



AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
APRIL 15, 2021
101 W. 8TH STREET
6:15 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*
The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

ZOOM INSTRUCTIONS

1. You are invited to a Zoom webinar.

When: Apr 15, 2021 03:30 PM Mountain Time (US and Canada)

Topic: 2021/04/15 Regular Council Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86469857569>

Or One tap mobile :

US: +16699006833,,86469857569# or +12532158782,,86469857569#

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Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 864 6985 7569

International numbers available: <https://us02web.zoom.us/j/86469857569>

WORK SESSION

- | | | |
|------|---|------------------------|
| 3:30 | 2. Airport Commission | Information/Discussion |
| 4:15 | 3. Homeless Presentation Built for Zero | Information/Discussion |

REGULAR SESSION

- | | |
|------|--|
| 6:15 | 4. Roll Call |
| | 5. Pledge of Allegiance |
| | 6. Agenda Changes & Conflicts |
| | 7. Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes) |

- 6:15 8. Council Comments
- 6:30 9. Consent Agenda Discussion and/or Action
- All matters under consent are considered to be routine and will be enacted by one motion and vote. The titles will not be read aloud. There will be no separate discussion on these items unless a Councilmember or Audience Member so requests.*

- A. Approval of Minutes from Regular Council Meeting on March 18th
- B. Ordinance 2, Series 2021, Second Reading - Changes to Titles 020, 050 and 060 - Building/Fire Appeals
- C. Cardiff Community Garden Lease
- D. Lease of Water Shares

Meeting Set-up

ACTIONS AND/OR PRESENTATIONS

- 6:30 10. Swearing in Council Discussion and/or Action
- 6:40 11. Election of Mayor and Mayor Pro-Tem Process Discussion and/or Action
- 7:15 12. South Midland Update Discussion and/or Action
- 7:20 13. Solar Campaign in Garfield County Discussion and/or Action
- 7:30 14. South Bridge Design - Amendment #8 Discussion and/or Action
- 7:40 15. Devolution of the State Coronavirus Dial Discussion and/or Action
- 7:50 16. Water Rate Study Resolution 2021-07 Discussion and/or Action
- 8:20 17. Tourism Board Conversation Discussion and/or Action
- 8:30 18. Report from City Administration
- A. City Manager
 - i. Price Increases in Large Projects
 - B. City Attorney
 - C. Correspondence Incoming/Outgoing
- 8:40 19. Adjournment



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Airport Commission

Action Requested: Airport Commission Joint Work Session

Department: Parks & Recreation

Presented By: Brian Smith, Recreation Director

Background Info: **Current Commission Members**

- Alan Arnold
- Richard Backe
- Joel Shute
- David Merritt
- Stephanie Stanfield
- Sean Thomas (Alternate)

Updates

- Fuel Pedestal
- Airport Manager

Goals/Interest/Concerns

- South End Development- layout options
- Neighborhood Relations
- Airport Master Plan

City Council Feedback

- Priorities/Direction/Other Concerns for Airport Commission

Issues:

Staff Recommendation: NA



**Airport Commission
City Council Annual Work Session
April 15, 2020 3:30PM**

Updates

- Fuel Pedestal
- Airport Manager

Goals/Interest/Concerns

- South End Development- layout options
- Neighborhood Relations
- Airport Master Plan

City Council Feedback

- Priorities/Direction/Other Concerns for Airport Commission



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Imbuing Confidence, Resiliency, and Enthusiasm

Observations on The Current State of the Community of Glenwood Springs with regard to the Experience of Homelessness (and Housing instability) and Proposed Action Steps

Debbie Wilde, April 15, 2021

Disclaimer: The following is based on my observations and learnings to date. There is no hard data cited although there are some statements that can be backed up with data. Observations of perceptions are not founded in surveys nor any other organized method of collecting perceptions. I welcome corrections and state with complete transparency that I am not an expert in matters of homelessness. My observations are the results of being highly connected and working with the people and the institutions, especially in the area of human services, of the community of Glenwood Springs and the surrounding region for the past 39 years. In the past two years, my focus has been on homeless and related issues – exploring and participating at a community level and gathering information to educate myself and others.

The Community at Present: Of the many human service issues that have had attention, homelessness has only recently gotten visible and “irritating” to an extent that it can no longer be absently tolerated. This is the case in Glenwood Springs more so than in other towns in Garfield County. Aspen, our neighbor to the south, leads Glenwood in bringing together a community coalition on housing stability and creating a strategic plan. Both Glenwood and Aspen have a high dependency on tourism and have very publicly visited downtown areas, parks and trails. Local residents without housing/jobs and travelers without housing/jobs tend to live in and frequent the same spaces that these communities designed and tout to attract tourists and potential new residents. It is both a reason for the more pronounced “rub” between those living without housing and those who see this space as important to their livelihood and the reason that these communities are in a place of readiness to find solutions.

Language: Language expresses our collective understanding. We need some new, common language to create solutions (a word that is less than adequate itself) that benefit all.

Proposal for Next Steps

Goal: Creating a Place of Mutual Respect Where All Can Co-exist

Audience – the community of Glenwood Springs

Key barriers:

Perceptions

Space/Location

Services

Housing/Cost of Living/Jobs

Objective 1: Community Skill Building and Education

Activity: De-escalation Training “Dealing with Difficult Behaviors” and Mental Health First Aide Trainings

- Open to all and target market to businesses and services that have a high volume of walk-in clientele. (more information at end of report)

Activity: Webinar Series

Understanding the realities of living without sustainable housing. Learn the factors that drive unstable and unsheltered living. Identify best practices and the history of learning that has led to these responses. Learn specific activities that other communities have used with success. Question and Answer component.

Objective 2: Community engagement in creating a strategic plan which includes outcomes, activities, resource needs and measurements of success to address objectives 2-5.

Create opportunity for questions and answers, listening, exploring of solutions.

Objective 3: Community engagement in the Built for Zero response to ending chronic homelessness.

Objective 4: Community engagement in creating an aligned response to transients/travelers.

Objective 5: Community engagement in creating an aligned response to criminal behavior for those who do not comply with usual deterrents/punishment.

More Details for Series of 3 educational webinars

Contract with Jenn Lopez and Kathleen Van Voorhis of Interfaith Alliance to guide the process and present information

45 minutes of information, 15 minutes of Q & A

- Collect questions to address in other formats or future sessions
- Use Interfaith Alliance's Zoom webinar platform
- Record for further distribution

Webinar Content (thoughts)

- Understanding the realities of living without sustainable housing. Learn the factors that drive unstable and unsheltered living.
- Identify best practices and the history of learning that has led to these responses.
- Learn specific activities that other communities have used with success.

Local Press involvement in educating

- Pre and post webinar info from local newspaper and radio
- Newspaper op-eds
- Radio talk shows

Social Media

- Determine what channels and best use

Collect names and contact info for those interested in working to create and implement a community plan

- Gather through webinar chat box
- Identify other ways for people to add their names to the list

Step Two: Community Coalition Building

Step Three: Facilitated Creation of Community Strategic Plan

Step Four: Work the Plan

Observations on The Current State of the Community of Glenwood Springs with regard to the Experience of Homelessness and Housing instability

Basic lack of education/understanding

A long history of assumptions

Space – a small area that tries to hold many needs

Services and Responses that have not kept up with the growing need nor innovative response

Planning that has not recognized nor been intentional about people experiencing homelessness

Lack of attainable housing

High cost of living

Jobs with attractive pay that falls short of meeting the high cost of living

Movement toward more interest in, building of services, desire for more effective response

Local Perceptions of Homelessness

Long ignored – moving to a realization that people experiencing homeless who are living in the community are not going away. Beginning to think that this is/becoming a status quo for all communities.

Increasing readiness for solutions – movement from past “solutions” (don’t have any services and they will leave, get them on a bus out of town, arrest, law enforcement is the answer) or feed everyone who needs a meal.

More sympathy for chronic homeless than travelers(transients.) especially those who are young adults and appear able bodied. Perception that these travelers are choosing this lifestyle, using drugs, they should be working.

Not all people experiencing homelessness behave the same. “Most of them are okay. There are always some bad apples.”

Paternalistic perceptions regarding many long-time local homeless.

More learning about homelessness and believe that positive solutions are possible.

Most often expressed statements of belief:

I want to see people get a hand up but not a handout.

People are choosing this lifestyle. They want to live without rules and responsibilities. (This perception has grown as citizens and service providers have conversation with homeless who say they want to camp outside.)

Mental health and addiction are the sources creating homelessness

(I have heard this expressed once but this is likely more prevalent) People can't control mental health issues but addiction is a choice they are making

These people need to get a job (expressed as a job will be the solution to put people in a living space)

If we didn't feed them, didn't have services, people living in homelessness wouldn't be here. (Fear of if you build it, they will come.)

No one should go hungry. (This gets expressed by some on all levels of the continuum of beliefs.)

This is their community, too.

We have to figure out a way to all live together.

Housing:

The shortage of affordable housing, the gap in wages and housing costs (and other living costs – health care, food, gas etc.) are issues that have been reported, recognized, debated for a long time and are very significant issues for our community. Many locals are managing to balance housing and living costs which leads to both empathy with the stress and struggle for housing and at the same time creates a deep divide in seeing a lack of affordable housing as a core root of homeless. “There, but for the grace of God, go I” to “If I can work hard and keep a roof over my head, others can figure out how to do this.” The tolerance is even less for the “homelessness” who “aren't even trying” i.e. don't have a job, are hanging around and panhandling.

Housing First is a paradigm shift that has not been widely introduced locally. It has been talked about in human service circles; but even there, it needs to gain standing. We know, and it is demonstrated in this community, that the natural tendency is to think housing should be a reward and ending point vs a starting point for people getting a “hand-up.”

People in the human service, local government, emergency service, health sectors are all increasingly recognizing that housing instability is a major hinderance for their efforts resulting in successful outcome for their clients.

Audiences:

All the factions identified in the research on “What America Thinks About Homelessness” apply to Glenwood Springs.

Involved Advocates – those who are comfortable around homeless people and feel included in the fight for solutions. • Hesitant Helpers – supporters of government action with personal hesitations or fears about homeless people. • Active Ignorers – people with low levels of political involvement who feel homelessness is not their problem. • Stubborn Skeptics – those most concerned with quality-of life issues they blame on homeless people

Local Governments:

Current City Manager, City Staff and City Council – recognizing and concerned for all citizens of the community including those who are experiencing homelessness, actively interested in a new response. Feel the pressure of the community's reliance on tourism and fear the impact of visible homelessness on a significant economic driver.

County Government – Commissioners interested in hand up but not hand out - realizing that that public opinion is moving toward sympathizing with the circumstances of homelessness and citizens are looking for solutions beyond no services and move people down the road. Glenwood is the county seat. Glenwood is the center of county services although auxiliary buildings and services have been added in Rifle (30 miles to the West.) Two of the three commissioners live in Glenwood.

Space:

Downtown Core. The axiom of “out of sight, out of mind” often is quite true. In this community, “in sight, top of mind” can account for much of the initial reason for the growing pressure to “do something about homelessness.” The Downtown Core is the epicenter of many different “interests” (locals, tourists, travelers who hang for a long-while especially summer months) services (merchants, restaurants, offices, a few banks, human services, the jail, city hall, county courthouse & services, post office, two small parks and a few inviting, outdoor spaces)

Downtown is essentially two blocks long and two blocks wide. Add a block or two to those dimensions to take in additional spaces like the courthouse, jail, city hall, post office, Catholic Charities, Feed My Sheep, Lift-Up, Center for Independence, and Garfield County Housing Authority. A nicely renovated space under the bridge for public gatherings, benches etc., a core of restaurants all clustered here, walking over the bridge is a real touristy thing to do when in Glenwood, any local “tourist” shops are located here. The Hot Springs Pool is easily accessed from this space as is the Hotel Colorado which is right over the bridge from downtown. This space is easily the place that Glenwood residents, tourists and those who are looking for a handout of food, money or a place to hang all day or eve find the most desirable.

Also in this same tiny space is the library with an outside terrace area, the train station, the Methodist Church which hosts meals M-F, Lift-UP (food pantry), Catholic Charities, Feed My Sheep (day shelter and services). Salvation Army is now located several blocks away. The bus station is a few blocks away from the downtown core. The intersection of Interstate 70 and Hwy 82(the road to Aspen which is also Grand Ave and also the street that runs through these blocks that comprise downtown) starts here. Several marijuana retailers are located in this area.

Parks and Trails. Locals are very outdoor oriented. They consistently use parks and trails. These spaces are also built and advertised as amenities to attract tourists. This is another space well-utilized as living

space by those who are without housing. Inordinate amounts of trash, camps, needles and human waste are met with a variety of emotions by locals – anger, frustration, confusion, pity, powerlessness.

Transportation: There is public bus service – RFTA – that runs consistently between Aspen and Glenwood Springs. Currently RFTA has a route from Glenwood to Rifle and lately a Rifle to Parachute bus. There is also a bus that makes a route through Glenwood. There have been a lot of changes during COVID. How public transportation is working for those experiencing homelessness is a question.

Fire: In addition to the trash piled at camp sites and concerns for safety of hikers, the issue of fire is one that causes community panic. Glenwood is situated in a narrow river valley. In the last several years, the community has experienced wildfires. There have been a few that began from hillside camp residences. Those have been dealt with expediently by emergency response and have not been among the major fires. A simple walk among the dry vegetation on the hillsides, and it takes no imagination to understand the potential for wildfire. In these same areas, one can find many abandoned propane canisters. The local fire department and city personnel hold their breath that nothing dire happens both for those making the hillsides home and for the residents of the community.

Emergency Response Compassion Fatigue: EMS responders and hospital emergency room personnel express their concerns as well as their dismay at responding to and treating the same people repeatedly. They witness the poor health conditions of those without shelter.

The Hot Spots for Frustration and for Change are Those Behaviors That are Most Visible:

Trash, trash, trash, needles, biowaste, hoarding, hanging out “loitering” in public places, verbal harassment of passersby, sleeping on the ground and benches especially under the Grand Ave bridge

And these visible behaviors are pronounced in the Downtown core.

Citizen concerns with all this – especially in the downtown core – is it will hurt the tourist industry and this is the space that is most seen as the representation of the town. Our latest incident was business owners and a man experiencing homelessness involved in harassment/altercations which resulted in minor assaults.

Services:

- Salvation Army – gas money, voucher for short hotel stay, bag of food, tent, sleeping bag and other camping gear, connection to other services, remain the place of relationship and source of goods and services for some clients. Main office Glenwood.
- Lift-UP – food pantry, organize Extended Table where community volunteers provide a meal each day Mon-Friday. Pantry in Glenwood. Main office Rifle.
- Catholic Charities – client managers who sort through issues with people, connect to services, gas money, hotel vouchers, The Continuum of Care (COC) Balance of State designee for Garfield and six other counties, manage the coordinated entry and Rapid Rehousing Dollars. Office is in Glenwood Springs. Office Glenwood.
- Feed My Sheep – Day shelter Wed-Sunday. Some storage spaces and limited overnight winter shelter. Noon meal Wed-Sunday for their clients. Will give food bags to anyone who needs. Clear rules. If choose not to abide by rules, then not a client. Work on getting clients papers needed for employment, housing etc. Try to help clients move to housing. Glenwood.

- County Department of Human Services. Offices in Glenwood and Rifle.
- Center for Independence – Work with anyone with a disability. Help people get through the steps for disability, Medicaid, find services. Office Glenwood.
- Built for Zero – Regional team Aspen through Parachute. Working to implement BFZ methodology. Goal: End Chronic and Veteran Homelessness. West Mountain Regional Health Alliance serves as administrative entity. Hiring 3/4 time BFZ Coordinator. Monies are one year grant dollars.
- Garfield County Housing Authority – housing vouchers. Main office Rifle. Aux office Glenwood.
- West Mountain Health Alliance – leading efforts for permanent supportive housing, doing an inventory of needs for Colorado Health Foundation. Glenwood.
- Mind Springs Mobile Recovery Team – Referrals from hospitals, law enforcement, other services for substance use concerns. Mobile.
- Hope Center – co-responder with police, hospitals for mental health issues. Mobile.
- City of Glenwood Springs – employing a consultant to help the city assesses and respond to homelessness
- City of Glenwood Springs(fiscal agent) /West Mountain Health Alliance (implementation)– ESG-CV2 grant to pay partial support for homeless outreach staff, coordinator, Homeless Management Information System data management, emergency shelter hotel vouchers (grant award pending)
- The faith community is quiet in its work. Individual churches and individuals in churches respond to individual requests for needs. It has been many years since there was an easily identified “interfaith alliance.” Many churches support Feed My Sheep and Lift-Up. Both of these organizations were founded with collective effort from local churches. Lift-Up continues to have that support monetarily and in volunteers but has grown so that it receives government dollars and grants and is integrated into Food Bank of the Rockies and other programs. Feed My Sheep remains very locally supported and no longer looks to local governments or sources of funding beyond local donors.
- Valley View Hospital – Emergency Room, hospital admittance for medical issues, social work services
- Glenwood Springs Fire Department – Emergency Medical Response
- Eviction Prevention Team and American Rescue Plan Community Workgroup – completed 6 weeks of training and coaching with *Rethinking Homelessness*. Hosted a webinar on April 13 to present information on new funding esp. American Rescue Plan, examples of substantial projects related to housing/homelessness, proposal of a Regional Recovery Council for aligned action and use of funds, hosting an all-invite town hall meeting April 26, noon – 1:30. Register at www.aspen2parachute.com/events
- There has been no detox facility in Garfield County for about 13 years. There is a very active team working on this project.

Considerations based on current state of community:

Must address the visible face of homelessness.

Create empathy that leads to services.

Humanize addiction to lead to services.

Humanize mental health to lead to services.

Make the strong connection of lack of housing being a foundational cause of homelessness and a foundational solution to the way out of homelessness.

Dispel laws and law enforcement as THE solution while keeping law enforcement engaged as an effective partner in community solutions.

