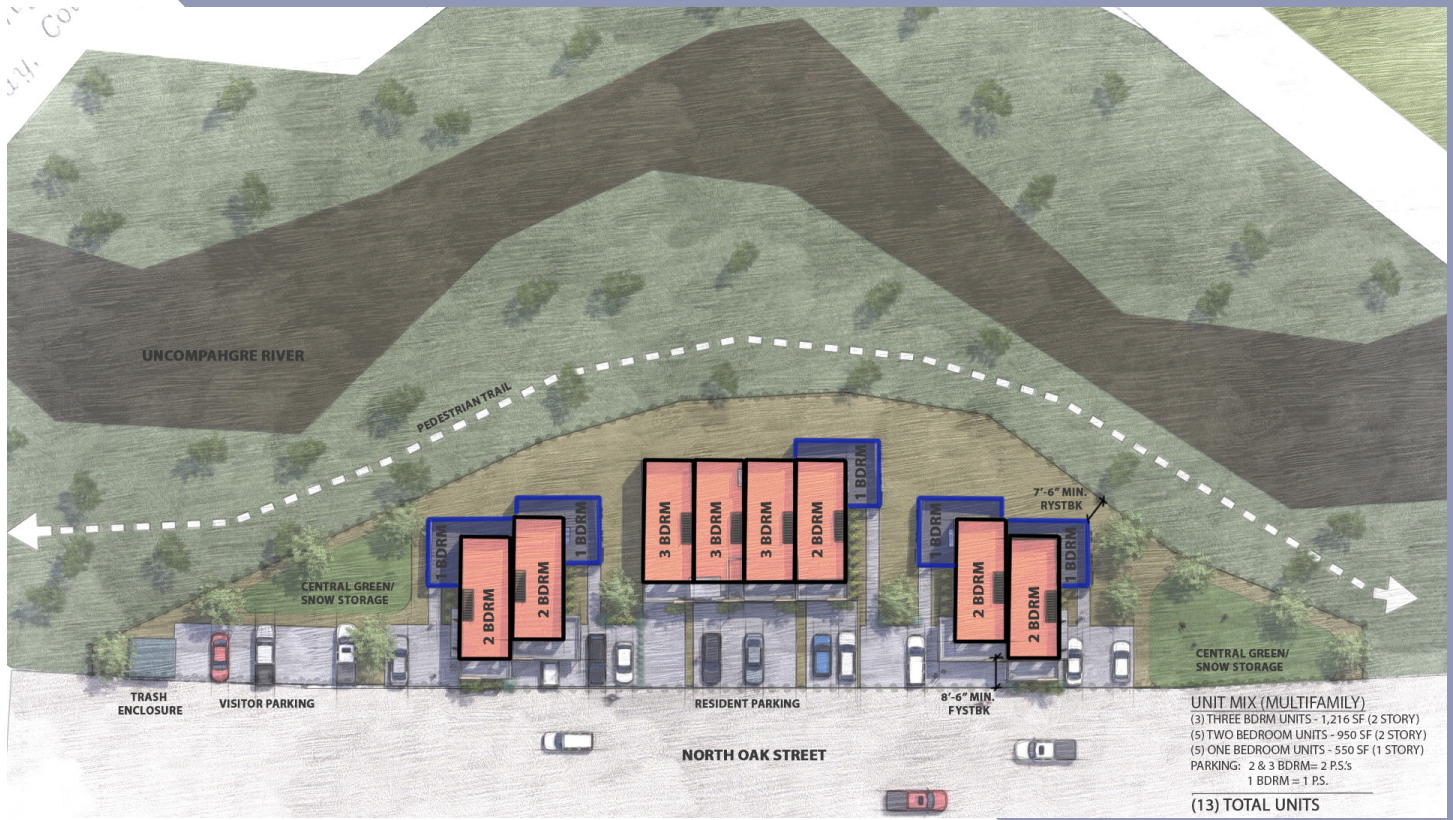
Description	Existing/Required	Proposed
Zoning	Residential - High Density, North of Skyrocket Creek (R-2)	No change
Allowed Uses	Agriculture Open Space, Forest Parks, Conservation Areas, Scenic Areas, Historic Preserves, Street and highway landscaping and beautification, Tree planting, Bird and animal sanctuaries, Public Utility service facilities, Single-Family Dwellings, Duplexes, Homes occupations which meet the criteria of subsection 7-5-J-2, Public Schools, Churches, Lodging Businesses, Short-Term Rentals, Timeshares subject to provision of Section 7-11, Multi-Family Dwellings	
Minimum Lot Area	7,100 s.f.	
Setbacks	FYSTBK: 15 SYSTBK: 5 RYSTBK: 5	
Maximum Building Height	35	
Maximum Lot Coverage	40%	
Parking	Required Off-Street Parking. Two off-street parking spaces per dwelling unit. For Multi-Family Dwellings, two spaces for each dwelling unit. One of the required off-street parking spaces may be satisfied by utilizing that portion of the public right-of-way to the subject property not utilized for roadway or pedestrian purposes.	