Emphasize the message that housing first has been demonstrated to be the key first step to a hand up.

Make the connection of shared struggles.

Effectively share stories from those with lived experience.

Refer to recommendations in the What America Believes About Homelessness study.

Information from “What America Believes About Homelessness” Study presented by Invisible People, Dec 2020 <https://invisiblepeople.tv/what-america-believes-about-homelessness/>

What Tone Captures Public Attention?

The most memorable stories about homelessness were emotionally touching but grounded – either sad/sympathetic stories, or informative/realistic stories. This creates an opportunity for storytellers to introduce the housed public to the lives and stories of homeless people in a real and direct way. This makes individuals with lived experience incredibly effective messengers, who can relate to audiences and share a sympathetic story, while also grounding their message in the reality of their experiences. Pg27

What Messaging Performed Best Overall?

The highest performing messages focused on what housed and homeless people have in common, or on issues of health and recovery. In the second tier of messages, the focus is more informative, connecting homelessness to systemic issues of economic and housing justice. Low-performing messages typically focused on problems caused by homeless people themselves. Other low-performing message focused on systemic success, the idea that programs to end homelessness are working. Pg. 28

Message Believability

Health messages and messages that emphasize the possibility that anyone could be homeless are the most believable, with at least two-thirds agreeing. Messages focused on systemic causes were still believable to the majority of people. If the homelessness sector wants to speak authentically and build credibility, it needs to ground the messages it sends and the stories it tells in the humanity of the people it serves. Pg 29

Recommendations

MAKING A HUMAN CONNECTION IS KEY Emphasizing ways in which housed and homeless people share the same struggles and hopes provides an on-ramp to empathy.

AVOID REINFORCING STIGMA AND MYTHS Addressing public concerns about addiction and mental illness are important, but too much focus can reinforce misconceptions.

UPLIFT VOICES WITH LIVED EXPERIENCE People who have experienced or are experiencing homelessness are often the best ambassadors. Don't just tell people's stories, support them in speaking for themselves.

BE SPECIFIC The most memorable stories leave the audience with a specific takeaway about the person or experience described.

WHEN POSSIBLE, MAKE IT INTERACTIVE The public is often confused about homelessness, so allow space for questions and discussion.

UNDERSTAND YOUR AUDIENCE Messages need to take the audience into account. Try to identify what preconceptions people bring to a conversation and let that inform your message.

COLLABORATE, DON'T REINVENT THE WHEEL Homelessness is a systemic problem, and numerous individuals and organizations are working to solve it. Uplift other voices, highlight good examples, and build on the approaches they're already taking.

GIVE PEOPLE EASY WAYS TO GET INVOLVED Meeting and talking with someone experiencing homelessness is a fast way to create a moment of empathy. Help people find accessible opportunities to reach out to their unhoused neighbors.

More information on the de-escalation training:

Dealing with Difficult Behaviors

A class designed to help participants learn practical ways to deal with individuals with difficult behavior, ways to make an environment safe, detect warning signs for those in distress, understand how our reactions can impact another person, gain an understanding of how to care for yourself and those around you. This class is typically arranged for organization and businesses who would like their staff trained in de-escalation techniques and assessing when it is time to call for support such as law enforcement. The Hope Center holds the mobile crises response contract in Eagle and Pitkin counties and staff consistently use the techniques taught in this class.

Presented by: Hope Center's executive director, Michelle Muething

Trainer Bio: Michelle Muething has a passion for teaching and has taught at Indiana University for nine years in the Department of Psychology, as well as locally at Colorado Mountain College. She is trained in Cognitive Behavior Therapy (CBT), bio-feedback and in the administration of neuropsychological testing and interpretation.

Michelle is the executive director at the Hope Center where she and her team dedicate themselves to connecting the community and reducing the stigma of mental illness and suicide.



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Approval of Minutes from Regular Council Meeting on March 18th

Action Requested: Approval of minutes from prior meeting

Department: City Clerk

Presented By: Ryan Muse, City Clerk

Background Info:

Issues:

Staff Recommendation:



MINUTES
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
APRIL 1, 2021
101 W. 8TH STREET
6:15 PM

Note: Official meeting minutes are located on the City website via YouTube video at the following link: <https://www.youtube.com/user/GlenwoodSprings1885/videos>. The times indicated in agenda items indicate approximately where the item can be found on the YouTube video timeline.

REGULAR SESSION

:01 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Kaup, Councilor Willman, Councilor Wussow, Councilor Stepp, Councilor Hershey, Councilor Davis. Also present were Debra Figueroa, City Manager; Steve Boyd, COO; Jenn Ooton, Asst. City Manager and Karl Hanlon, City Attorney.

:02 Pledge of Allegiance

Mayor Godes led the Pledge.

:02 Agenda Changes and Conflicts

Councilor Hershey, seconded by Councilor Willman, motioned to continue item 21, which is Planning Item 11-21 Consideration of a Right of Way, the Bell Rippy Issue to the next regular meeting.

Motion passed 7-0.

:03 Citizens Appearing Before Council

No comments were offered.

:03:25 Council Comments

Councilor Davis commented on spring clean-up that he's disappointed in how its being rolled out. Have to contact City Hall to confirm registration. We used to be able to put out a lot of material, now only 2.5 yards. Some people have more than that and we should consider revisiting the topic.

Councilor Stepp agreed with Councilor Davis that we should make it easy for residents and supports a conversation. Would like to see a place on the website that clearly outlines the duties of a board/commission member.

Councilor Willman recognized Jenn Ooton as Assistant City Manager of the Year. Mentioned a bill pending in state legislature that would disallow us to regulate daycare facilities as residential.

Mayor Pro Tem Kaup congratulated Jenn Ooton and supported putting spring clean-up on a Council agenda. Said some people are interested in viewing the work session on emergency planning and would like to make it public when we know when its on an agenda.

Mayor Godes asked City Clerk Ryan Muse to play a video regarding Jenn's award (due to technical difficulties this happened at 6:56.) Also wants to get the URA up and running again in the next month or two. Also said childcare facilities are desperately needed in our area and would like to see options in residential areas if possible.

:22:50 Consent Agenda

Councilor Willman moved, Mayor Godes seconded to approve the consent agenda.

Passed 7-0.

ACTIONS AND/OR PRESENTATIONS

:23:24 Arts and Culture Board Appointees

Mayor Pro Tem Kaup moved, seconded by Councilor Willman to appoint two candidates to the Arts and Recreation Board.

Mayor Pro-Tem Kaup moved, Councilor Willman seconded to appoint Corina Jones and Ethan Merritt to the Arts and Culture Board with the term that ends in 2024.

Passed 7-0.

:24:10 FAB Grant Application

Debra asked if there is any things Council does not want to fund in grants this year with the Tourism and A&I funds. Councilor Willman supported going back to how we have awarded grants in the past. Councilor Davis agreed. Councilor Hershey also agreed. Councilor Wussow asked that we factor into decisions organizations that have been deeply impacted by COVID. Council asked staff to add a question in the application about how COVID has impacted the organization.

:40:20 Syringe Services Program Presentation

Maggie Seldeen provided an overview of their organization that provides Medication Assisted Treatment (MAT).

:54:30 Mayor Godes moved, seconded by Mayor Pro-Tem Kaup to sign a letter of support for the program.

Passed 7-0.

:57:55 Resolution 2021-06, Community Housing Guidelines

Continued from last meeting. Hannah Klausman went through changes made to the document to streamline the program's implementation and added language to address rental properties.

1:49 Motion by Councilor Wussow, second by Mayor Pro-Tem to incorporate the changes outlined in the staff memo other than anything referring to retirees which will be brought back by staff with some options in the summer.

Ayes: Kaup, Stepp, Wussow, Godes, Willman

Nays: Hershey, Davis

Motion passed 5-2.

1:57:37 Planning Item 11-21 Consideration of a Right-of-Way Encroachment License and an Easement Vacation for the Bell Rippy multi-family/duplex development

Trent Hyatt presented an update and stated that staff is recommending approval of this item. Normally this would be on a consent agenda but staff wanted Council to have an opportunity to ask questions. Karl said we are really just matching the language from the documents in the building to the work on the ground.

1:59:50 Councilor Hershey moved, second by Councilor Wussow to approve Planning Item 11-21 Consideration of a Right-of-Way Encroachment License and an Easement Vacation for the Bell Rippy multi-family/duplex development.

Motion passed 7-0.

2:01:15 Ordinance 2, Series 2021 - Changes to Titles 020, 050 and 060 - Building/Fire Board of Appeals

Jenn Ooton said the Building Board of Appeals has not met in years and staff is recommending the Planning Commission be able to act as the Board of Appeals. Item was opened to public comment, none was offered.

2:20:43 Councilor Hershey moved, seconded by Councilor Willman to approve subject to changing the dates and adding the appeal will be on the next P&Z meeting agenda or as soon as possible thereafter.

Ayes: Kaup, Godes, Willman, Hershey

Nayes: Wussow, Davis, Stepp

Motion passed 4-3.

2:23:36 Review of COVID-19 Dial

Jenn Ooton reported that the current dial will stay in place until the 15th or 16th and will be guidance at the local level at that point. Also said the statewide mask ordinance is likely to be extended. Councilor Hershey suggested the item be continued to the next meeting. Mayor Godes agreed.

2:28:00 Discussion of City Membership in Advocacy Organizations and Nonprofits

Debra said some of the memberships we pay annual dues for are already paid. The AGNC has not been paid in 2021 and asked Council to limit their discussion to that organization and deal with the rest in the budget process. Councilor Stepp said she is the liaison but we are non-voting members and feels there are more opportunities to participate elsewhere.

2:36:09 Mayor Godes moved, seconded by Councilor Wussow to withdraw our membership in AGNC and not pay the \$3,750.

Ayes: Willman, Stepp, Kaup, Godes, Davis, Wussow

Nayes: Hershey

Motion passed 6-1.

2:37:18 Senate Bill 62

Chief Deras reported that this bill will limit law enforcement's ability to arrest and hold offenders and that the Colorado Association of Chiefs of Police formally opposes the bill on the grounds of public safety concerns. Councilor Stepp suggested having a proponent of the bill present their perspective.

2:59:10 Mayor Godes moved, seconded by Councilor Wussow to not take action on this item.

Ayes: Stepp, Wussow, Godes

Nayes: Davis, Kaup, Willman, Hershey

Motion failed 4-3

3:15:43 Councilor Willman moved, seconded by Councilor Hershey to send a letter opposing this regulation.

Ayes: Davis, Willman, Hershey, Kaup, Stepp

Nayes: Godes, Wussow

Motion passed 5-2

3:17:30 Discussion of how to handle signatures on letters of support when a vote is not unanimous.

Whether letters of support are signed by individual Councilors or signed by The City Council was discussed.

3:26:28 Councilor Willman moved, seconded by Mayor Godes that letters of support or opposition are signed by City Council.

Motion passed 7-0.

3:27:16 Report from City Administration

Debra gave City Clerk Ryan Muse the floor and provided clarification of current election dates, cut off times and where/how to register, change address, questions and vote.

3:30:50 Adjournment

3:30:50 Councilor Hershey, seconded by Councilor Willman, moved to adjourn.

Passed unanimously.

Ayes: Godes, Kaup, Stepp, Willman, Wussow, Hershey

Nayes: Davis

Motion passed 6-1



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item:	Ordinance 2, Series 2021, Second Reading - Changes to Titles 020, 050 and 060 - Building/Fire Appeals
Action Requested:	Approval of Ordinance 2, Series 2021 - Amending Titles 020, 050 and 060 to name the Planning and Zoning Commission as the Building Board of Appeals. This ordinance has been updated for second reading.
Department:	Economic and Community Development
Presented By:	Jennifer Ooton, Assistant City Manager Gary Tillotson, Fire Chief
Background Info:	The City of Glenwood Springs currently has an appointed Building Board of Appeals to hear appeals of decisions made by the Building Official and the Fire Marshal. This board currently has several seats open, and staff is having a difficult time recruiting for the board. The Clerk's Office has indicated that the city advertised four times in 2020 and received no applications for the two open positions. Due to a lack of appeals and the inactive nature of this board, it is extremely difficult to recruit for the open positions. Ordinance 02, Series 2021, would name the Planning and Zoning Commission as the Board of Appeals for appeals of decisions related to interpretation of the Building and Fire codes. Staff updated the Ordinance on Second Reading to change the appeals period to 14 days, to make it more clear that the city would be able to hire a third party expert in order for the Planning and Zoning Commission to have expert information regarding the specific appeal, and to clarify that the appeal would be heard at the next Planning and Zoning Commission meeting following the receipt of the appeal. According to staff members, the Building Board of Appeals has not met in at least 8-9 years. The Building Board of Appeals met several times in 2010 before the adoption of the 2009 International and National Codes regarding construction building codes and regulations.
Issues:	None.
Staff Recommendation:	Approval of Ordinance 2, Series 2021.

ORDINANCE NO. 2

Series of 2021

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTIONS OF TITLES 020, 050 AND 060 RELATING TO THE BUILDING BOARD OF APPEALS.

WHEREAS, pursuant to Section 020.020.030(c) of the Glenwood Springs Municipal Code, the Building Board of Appeals is responsible for hearing appeals in accordance with the International Building Code, International Residential Code, International Fire Code, and other adopted codes from the International Code Council as adopted or amended in Title 060 of the Municipal Code (“Adopted Construction Codes”); issuing and revoking a City contractor’s license pursuant to Title 050 of the Municipal Code; and investigating, studying and reporting to City Council on matters concerning contractor licensing and regulations as well as matters of fire protection and prevention coordination and cooperation between the City Fire Department and the Glenwood Springs Rural Fire Protection District; and

WHEREAS, Section 020.020.020(3) of the Municipal Code provides that the Building Board of Appeals shall be composed of the Building Inspector, ex officio; one professional engineer and one licensed contractor who reside in or own property or a business within the 81601 zip code; one resident of the City of Glenwood Springs; and one current or former firefighter, licensed fire alarm installer or fire code inspector who resides in or owns property or a business within the 81601 zip code; and

WHEREAS, unlike other City boards and commissions that have regularly scheduled business, the Building Board of Appeals meets on an as-needed basis, and the City has faced challenges finding individuals who meet the criteria in Section 020.020.020 to sit on a board that meets sporadically; and

WHEREAS, the duties set forth in Section 020.020.030(c), other than hearing appeals, either can or have been being performed by City staff such as the Building Official and Fire Official; and

WHEREAS, City Council desires to amend Section 020.030.030(c) so that the duties of the Building Board of Appeals are limited to hearing appeals of decisions issued by the Building Official or Fire Official pursuant to the Adopted Construction Codes and to amend Title 060 to create consistent procedures for appeals to the Building Board of Appeals; and

WHEREAS, City Council further desires to amend Section 020.020.020(3) to provide that the Planning and Zoning Commission shall serve as the Building Board of Appeals; and

WHEREAS, City Council finds that the amendments set forth on **Exhibit A** are necessary to clarify and correct the duties of the Building Board of Appeals and to ensure there is an existing board to hear appeals in accordance with the Adopted Construction Codes; and

WHEREAS, City Council further finds that such amendments are in the best interest of the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals above are hereby adopted as findings.

Section 2. Titles 020, 050 and 060 of the Glenwood Springs Municipal Code are hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE
OF SECOND PUBLICATION THIS _____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

EXHIBT A

New language is double underlined

~~Strike through language is deleted~~

020.020.020 – Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

(3) Building Board of Appeals.

- a. The Planning and Zoning Commission shall act as the Building Board of Appeals whenever such a board is required by this Code, other ordinances of the City or state or federal law.
- a. ~~Building Inspector, ex officio;~~
- b. ~~One (1) professional engineer who may reside out of the City but within the 81601 zip code area or own real property or a business within the City;~~
- c. ~~One (1) licensed contractor who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City;~~
- d. ~~One (1) citizen who is a resident of the City; and~~
- e. ~~One (1) current or former firefighter, licensed fire alarm installer or fire code inspector who may reside outside of the City but within the 81601 zip area code or own real property or a business within the City.~~

020.020.030 – Powers and duties of boards and commissions.

(c) *Powers and Duties of Building Board of Appeals.* The powers and duties of the Building Board of Appeals shall be:

(1) ~~To~~ To hear appeals in accordance with the International Building Code, International Residential Code, International Fire Code, and the other adopted codes from the International Code Council, as adopted or amended by Title 060 of this Code. Such power shall not include matters of interpretation arising under the Code.

~~(2) — To issue and revoke or suspend a City's contractor's license as provided in Title 050.~~

~~(3) — To investigate, study and report to the City Council such other matters concerning contractor licensing and regulations as the Board may deem in the best interests of the City.~~

~~(4) — To investigate, study and report to the City Council matters of fire protection and prevention coordination and cooperation between the City Fire Department and the Glenwood Springs Rural Fire Protection District.~~

(f) *Powers and duties of Planning and Zoning Commission.* The powers and duties of the Planning and Zoning Commission shall be:

(7) To service as the Building Board of Appeals.