## PROPOSED PROJECT SUMMARY

Unit Type	Number of Units	Square Footage	Proposed Rent	Rent Rate Explanation <sup>1</sup>
1 bed; 1 bath	1	550	\$1,064/mo	Eligibility up to 80% AMI
1 bed; 1 bath	2	550	\$1,330/mo	Eligibility up to 100% AMI
2 bed; 1 bath	1	950	\$1,277/mo	Eligibility up to 80% AMI
2 bed; 1 bath	2	950	\$1,596/mo	Eligibility up to 100% AMI
3 bed/ 2 bath	1	1,100	\$1,842/mo	Eligibility up to 100% AMI
3 bed/ 2 bath	2	1,100	\$2,211/mo	Eligibility up to 120% AMI
1 bed/1 bath	2	550	\$1,596/mo	Eligibility up to 120% AMI
2 bed/1 bath	2	950	\$1,915/mo	Eligibility up to 120% AMI
<b>Total</b>	<b>13</b>	<b>10,800</b>	<b>\$257,750/ann</b>	

# CONCEPT DESIGN

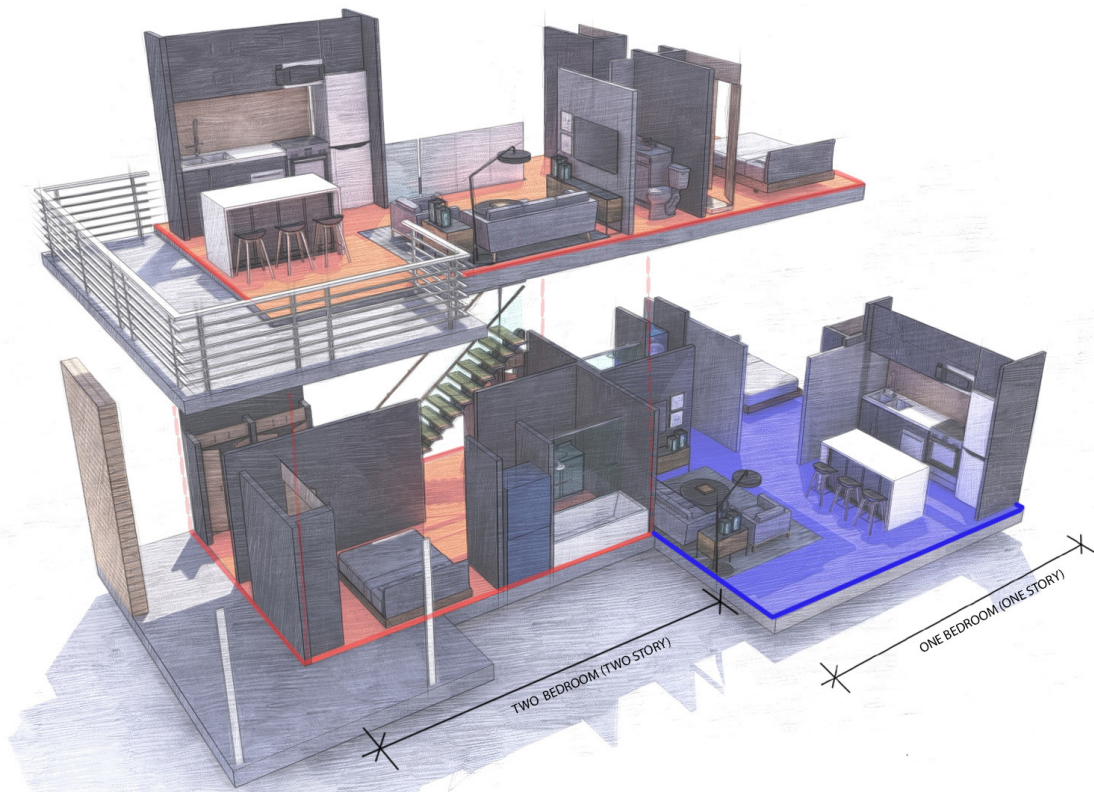
\*Note: These images are for conceptual design only, and should not be used for construction purposes



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# PROJECT FINANCING

## PROFORMA

A proforma is an analysis used to determine the financial feasibility of a development project.

The first component of this analysis is an estimation of development costs. This is done by researching the current costs for development including ‘hard costs’ that include the physical materials that go into the building and the construction labor, and ‘soft costs’ which include permitting costs and the fees of professionals such as architects and engineers who are needed to ensure a structurally sound project.

The second component of the proforma is a forecast of the revenue that can be generated by the development and the operating expenses that will be incurred annually once the project is up and running. There are several ways to approach this, but knowing the goal of this development is to create housing that is affordable to local residents, the anticipated rent amounts for the residential units are set based on the Colorado Housing and Finance Authority’s 2021 Maximum Rent Tables based on the area median income for Hinsdale County. Operating expenses are forecasted based on other projects with similar characteristics.

Together, these inputs illustrate how much of the project can be financed through a conventional loan and how much of a gap remains between the development costs and the identified sources of funding. Once it is clear how much additional money is needed, the project developer can begin looking for other funding sources in the form of grants, loans, or tax credits.