050.040.070 - Suspension and revocation

(a) ~~*Complaint and notice. Grounds for suspension or revocation.* The Building Official may issue an order suspending or revoking a license issued pursuant to this article if he/she determines, upon his/her own motion, and shall, upon the verified complaint in writing of any person, require any person licensed pursuant to this article to appear before the Building Board of Appeals for hearing after five (5) days' notice in writing mailed to his/her last known post office address or personally delivered to such person. Such notice shall include a copy of the complaint and the date, time and place of the hearing.~~

(b) ~~*Hearing.* The Building Board of Appeals shall conduct a hearing allowing for procedural due process although strict rules of evidence need not be followed. At the conclusion of the hearing, if the board finds by clear and convincing evidence that the license holder has committed any one (1) or more of the following acts or omissions, it may suspend or revoke such license:~~

(1) Abandonment of any contract without legal cause;

(2) Diversion of funds or property received for performance or completion of a specific contract or for a specified purpose in the performance or completion of any contract and their application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of said contract;

- (3) Fraudulent departure from or disregard of plans or specifications in any material respect without consent of the owner or his/her duly authorized representative, and the Building Official;
 - (4) Willful and deliberate disregard and violation of the construction building codes of the City or failure to comply with any lawful order of the Building Official;
 - (5) Misrepresentation of material facts by the applicant in obtaining a license;
 - (6) Fraudulent use of a license to obtain building permits for another,
 - (7) Carelessness or negligence in providing reasonable safety measures for the protection of workers and the public;
 - (8) Failure to obtain a building permit for any work as required by Title 060; or
 - (9) Suspension or revocation of the person's license (master or otherwise) which is required by the State.
- (eb) *Suspension or revocation period.* The suspension of the license shall be for a period not to exceed one (1) year, and the revocation shall be for a period of more than one (1) year or may be a permanent revocation of that person's license. The suspension or revocation of a license shall not entitle the licensee to a refund of his/her license or application fees.
- (ec) *Appeal.* Any order of suspension or revocation of a license may be appealed to the Building Board of Appeals by filing a written notice of appeal with the Building Official, stating the exact reasons for the appeal of the order or suspension or revocation, within ~~fourteen~~ fourteen (~~14~~) days of the order. ~~The Building Board of Appeals shall hear the appeal within one (1) month.~~ The decision of the Building Board of Appeals shall be final from which an appeal may be taken to Court in accordance with the laws of the State.
- (ed) *Re-examination.* The administering board may require a person whose license has been suspended or revoked to be reexamined before a license will be reinstated or reissued.
- (ee) *Other remedies.* These procedures for suspension or revocation of a license are cumulative and are in addition to the powers of the Building Official to issue stop work orders pursuant to Subsection 050.040.010(b) or pursuant to any other provisions of this Code and in addition to any other remedies which may be available to the City.

060.020.020 - Amendments to the International Building Code.

§113.1 General (Board of Appeals).

The Building Board of Appeals as established by Article 020.020 GSMC shall hear and decide appeals of orders, decisions or determinations by the Building Official relative to the application and interpretation of this code.

§113.3 Qualifications

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City may, in its discretion, engage an independent third party with training and experience in matters involving building codes to provide an opinion regarding the issues on appeal.

§113.4 Notice of Appeal Procedures.

§113.4.1 Filing Appeal.

~~Any person with material or definitive interest in an order, decision or determination by the Building Official may appeal the order, decision or determination to the Building Board of Appeals. A notice of~~ The appeal must be presented to the Building Official ~~and the Community Development Director~~ in writing within ~~21~~40 days of the decision ~~being appealed~~, stating the decision in question and ~~the basis for the appeal~~ ~~appellant's interpretation of the relevant code section.~~ Failure to present the notice of appeal within ~~10~~4 days shall be a waiver of any further right of appeal. ~~Upon receipt of the notice of appeal, the Community Development Director will place the item on the next~~ ~~available~~ meeting agenda of the Planning and Zoning Commission.

§113.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

§113.4.2 Notice of Meeting.

~~The Building Official shall notify the Building Board of Appeals members and set a meeting date within two (2) weeks of receiving the written appeal.~~

§113.4.3 Open Hearing.

~~All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard. (Ad 24-10 §2)~~

§113.4.4 Board Decision.

The Board may modify or reverse the decision of the Building Official by a concurring vote of the majority of the voting members present. The Building Official shall take immediate action in accordance with the decision of the board.

060.030.020 - Amendments to the International Residential Code.

§112.1 General (Board of Appeals).

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals. ~~per Section 113 of the International Building Code.~~

§112.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City may, in its discretion, engage an independent third party with training and experience in matters involving building codes to provide an opinion regarding the issues on appeal.

§112.4 Notice of Appeal.

A notice of appeal must be presented to the Building Official and Community Development Director in writing within ~~10~~14 days of the decision being appealed, stating the decision in question and the basis for the appeal. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission.

§112.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.040.020 – Amendments to the International Plumbing Code.

§109 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within ~~10~~14 days of the decision being appealed. The notice of appeal should state the decision being appealed and

the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10-14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.050.020 – Amendments to International Mechanical Code.

§109 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 140 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10-14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.060.020 – Amendments to the International Property Maintenance Code.

§111.4 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 140 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 10-14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings

related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.080.020 – Amendments to the International Energy Conservation Code.

§109 Board of appeals.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 140 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. Failure to present the notice of appeal within 140 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available-meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.090.020 – Amendments to the International Fire Code.

§108.1 Board of Appeals.

The Building Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code.

§108.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City Board of Appeals may, in its discretion, engage an independent third party with training and experience in matters involving fire hazards, explosions, hazardous conditions or fire protection systems to provide an opinion regarding the issues on appeal.

§108.4 Notice of Appeal Building Board of Appeals.

The Building Board of appeals shall also serve as the board of appeals under this Code. The applicants requesting to appeal a decision shall make their request to the Building Board of Appeals. A notice of appeal must be presented to the fire code official and Community

Development Director within ~~10-14~~ days of the order being appealed, stating the order in question and the basis for the appeal ~~they are appealing~~. Failure to present the notice of appeal within ~~1410~~ days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next ~~available~~ meeting agenda of the Planning and Zoning Commission.

§108.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the fire code official determines that such a stay would cause imminent peril to life or property. The fire code official shall take immediate action in accordance with the decision of the Board of Appeals.

060.120.020 – Amendments to the International Fuel Gas Code.

§109 Means of appeal.

An order, decision or determination by the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within ~~140~~ days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. ~~per Section 113 International Building Code~~. Failure to present the notice of appeal within ~~10-14~~ days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next ~~available~~ meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the fire code official determines that such a stay would cause imminent peril to life or property.

ORDINANCE NO. 2

Series of 2021

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING SECTIONS OF TITLES 020, 050 AND 060 RELATING TO THE BUILDING BOARD OF APPEALS.

WHEREAS, pursuant to Section 020.020.030(c) of the Glenwood Springs Municipal Code, the Building Board of Appeals is responsible for hearing appeals in accordance with the International Building Code, International Residential Code, International Fire Code, and other adopted codes from the International Code Council as adopted or amended in Title 060 of the Municipal Code (“Adopted Construction Codes”); issuing and revoking a City contractor’s license pursuant to Title 050 of the Municipal Code; and investigating, studying and reporting to City Council on matters concerning contractor licensing and regulations as well as matters of fire protection and prevention coordination and cooperation between the City Fire Department and the Glenwood Springs Rural Fire Protection District; and

WHEREAS, Section 020.020.020(3) of the Municipal Code provides that the Building Board of Appeals shall be composed of the Building Inspector, ex officio; one professional engineer and one licensed contractor who reside in or own property or a business within the 81601 zip code; one resident of the City of Glenwood Springs; and one current or former firefighter, licensed fire alarm installer or fire code inspector who resides in or owns property or a business within the 81601 zip code; and

WHEREAS, unlike other City boards and commissions that have regularly scheduled business, the Building Board of Appeals meets on an as-needed basis, and the City has faced challenges finding individuals who meet the criteria in Section 020.020.020 to sit on a board that meets sporadically; and

WHEREAS, the duties set forth in Section 020.020.030(c), other than hearing appeals, either can or have been being performed by City staff such as the Building Official and Fire Official; and

WHEREAS, City Council desires to amend Section 020.030.030(c) so that the duties of the Building Board of Appeals are limited to hearing appeals of decisions issued by the Building Official or Fire Official pursuant to the Adopted Construction Codes and to amend Title 060 to create consistent procedures for appeals to the Building Board of Appeals; and

WHEREAS, City Council further desires to amend Section 020.020.020(3) to provide that the Planning and Zoning Commission shall serve as the Building Board of Appeals; and

WHEREAS, City Council finds that the amendments set forth on **Exhibit A** are necessary to clarify and correct the duties of the Building Board of Appeals and to ensure there is an existing board to hear appeals in accordance with the Adopted Construction Codes; and

WHEREAS, City Council further finds that such amendments are in the best interest of the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1. The recitals above are hereby adopted as findings.

Section 2. Titles 020, 050 and 060 of the Glenwood Springs Municipal Code are hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED, AND ORDERED
PUBLISHED BY TITLE ONLY THIS _____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE
OF SECOND PUBLICATION THIS _____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, Assistant City Clerk

EXHIBT A

New language is double underlined

~~Strike through language is deleted~~

020.020.020 – Composition of boards and commissions.

The membership of boards and commissions shall be composed of the following persons:

(3) Building Board of Appeals.

- a. The Planning and Zoning Commission shall act as the Building Board of Appeals whenever such a board is required by this Code, other ordinances of the City or state or federal law.
- a. ~~Building Inspector, ex officio;~~
- b. ~~One (1) professional engineer who may reside out of the City but within the 81601 zip code area or own real property or a business within the City;~~
- c. ~~One (1) licensed contractor who may reside outside of the City but within the 81601 zip code area or own real property or a business within the City;~~
- d. ~~One (1) citizen who is a resident of the City; and~~
- e. ~~One (1) current or former firefighter, licensed fire alarm installer or fire code inspector who may reside outside of the City but within the 81601 zip area code or own real property or a business within the City.~~

020.020.030 – Powers and duties of boards and commissions.

(c) *Powers and Duties of Building Board of Appeals.* The powers and duties of the Building Board of Appeals shall be:

(1) ~~To~~ To hear appeals in accordance with the International Building Code, International Residential Code, International Fire Code, and the other adopted codes from the International Code Council, as adopted or amended by Title 060 of this Code. Such power shall not include matters of interpretation arising under the Code.

~~(2) — To issue and revoke or suspend a City's contractor's license as provided in Title 050.~~

~~(3) — To investigate, study and report to the City Council such other matters concerning contractor licensing and regulations as the Board may deem in the best interests of the City.~~

~~(4) — To investigate, study and report to the City Council matters of fire protection and prevention coordination and cooperation between the City Fire Department and the Glenwood Springs Rural Fire Protection District.~~

(f) *Powers and duties of Planning and Zoning Commission.* The powers and duties of the Planning and Zoning Commission shall be:

(7) To service as the Building Board of Appeals.

050.040.070 - Suspension and revocation

(a) ~~*Complaint and notice. Grounds for suspension or revocation.* The Building Official may issue an order suspending or revoking a license issued pursuant to this article if he/she determines, upon his/her own motion, and shall, upon the verified complaint in writing of any person, require any person licensed pursuant to this article to appear before the Building Board of Appeals for hearing after five (5) days' notice in writing mailed to his/her last known post office address or personally delivered to such person. Such notice shall include a copy of the complaint and the date, time and place of the hearing.~~

(b) ~~*Hearing.* The Building Board of Appeals shall conduct a hearing allowing for procedural due process although strict rules of evidence need not be followed. At the conclusion of the hearing, if the board finds by clear and convincing evidence that the license holder has committed any one (1) or more of the following acts or omissions, it may suspend or revoke such license:~~

(1) Abandonment of any contract without legal cause;

(2) Diversion of funds or property received for performance or completion of a specific contract or for a specified purpose in the performance or completion of any contract and their application or use for any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of said contract;

- (3) Fraudulent departure from or disregard of plans or specifications in any material respect without consent of the owner or his/her duly authorized representative, and the Building Official;
 - (4) Willful and deliberate disregard and violation of the construction building codes of the City or failure to comply with any lawful order of the Building Official;
 - (5) Misrepresentation of material facts by the applicant in obtaining a license;
 - (6) Fraudulent use of a license to obtain building permits for another,
 - (7) Carelessness or negligence in providing reasonable safety measures for the protection of workers and the public;
 - (8) Failure to obtain a building permit for any work as required by Title 060; or
 - (9) Suspension or revocation of the person's license (master or otherwise) which is required by the State.
- (eb) *Suspension or revocation period.* The suspension of the license shall be for a period not to exceed one (1) year, and the revocation shall be for a period of more than one (1) year or may be a permanent revocation of that person's license. The suspension or revocation of a license shall not entitle the licensee to a refund of his/her license or application fees.
- (ec) *Appeal.* Any order of suspension or revocation of a license may be appealed to the Building Board of Appeals by filing a written notice of appeal with the Building Official, stating the exact reasons for the appeal of the order or suspension or revocation, within fourteen ~~ten~~ (~~10~~14) days of the order. ~~The Building Board of Appeals shall hear the appeal within one~~ (~~1~~) month. The decision of the Building Board of Appeals shall be final from which an appeal may be taken to Court in accordance with the laws of the State.
- (ed) *Re-examination.* The administering board may require a person whose license has been suspended or revoked to be reexamined before a license will be reinstated or reissued.
- (ee) *Other remedies.* These procedures for suspension or revocation of a license are cumulative and are in addition to the powers of the Building Official to issue stop work orders pursuant to Subsection 050.040.010(b) or pursuant to any other provisions of this Code and in addition to any other remedies which may be available to the City.

060.020.020 - Amendments to the International Building Code.

§113.1 General (Board of Appeals).

The Building Board of Appeals as established by Article 020.020 GSMC shall hear and decide appeals of orders, decisions or determinations by the Building Official relative to the application and interpretation of this code.

§113.3 Qualifications

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City may, in its discretion, engage an independent third party with training and experience in matters involving building codes to provide an opinion regarding the issues on appeal.

§113.4 Notice of Appeal Procedures.

§113.4.1 Filing Appeal.

Any person with material or definitive interest in an order, decision or determination by the Building Official may appeal the order, decision or determination to the Building Board of Appeals. A notice of The appeal must be presented to the Building Official and the Community Development Director in writing within 2014 days of the decision being appealed, stating the decision in question and the basis for the appeal appellant's interpretation of the relevant code section. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next available meeting agenda of the Planning and Zoning Commission.

§113.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

§113.4.2 Notice of Meeting.

The Building Official shall notify the Building Board of Appeals members and set a meeting date within two (2) weeks of receiving the written appeal.

§113.4.3 Open Hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard. (Ad 24-10 §2)

§113.4.4 Board Decision.

~~The Board may modify or reverse the decision of the Building Official by a concurring vote of the majority of the voting members present. The Building Official shall take immediate action in accordance with the decision of the board.~~

060.030.020 - Amendments to the International Residential Code.

§112.1 General (Board of Appeals).

~~Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals, per Section 113 of the International Building Code.~~

§112.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City may, in its discretion, engage an independent third party with training and experience in matters involving building codes to provide an opinion regarding the issues on appeal.

§112.4 Notice of Appeal.

A notice of appeal must be presented to the Building Official and Community Development Director in writing within 14 days of the decision being appealed, stating the decision in question and the basis for the appeal. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next meeting agenda of the Planning and Zoning Commission.

§112.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.040.020 – Amendments to the International Plumbing Code.

§109 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 14 days of the decision being appealed. The notice of appeal should state the decision being appealed and

the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.050.020 – Amendments to International Mechanical Code.

§109 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 14 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.060.020 – Amendments to the International Property Maintenance Code.

§111.4 Means of Appeal.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 14 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. per Section 113 International Building Code. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the

action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.080.020 – Amendments to the International Energy Conservation Code.

§109 Board of appeals.

Orders, decisions or determinations of the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 14 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next -meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the Building Official determines that such a stay would cause imminent peril to life or property.

060.090.020 – Amendments to the International Fire Code.

§108.1 Board of Appeals.

The Building Board of Appeals shall hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this Code.

§108.3 Qualifications.

The Planning and Zoning Commission shall serve as the Building Board of Appeals. The City may, in its discretion, engage an independent third party with training and experience in matters involving fire hazards, explosions, hazardous conditions or fire protection systems to provide an opinion regarding the issues on appeal.

§108.4 Notice of Appeal Building Board of Appeals.

The Building Board of appeals shall also serve as the board of appeals under this Code. The applicants requesting to appeal a decision shall make their request to the Building Board of Appeals. A notice of appeal must be presented to the fire code official and Community Development Director within 14 days of the order being appealed, stating the order in question

and the basis for the appeal they are appealing. Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next meeting agenda of the Planning and Zoning Commission.

§108.5 Effect of Appeal

A timely appeal shall stay all proceedings related to the action being appealed unless the fire code official determines that such a stay would cause imminent peril to life or property. The fire code official shall take immediate action in accordance with the decision of the Board of Appeals.

060.120.020 – Amendments to the International Fuel Gas Code.

§109 Means of appeal.

An order, decision or determination by the Building Official relative to the application and interpretation of this code may be appealed to the Building Board of Appeals by presenting a notice of appeal to the Building Official and Community Development Director within 14 days of the decision being appealed. The notice of appeal should state the decision being appealed and the basis for the appeal. ~~per Section 113 International Building Code.~~ Failure to present the notice of appeal within 14 days shall be a waiver of any further right of appeal. The Planning and Zoning Commission shall serve as the Building Board of Appeals. Upon receipt of the notice of appeal, the Community Development Director will place the item on the next meeting agenda of the Planning and Zoning Commission. A timely appeal shall stay all proceedings related to the action being appealed unless the fire code official determines that such a stay would cause imminent peril to life or property.



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Cardiff Community Garden Lease

Action Requested: Approval of Community Gardens Annual Lease Agreement

Department: Parks & Recreation

Presented By: Brian Smith, Recreation Director

Background Info: The City owns and leases property at Cardiff Glen to a non-profit called Cardiff Community Gardens that makes space available to residents for gardening purposes. Staff have received a letter of request for renewal of these lease agreement and have met with the new President, Sarah Babb Mazur and reviewed the lease agreement terms and has received approval from the Parks & Recreation Department for renewal of the agreements pending Council Approval. The Cardiff Community Gardens are responsible for all maintenance, water, and utility costs. Council has asked that City property leased to other parties be included in an agenda when they come up for renewal.

Issues: NA. Since the lease is for a community garden, there is no cost to use this land. There are no changes to the terms and conditions of the lease renewal.

Staff Recommendation: Staff recommends approval.

Steve Boyd, Chief Operating Officer
(970) 384-6400 (o)



101 West 8th Street
Glenwood Springs, CO 81601

March 23, 2021

Sarah Mazur, Manager
Cardiff Community Garden
1547 Crawford Way
Glenwood Springs, CO 81601

via email: cardiffcommunitygardenmanager@gmail.com

Re: Agreement for Lease of Property dated February 12, 2016 between
the City of Glenwood Springs and Cardiff Community Garden

Dear Ms. Mazur:

You have requested renewal of the above-referenced agreement for lease of space for a community garden at Summerville Park. The City of Glenwood Springs agrees to extend this lease agreement for a one-year term, until March 31, 2022. All other same terms and conditions of the lease remain the same.

Thank you.

Sincerely,

Steve Boyd
Chief Operating Officer

c: Brian Smith

AGREEMENT FOR LEASE OF PROPERTY

This AGREEMENT FOR LEASE OF PROPERTY is made this 12th day of February, 2016, between the CITY OF GLENWOOD SPRINGS, a Colorado home rule city ("Lessor"), and CARDIFF COMMUNITY GARDEN, a Colorado nonprofit corporation ("Lessee").

WITNESSETH:

WHEREAS, Lessee desires to use City property located within Summerville Park at Cardiff Glen ("Property") as a community garden, as more particularly shown on **Exhibit A** attached hereto and incorporated herein; and

WHEREAS, Lessor desires to permit the use of the Property by Lessee on the terms and conditions contained herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. Scope of Agreement. Lessee hereby agrees to utilize the Property as a community garden, subject to the rules established by Lessee as set forth on **Exhibit B** and further the rules established by Lessor as set forth on **Exhibit C** attached hereto and incorporated herein. Lessee agrees to provide these rules to all those utilizing the Property through email communication or hand delivery and clearly visible public postings.

2. Consideration. No consideration shall be required for use of the Property other than as set forth in this Agreement.

3. Term and Renewal. This Agreement shall be effective as of the date of its execution by both parties and shall continue until April 1, 2018, or unless earlier terminated pursuant to Section 11 of this Agreement. Lessee may request renewal ninety (90) days before expiration of this Agreement. This Agreement may then be renewed upon agreement of the Parties to the terms of the renewal.

4. Condition. Lessee accepts the Property as is.

5. Trash. Lessee shall be responsible for trash removal from the Property, and all trash shall be disposed of off-site and in a legal manner.

6. Maintenance and Repairs; Water Usage; Improvements, Additions and Alterations; Ownership, Removal and Surrender.

6.1 Maintenance and Repairs. Lessee shall maintain the Property for safety through proper operation of the community garden. Lessee shall notify Lessor of any unsafe condition, it is aware of but unable to correct as part of the operation of the community gardens. Lessee expressly waives the benefit of any statute or case law now or hereafter in effect which would give Lessee the right to make repairs at Lessor's expense.

6.2 Water Usage. Lessee agrees to monitor water usage on the Property to ensure there are no water leaks or excessive water use, and to set rules to encourage responsible water usage by all garden participants. Upon notification, by Lessor, of some adverse condition occurring due, at least in part, to Lessee water usage, Lessee agrees to comply with the Lessor in order to remedy same. Lessee shall pay all charges for water used by Lessee on the Property during the term of this Agreement, and shall pay all charges prior to the due date.

6.3 Improvements, Additions and Alterations. Lessee must obtain Lessor's consent before making any alterations, improvements, or additions in, on or about the Property, which Lessee may deem necessary or desirable.

6.4 Ownership; Removal; Surrender; and Restoration.

(a) Ownership. All alterations, additions and improvements to the Property by Lessee shall be the property of and owned by Lessee, but considered a part of the Property. Unless otherwise provided herein, all Lessee made alterations, additions and improvements shall, at the expiration or earlier termination of this Agreement, become the property of the Lessor and remain upon and be surrendered by Lessee with the Property. Lessee's personal property and its trade fixtures, including all machinery, equipment and furnishings, shall remain the property of Lessee and may be removed by Lessee.

(b) Removal. Lessee, at its own expense, may remove such alterations, improvements, or additions made by it in, on or about the Property. Any personal property, trade fixtures, alterations, improvements, or additions not removed by Lessee within thirty (30) days after the end of the term of this Agreement shall automatically become the property of Lessor. Lessee shall repair any material damage to the Property caused by Lessee's removal of its personal property, trade fixtures, alterations, improvements, or additions, but Lessee shall have no obligation to remove such items from the Property at any time.

(c) Surrender/Restoration. Lessee shall surrender the Property by the end of the last day of the Agreement term or any earlier termination date, with all of the improvements broom clean and in good operating order, condition and state of repair, ordinary wear and tear excepted. "Ordinary wear and tear" shall not include any damage or deterioration that would have been prevented by reasonable maintenance practice or by Lessee performing all of its obligations under this Agreement.

7. Lessor's Access; Repairs. Lessor and Lessor's agents shall have the right to enter the Property at any time for the purpose of making such alterations, repairs, improvements or additions to the Property, as Lessor may reasonably deem necessary, provided such activities shall not interfere with Lessee's operations. All such activities of Lessor shall be without abatement of liability to this Agreement.

8. Signs. Lessee may erect such signs on the Property as Lessee may deem desirable if the signs do not violate laws, rules or regulations of the City of Glenwood Springs.

9. Quiet Possession. Lessor covenants and agrees that so long as Lessee observes and performs all of the agreements and covenants required of it hereunder, Lessee shall peaceably and quietly enjoy use of the Property for the term without any encumbrance, interference or hindrance by Lessor. If Lessee's use of the Property is limited or denied through rezoning, environmental impact edict, or other formal action of any public or quasi-public agency or governmental authority and after notice and public hearing, this Agreement shall terminate as of the effective date of such action.

10. Governmental Immunity; Waiver and Indemnity.

10.1 Indemnification. Lessee shall ensure that all users of Property shall sign an indemnification agreement in a form substantially similar to that attached hereto as **Exhibit D** which releases the Lessor and Lessee from liability of any and all damages. The original copies will be given to the City's Director of Parks and Recreation. A copy will be maintained by Lessee.

10.2 Governmental Immunity. Nothing within this Agreement shall be interpreted as a waiver of governmental immunity, to which the Lessor would otherwise be entitled under Section 24-10-101, et seq., C.R.S., as amended.

11. Termination. Lessor or Lessee may terminate this Agreement for a material breach constituting default by the other party.

12. Agreement Administration and Notice. For purposes of administering this Agreement, the City Manager hereby appoints the Director of Parks and Recreation to represent the City in carrying out the purposes and intent of this Agreement. Any notices required to be given pursuant to this Agreement shall be delivered as follows:

To the Lessor: City Manager
 City of Glenwood Springs
 101 West 8th Street
 Glenwood Springs, Colorado 81601

Copy to: City Attorney
 City of Glenwood Springs
 101 West 8th Street
 Glenwood Springs, Colorado 81601

To the Lessee: Patrick Murphy
 Cardiff Community Garden
 P.O. Box 4534
 Glenwood Springs, CO 81602
 Phone: 970/366-9099

13. Responsibilities. Lessee shall be responsible for all damages to persons or property caused by Lessee, its agents, employees or subcontractors, which may result from its

negligent acts and shall indemnify and hold harmless Lessor from any claims or actions brought against Lessee by reason thereof.

14. Default; Remedies.

14.1 Default by Lessee. The occurrence of the following constitutes a material default of this Agreement by Lessee: the failure by Lessee to observe or perform any of the covenants, conditions or provisions of this Agreement to be observed or performed by Lessee where the failure continues for a period of thirty (30) days after Lessee receives notice thereof from Lessor; provided, however, that if the nature of Lessee's default is such that more than thirty (30) days are reasonably required for its cure, then Lessee shall not be deemed to be in default if Lessee commences such cure within the thirty (30) day period and thereafter diligently completes the cure.

14.2 Remedies upon Lessee's Default. In the event of any such material default by Lessee, Lessor may, after giving notice as provided above, enter into the Property, remove Lessee's property and take and hold possession of the Property and expel Lessee and pursue those remedies available to Lessor under the laws of the State of Colorado.

14.3 Default by Lessor. Lessor shall not be in default unless Lessor fails to perform any covenants, terms, provisions, agreements or obligations required of it within a reasonable time, but in no event later than thirty (30) days after notice by Lessee to Lessor; provided that if the nature of Lessor's obligation is such that more than thirty (30) days are reasonably required for performance, then Lessor shall not be in default if Lessor commences performance within the thirty (30) day period and thereafter diligently completes performance.

14.4 Remedies upon Lessor's Default. If Lessor defaults in the performance of any of the obligations or conditions required to be performed by Lessor under this Agreement, Lessee may elect to terminate this Agreement upon giving thirty (30) days notice to Lessor of its intention to do so. In that event, this Agreement shall terminate upon the date specified in the notice, unless Lessor has meanwhile cured the default to the satisfaction of Lessee. In the event that any representations and warranties set forth in this Agreement shall cease to be the case, and if Lessor shall have failed to commence to cure within sixty (60) days after notice from Lessee and thereafter diligently completes the cure of the same, then, except as specifically provided elsewhere in this Agreement, Lessee shall have the right to terminate this Agreement upon notice to Lessor. Lessee may also pursue those remedies available to it under the laws of the State of Colorado.

15. Entire Agreement. This Agreement constitutes the entire agreement between the parties. The parties shall not be bound by any other agreements, either written or oral, except as set forth in this Agreement.

16. Governing Law. The laws of the State of Colorado shall govern the validity, performance and enforcement of this agreement. Venue for any action instituted pursuant to this agreement shall lie in Garfield County, Colorado.

17. Authority. Each person signing this agreement represents and warrants that said person is fully authorized to enter into and execute this agreement and to bind the party it represents to the terms and conditions hereof.

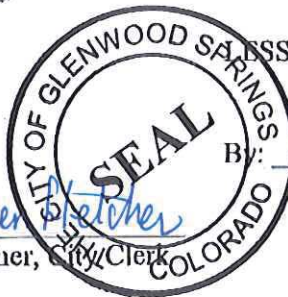
18. Attorneys' Fees. Should this Agreement become the subject of litigation between Lessor and Lessee, the prevailing party shall be entitled to recovery of all actual costs in connection therewith, including but not limited to reasonable attorneys' fees and expert witness fees. All rights concerning remedies and/or attorneys' fees shall survive any termination of this Agreement.

19. Assignment. Lessee shall not sublease all or any part of the Property, or assign this Agreement in whole or in part, without Lessor's consent, such consent not to be unreasonably withheld or delayed.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 12th day of February, 2016.

ATTEST:

Catherine Mythen Fletcher
Catherine Mythen Fletcher, City Clerk



LESSOR - CITY OF GLENWOOD SPRINGS

By: Andrew Gorgey
Andrew Gorgey, Acting City Manager

APPROVED AS TO FORM:

By: Karl J. Hanlon
Karl J. Hanlon, City Attorney

LESSEE - CARDIFF COMMUNITY GARDEN

By: Patrick S. Murphy
Patrick Murphy, President

State of Colorado)
County of Garfield) ss.
)

The foregoing AGREEMENT FOR LEASE OF PROPERTY was acknowledged before me this 11th day of February, 2016 by Patrick Murphy as President of Cardiff Community Garden.

Witness my hand and official seal.

My commission expires: 2/27/2020



Mary Lou Haflinger
Notary Public

\\AT\apps\Contracts\Leases\Cardiff Community Garden

EXHIBIT A

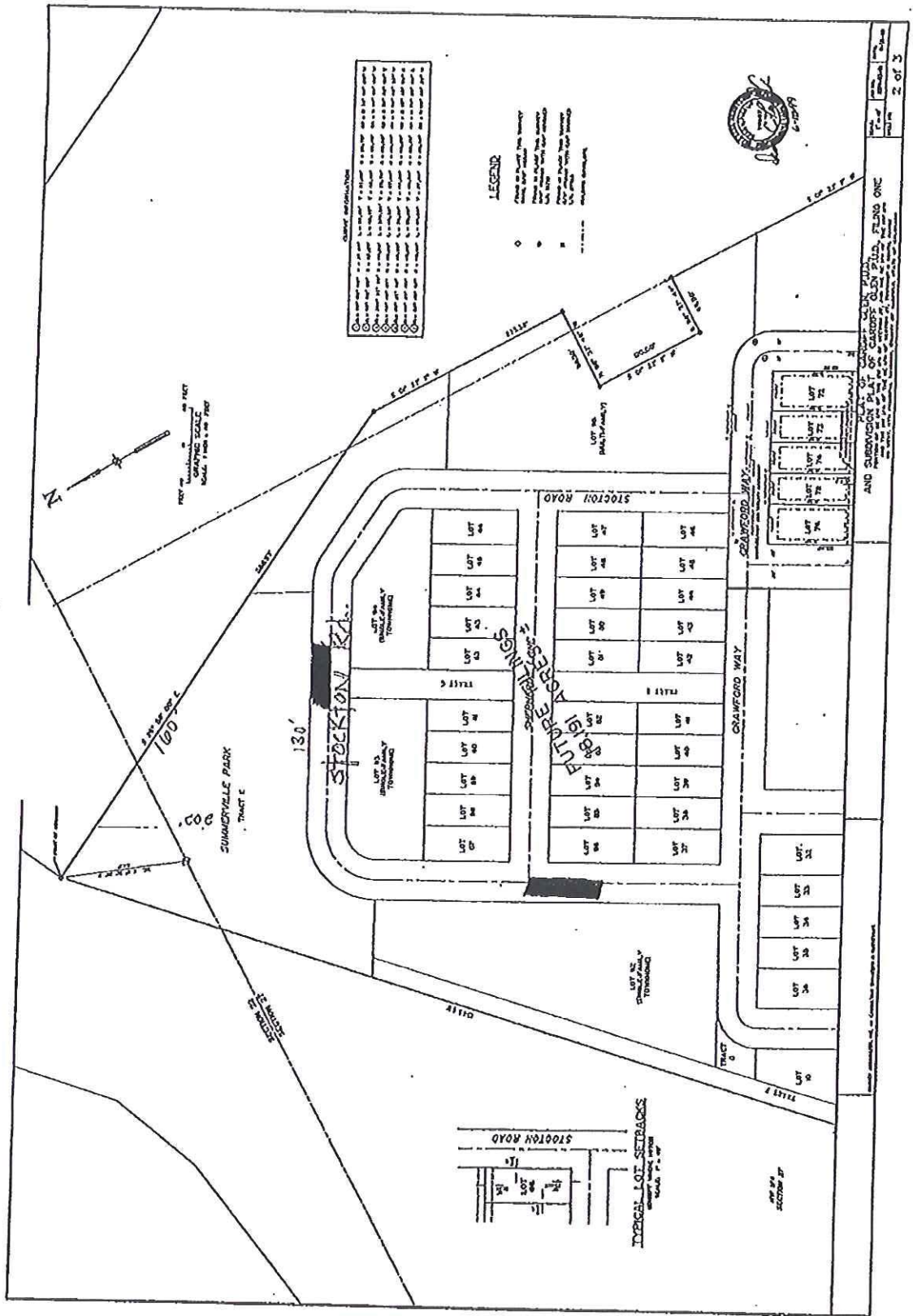


EXHIBIT B - CARDIFF COMMUNITY GARDEN RULES

Spring Meeting

All gardeners are required to attend one spring orientation meeting. Several will be held in May/April.

Community Service

A minimum of four hours of service to the garden or other named projects must be worked per plot per year. Larger gardens will be assigned pro-rated hours. These hours of service are in addition to the maintenance of your own personal plot and adjacent paths.

Work Days

There will be ample opportunities to meet the required service hours. It is the responsibility of the gardener to make sure the garden leader records your work hours.

Regular work days will be: first Monday, second Tuesday, third Wednesday and fourth Thursday of each month, beginning in May/April. The time will be two hours only from 6 p.m. to 8 p.m. There will be a sign-up sheet in the shed. Some Saturday and Sunday dates will be scheduled in the summer, if needed.

Plot Maintenance

Gardens must be reasonably maintained: plants regularly cared for, waters, and weeds kept under control. Plants must be kept within plot boundaries. Plots must be cleaned by Nov. 15 of all non-wintering plants, stakes, row covers, pots, etc. not affixed to your plot.

Path Maintenance

The paths surrounding each plot must be kept free of weeds. Mulch chips are provided throughout the year on-site.

Water

The water in the system at the garden is non-potable and should not be used for drinking.

Gardeners are responsible for watering their plots. Get to know your neighbor; do not ask the garden manager to water if you are absent.

Hoses are not provided by the garden. Adjacent plot holders should work out who will provide the hose for the area so that there aren't more hoses than necessary in the paths.

Water-wise gardening techniques (drip and micro-spray, ollas, mulching) are encouraged. Flood irrigating is not allowed. Timers are not allowed on spigots.

Emergency

Garden helpers are available to water, weed, and harvest if you have a serious life crisis. Contact the garden manager for help.

Manure

Any manure or compost brought to your plot must be turned in within 24 hours of being brought to the garden. Do not bring more material than you can get worked in a day. NO STEER MANURE.

Organic

Only fertilizers, pesticides, or herbicides bearing the OMRI label should be used in the garden. Consult OMRI manual in the shed (no Miracle Grow).

Children

Children are warmly welcomed in the garden and should be monitored by an adult at all times.

Dogs

Dogs are prohibited in the garden at all times.

Plot Assignment

Plots will be assigned to new gardeners by May 15. One gardener may have one plot. Plots will be assigned to adult gardeners only. Gardeners under the age of 18 must have an adult sponsor. No more than two gardens may be assigned to one family.

Returning gardener plots must be obviously worked and weeds controlled by May 1. If you are unable to keep or maintain your garden and notify the garden manager by May 10, you will receive a refund of your plot fees. No refunds will be given after that date. Gardeners may not reassign their plot to someone else. Plot assignment is done only by the garden manager.