## HOME TRUST OF OURAY COUNTY - FINANCIAL ASSUMPTIONS

USES AND SOURCES OF FUNDS		
<b>Uses of funds</b>		
Acquisition Costs	\$675,000	Purchase price for the land
Site Improvements	\$180,000	Grading, parking, & drainage
Construction	\$3,780,000	\$350/sf
Professional Fees	\$283,500	Estimated @7.5% of hard costs
Construction Finance	\$178,727	6% @ 60% accrual over 1 year; 65% LTC
Permanent Finance Loan Orig.	\$27,681	Estimated @ 1% of loan amount
Soft Costs	\$1,059,000	\$100/sf
Developer Fee/Profit	\$241,950	5% of hard and soft costs
Reserves	\$101,050	6 mo. of expenses and debt; 350/unit in replacement reserves
<b>Total Development Expenses</b>	<b>\$6,526,908</b>	
<b>Sources of Funds</b>		
First Mortgage	\$2,768,055	4%; 40 year Amortization; DSCR 1.25
Second Mortgage	\$1,300,000	0.5%, 10 yr term, 30 yr amortization,
DOH Grant	\$650,000	\$50,000/unit
City of Ouray Grant	\$100,000	
Ouray County Grant	\$100,000	

Strong Communities	\$458,500	
Foundations	\$375,000	
Operation Turn Key	\$675,000	Acquisition grant
SMPA/BEPC	\$15,000	
Donations	\$60,353	
CHFA TA	\$25,000	
<b>Total Sources</b>	<b>\$6,526,908</b>	<b>Gap - \$0</b>

<b>Operations</b>		
Annual Rental Income	\$257,750	80-120% AMI; avg. 106%
Vacancy Rate	7%	Per CHFA guidelines for multifamily
Other income	\$100	Anticipated application fees
PUPA OpEx	\$5,100	Annual operating expenses/unit

## **FINANCING**

Because the planned development is modeled with rents affordable to the local workforce, the project can finance just over 60% of the overall development costs, the balance of project costs will need to be funded through grants and philanthropy.

## **POTENTIAL SOURCES**

There are several options to fill the gap between the development costs and the available financing. Items with asterisks are currently modeled in the proforma:

- Colorado Division of Housing loan - \$100,000/unit; for a total of \$1,300,000\*
- Grant Funds from HB22-1304 Transformational Affordable Housing, Homeownership, and Workforce Housing Grant Program
- Funding through Proposition 123
- Section 4 Capacity Grant through Enterprise Community Partners
- Philanthropic funds through local, regional or state fundraising
- Low cost loans through the Colorado Housing and Finance Authority and Community Development Finance Institutions (CDFIs)

# ACTION ITEMS/ NEXT STEPS

## **OVER THE NEXT YEAR, THE FOLLOWING ACTION STEPS ARE RECOMMENDED:**

- Host a community meeting to gather feedback on the preliminary design concept.
- Coordinate with other local workforce projects and Town of Ouray to ensure a logical sequence for entitlements, grant funds, and market absorption.
- Further explore and confirm funding sources, including CHFA, Colorado Division of Housing, Colorado Health Foundation, ARPA, Colorado Trust, and Rural Philanthropy.
- Research prefabrication, in-kind donations of labor and materials, and other cost-saving measures to address high construction costs.
- Request support from local governments
- Hire an architect of record and advance building development to permit ready drawings
- Submit to Town of Ouray for Building Permits and any possible fee reductions, waivers or deferrals
- Develop Property Management Plan, renter eligibility, and deed restriction or land lease instrument for long term affordability.
- Continue to refine the financial projections.
- Apply to the Colorado Division of Housing for grant funding.
- Apply to lenders for construction and permanent loans.
- Select a contractor through a competitive process

## **YEAR 2**

- Construct the project.
- Coordinate lease-up to eligible households.

# ACKNOWLEDGMENTS

- Chris Lopez, Community Relationship Manager, Colorado Housing and Finance Authority
- Tim Reinen, Principal, Reinen Consulting
- Willa Williford, Principal, Williford LLC
- Mary Coddington, Program Manager, Cappelli Consulting
- James Roy II, Principal, Urbanity Advisors
- Briana Roy, Office Manager, Urbanity Advisors
- Chenay McConnell, Associate, Urbanity Advisors
- Silas Clarke – City Manager,
- Lily Oswald – City of Ouray Community Development Director,
- Jake Niece – Ouray County Commissioner,
- Tamara Gulde – City Council Member,
- Josh Smith – City Council Member,
- Jay Lauderdale – Ouray resident,
- Peter O’Neil – Ouray Ice Park Executive Director,
- Doug Price – Citizens State Bank former president,
- Jessica Frigetto – Citizens State Bank Chief Lending Officer,
- Tod Lokey – Ouray School District Superintendent,
- Ross Crawford – Neighbor/Mobile Home Park Owner

# FUNDING MAP

## 1. DIVISION OF HOUSING GRANTS

[DOLA Development Application Instructions](#)

**Awarded Through:** The Colorado Department of Local Affairs, Division of Housing

This includes:

- Federal funds - Community Development Block Grants (CDBG), HOME funds, and National Housing Trust Funds (HTF)
- State funds - Housing Development Grant Funds (HDG), Housing Development Loan Funds (HDLF), and Homeless Solution Program (HSP) Funds

**Application Deadline:** Rolling - accepted monthly

**Anticipated Awards:**

- \$50,000/affordable unit
- For profit developers receive deferred loans
- Non-profit and housing authorities may receive grants

**Award Date:** 4-6 months post application

**Funds Must be Spent by:** Will depend on timing of the award

**Fund Uses:**

- Construction
- Renovation

**Grant Requirements:** Generally under 60% AMI for rent and 120% AMI for sale, but this has some flexibility

**Scoring Criteria:**

- Shovel readiness
- Market need
- Underserved communities are viewed favorably
- Projects are underwritten for financial viability, and DOH has numerous underwriting guidelines

**Next Steps:**

- Preapplication conference with Shirley Diaz at Division of Housing.
  - a. Shirley Diaz, Housing Development Specialist
  - b. (303) 919-1427
  - c. [shirley.diaz@state.co.us](mailto:shirley.diaz@state.co.us)
- Complete application and proforma

## 2. PROPOSITION 123

A new annual funding source will be coming online in Fall of 2023 through the voter approval of Proposition 123. This will support a range of costs associated with the development of affordable housing and will be open to jurisdictions that commit to increasing affordable housing by 3% each year and create an expedited development review process for affordable housing projects. Fund administration will be through the Colorado Division of Local Affairs (DOLA) and the Colorado Housing and Finance Authority (CHFA).

### DOLA - AFFORDABLE HOUSING SUPPORT FUND

Available Programs <sup>2</sup>	
	Local Planning Capacity
Ann. Fund Amount	~\$5.8M
Eligible Uses	<ul style="list-style-type: none"> <li>• Planning to survey and engage municipalities and counties to get input</li> <li>• Considering:               <ol style="list-style-type: none"> <li>1. Planning/permitting FTE or contractors dedicated to affordable housing development projects</li> <li>2. Development review streamlining and Fast Track process development and adoption</li> </ol> </li> </ul>

### CHFA - AFFORDABLE HOUSING FINANCING FUND

Priorities:

- High-density housing,
- Mixed-income housing,
- Projects consistent with the goal of environmental sustainability

Available Programs			
	Land Banking	Equity	Debt
Ann. Fund Amount	\$26M-\$44M	\$70M-\$122M	\$26M-\$61M
Structure	Grants to loc. govt.s	Must include tenant equity; other terms not yet defined	Must include tenant equity; other terms not yet defined
Target AMIs	<60% Rental <100% For-sale	Avg. 90%	Varies

Next Steps:

- Monitor DOLA and CHFA newsletters and websites for more information over 2023

<sup>2</sup> The DOLA Support Fund will also serve homeownership and homelessness initiatives

# 3. TRANSFORMATIONAL AFFORDABLE HOUSING, HOME-OWNERSHIP, AND WORKFORCE HOUSING GRANT PROGRAM (HB22-1304)

[Notice of Funding Availability](#)

These funds are from the Coronavirus State and Local Fiscal Recovery Funds and this pool allocates \$138 million dollars towards the creation of affordable housing units across the state. All funds must be allocated by 2024 and spent by 2026. For the first year, 50% of available funds will be reserved for rural communities.

**Awarded through:** The Colorado Department of Local Affairs, Division of Housing

## **Application Deadline:**

The division has quit taking letters of intent (LOI) and applications due to the volume of requests received to-date. If there are funds available after DOH processes the current round of applications, they will begin accepting LOIs on May 15th and applications on June 15th.

## **Anticipated Awards:**

- Between \$250,000-\$10,000,000

## **Award Date:**

## **Funds Must be Sent by:**

- Funds must be encumbered by 12/31/2024
- Funds must be expended by 12/31/2026

## **Fund Uses:**

- Housing Infrastructure
- Gap financing
- For Sale Housing
- Preservation of existing affordable housing
- Energy Improvements
- Conversion of existing housing to affordable housing
- Land banking

## **Grant Requirements:**

- The applicant must demonstrate that they and their partners have the experience and capacity to complete and manage the project
- Include a housing needs assessment or market study to show that the proposed rent and income limits address an unmet need in the community
- Project demonstrates the ability to complete construction and have long term viability
- 10% of units or 2 units (whichever is greater) shall be accessible to persons with mobility disabilities and 4% of units or 2 units (whichever is greater) shall be accessible to persons with hearing or visual impairments
- A minimum of 25% of project costs be sourced from applicant or other 3rd party, this can include: financial

institutions, non-profits, philanthropic/foundations, local funds, fee waivers, or housing vouchers

**Priorities:**

- Transformational: will fundamentally shift the landscape of affordable housing within the community
- Advance inclusivity, diversity, equity, and accessibility
- Leverage capital and operating subsidies from various sources
- Promote long-term affordability

**Next Steps:**

- Monitor the [DOH](#) website leading up to May 15th to see if the division will be reopening for applications

## LOW COST LOAN OPTIONS

### CHFA SMALL-SCALE HOUSING PERMANENT LOAN

[https://www.chfainfo.com/getmedia/7127e8e1-c3ee-4258-aebd-ad292fdb16f6/SHIP\\_SmallScaleHousingPermLoanProgramFlyer.pdf](https://www.chfainfo.com/getmedia/7127e8e1-c3ee-4258-aebd-ad292fdb16f6/SHIP_SmallScaleHousingPermLoanProgramFlyer.pdf)

### WEAVE SOCIAL FINANCE

<https://chaifunds.com>

### IMPACT DEVELOPMENT FUND (IDF)

<https://impactdf.org/developer/>

### RCAC LOAN FUND

[https://www.rcac.org/wp-content/uploads/2022/12/Brochure\\_LF\\_Affordable\\_Housing\\_12-09-22.pdf](https://www.rcac.org/wp-content/uploads/2022/12/Brochure_LF_Affordable_Housing_12-09-22.pdf)

**Development Budget**

**Project Name:** River Walk Affordable Rentals  
**Date:** 8/3/2023  
**Organization:** Home Trust of Ouray County  
**Spreadsheet Version:** 8/3/2023  
**County:** Ouray