Weed Warnings

Plots and surrounding paths that become unkempt will result in a call and an e-mail notice. If there is no communication or action taken by the gardener within 2 weeks, the plot will be considered abandoned and be re-assigned, and fees forfeited. If you go on vacation, it is your responsibility to find someone capable of maintaining your plot as a caretaker.

Tools

Wheelbarrows and an assortment of tools are kept in the shed for gardeners' use. If you take it out – put it back. Leave tools cleaner than you got them.

Shed

The shed contains the community tools, a library of garden information and books, and an information board. Do not leave personal items in the shed.

Trash

Pack it in, pack it out. Do not leave anything in your plot that may be strewn about by the wind (it is a very windy site).

Tobacco

No tobacco products of any kind are allowed in the garden.

Harvesting

Ripe food must be consistently harvested from plots.

Sharing Surplus

The gardens sponsor harvest sharing programs for Lift-Up and Feed My Sheep. Drop off boxes, in which to place donations from your garden, are set out regularly. Details will be announced in e-mails and posted in the shed.

Gardeners are encouraged to maximize their production and donate surplus food to these programs. "Grow a Row for Good."

Plot Renewal

A renewal application will be sent only to a gardener who has maintained his/her garden and pathways throughout the season, regularly harvested crops, leaned the plot at the end of season, complied with garden rules, and fulfilled his/her community service obligation.

Release

A release form is required by the City of Glenwood Springs and must accompany the completed application form.

Information

Gardeners are responsible for keeping their contact information current with the garden manager and responsible for keeping themselves informed of what is happening in the garden. Group emails are posted in the shed.

EXHIBIT C – RULES

No overnight camping is allowed on the Property or in the immediate vicinity of the Property for the purpose of use of the Property.

Composting will be done in bins or a trench and maintained in a tidy fashion. Compost will be located within the fenced area of the Property.

The hours of operation of the Property are sunrise to sunset, daily.

The Property will be cleaned and cleared of summer crops by November 30 of each year. The Property will be secured with no easy access into the fenced area after December 15 of each year.

An annual walk-through with the Cardiff Community Garden Manager and the City's Parks and Recreation Director or designee will occur between November 30 and December 15, each year, to determine viability of the site, utilization of the program, and compliance with the Lease Agreement.

As plots become available for reassignment, preference will be given to Glenwood Springs residents in that reassignment.

EXHIBIT D

**CARDIFF COMMUNITY GARDEN
USER'S INDEMNIFICATION AGREEMENT**

In consideration of being granted permission to access and utilize a portion of the space in the Cardiff Community Garden located on City-owned property as a garden plot, the undersigned does hereby agree to release, indemnify and hold the City and Cardiff Community Gardens (the Garden) harmless from any and all claims, causes of action, damage, liability and cost and expenses, including litigation costs and attorneys' fees, against or incurred by the City or the Garden, and hereby further agrees to waive and release any and all claims or causes of action of every kind and nature whatsoever, both in law and equity, whether known, unknown, foreseen, unforeseen, foreseeable or unforeseeable, which the undersigned, or anyone claiming through or against the undersigned, might have, including without limitation claims for personal injury, death or property damage resulting from, arising out of, or being in any way connected with the use of the above-described City-owned property. This release, waiver, and indemnity agreement shall also be effective to the maximum extent permitted by law.

The City shall give written notice to the undersigned or its successors or assigns of any act or occurrence involving an action, damage, liability or cost or expense indemnified herein within a reasonable time after such act or occurrence shall have come to said indemnities' knowledge.

I HAVE READ THIS WAIVER AND INDEMNIFICATION AGREEMENT. I UNDERSTAND THAT IT IS THE INTENTION OF THE CITY AND THE GARDEN, IN WHICH I CONCUR, TO AVOID ANY AND ALL LIABILITY, CLAIMS, DEMANDS OR DAMAGES, WHETHER KNOWN, UNKNOWN, FORESEEN OR UNFORESEEN, BY ME AT THIS TIME, TO ME, THOSE CLAIMING THROUGH ME, OR ANY AND ALL THIRD PARTIES, ARISING OUT OF MY USE OF CITY PROPERTY. I FULLY REALIZE THAT I MAY SUSTAIN UNKNOWN OR UNFORESEEN DAMAGES, INJURIES, LOSSES OR LIABILITIES RESULTING DIRECTLY OR INDIRECTLY FROM SAID USE ON CITY PROPERTY. BY EXECUTING THIS DOCUMENT, I INTEND TO FULLY AND COMPLETELY RELEASE THE CITY OF GLENWOOD SPRINGS AND CARDIFF COMMUNITY GARDEN FROM ANY AND ALL SUCH UNKNOWN OR UNFORESEEN DAMAGES, INJURIES, LOSSES OR LIABILITIES.

Agreed to and accepted this ____ day of _____, 20__.

State of Colorado)
) ss.
County of Garfield)

Printed Name: _____

The foregoing Waiver and Indemnification Agreement was acknowledged before me this ____ day of _____, 20__ by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Glenwood Springs – Main Office

201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen

323 W. Main Street
Suite 301
Aspen, CO 81611

Montrose

1544 Oxbow Drive
Suite 224
Montrose, CO 81402

Office: 970.945.2261

Fax: 970.945.7336

**Direct Mail to Glenwood Springs*

DATE: April 8, 2021
TO: Mayor and City Council, City of Glenwood Springs
FROM: Karp Neu Hanlon, P.C.
RE: Water Lease to Flannery Water, LLC

Attached please find a simple lease agreement for the City's water rights in Hughes Reservoir to Flannery Water, LLC, an entity owned by Steve Beckley. The term is for five years terminable on 30 days' notice by either party. Currently, the City does not actively use these water rights on a regular basis. This would provide for their use as well as allowing Mr. Beckley to irrigate property served by Hughes Reservoir.

The lessee is responsible for all costs associated with the use of the water. The total amount of water is 42 acre feet at annual cost at \$20 per acre foot (\$840.00 annually).

Staff recommends approval of the lease agreement on the consent agenda.

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is made and entered into effective _____, 2021 regardless of the date of execution, by and between the CITY OF GLENWOOD SPRINGS Colorado municipal corporation (hereinafter "Lessor"), and FLANNERY WATER, LLC, a Colorado limited liability company (hereinafter "Lessee").

WHEREAS, the Lessor is the lessee of certain water rights consisting of 130 acre feet in Hughes Reservoir; and

WHEREAS, the Lessee desires to lease certain acre feet in Hughes Reservoir from Lessor; and

WHEREAS, Lessor desires to lease certain acre feet of storage in Hughes Reservoir to Lessee.

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises and covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Lessor agrees to lease 42 acre feet in Hughes Reservoir for a period of five (5) years commencing in 2021.
2. The lease price shall be payment of \$20.00 per acre foot (\$840.00/annually). Payment for 2021 is due upon execution of this Lease annual lease payments thereafter shall be due on March 1 annually.
3. The Lease may be terminated by either party upon 30 days written notice. If terminated, payments will be refunded on a pro-rata basis for the remaining period of time.
4. Lessee/Sublessee shall be responsible for all costs associated with this Lease including notifying the Hughes Reservoir Company and arranging water delivery.
5. Lessor makes no warranty as to water quantity available.
6. This Lease shall not inure to and be binding upon the heirs, successors and assigns of the parties, except as specifically provided for within the provisions of this Lease.
7. This Lease shall be modified in writing only, which writing must be executed by the parties hereto in order to be effective.
8. Whenever notice is required to be given, it shall be sufficient if delivered by hand or deposited in the United States mail, certified or registered, addressed to the other party at the address as set forth below, or at such other address as each party may indicate by notice given hereunder:

Lessor:
City of Glenwood Springs
c/o City Manager
101 West Eighth Street
Glenwood Springs, Colorado 81601

Lessee/Sublessor:
Flannery Water, LLC
802 North Traver Trail
Glenwood Springs, CO 81601

Each party shall be responsible for prompt notification of the other party regarding any change in address. The failure of addressee to accept service shall not void notice.

9. Each party shall promptly undertake such other actions and/or execute and deliver such other and further documentation as may be reasonably appropriate and/or necessary to carry out the terms and objectives of this Lease.

10. This Lease shall be governed by, construed and enforced in accordance with and subject to the laws of the State of Colorado.

11. This Lease shall be effective on the date first written above. This Lease may be executed in counterparts, and facsimile or scanned signatures shall be effective.

12. Each signatory acknowledges and represents that they have the authority to enter into this Lease and to bind the party for which he or she signs.

IN WITNESS THEREOF, the parties have executed this LEASE AGREEMENT on the dates set forth below to be effective as of the latest date set forth below.

LESSOR:
CITY OF GLENWOOD SPRINGS, COLORADO

Debra Figueroa, City Manager

Date: _____

LESSEE:
FLANNERY WATER, LLC

Steve Beckley, _____

Date: _____



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Swearing in Council

Action Requested: Swearing in Council Members after the election

Department: City Clerk

Presented By:

Background Info:

Issues:

Staff Recommendation:



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: South Midland Update

Action Requested:

Department: Engineering

Presented By:

Background Info:

Issues:

Staff Recommendation:



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Solar Campaign in Garfield County

Action Requested: Presentation by Maisa Metcalf from CLEER on the Solarize Garfield County Program

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director

Background Info: This is an informational presentation. Ms. Metcalf will provide a presentation at the meeting so it can include the latest information.

Issues: NA

Staff Recommendation: NA



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: South Bridge Design - Amendment #8

Action Requested: Approval of South Bridge design contract Amendment #8.

Department: Engineering

Presented By: Terri Partch, City Engineer

Background Info: The City began working with Jacobs Engineering in 2007 to clear the project for construction through the National Environmental Policy Act (NEPA). A NEPA process was required because the City accepted Federal Earmark funding for the project. Thirty-three different roadway alignments and their environmental impacts were evaluated as well as two SH 82 intersection configurations (at grade and grade separated) and two airport tunnel conditions before settling on the current preferred alignment and intersection configuration. The City received final clearance for the project on October 28th, and is at about a 70% design level.

This amendment will cover these items:

- Additional utility design and utility coordination in Airport Road, Airport Center Road and in the SH 82 corridor
- Design and reconstruction of Airport Center Road
- New pedestrian facilities on Airport Center Road
- New pedestrian facilities from Four Mile to the project area
- Potential new pedestrian facilities behind the Forest Service and Mini Storage facility.

The current contract value is \$6,579,420.25. This amendment will add \$579,197.00 to overall contract, for a total value of \$7,158,617.25. This amendment will allow the completion of the bid ready design, with the exception of additional airspace or airport planning studies that the Council may want to add.

The current Federal Earmark balance is split between design and right of way. 1.22 M is authorized for design, \$446,770 is obligated to right of way. The earmark pays for 80% of the project bills, while the City pays for 20%.

With the proposed amendment and the remaining contract balance the City's design obligation is \$2,000,670.31. The Federal Earmark will pay for \$1.22 M. The City 2021 budgeted funds will pay for \$780,000.

Right of way is estimated to cost \$1.5 M. The Federal Earmark will pay for \$446,770 of this amount, with a City obligation of \$1.053 M

We have \$2.3 M budgeted for 2021 for the project, which will cover the balance needed to fund the project in 2021.

Issues: None at this time.

Staff Recommendation: Approve Amendment #8 with Jacobs Engineering for the South Bridge Design.

Potential
pedestrian and
bicycle
connections



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Google Earth



South Bridge Project
Amendment 8 Scope of Work
March 2021

Description of Work

Under this scope of work, the Jacobs team will complete additional utility, survey, and right of way investigation, potholing, geotechnical effort, and design of pedestrian and trail improvements.

1) Utility Investigation and Coordination

a) Additional Scope Items

1. Utility locates along Airport Center Road for water and sewer connections
2. Utility locates along east side of Four Mile Rd for trail connection

a) Supplemental Utility Locates & Potholing

We will perform additional research and utility locates within public Right of Way in the areas listed under additional scope items. Utilities will be located in accordance with Colorado Revised Statutes, Title 9, Article 1.5 and ASCE 38-02 Quality Level B standards, unless otherwise noted. Locatable utilities will be traced and marked in the field using radio (pipe/cable locator) technology or direct observation. Invert elevations will be determined by measure down or direct observation by survey. Sewers and overhead utilities will be traced to the next surface feature outside of the right of way. Surface utility features and underground markings will be located by ground survey. Quality level A is required at all gravity crossings and it is estimated that 75 additional utility potholes will be required.

The Jacobs Team shall perform the potholing for the project. Daylight Utility Finders as a subconsultant to Jacobs will perform the potholing. We will coordinate the field schedule and provide oversight for the pothole subcontractor and field survey the pothole locations and utility depths. This information, along with the pothole logs produced by the pothole company, will be incorporated into the project base mapping. Field supervision of utility potholing is not included in this scope.

b) Utility Coordination

We will coordinate with utility companies having facilities located within the additional project limits. Coordination activities will include:

- Obtain key maps, utility as-built plans and utility easement information from utility owners
- Update the utility base model with additional information
- Perform site field review. update utility base plan
- Coordinate meetings with utility owner to develop relocation strategies
- Create pothole log and pothole map
- Prepare final utility base model, showing proposed relocations
- Draft utility agreement and required attachments between the utility owners and the City.

c) Assumptions

- Utilities traced by Radio Detection method will be marked to a horizontal accuracy of ± 6 inches. Due to the nature of locating underground utilities, there is no guarantee

that all systems will be identified or that identified lines can be fully traced. To ensure the highest degree of accuracy and completeness, utility potholing must be performed.

- Geophysical technologies including Ground Penetrating Radar and Electromagnetic Induction are not included as a part of the utility investigation but can be provided as an additional service if needed.
- Service lines are not included in the utility locates scope of work.

2) Right-of-Way

a) Additional Scope Items

1. Right of Way and boundary work along Airport Center Road
2. Right of way and boundary work for trail connection along Four Mile Rd
3. Boundary work for river trail alignment
4. Boundary work for Cardiff Mesa Townhomes
5. Research and calculations for field support packet for Airport Center Rd & Four Mile Rd
6. ROW Plan additions and modifications for Airport Center Road and Fourmile Road right of way and adjacent parcels
7. Six additional property acquisition descriptions along Airport Center Road and Fourmile Road
8. Additional easements for utilities across Holy Cross parcels
9. Street level imagery along Airport Center Road for design reference and noise wall modeling

b) ROW Base Model

We will conduct research at the county for subdivision plats and public road Rights of Way. We will integrate additional boundary information into the Right of Way base model using Coordinate Geometry (COGO) based on the project control and record information. Final boundary determinations will be made using field located property evidence and monuments.

c) Assumptions

- Six additional private parcels will need to be researched for potential acquisitions.
- Setting boundary monuments for existing or proposed corners is not included in this scope of work.
- Final monumentation of existing or proposed ROW and re-establishing monuments due to roadway construction is not included in this task but should be executed after construction of the roadway.

d) Deliverables

- Updated Right of Way base model in MicroStation format
- Signed and sealed fee and permanent easement acquisition descriptions for up to six parcels

e) Right of Way Appraisal and Acquisition

The Jacobs Team shall perform the right of way appraisal and acquisition services for the project. TRS as a subconsultant to Jacobs will perform these services. See attached scope for detail.

3) Surveying

a) Additional Scope Items

1. Expand aerial mapping and orthophoto to include Airport Center Road, and additional areas on the west end of Airport Road, north and south on US 82, and the Holy Cross property.
2. Map overhead lines outside of roadway within the mapping limits
3. Transform CAD drawings for Midland Ave Roundabout project
4. Drone survey of Cardiff Mesa Townhomes and merging data into master orthophoto, surface and mapping reference files.
5. Survey overhead wire clearances over roadways
6. Additional drainage punch list items – SH82 culverts, culvert under RFTA trail
7. Survey 11 additional geotech boreholes and provide formatted information to Yeh
8. Survey pothole locations
9. Survey improvements on Janusz property
10. Walk river trail alignment with client and survey property evidence (assume 1 day)
11. Boundary survey along West Side of Airport Center Road
12. Survey gas pump on east side of Airport Center Rd
13. Identify building on airport property
14. Boundary survey for trail connection along Four Mile Road
15. Survey pavement elevations and edge of runway
16. Runway survey

b) Right of Entry

Request right of entry for surveying for parcels potentially impacted by acquisitions and where utilities need to be surveyed.

c) Property Corner Recovery

Survey property corner and occupation evidence for additional parcels potentially impacted by acquisitions in order to resolve applicable boundary lines for use in property conveyance.

d) Utility Survey

Surface utility features within public Right of Way in expanded project limits will be surveyed along with inverts on gravity systems and the marks from the subsurface investigations.

e) Accuracy

Surveyed features shall conform to Federal Geographic Data Committee (FGDC) Geospatial Positioning Accuracy Standards PART 4: Standards for Architecture, Engineering, Construction (A/E/C) and Facility Management. Positional Accuracies will meet the recommended values in Appendix A of Part 4 for General Construction Site Plans & Specs with a scale of 10 ft/in, a positional tolerance of 0.1 feet for horizontal and vertical and a contour interval of 0.5 foot. Field surveyed spot elevations shall be recorded to 0.01 feet and shall be accurate to within ± 0.02 feet on hard surfaces (i.e. asphalt, concrete) and within ± 0.1 feet on soft surfaces (i.e. base course, dirt).

f) Coordinate System

Horizontal Datum – North American Datum of 1983 (NAD83)

Datum Adjustment - 2011

Projection – Colorado State Plane

Zone – Central

Vertical Datum – North American Vertical Datum of 1988 (NAVD88)

Geoid – Geoid 12B

Units – US Survey Feet

Coordinates and distances will be modified to ground values via a project specific combined scale factor.

g) Assumptions

- Right of Entry will be needed for no more than 4 parcels.

h) Deliverables

- Updated planimetrics mapping features in MicroStation format.
- Updated utility base model in MicroStation format.

4) Geotechnical Investigation and Recommendations

The Jacobs Team shall perform the geotechnical investigation and recommendations for the project. Yeh and Associates as a subconsultant to Jacobs will perform the geotechnical investigation and recommendation. See attached scopes for detail.