Development Budget	Total Cost	Cost/Unit	Cost/Sq Ft
<b>ACQUISITION COSTS</b>			
Land	\$675,000	51,923	62.50
Existing Structures*		0	0.00
<b>SUBTOTAL</b>	<b>\$675,000</b>	<b>51,923</b>	<b>62.50</b>
<b>SITE IMPROVEMENTS*</b>			
On-Site Infrastructure	Grading, Parking & Drainage	\$180,000	13,846
Off-Site Infrastructure		0	0.00
Demolition		0	0.00
<b>SUBTOTAL</b>	<b>\$180,000</b>	<b>13,846</b>	<b>16.67</b>
<b>CONSTRUCTION*</b>			
New Construction		0	0.00
Rehabilitation		0	0.00
General Requirements		0	0.00
Contractor Overhead & Profit		0	0.00
Contractor Construction Contingency		0	0.00
Owner Hard Cost Contingency		0	0.00
FF&E		0	0.00
Building Permit Fees		0	0.00
Other (Specify)	\$350PSF	3,780,000	290,769
<b>SUBTOTAL</b>	<b>\$3,780,000</b>	<b>290,769</b>	<b>350.00</b>
<b>PROFESSIONAL FEES</b>			
Architect Fees		0	0.00
Engineering Fees		0	0.00
Real Estate Attorney Fees		0	0.00
Surveys		0	0.00
Green Planning and Design Fees		0	0.00
Construction Management Fees		0	0.00
Construction Accounting		0	0.00
Other (Specify)	Estimated @ 8% of Hard Costs	283,500	21,808
<b>SUBTOTAL</b>	<b>\$283,500</b>	<b>21,808</b>	<b>26.25</b>
<b>CONSTRUCTION FINANCE</b>			
Construction Insurance (H&L, Builder's Risk)		0	0.00
Construction Performance & Payment Bonds		0	0.00
Construction Loan Orig. Fee	1.00%	\$38,854	2,989
Construction Interest		139,874	2,989
Construction Lender Legal Fees		0	0.00
Title and Recording		0	0.00
Taxes During Construction		0	0.00
Insp. Fees (3rd party/Bank)		0	0.00
Power/Telecom Fees		0	0.00
Other (Specify)		0	0.00
<b>SUBTOTAL</b>	<b>\$178,727</b>	<b>5,978</b>	<b>7.20</b>
<b>PERMANENT FINANCE AND SYNDICATION</b>			
Loan Fees & Expenses	Estimated @ 1% of Loan Amount	\$27,681	2,129
Lender Legal Fees		0	0.00
Title and Recording		0	0.00
Bond Cost of Issuance		0	0.00
Organization Costs		0	0.00
Tax Opinion		0	0.00
Syndication Legal Fees		0	0.00
Other (Specify)		0	0.00
<b>SUBTOTAL</b>	<b>\$27,681</b>	<b>2,129</b>	<b>2.56</b>
<b>SOFT COSTS</b>			
Tap Fees (Water/Sewer)	15000	\$195,000	15,000
Impact Fees		0	0.00
Appraisals		0	0.00
Market Study		0	0.00
Environmental Studies (Phase 1, Phase 2, Lead, Asbestos, etc.)		0	0.00
Other Studies (traffic, wetlands, etc.)		0	0.00
Geotechnical/Soils Testing		0	0.00
Material Testing		0	0.00
Capital Needs Assessment		0	0.00
Temporary Relocation		0	0.00
Permanent Relocation		0	0.00
Tax Credit Fees		0	0.00
Marketing		0	0.00
Cost Certification		0	0.00
Green Certification Fees (LEED Certification, etc.)		0	0.00
Soft Cost Contingency		0	0.00
Other (Specify)	\$80PSF	\$864,000	66,462
<b>SUBTOTAL</b>	<b>\$1,059,000</b>	<b>81,462</b>	<b>98.06</b>
<b>DEVELOPER FEE / PROFIT</b>			
Developer's Fee	5% of hard and soft costs	\$241,950	18,612
PSH Developer Fee Boost	(up to 5%, LIHTC only)	0	0.00
Third Party Development Management/Owner's Rep		0	0.00
Consultants		0	0.00
Other (Specify)		0	0.00
<b>SUBTOTAL (i.e. - maximum developer fee)</b>	<b>\$241,950</b>	<b>18,612</b>	<b>22.40</b>
<b>RESERVES</b>			
Operating Reserve		\$27,088	2,084
Debt Service Reserve		\$69,413	5,339
Lease-up Reserve		0	0.00
Replacement Reserve	\$350 per unit	\$4,550	350
Other (Specify)		0	0.00
<b>SUBTOTAL</b>	<b>\$101,050</b>	<b>7,773</b>	<b>9.36</b>
<b>TOTAL DEVELOPMENT EXPENSES</b>	<b>\$6,526,908</b>	<b>\$494,299</b>	<b>\$594.99</b>

Rentable Square Footage	10,800
Non Living Square Footage	0
<b>Total Project Square Feet</b>	<b>10,800</b>
<b>Number of Units</b>	<b>13</b>
% of Non-living SF	0.0%

Calculate Potential LIHTC Amount		

Construction Loan	
Loan to Total Project Costs	65%
Debt	3,885,375
Equity Requirement	2,641,533
Rate	6.00%
Amortization	I/O
Const Loan Term	1
% of Const Interest Accrued	60%
Fee	1.00%
Constuction Loan Interest after Y1	139,874

	per unit	per SF	
<b>Hard Costs</b>	\$304,615	\$366.67	61.6%
<b>Soft Costs</b>	\$145,531	\$175.18	29.4%
<b>Land Costs</b>	\$51,923	\$62.50	10.5%

\*costs included in hard cost evaluation.