5) Pedestrian Improvements

a) Airport Center Road Sidewalk

This effort includes the design and detail of adding sidewalk and curb and gutter along the length of Airport Center Road. This effort will include horizontal and vertical design of Airport Center Road to include sidewalk, curb and gutter, redesign of drainage and storm sewer improvements, and any necessary redesign of water and sanitary improvements. This effort additionally includes plan production, development of specs and an engineer's cost estimate.

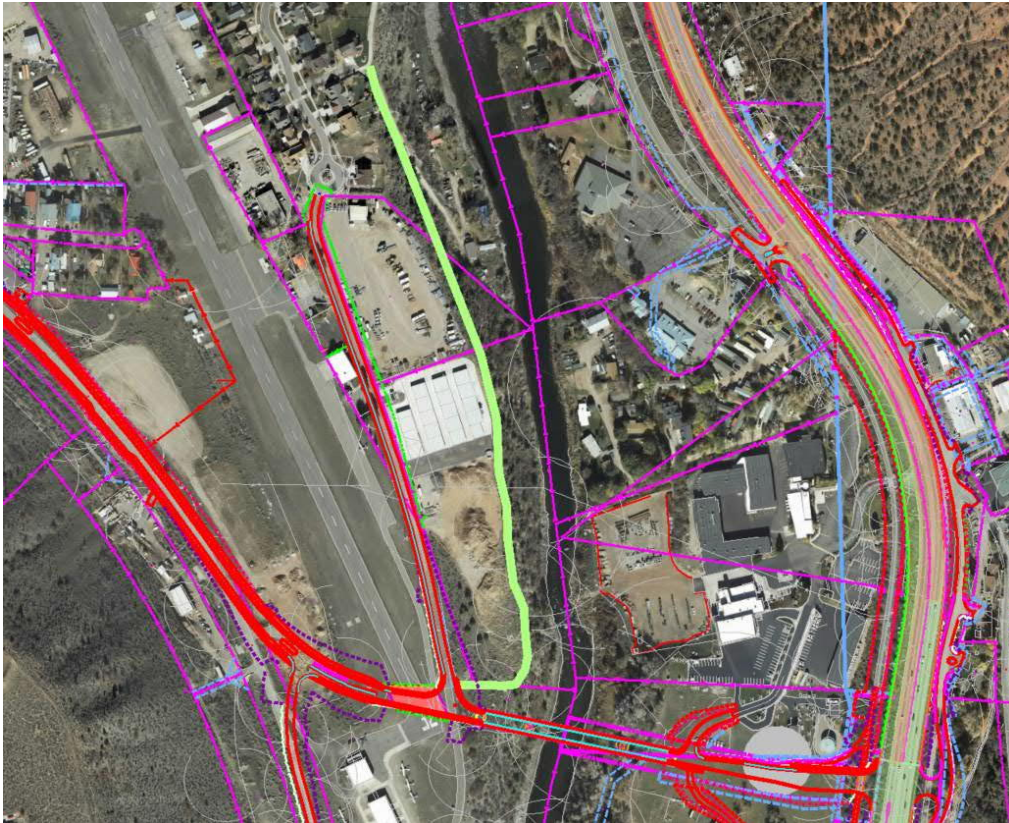
b) Trail Connection Fourmile to Townhomes

This effort includes the horizontal and vertical design of a concrete trail extending from the existing sidewalk termination on Four Mile Road to the Cardiff Mesa townhomes. This effort additionally includes plan production, development of specs and an engineer's cost estimate.

c) Regional Trail Connection to Bridge

This effort includes the analysis and design of a regional trail connection along the west side of the Roaring Fork River to the sidewalk connection at the bridge. This effort includes the horizontal and vertical design of trail as well structural design of any potentials walls that are needed along the pedestrian trail. This effort additionally includes plan production, development of specs and an engineer's cost estimate.

Without full comprehensive information to the survey and cross section grades in this area, a conservative estimate of wall design and geotechnical boring effort was provided in the fee. This is a 'worst case scenario' cost estimate and can be likely refined and reduced with additional information. Detailed analysis of the review and assumptions for the structural effort is included, as attached.



Proposed trail connection location, shown highlighted in green

6) **Airport Alternatives Analysis**

As requested by the City of Glenwood Springs, Jacobs has provided coordination and designs to requested design alternatives at the airport. This has included analyzing the potential to remove the airport runway underpass structure while exploring the feasibility and cost associated with shortening the airport runway length. This analysis included coordination with Jacobs aviation planners and engineers to develop alternatives, visuals and presentation material for the City to provide to both the Glenwood Springs Airport Board and the Glenwood Springs City Council for review, consideration, and decision making.

7) **Reconstruct Runway 32 for Reconfigured Tunnel (Design Only)**

This effort shall consist of the design only services for the reconstruction of Runway 32 to accommodate a proposed highway tunnel under the end of Runway 32. The proposed tunnel is planned to be 'cut and cover' construction. As a result, the tunnel work will demolish the end of the Runway 32 pavements and connecting taxiways.

This scope of work describes the Airfield Engineering services to provide construction safety and phasing on the airfield during construction and reconstructing and raising of Runway 32 to accommodate the tunnel.

Based on Jacobs' initial tunnel elevations relative to the existing Runway 32 elevations it is anticipated that Runway 32 will need to be raised approximately 1-foot. Based on this preliminary analysis, approximately 500 feet of Runway 32 will need to be reconstructed to provide gradual transition pavement grading to accommodate the raised Runway 32 elevation. The adjacent north and south (FBO connector) taxiways serving Runway 32 will also need to be reconstructed.

The project will adjust the elevation of the existing Runway 32 two-light precision approach indicator (PAPI) light, if necessary. There is no lighting at the airport per the Airport's FAA Form 5010. There is no signage at the Airport based on Google Earth review.

Assumptions

- The aircraft design group (ADG) for this project is A/B-I.
- Environmental permitting for re-grading of the pavement and infields is not included. Any land disturbance permits will be handled by others. A Stormwater Pollution Prevention Plan with Erosion & Sediment control design is included.
- The Airport Layout Plan (ALP) will not be updated under this Contract.
- The Scope will not be updated during this Project.
- Topographic and utility surveys are not included. Highway scope of work includes the survey.
- Pavement cores are not included. Highway scope of work includes the cores.
- Drainage design is not included. The airfield project is not anticipated to increase pavement areas and therefore will not increase the impervious area and related stormwater run-off.
- A pavement design report is required and is included as part of this scope of work.
- The runway Pavement Classification Number (PCN) value calculation is not included.
- Meetings will be conducted virtually.
- Bidding services are not included.
- Construction phase services are not included.

Project Team

The Project team will consist of the firms listed below, each with expertise in their respective fields.

Project Team Members and Responsibilities	
Firm	Responsibilities
Jacobs Engineering Group Inc. (Jacobs or Engineer)	Airfield Civil Engineering

Scope of Work

a) Data Collection

1. Data Review

The work of the Engineer shall include:

- REVIEW RECORD DRAWINGS AND REPORTS: The Engineer will collect, and review as-builts drawings related to the project area.
- PROJECT SURVEY COORDINATION: The Engineer will review the existing survey and provide comments for any corrections.
- PROJECT SURVEY VALIDATION: The Engineer will conduct a “plan-in-hand” site walk of the project areas to confirm the existing conditions depicted on the survey plans provided by the survey subconsultant. The Engineer will note to the Surveyor any discrepancies and items that will need to be added to the survey plans. It is assumed that one (1) site visit with two (2) engineers will be required.
- BASE MAPPING: The Engineer will prepare a base plan including as-built information from previous projects and the project survey. This plan will serve as the base plan to advance the project design.

2. Soils Investigation

The work of the Engineer shall include:

- REVIEW EXISTING REPORTS: The Engineer will collect, and review as-builts drawings, USDA soils maps and reports related to the project area.

- **REVIEW SOILS DATA:** The Engineer will review the results of the soils and pavement cores in the project area.

b) Article B – 60%, 90%, and 100% Design

Based on the information collected under Article A, the Engineer shall provide design services to the Owner for the preparations of design plans, specifications and estimate of construction costs.

The design of the project shall be divided into three components as follows:

- **Task 1 - 60% Design** –The focus of this task will be the preliminary design of the site demolition, grading, and pavement. The Engineer will provide detailed design plans and specifications and cost estimate for construction. This submission shall include FAA technical specifications and/or Colorado Department of Transportation (CDOT) Supplemental Provisions for the design components in the 60% Design.
- **Task 2 - 90% Design** – This task is the detailed design of the project that expands upon the 60% Design. The task will finalize the design of the project for review by all parties. The Engineer will provide detailed design plans, details and specifications and an updated cost estimate for construction. This submission shall include technical specifications for all design components. An Engineer's report will be developed documenting criteria and data used in the design, communications, and review comments.
- **Task 3 - 100% Design** – This task is the final design of the project that incorporates the final review comments from the 90% Design submission. The Engineer will provide plans and specifications and an updated cost estimate for construction.

The work of the Engineer shall include:

1. 60% Design

- **PHASING AND SAFETY DESIGN:** The Engineer shall develop the project construction phasing and design the safety requirements during construction in accordance with FAA AC 150/5370-2 (current edition).
- **DRAFT CSPP:** The Engineer shall prepare a draft Construction Safety and Phasing Plan (CSPP) in accordance with FAA AC 150-5370-2 (current edition).
- **DESIGN TEAM COORDINATION:** The Engineer shall coordinate the project design with the design team throughout the 60% design phase. All coordination will be performed via phone calls, emails, teleconferences, and other forms of written and electronic communications.
- **DEMOLITION DESIGN:** The Engineer shall design the demolition, removal, and/or abandonment of existing airport facilities. This includes, but is not limited to, airfield pavements, drainage, and other existing airport facilities as required to construct the proposed project.
- **VERTICAL GEOMETRY DESIGN:** The Engineer will prepare a vertical design (profile) in accordance with FAA AC 150/5300-13A "Airport Design". Consideration will be given to minimizing the grading requirements along the runway and taxiways, and adjacent turf areas as well as minimizing the grading of the paved surfaces and to promote positive drainage away from all edges of pavement and critical areas.
- **GRADING AND SITE DESIGN:** The Engineer shall prepare grading for the proposed site in accordance FAA AC 150/5300-13A "Airport Design".
- **ELECTRICAL DESIGN COORDINATION:** The Engineer will coordinate the locations and service to the airport pavement sensors to detect freezing over the tunnel bridge. It is assumed power to serve the sensor(s) will be from the roadway lighting circuit. The surface sensors will be radio-linked to an office on the airport. This task will include coordination with the roadway electrical engineering services. Coordination with the airport users requiring the surface sensor data will be conducted under this task.

- **PAVEMENT DESIGN:** The Engineer shall develop the airfield pavement design for locations over subgrade and the tunnel in accordance with FAA Advisory Circular 150/5320-6F "Airport Pavement Design and Evaluations".
- **DEVELOP 60% DESIGN SPECIFICATIONS:** The Engineer shall develop and prepare a 60% Design Specification book for the project. The specifications shall be obtained from FAA AC 150/5370-10, current edition. Where possible CDOT specifications will be used. If necessary, special provision to the CDOT specifications will be developed.
- **DEVELOP 60% DESIGN PLANS:** The Engineer shall develop a 60% Design plan set per the latest FAA AC's, associated FAA Standard Specifications, where applicable, for each designed component. The plan set shall provide sufficient detail for the review of design concepts by the Owner and the FAA. The plan set will be developed by applying the overall preliminary design efforts outlined above to individual plan sheets and completing the drafting. It is anticipated that the airfield work will be a separate volume within the tunnel/roadway bid package. It is anticipated that the 60% Plan set will include the drawings as follows:
 - ▶ Title Sheet and Drawing Index (1 sheet)
 - ▶ Abbreviations and Legend (1 sheet)
 - ▶ General Plan (1 sheet)
 - ▶ Safety and Phasing Plans (2 sheets)
 - ▶ Existing Conditions (2 sheets)
 - ▶ Geometry Layout Plans (1 sheet)
 - ▶ Grading and Site Plans (2 sheets)
 - ▶ Profile Plans (2 sheets)
 - ▶ Typical Sections (1 sheet)
 - ▶ Drainage and Utility Profiles (2 sheets)
 - ▶ Surface Sensor Layout Plan (1 sheet)
 - ▶ Markings Plan (1 sheet)

Cross sections and details are not included in the 60% Design submission.

It is anticipated that the 60% Design submission shall be distributed as follows:

60% DESIGN SUBMITTAL		
RECIPIENT	TYPE	DESCRIPTION
Jacobs Project Manager	Plans	PDF (emailed)
	Specs	PDF (emailed)
	Estimate	PDF (emailed)

- **60% DESIGN QTO AND EEOC:** The Engineer shall perform a quantity take-off (QTO) on the 60% Design plans and prepare an engineer's estimate of cost (EEOC).
- **60% DESIGN QA/QC:** The Engineer shall perform an in-house QA/QC prior to the submission of the 60% Design submission. The in-house QA/QC check shall involve review by an individual experienced in the discipline of study for the corresponding aspect or design feature of the Project. This individual shall conduct a comprehensive check on all associated documents to be included in the submittal (e.g. drawings, specifications, estimates, and supplemental reports). The in-house QA/QC shall include time and effort required for the project engineers and CADD technicians to address comments generated during the review.

- **60% DESIGN REVIEW MEETING:** The Engineer shall attend a design review meeting. This task assumes one (1) teleconference will be conducted. The Engineer's project manager and representatives from each engineering discipline will be in attendance.

2. 90% Design

- **DESIGN REVIEW COMMENTS:** The Engineer shall review the 60% Design comments received from the design review meeting. This task includes preparing a written response to the review comments received for future inclusion in the 90% Design plans and specifications.
- **FINAL CSPP:** The Engineer shall prepare the final CSPP in accordance with FAA AC 150/5370-2 (current edition), based on the draft CSPP review comments received. The final CSPP is posted to the FAA's Obstruction Evaluation/Airport Airspace Analysis website for the FAA's approval.
- **DESIGN TEAM COORDINATION:** The Engineer shall coordinate the project design with the design team throughout the 90% design phase. All coordination will be performed via phone calls, emails, teleconferences, and other forms of written and electronic communications.
- **ELECTRICAL DESIGN COORDINATION:** The Engineer shall complete the design of the pavement surface sensor electrical and communications.
- **EROSION AND SEDIMENT CONTROL DESIGN:** The Engineer shall design the erosion and sedimentation controls (BMPs) in accordance with all federal, state, and local requirements.
- **CROSS SECTIONS:** The Engineer shall prepare cross sections for the use in construction. The cross sections will be based on the drainage design and the grading and site design.
- **DEVELOP SWPPP:** The Engineer shall develop a Construction Stormwater Pollution Prevention Plan (SWPPP) in accordance with the United States Environmental Protection Agency (USEPA) and/or state requirements.
- **DEVELOP 90% DESIGN SPECIFICATIONS:** The Engineer shall develop and prepare a 90% Design Specification book for the project. The technical specifications from the 60% design shall be modified, updated, and expanded upon as required.
- **DEVELOP 90% DESIGN PLANS:** The Engineer shall develop a 90% Design plan set per the latest FAA AC's, associated FAA Standard Specifications and CDOT Standard Specifications, where applicable, for each designed component. The plan set shall provide sufficient detail for the review of design concepts by the Owner. The plan set will be developed by applying the overall preliminary design efforts outlined above to individual plan sheets and completing the drafting. It is anticipated that the 90% Plan set will include the following:
 - ▶ Title Sheet and Drawing Index (1 sheet)
 - ▶ Abbreviations and Legend (1 sheet)
 - ▶ General Plan (1 sheet)
 - ▶ Safety and Phasing Plans (2 sheets)
 - ▶ Existing Conditions (3 sheets)
 - ▶ Geometry Layout Plans (2 sheets)
 - ▶ Grading and Site Plans (2 sheets)
 - ▶ Profile Plans (1 sheet)
 - ▶ Typical Sections (2 sheets)
 - ▶ Site and Drainage Details (1 sheet)
 - ▶ Drainage and Utility Profiles (2 sheet)
 - ▶ Erosion and Sedimentation Control Notes and Details (2 sheet)
 - ▶ Miscellaneous Details (2 sheets)
 - ▶ Surface Sensor Layout Plans and Details (2 sheets)

- ▶ Markings Plan (1 sheet)
- ▶ Markings Details (1 sheet)
- ▶ Cross Sections (3 sheets – 3 sections/sheet w/ sections at 50 feet on center)

It is anticipated that the 90% Design submission shall be distributed as follows:

90% DESIGN SUBMITTAL		
RECIPIENT	TYPE	DESCRIPTION
Jacobs Project Manager	Plans	PDF (emailed)
	Specs	PDF (emailed)
	Estimate	PDF (emailed)

- **90% DESIGN QTO AND EEOC:** The Engineer shall perform a quantity take-off (QTO) on the 90% Design plans and prepare an engineer's estimate of cost (EEOC).
- **ENGINEER'S DESIGN REPORT:** The Engineer shall develop and prepare an Engineer's Design Report for submission to the project files. The report shall outline the proposed project design and the assumptions and decisions made during the design process.
- **90% DESIGN QA/QC:** The Engineer shall perform an in-house QA/QC prior to the submission of the 90% Design submission. The in-house QA/QC check shall involve review by an individual experienced in the discipline of study for the corresponding aspect or design feature of the Project. This individual shall conduct a comprehensive check on all associated documents to be included in the submittal (e.g. drawings, specifications, estimates, and supplemental reports). The in-house QA/QC shall include time and effort required for the project engineers and CADD technicians to address comments generated during the review.
- **90% DESIGN REVIEW MEETING:** The Engineer shall attend the 90% project review meeting with the project team and the Owner.