Activity Month	2022	2023	% Change from 2022	YTD % Change
January	\$ 27,661.19	\$ 37,085.48	34.1%	34.1%
February	\$ 32,883.88	\$ 27,662.57	-15.9%	6.9%
March	\$ 28,220.99	\$ 23,074.54	-18.2%	-1.1%
April	\$ 7,217.41	\$ 6,674.51	-7.5%	-2%
May	\$ 23,933.67	\$ 21,653.38	-9.5%	-3%
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>\$ 116,150.48</b>		

Revenue by Fund	2022	YTD 2023	Cumulative
Affordable/Attainable Housing	\$ 277,664.74	\$ 58,075.24	\$ 335,739.98
Water Capital Improvements	\$ 138,832.37	\$ 29,037.62	\$ 167,869.99
Sewer Capital Improvements	\$ 138,832.37	\$ 29,037.62	\$ 167,869.99
<b>Cumulative Total Raised</b>			<b>\$ 671,479.97</b>

Affordable Housing Revenue and Expenses	2022	YTD 2023	Cumulative
Total Raised	\$ 277,664.74	\$ 58,075.24	\$ 335,739.98
Total Spent	\$ (110,000.00)	\$ (32,336.25)	\$ (142,336.25)
Total Remaining	\$ 167,664.74	\$ 25,738.99	\$ 193,403.73

Average 2023 YTD Income Reported Per Property	\$ 10,920.96
Average 2023 YTD Excise Tax Paid Per Property	\$ 1,638.14

Check Date	Payee	Amount	Description
4/20/2022	Home Trust of Ouray County	\$ 10,000.00	2022 Operating funds
1/4/2023	Home Trust of Ouray County	\$ 100,000.00	734 4th St
2/1/2023	Home Trust of Ouray County	\$ 20,000.00	2023 Operating funds
4/26/2023	Economic & Planning Systems Inc	\$ 3,847.50	Housing needs analysis
5/24/2023	Economic & Planning Systems Inc	\$ 3,505.00	Housing needs analysis
6/7/2023	Buckhorn Engineering	\$ 3,426.25	Cascade Park Geohazard Assessment
7/5/2023	Economic & Planning Systems Inc	\$ 1,557.50	Housing needs analysis

August 2, 2023

Silas Clarke  
City of Ouray Administrator  
320 6<sup>th</sup> Ave.  
Ouray, CO 81427

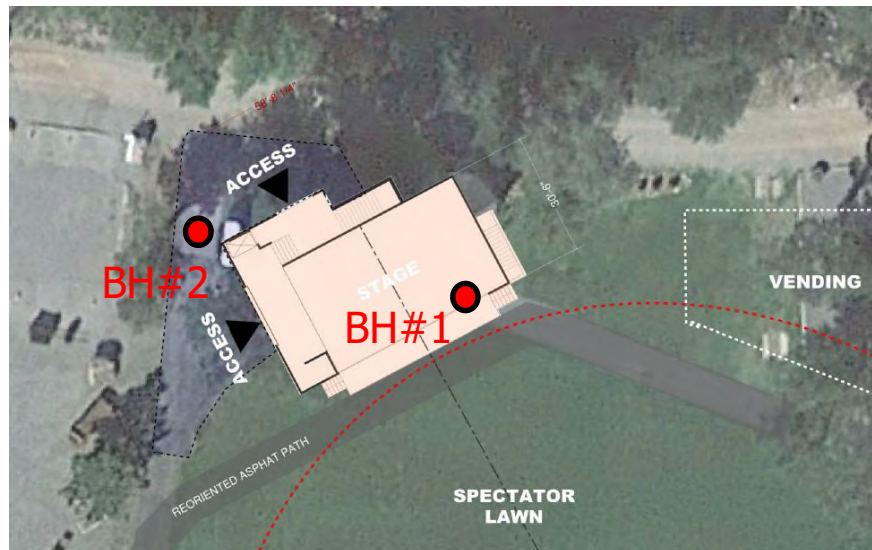
**Subject: Proposal for Geotechnical Engineering Services  
Ouray Fellin Park Stage**

Greetings Mr. Clarke,

Buckhorn Engineering, Inc. (BEI) is pleased to provide this proposal for geotechnical engineering services for the proposed Fellin Park Stage. We base this proposal on recent emails with you and Jim Keo, architect with Keo Studio Works, that includes a site plan and floor plan for the project. The stage design is still in the early stages, but we will work with you and Jim to ensure we have the most current information on the project in the development of our deliverables. In this proposal we summarize our project understanding, proposed scope of services, schedule, and estimated fee.

**PROJECT & SITE UNDERSTANDING**

The stage site is located west of Highway 550 in the southwest corner of Fellin Park and adjacent to the Uncompahgre River in the City of Ouray. According to the site and floor plans by Keo Studio Works, the dimensions of the stage structure are roughly 43 x 60 feet with a stage level elevated above grade and a partial basement with green rooms, utility/ storage areas, bathrooms/showers, changing rooms, and a mechanical room. We understand the bottom of footings would likely be 6-8 feet below grade. Since the site is adjacent to the Uncompahgre River, there are concerns related to shallow groundwater and flooding which may impact future improvements. The following site plan shows the stage footprint.