3. **100% Design**

- **DESIGN REVIEW COMMENTS:** The Engineer shall review the 90% Design comments received from the Owner. This task includes preparing a written response to the review comments received for future inclusion in the 100% Design plans and specifications.
- **DEVELOP 100% DESIGN SPECIFICATIONS:** The Engineer shall develop and prepare a 100% Design Specification book for the project. The technical specifications from the 90% design shall be modified and updated as required.
- **DEVELOP 100% DESIGN PLANS:** The Engineer shall develop a 100% Design plan set based on the 90% Design submission review comments received from the Owner. It is anticipated that the 100% Design Plan set will be the same as the 90% Design Plan set.

It is anticipated that the 100% Design submission shall be distributed as follows:

100% DESIGN SUBMITTAL		
RECIPIENT	TYPE	DESCRIPTION
Jacobs Project Manager	Plans	PDF (emailed)
	Specs	PDF (emailed)
	Estimate	PDF (emailed)

- 100% DESIGN QTO AND EEOC: The Engineer shall perform a quantity take-off (QTO) on the 100% Design plans and update the engineer's estimate of cost (EEOC).
- ENGINEER'S DESIGN REPORT: The Engineer shall update the 90% report with the final comments and estimates.
- 100% DESIGN QA/QC: The Engineer shall perform an in-house QA/QC prior to the submission of the 100% Design submission. The in-house QA/QC check shall involve review by an individual experienced in the discipline of study for the corresponding aspect or design feature of the Project. This individual shall conduct a comprehensive check on all associated documents to be included in the submittal (e.g. drawings, specifications, estimates, and supplemental reports). The in-house QA/QC shall include time and effort required for the project engineers and CADD technicians to address comments generated during the review.

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South Bridge Amendment 8 March 2021		Company Scope \ Responsibility Estimated Hours in Proposal	Labor Cost																																							
			Senior Project Manager	Group Manager	Senior Project Manager	Senior Project Engineer	Project Engineer II	Design Engineer	Senior Project Engineer	Project Engineer II	Senior Project Engineer	Project Engineer II	Senior Designer	Group Manager	Civil Supervisor	Civil Engineer	Electrical Supervisor	Electrical Engineer	CADD Technician	Group Manager	Senior Survey CAD/Photo	Senior Project Engineer	Senior Utility Manager	Surveyor Project PLS	Senior Designer	Senior Survey	Senior Survey	Senior Survey	Senior Survey	Surveyor Technician II	CADD Technician	Surveyor Technician I	Surveyor Technician I	Surveyor Technician I	Surveyor Technician I	Total Hours						
			\$175.00	\$190.00	\$175.00	\$140.00	\$120.00	\$100.00	\$140.00	\$120.00	\$140.00	\$140.00	\$105.00	\$190.00	\$130.00	\$100.00	\$190.00	\$130.00	\$75.00	\$190.00	\$137.00	\$140.00	\$135.00	\$137.00	\$105.00	\$87.00	\$87.00	\$87.00	\$87.00	\$82.00	\$75.00	\$72.00	\$72.00	\$72.00	\$72.00	\$72.00						
5.	Research & calcs for field support packet for Airport Center Rd and Fourmile Rd																				2			2		4												4	12	\$1,290.00		
6.	ROW Plan additions and modifications																				12			8		8									32					16	76	\$7,624.00
7.	Legal Descriptions																				19			3		42										42					106	\$10,825.00
8.	Utility easements for Holy Cross																				2					8										8					18	\$1,676.00
9.	Street level imagery along Airport Center Road																							3																	3	\$411.00
Task Totals			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	52	0	0	0	20	0	156	0	0	0	0	82	0	0	0	0	25	335	\$34,142.00				

Survey (493 hrs)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Jacobs	75	200	75	180	120	180	30	80	20	40	380	20	81	352	6	32	154	145	47	0	26	60	16	156	19	109	16	45	102	101	114	82	36	3,099	\$359,145.00
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Subconsultant - Yeh (Geotechnical Services)																																			
Geotechnical Services																																			
a)	Noise Barrier Investigation (9 Borings) with ODEX Drilling																																		\$23,530.00
b1)	Infiltration Gallery Investigation (3 Borings) with ODEX Drilling																																		\$12,025.00
b2)	Additional PVC & Percolation Testing at 5 Existing Boring Locations																																		\$3,980.00
b3)	Additional Boring/Infiltration Testing for Airport Center Road Sidewalk																																		\$5,230.00
c)	East Pier Investigation (1 Boring) with ODEX Drilling																																		\$11,785.00
d)	Pedestrian Underpass Box Culvert Investigation (2 Borings) with ODEX Drilling																																		\$11,180.00
e)	Additional Retaining Wall Borings with ODEX Drilling																																		\$0.00

South Bridge Amendment 8 March 2021			Company Scope Responsibility Estimated Hours in Proposal	Senior Project Manager	Group Manager	Senior Project Manager	Senior Project Engineer	Project Engineer II	Design Engineer	Senior Project Engineer	Project Engineer II	Senior Project Engineer	Project Engineer II	Senior Designer	Group Manager	Civil Supervisor	Civil Engineer	Electrical Supervisor	Electrical Engineer	CADD Technician	Group Manager	Senior Survey CAD/Photo	Senior Project Engineer	Senior Utility Manager	Surveyor Project PLS	Senior Designer	Senior Survey	Senior Survey	Senior Survey	Senior Survey	Surveyor Technician II	CADD Technician	Surveyor Technician I	Surveyor Technician I	Surveyor Technician I	Surveyor Technician I	Total Hours	Labor Cost
				\$175.00	\$190.00	\$175.00	\$140.00	\$120.00	\$100.00	\$140.00	\$120.00	\$140.00	\$140.00	\$105.00	\$190.00	\$130.00	\$100.00	\$190.00	\$130.00	\$75.00	\$190.00	\$137.00	\$140.00	\$135.00	\$137.00	\$105.00	\$87.00	\$87.00	\$87.00	\$87.00	\$82.00	\$75.00	\$72.00	\$72.00	\$72.00	\$72.00		
f)	Meeting Attendance																																				\$6,600.00	
	Drill Rig Remobilization (if needed for Airport Center Road Sidewalk boring)																																				\$1,500.00	
Task Totals																					0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$75,830.00	

Subconsultant - Daylight Utility Finders Inc. (Potholing)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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TOTAL DESIGN & ODCs																												\$579,197.00	
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City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Devolution of the State Coronavirus Dial

Action Requested: Review of the new coronavirus public health information.

Department: City Administration

Presented By: Jennifer Ooton, Assistant City Manager

Background Info: Attached and below is information about the changes to the 3.0 state COVID-19 dial framework and information about changes to the statewide mask order.

The Garfield County Public Health office has indicated that the Governor is expected to release new order/guidelines on April 16. The state has indicated that the dial will be retired in favor of a more local dial model. Yvonne Long has indicated that the next Garfield County Board of Health meeting with the Commissioners will be on April 19 and that Garfield County will continue to follow all guidelines from the state as they emerge regardless if there is an executive order in place or not.

On April 2, 2021, the Governor extended the indoor mask order for 30 days with some modifications for counties in Level Green. According to the state fact sheet, "(C)ounties with one week disease incidence rates in excess of 35 per 100,000, which are known in Dial 3.0 as blue, yellow, orange, red, and purple counties, masks must also be worn in all public indoor settings when 10 or more unvaccinated individuals or individuals of unknown vaccination status are present." Garfield County is currently in Level Yellow.

Masks are still required within city facilities in accordance with the state rules, which requires masks in settings with 10 or more individuals. This includes the recycling and landfill facilities. This is anticipated to remain in place after May 2 and until such time as a greater number of people are vaccinated in order to keep our staff members safe.

Additionally, staff will continue to make operational decisions based on specific activities relying on current and previous health guidance following the retirement of the Dial.

According to the Colorado Public Health and Environment press release related to the Dial 3.0: "The main changes in the Dial 3.0, which is expected to be in place from March 24 to mid-April, are:

- The metrics for Level Green: Protect Our Neighbors have changed. These changes make it easier for counties to achieve Protect Our Neighbors status. Now, counties qualify for Protect Our Neighbors if they have up to 35 COVID-19 cases per 100,000 people -- up from 15 cases.
- There is no longer a certification process for Level Green: Protect Our Neighbors. Counties will be moved into Level Green once they maintain the appropriate metrics for at least one week.
- Most restrictions in Level Green: Protect Our Neighbors are now removed. Bars and indoor events must still adhere to a 50% capacity limit or a 500-person cap, whichever is fewer.
- The metrics range for Level Blue is now 36 - 100 COVID-19 cases per 100,000 people.
- Bars can now open under Level Blue. The capacity limit is 25% capacity or 75 people, whichever is fewer.
- Outdoor events in Levels Green and Blue no longer have state-level capacity restrictions under the dial. Counties may choose to implement capacity restrictions on outdoor events at

the local level.

- Retail, offices, and non-critical manufacturing in Level Blue may now open to 75% capacity, up from 50%.
- There is no longer a state limit on personal gathering sizes. The state will follow CDC's guidance on personal gatherings. The CDC still strongly recommends avoiding larger gatherings and crowds to prevent the spread of COVID-19.
- 5 Star restaurants and gyms in Levels Blue and Yellow may operate at 100% capacity with 6 feet of distance between parties as a way to provide businesses with increased flexibility, while still limiting indoor mass gatherings. The state expects that maintaining a 6 foot distancing requirement will be a limiting factor for most indoor spaces.
- 5 Star certified seated and unseated indoor events may operate at 50% capacity with a 500-person limit in Level Blue. 5 Star seated indoor events in Level Yellow may operate at 50% capacity with a 225 person limit and unseated indoor events in Level Yellow may operate at 50% capacity with a 175 person limit."

Issues:

The City currently has an outdoor mask order downtown. As many of the Dial restrictions related to outdoor activities have been lifted, City Council may want to consider whether to keep the downtown mask order in place. The City of Glenwood Spring has been invited to participate in a coalition of mountain communities/counties working on the next steps following the retirement of the state coronavirus Dial. Staff plans to bring back recommendations from this group for Council to consider regarding ways to continue to protect our residents and businesses.

Staff Recommendation:

None.

From: Garfield County news <news@garfield-county.com>
Sent: Wednesday, March 24, 2021 3:01 PM
To: Garfield County news
Subject: COVID dial changes ease restrictions on businesses



PRESS RELEASE

3.24.21

COVID dial changes ease restrictions on businesses

Restaurants may open at 100 percent capacity under Blue with six-foot distancing for groups

GARFIELD COUNTY, CO – The state of Colorado has approved changes to its COVID dial, easing many restrictions on businesses and making it easier for counties to reach the least restrictive green level, known as “Protect Our Neighbors.” Garfield County is currently at level Blue on the new dial.

The changes in Dial 3.0, which is now in effect, remove most restrictions at the green level. Counties now qualify for Green automatically with a seven-day incidence level of 35 cases of COVID-19 per 100,000, up from 15 per 100,000 under Dial 2.0. Level Blue ranges from 36-100 people with COVID-19 per 100,000. Both levels Green and Blue require a testing positivity at no greater than five percent.

All restaurants can now operate at 100 percent capacity in level Blue counties with six feet distancing between groups. Indoor seated and non-seated events that are 5 Star-certified can operate at 50 percent capacity, with a limit of 500 people in level Blue.

Dial 3.0 also allows bars to open in level Blue at a capacity of 25 percent or 75 people, whichever is fewer. Under Dial 2.0, only bars that also served food were allowed to operate. Gyms, recreation centers and pools may also operate at 100 percent capacity under Blue, with six feet distancing, and masks are still required.

State capacity restrictions for outdoor events, including guided activities, have been removed for both levels Blue and Green, though counties may still elect to implement some capacity restrictions. The state restriction

on personal gatherings has also been dropped, though the Centers for Disease Control and Prevention (CDC) still recommends avoiding large gatherings.

Retail establishments, offices and non-critical manufacturing may now operate at 75 percent capacity under level Blue, up from 50 percent. The update also removed a restriction that public transit should only be used for necessary activities.

The update comes as close to 80 percent of Coloradans ages 70 and up have received a COVID-19 vaccination. That group represents 78 percent of all COVID-19 deaths and 38 percent of all hospitalizations during the pandemic.

Due to more Coloradans receiving COVID-19 vaccinations, the Colorado Department of Public Health and Environment (CDPHE) anticipates a more local dial model come mid-April, in which county public health departments will have more control over local capacity limits. CDPHE may move a county into a more restrictive dial level if hospitals exceed 85 percent capacity.

The goal of the state's COVID dial is to preserve hospital capacity statewide. The changes do not affect the state's mask mandate, which expires on April 3, but may be modified by the governor's office at that time.

View the latest Garfield County public health orders at garfield-county.com/public-health/executive-orders.

Garfield County Communications

Garfield County, Colorado conducts a team approach to communications. Press releases, media advisories and public information is produced and provided by multiple county staff members in elected offices and/or county departments, and frequently in collaboration with other government agency or community organization contributors.

Interview requests for attributions of direct quotes not provided in these releases may be submitted by contacting Garfield County Communications at this link: <https://www.garfield-county.com/communications/email/> or by calling 970.384.3844.

	LEVEL GREEN: PROTECT OUR NEIGHBORS	LEVEL BLUE: CAUTION	LEVEL YELLOW: CONCERN	LEVEL ORANGE: HIGH RISK	LEVEL RED: SEVERE RISK	LEVEL PURPLE: EXTREME RISK
7 DAY INCIDENCE LEVEL (excluding cases of residents in congregate facilities)	0-35 cases per 100,000	36-100 cases per 100,000	101-300 cases per 100,000	301-500 cases per 100,000	501+ cases per 100,000	Statewide Hospital Capacity is threatened: Approaching the need for medical crisis standards of care, Utilizing alternative care sites, Critical shortages of PPE or staff, Or hospitals approaching 90% of their reported surge capacity .
PERCENT TESTING POSITIVITY	No greater than 5%. Positivity subject to CDPHE review	No greater than 5%	No greater than 7.5%	No greater than 10%	Greater than 10%	
HOSPITALIZATIONS STABLE OR DECLINING?	Sufficient local hospital bed capacity. Note: if local hospital capacity is threatened, county will move back to a more restrictive level.	Hospitalizations stable or declining	Hospitalizations stable or declining	Hospitalizations stable or declining	Regional or state hospital system capacity is constrained, such as critical shortages of staff or personal protective equipment (PPE) or hospital systems are approaching 90% of their reported surge capacity, or state assistance is requested for patient transport or staff augmentation.	



NINTH AMENDED PUBLIC HEALTH ORDER 20-36
COVID-19 DIAL
March 23, 2021

PURPOSE OF THE ORDER

I issue this Public Health Order (PHO or Order) pursuant to the Governor's directive in **Executive Order D 2020 235**, amended and extended by **D 2020 265**, **D 2020 289**, **D 2021 023**, **D 2021 047**, and **D 2021 069** in response to the existence of thousands of confirmed and presumptive cases of Coronavirus disease 2019 (COVID-19) and related deaths across the State of Colorado. This Order implements levels of restrictions for individuals, businesses and activities to prevent the spread of COVID-19 further in Colorado.

FINDINGS

1. Governor Polis issued **Executive Order D 2020 003** on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of COVID-19. Since that time, the Governor has taken numerous steps to implement measures to mitigate the spread of disease within Colorado, and has further required that several public health orders be issued to implement his orders.
2. I have issued public health orders pertaining to the limitation of visitors and nonessential individuals in skilled nursing facilities, intermediate care facilities, and assisted living residences; defining the terms of the Governor's **Stay at Home**, **Safer at Home**, and **Protect our Neighbors** requirements as well as **Critical Business** designations; requiring hospitals to report information relevant to the COVID-19 response; and requiring the wearing of face coverings in the workplace and urging their use in public. These measures all act in concert to reduce the exposure of individuals to disease, and are necessary steps to protect the health and welfare of the public. Additionally, in reducing the spread of disease, these requirements help to preserve the medical resources needed for those in our communities who fall ill and require medical treatment, thus protecting both the ill patients and the healthcare workers who courageously continue to treat patients.
3. As of March 22, 2021, there have been 450,934 known cases of COVID-19 in Colorado, 24,513 Coloradans have been hospitalized and 6,162 Coloradans have died from COVID-19.

Multiple sources of data show that COVID-19 transmission and the use of the hospital system due to COVID-19 have leveled off in Colorado.

4. **Executive Order D 2020 235**, as amended and extended, requires the harmonizing of the various levels of activities previously described in prior **Protect Our Neighbors, Safer at Home**, and **Stay at Home** executive orders into one more simplified dial format. Counties must implement the requirements of the relevant level of the **COVID-19 Dial** for their jurisdiction, as determined by the Colorado Department of Public Health and Environment (CDPHE), based upon scientific metrics established in the **Dial**. The **Dial** still strongly encourages that people at risk of severe illness from COVID-19 remain at home or in the great outdoors as much as possible, but allows levels of business and activities based upon disease prevalence and other metrics in each county. Additionally, individuals are encouraged to remain at least 6 feet away from non-household contacts to reduce the likelihood of disease transmission, and otherwise unregulated gatherings are also limited in each level of the **Dial**. As we continue to combat COVID-19 in our communities, continuing restrictions to mitigate disease spread remain appropriate.

INTENT

This Order sets forth the requirements for implementation of the **COVID Dial**. Individual restrictions remain in place concerning limitations on activities, travel, and public gatherings. Workplace restrictions remain necessary to implement standard **Distancing Requirements**, cleaning standards, and other items necessary to reduce the possibility of disease spread. Additionally, certain businesses and activities require specific guidance based on their business practices, and those are included in the appendices to this Order.

ORDER

This Order supersedes and replaces Public Health Orders 20-32 and 20-35, as amended.

I. COVID Dial - Individual Requirements

- A.** All individuals currently living within the State of Colorado are encouraged to stay at home or in the vast, great outdoors and avoid unnecessary interactions whenever possible in order to reduce the spread of disease. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with **Distancing Requirements**, defined in Section IV below, and are encouraged to leave their residences only to perform or utilize **Necessary Activities**, defined in Section IV below.