**Figure 1. Fellin Park Stage and proposed boring locations**  
(Keo Studio Works 6/28/23)

The building site is in the southwest corner of the park with a path, trees, grass, and a gazebo in the area. The site is open and accessible with a truck-mounted drill rig. Based on the geologic mapping and our knowledge of the area, the stage site is on alluvium, so we anticipate coarse sandy gravels and cobbles with the potential for small boulders. Groundwater is likely present within 10 feet of the surface, based on the nearby river. Generally, shallow spread footings are appropriate for at grade structures on these soil conditions.

### **PROPOSED SCOPE OF GEOTECHNICAL SERVICES**

We propose to perform a geotechnical evaluation using exploratory drilling and laboratory testing. We propose to perform the following scope of work:

1. We will coordinate site access and field work with you and call Colorado 811 (Utility Notification Center of Colorado, UNCC) for them to perform utility locates prior to exploration. BEI cannot be responsible for damage to unregistered or unlocated utilities such as irrigation lines or private communication lines. If private locates are necessary, they would be performed under separate contract by others.
2. Explore subsurface soil conditions via a total of two (2) borings, at approximate locations shown in Figure 1, to depths of approximately 10-15 feet below existing grade using a drill rig subcontracted by BEI. We understand the geothermal water table is at roughly 20 feet, so we will stay above that layer. We will use traditional auger and ODEX (if needed) geotechnical drilling methods and our geotechnical staff will direct the drilling program, log the stratigraphy, and collect soil samples with Standard Penetration Tests (SPT) at 2.5 to 5-foot intervals, as well as gather bulk samples of auger cuttings, when needed. We will visually classify and describe the soil and rock materials and groundwater encountered in explorations referencing the *Unified Soil Classification System (USCS)*. The driller will backfill explorations with soil cuttings upon completion. Some rutting or other surface disturbance as part of exploration should be expected, but we will attempt to minimize disturbance to the site. We will not landscape, reseed, or recompact exploration locations. Should we encounter a subsurface anomaly that necessitates additional drilling or test pit(s), we will contact you for authorization to proceed with additional testing.
3. In the boring closest to the river (likely BH#2 in Figure 1), we will install a monitoring well to a depth of approximately 10 feet. Prior to installing the monitoring well, we will obtain a permit (*Notice of Intent to Construct a Monitoring Hole*) with the Colorado Division of Water Resources (CDWR). Upon completion of the installation, we will also submit to the CDWR, a *Well Construction Report* and list the City of Ouray as owner of the well. This well will not penetrate the geothermal groundwater zone. All permitting forms submitted to the CDWR will be provided to City staff. The well will have a flush-mounted manhole cover with locked J-plug pipe cap. It will be available for City staff to take groundwater readings at any time over the next year or so until construction commences. At that time, it will need to be officially abandoned (plugged with concrete) or removed during excavation and a Well Abandonment Report submitted to the CDWR at that time. If you would like us to take monthly or other regular water level readings, we can do so for an additional fee of \$250/visit, including emailed results.
4. Perform laboratory tests on soil samples from our exploration to evaluate their geotechnical engineering properties. Our project engineer will assign the laboratory testing program

based on the soil and rock conditions encountered during the field investigation and with respect to our analyses. Laboratory test results may include, but are not limited to the following:

- ◆ Natural soil moisture content
- ◆ Grain-size distribution
- ◆ Atterberg limits
- ◆ Unconfined compression strength (UCS) of soil and rock
- ◆ Swell/consolidation
- ◆ Corrosivity Series - pH, electroconductivity, chlorides, water soluble sulfates

We will use the results of laboratory testing to help characterize soil-engineering parameters. Soil samples will be retained for 30 days after we deliver the final report.

5. Perform geotechnical engineering analyses to provide geotechnical design and construction recommendations for the planned construction. We will evaluate the following geotechnical design recommendations for building and pavement at this site:

- ❖ Earthwork
  - Site preparation and grading recommendations
  - Excavation characteristics
  - Structural fill criteria
  - Compaction and moisture specifications
  - Cold-weather construction
  - Suitability of the on-site soils for use as subgrade
  - Geotextile applications
- ❖ Shallow Foundations
  - Discussion of possible shallow foundation
  - Considerations for foundation component connections
  - Active, at-rest, and passive lateral earth pressures
  - Allowable foundation bearing pressure
  - Soil improvement requirements (if needed)
  - IBC/ASCE site class based on explored depths
  - Lateral foundation base sliding friction coefficients
  - Swell and collapse potential
  - Frost depth
- ❖ Deep Foundations (if relevant)
  - Suitable deep foundation types for project components
  - Allowable bearing capacities
  - Design factors of safety
  - Estimated deflection
  - Allowable uplift resistance
  - L-Pile soil parameters
  - Load test requirements
  - Construction considerations
- ❖ Dewatering and Groundwater Management Considerations
- ❖ Concrete Slabs-On-Grade
  - Recommendations for slab type
  - Minimum slab support section
  - Under-slab preparation

- ❖ Drainage Considerations
  - Surface drainage
  - Foundation/subsurface drainage
- ❖ Soil Chemistry
  - Sulfate corrosion of concrete
  - Corrosion of buried metals

6. Provide an electronic copy of a geotechnical report for that will include a site plan, borehole logs, laboratory test data, our interpretation of subsurface conditions, geologic setting, foundation and other geotechnical recommendations, and our opinions and geotechnical recommendations for design and construction.

### SCHEDULE AND FEES

We anticipate the following assumptions, timeframe, and estimated fees:

1. Call Colorado 811 to request utility locates. We assume City staff will ensure that the boring locations are cleared for drilling and will not impact existing buried waterlines or other City utilities. We request that your staff marks the borehole locations with a stake or marking paint for the locators.
2. Drill 2 boreholes during the week of August 14<sup>th</sup> with local Montrose driller, Colorado Drilling and Sampling. The driller has been reserved for this week and we assume 1 day of drilling. If drilling requires more than 1 day, we will supply a revised scope and fee for this additional drilling. This driller is not available again until October 9-10.
3. Complete laboratory testing and engineering analyses, which we will summarize in a geotechnical report within 4-6 weeks following completion of field work. However, we will provide verbal and/or email recommendations to the design team prior to production of the report in order to allow the design team to progress with their design based on actual site conditions and result of testing and analysis.
4. The estimate for our fee (based on time and materials) and the driller’s fees are summarized in the table below based on our knowledge of the site and anticipated drilling conditions.

Tasks	BEI	Subcontracted local driller
PM, utility locates, meetings, field investigation (1 day)	\$ 2,000	
Laboratory testing	\$ 1,150	
Analysis, graphics & reporting	\$ 4,280	
Drill rig, operators, materials*		\$ 2,400
<b>Estimated Subtotal</b>	<b>\$ 7,430</b>	<b>\$ 2,400</b>
<b>Estimated Total</b>	<b>\$9,830</b>	

5. If you would like us to take monthly or other regular water level readings in the monitoring well, we can do so for an additional fee of \$280/visit, including emailed results after each visit.

Our estimated fee is valid for a period of 90 days from the date of this proposal. Should subsurface conditions warrant a change in scope (i.e., additional services such as more exploration or additional laboratory testing), we will request a fee change prior exceeding the proposed budget.

### **LIMITATIONS**

We developed the geotechnical scope of services presented above based on our understanding of the proposed development. The scope of services presented above does not include retaining system design, slope stability analysis, structural or pavement design, erosion control design, evaluation of hazardous materials, delineation of wetlands, or any other services not explicitly discussed above. We will endeavor to perform our evaluation referencing the standard of care for geotechnical engineering, as it exists in Colorado at the time of this proposal. This acknowledgement is in lieu of any express or implied warranties.

### **ACCEPTANCE**

We appreciate the opportunity to submit this proposal. If you find the proposal acceptable, please send us your Standard Agreement for our signature. We look forward to working with you on this project. If you have any questions regarding this proposal, please contact us.

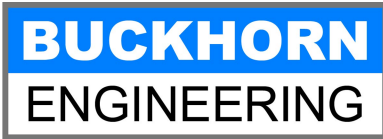
Sincerely,

**Buckhorn Engineering, Inc.**



Laurie J. Brandt, CPG  
Professional Geologist

Enclosures: BEI Fee Schedule



222 South Park Ave.
Montrose, CO 81401
(970) 249-6828

UNIT RATE SCHEDULE -- EFFECTIVE January 2023

ENGINEERING BILLING RATES

Table listing engineering roles and their hourly rates: Principal (\$170.00/hour), Senior Project Manager (\$165.00/hour), Professional Engineer (\$135.00/hour), Project Manager (\$120.00/hour), Professional Geologist (\$140.00/hour), Staff Engineer (\$125.00/hour), Soil Scientist/Geologist (\$90.00/hour), Senior Designer (\$110.00/hour), Engineering Technician II (\$85.00/hour), Engineering Technician I (\$75.00/hour), Soil/Geologic Technician (\$75.00/hour), Clerical (\$50.00/hour), Resident Project Representative (\$85.00/hour), Lab Manager (\$75.00/hour).

CONSTRUCTION MATERIALS TESTING

Table listing construction materials testing roles and their hourly rates: CMT Project Manager (\$100.00/hour), Field Technician (\$85.00/hour), Construction Inspector (Foundation, Piers, Pilings) (\$85.00/hour), Steel/Weld Inspector (\$85.00/hour).

SURVEY

Table listing surveying roles and their hourly rates: Professional Surveyor (\$130.00/hour), 2-Man Survey Crew (\$210.00/hour), Survey Crew Member (\$90.00/hour), Survey Technician (\$80.00/hour).

REIMBURSABLE (DIRECT) EXPENSES

- List of reimbursable expenses: Blueprints (\$0.50/square foot, \$3.00/24"x36" sheet, \$4.50/30x43, \$9.00/36x72), Computer Plotting (Mylars, \$15 sheet, Vellum, \$10 sheet), Photocopies (8.5 x 11 sheet, 10¢/sheet, 8.5x14 sheet, 15¢/sheet, 11x17 sheet, 25¢/sheet), Mileage (\$0.65/mile), Long Distance, Faxes, Federal Express, UPS, etc. (Cost), Travel fees and subsistence (Cost), Sub-Consultants (Cost plus 10%), Monuments, i.e. Rebar, Caps, T-Post Monument Box, Concrete (Cost), Copies of Deeds and Plats of Record (Cost), ATV (\$100/day).

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

- Land Use and Sign Codes Work Session:
- Affordable Housing EQR Utility Offset Program
- Housing Committee Formation for Rural Homes, LLC (Deed Restriction Exceptions)
- Adopt Updated Zoning Map (Overlay District) with Land Use Code Update
- Alcohol at the pool (Late August Work Session to Determine Direction to Staff)
- (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
- Dark Sky Ordinance
- Huckstering Permit Re-examine Permit and Fees
- Parking Study by Engineer