- B.** Individuals are urged to wear non-medical cloth face coverings that cover the nose and mouth whenever in public as required by **Executive Order D 2020 091** as amended and extended. Additionally, pursuant to **Executive Order D 2020 138** as amended and extended by **Executive Order D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056**, all individuals must wear face coverings in public indoor spaces, as that term is defined in the **Executive Order 2020 138**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.
- C.** **Individuals at Risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are urged to stay in their residence at all times except as necessary to seek medical care, and this becomes more critical as a county's level in the **Dial** becomes more restrictive. **Individuals at Risk of Severe Illness from COVID-19** cannot be compelled to work for any business or government function, including a **Critical Business** or **Critical Government Function**, during the pendency of this pandemic emergency. People who are sick must stay in their residence at all times except as necessary to seek medical care, and must not go to work, even for a **Critical Business**, identified in **Appendix A** of this Order.
- D.** Individuals who are sick or are experiencing flu-like symptoms should get tested for COVID-19. If an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19, including early or mild symptoms (such as cough and shortness of breath), they should be in isolation (staying away from others) until they are released by public health. In most cases, individuals are released from isolation when they are fever-free, without medication, for twenty-four (24) hours, other symptoms have improved, and at least ten (10) days have passed since symptoms first appeared. A limited number of people with severe illness may require longer isolation. Coloradans who are sick and receive negative COVID-19 test results should continue to stay home while they are sick and should consult with their healthcare provider about the need for additional testing and the appropriate time to resume normal activities.
- E.** Governmental and other entities are strongly urged to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable, and are authorized to take all reasonable steps necessary to provide non-congregate sheltering along with necessary support services to members of the

public in their jurisdiction as necessary to protect all members of the community. People experiencing homelessness are urged to protect their health and safety by complying with **Distancing Requirements** at all times.

- F.** Individuals are encouraged to limit travel to **Necessary Travel**, defined in Section IV below, including but not limited to, travel by automobile or public transit. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.

II. COVID-19 DIAL LEVELS.

A. APPLICATION OF THE DIAL.

1. The **COVID-19 Dial** consists of six levels that counties qualify for based on meeting specific metrics. Counties will remain in a **Dial** level so long as they continue to meet the metrics in that level. Counties may exceed their **Dial** level's disease incidence metric and still remain in that level as long as they do not exceed the minimum of the next more restrictive **Dial** level's incidence rate by more than 15% for 5 consecutive days. If the county falls out of compliance with the disease incidence metric associated with that level, CDPHE will confirm the metric with the county and move the county to the next most restrictive level. CDPHE may also move a county to a more restrictive level if there is a lack of sufficient testing or regional or statewide hospital capacity. CDPHE reserves the right to move counties one or more levels more quickly as circumstances warrant. CDPHE may move counties to a more restrictive Dial level if county hospitalizations threaten to exceed 85% of hospital or hospital system capacity.
2. For counties that meet all metrics for the next less restrictive level for a one week period, CDPHE will confirm the metrics with the county and move the county to the next less restrictive level within two days.

B. LEVEL GREEN: PROTECT OUR NEIGHBORS.

1. Counties or regions certifying for **Level Green** must meet all of the following requirements:
 - a. Stable or declining COVID-19 hospitalizations:
 - i. Stable, meaning no greater than 25% increase, or declining counts of new confirmed COVID-19 hospitalizations in the county or region's referral hospitals, as defined by the LPHA, in the last 14 days compared to previous 14 day period, or

- ii. no more than two new hospital admissions of county or region residents with confirmed COVID-19 on a single day in the last 14 days.
 - b. Fewer new COVID-19 cases:
 - i. 35 or fewer new cases/100,000 people in the past week (one-week cumulative incidence), **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or
 - ii. for a county or region with a population of less than 30,000, a comparable case count based on the county's population, excluding cases among residents of congregate facilities, such as senior care, other residential care, youth corrections, or corrections, experiencing outbreaks, in a two-week period.
 - c. Percent positivity: 7 day average molecular test positivity rate of less than 5% except for counties with less than 30,000 population where disease incidence rates may be the determining factor.
- 2. Counties and regions certified for **Level Green** may allow any business, activity, or gathering within their jurisdiction to fully operate with no restrictions, except for those restrictions listed in this section and any local restrictions imposed by the county. **Individuals at risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are advised to remain at home as much as possible.
 - a. Indoor personal gatherings should follow the CDC guidance on [gatherings](#).
 - b. The following businesses and activities may operate at 50% of their pre-pandemic capacity not to exceed 500 people:
 - i. **Bars**
 - ii. **Smoking lounges**
 - iii. **Indoor events**
 - iv. **Organized indoor recreational youth or adult league sports**
 - v. **Indoor Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps**
 - c. Any business or activity that was not authorized to operate in more restrictive levels is authorized to open in a county or region certified for Protect Our Neighbors, unless limited or prohibited by the certified county or region.
 - d. CDPHE reserves the right to require additional containment and mitigation strategies beyond those detailed by a county or region in their

- containment and mitigation plan. CDPHE further reserves the right to rescind the certification of a region or county for Protect Our Neighbors.
- e. Counties approved for **Level Green** that wish to exercise the exemption from **Executive Order D 2020 138**, as amended and extended, requiring the wearing of face coverings in public indoor spaces must first consult with CDPHE.
 - f. Counties may increase their businesses and activities operational capacity by 5% each month that the county continues to meet the metrics in Section II.B.1 of this Order.

C. LEVEL BLUE: CAUTIOUS.

- 1. The metrics for **Level Blue** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 100 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or for counties with less than 30,000 population a comparable case count based on the county's population;
 - b. The percent of positive test results over a rolling 7 day average is no greater than 5%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and
 - c. To move into this level from a more restrictive level, hospitalization rates, or numbers for smaller counties, for county residents may be stable or declining and regional hospital capacity is sufficient.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Blue** are as follows:
 - a. Indoor personal gatherings should follow the CDC guidance on [gatherings](#). **Individuals at risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are advised to remain at home as much as possible.
 - b. **Non-Critical Office-based Businesses** may allow in-person work up to 75% of their posted occupancy limit.
 - c. **Critical and Non-critical Retail** may operate at 75% of the posted occupancy limit.
 - d. **Non-critical Manufacturing** may operate at 75% of the posted occupancy limit.
 - e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements, including capacity limits.

- f. **Personal Services** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
- g. **Limited Healthcare Settings** may operate at 50% of the posted occupancy limit, not to exceed 50 people, whichever is less, per room.
- h. **Restaurants** may operate at 100% of the posted occupancy limit indoors with 6 feet distancing between nonhousehold members. **Restaurants** may also use any existing, licensed outdoor space for in-person dining with the same group limit of 10 and minimum spacing of 6 feet apart. **Restaurants** must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091**, as amended and extended, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 2:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 25 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may be conducted at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, per room excluding staff. If the event is a seated event as described in **Appendix I**, the event may be conducted at 50% of the posted occupancy limit not to exceed 225 people indoors per room, whichever is less, excluding staff, within their usable space.
- l. **Outdoor Events** may operate in full, subject to local restrictions.
- m. **Recreation**, including **Gyms, recreation centers and pools** and outdoor recreation facilities, may operate at 100% capacity with 6 feet distancing between nonhousehold members.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 50 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may operate in full, subject to local restrictions.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 25 participants indoors and 50 participants outdoors.

- q. **Casinos** may operate using the same capacity requirements as **Indoor Events**, 50% of the posted occupancy limit not to exceed 175 people per room, whichever is less, excluding staff. If the event is a seated event as described in **Appendix I**, the event may be conducted at 50% of the posted occupancy limit not to exceed 225 people indoors per room, whichever is less, excluding staff, within their usable space.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 75% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.
- s. **Bars** that do not serve food may operate at 25% capacity not to exceed 75 people.

D. LEVEL YELLOW: CONCERN.

- 1. The metrics for **Level Yellow** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 300 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or for counties with less than 30,000 population a comparable case count based on the county's population;
 - b. The percent of positive test results over a rolling 7 day average is no greater than 7.5%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and
 - c. To move into this level from a more restrictive level, hospitalization rates, or numbers for smaller counties, for county residents are stable or declining and regional hospital capacity is sufficient.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Yellow** are as follows:
 - a. Indoor personal gatherings should follow the CDC guidance on [gatherings](#).
 - b. **Non-Critical Office-based businesses** may operate the same as **Level Blue**, and remote working is strongly encouraged.
 - c. **Critical and Non-critical Retail** may operate the same as **Level Blue**.
 - d. **Non-critical Manufacturing** may operate at 50% of the posted occupancy limit not to exceed 50 people, whichever is less, per room. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room within their usable space.

- e. **Field Services** may operate the same as **Level Blue**.
- f. **Personal Services** may operate the same as **Level Blue**.
- g. **Limited Healthcare Settings** may operate the same as **Level Blue**.
- h. **Restaurants** may operate at 50% of the posted occupancy limit indoors not to exceed 150 people, excluding staff, whichever is less, per room. Outdoor dining operates the same as **Level Blue**. Pursuant to **Executive Order D 2020 091**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 1:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 50% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may operate at 50% of the posted occupancy limit not to exceed 150 people, whichever is less, per room excluding staff within their usable space. For unseated events in excess of 50 people, the usable space is calculated using the [Distancing Space Calculator](#) For seated events as described in **Appendix I** or events hosting 50 or fewer people, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- l. **Outdoor Events** may operate at 50% of the posted occupancy limit not to exceed 175 people, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#), excluding staff, per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator..
- m. **Recreation, including Gyms, recreation centers and pools** and outdoor recreation facilities and activities, may operate at 50% capacity, not to exceed 50 patrons, whichever is less, per room indoors or per activity or area outdoors. Establishments larger than 7,200 square feet may use the [Distancing Space Calculator](#) to expand to no more than 100 patrons indoors per room, excluding staff, within their usable space.
- n. **Organized recreational youth or adult league sports** may resume activities with no more than 25 players, excluding coaching staff and referees or umpires.
- o. **Outdoor Guided Activities** may be conducted at 50% capacity not to exceed 10 people, whichever is less.

- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants indoors and 25 participants outdoors.
- q. **Casinos** may operate using the same capacity requirements as **Indoor Events**, 50% of the posted occupancy limit not to exceed 150 people, whichever is less, per room excluding staff within their usable space. For unseated events in excess of 50 people, the usable space is calculated using the [Distancing Space Calculator](#) For seated events as described in **Appendix I** or events hosting 50 or fewer people, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

E. LEVEL ORANGE: HIGH RISK.

- 1. The metrics for **Level Orange** are as follows:
 - a. New COVID-19 cases are at an incidence of no greater than 500 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks, or for counties with less than 30,000 population a comparable case count based on the county's population;
 - b. The percent of positive results over a rolling 7 day average is no greater than 10%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and
 - c. To move into this level from a more restrictive level, hospitalization rates, or numbers for smaller counties, for county residents are stable or declining and regional hospital capacity is sufficient.
- 2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Orange** are as follows:
 - a. **Public and private gatherings** are limited to no more than 10 individuals from no more than 2 households when not otherwise regulated as a specific sector or activity in Section III of this Order. Nothing in this Order prohibits the gathering of members living in the same residence. **Individuals at risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are strongly advised to remain

at home as much as possible. Indoor personal gatherings should follow the CDC guidance on [gatherings](#).

- b. **Non-Critical Office-based businesses** may allow in-person work up to 25% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible
- c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer increased options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
- d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
- e. **Field Services** may operate, and real estate open houses must follow the **Indoor Event** requirements.
- f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
- g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
- h. **Restaurants** may operate at 25% of the posted occupancy limit indoors not to exceed 50 people, excluding staff, whichever is less, per room. Restaurants may also use any existing, licensed outdoor space for in-person dining with a group limit of 10 and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091** all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption and for takeout between 12:00 A.M. and 7:00 A.M. MDT each day; however, counties and municipalities may set more restrictive hours as they determine appropriate.
- i. **Smoking Lounges** may operate at 25% of the posted occupancy limit, not to exceed 10 people, whichever is less.
- j. Repealed.
- k. **Indoor Events** may operate at 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.

- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- m. **Recreation**, including **Gyms, recreation centers and pools** and outdoor recreation facilities may operate at 25% capacity, not to exceed 50 people, whichever is less, excluding staff per room indoors or per activity or area outdoors. Organized recreational youth or adult league sports must instead follow the requirements in Section II.E.2.n below.
- n. **Organized recreational youth or adult league sports** and informal outdoor recreational sports may operate with no more than 10 players in indoor and outdoor settings.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.
- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted virtually or with no more than 10 participants outdoors only.
- q. **Casinos** may operate at the same capacity requirements as **Indoor Events**, 25% of the posted occupancy limit not to exceed 50 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator.
- r. **Critical Businesses and Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

F. LEVEL RED: SEVERE RISK.

1. The metrics for **Level Red** are as follows:
 - a. New COVID-19 cases are at an incidence of greater than 500 per 100,000 in a one week period, **excluding** cases among residents of congregate care facilities (senior care, other residential care, youth corrections, corrections) experiencing outbreaks;
 - b. The percent of positive results over a rolling 7 day average is greater than 10%, except for counties with less than 30,000 population where disease incidence rates may be the determining factor; and

- c. Regional or state hospital system capacity is constrained, such as critical shortages of staff or personal protective equipment (PPE) or hospital systems are approaching 90% of their reported surge capacity, or state assistance is requested for patient transport or staff augmentation.
2. Operating capacities, maintaining **Distancing Requirements** for nonhousehold members, for designated sectors and activities in **Level Red** are as follows:
 - a. **Public and private gatherings** involving two or more people are prohibited, except for the limited purposes expressly authorized in this Order and for the purpose of accessing or engaging in **Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - b. **Non-critical Office-based businesses** may allow in-person work up to 10% of their posted occupancy limit, and are strongly encouraged to implement remote work to the greatest extent possible.
 - c. **Critical and Non-critical Retail** may operate at 50% of the posted occupancy limit, and should offer enhanced options for curbside pickup, delivery, and dedicated service hours for senior and at-risk individuals.
 - d. **Non-critical Manufacturing** may operate at 25% of the posted occupancy limit not to exceed 50 people, whichever is less, per room.
 - e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed. Individual real estate showings are authorized and open houses may operate with only one household in the property at a time.
 - f. **Personal Services** may operate at 25% of the posted occupancy limit, not to exceed 25 people, whichever is less, per room.
 - g. **Limited Healthcare Settings** may operate at 25% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.
 - h. **Restaurants** are closed for in-person indoor dining but may offer curbside, takeout and delivery services. Restaurants may also use any existing, licensed outdoor space for in-person outdoor dining with tables limited to members of the same household and minimum spacing of 6 feet apart. Restaurants must have or obtain approval from their local government's permitting, building and fire code oversight agency for any new outdoor dining space prior to use. Pursuant to **Executive Order D 2020 091**, all on-premises licensees licensed under Articles 3, 4, and 5 of Title 44 of the Colorado Revised Statutes must cease alcohol beverage sales to end consumers for on-premises consumption between 10:00 P.M.

and 7:00 A.M. MDT each day. Counties and municipalities may set more restrictive hours as they determine appropriate.

- i. **Smoking Lounges** are closed for indoor services, but can remain open outdoors with tables limited to members of the same household.
- j. Repealed.
- k. **Indoor Events** are closed; except that educational institutions like museums and aquariums may operate at 25% of the posted occupancy limit not to exceed 25 people using the [Distancing Space Calculator](#) per room. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Professional performing arts groups may apply to CDPHE for permission to conduct indoor performances or rehearsals, without an audience.
- l. **Outdoor Events** may operate at 25% of the posted occupancy limit not to exceed 75 people excluding staff, whichever is less, within their usable space calculated using the [Distancing Space Calculator](#) per designated activity or area. If the event is a seated event as described in **Appendix I**, the usable space may be calculated using 6 feet distancing between non-household contacts instead of using the calculator. Two or more individuals attending an outdoor event together must be members of the same household and shall maintain 6 feet distancing from attendees who are not household members.
- m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** may operate at 10% capacity, not to exceed 10 people, whichever is less, excluding staff per room indoors. **Gyms** and **recreation centers** may operate with 10 or fewer individuals outdoors. Reservations are required for all indoor and outdoor services. Organized recreational youth or adult league sports must instead follow the requirements in Section II.F.2.n below.
 - 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
- o. **Outdoor Guided Activities** may be conducted at 25% capacity not to exceed 10 people, whichever is less.

- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may be conducted with no more than 10 participants outdoors only.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

G. LEVEL PURPLE: EXTREME RISK

- 1. The metrics for **Level Purple** are as follows:
 - a. Statewide hospital capacity risks being breached, which may be indicated by approaching the need for hospital crisis standards of care, or utilizing alternate care sites, or
 - b. Extreme risk to individuals in the county, region or state as determined by CDPHE.
- 2. Operating capacities, maintaining **Distancing Requirements** for non-household members, for designated sectors and activities in **Level Purple** are as follows:
 - a. **Public and private gatherings** involving two or more people of any number of people occurring outside a residence are prohibited, except for the limited purposes expressly authorized in this Order permitted in this PHO and for the purpose of accessing or engaging in which include **Essential Necessary Activities**. Nothing in this PHO prohibits the gathering of members living in the same residence.
 - i. All travel, including, but not limited to, travel by automobile or public transit, except **Necessary Travel** is prohibited. People must use public transit only for purposes of performing **Necessary Activities** or to travel to and from work to operate **Critical Businesses** or maintain **Critical Governmental Functions**. People riding on public transit must comply with **Distancing Requirements** to the greatest extent feasible.
 - b. **Non-critical Office-based businesses** are closed for in-person work but may continue to perform remote work if possible and carry out **Minimum Basic Operations**.
 - c. **Non-critical Retail** is closed for in-person work or services but may operate and provide curbside, pick up or delivery services, may provide services online, and may continue to carry out **Minimum Basic Operations**. **Critical Retail** is strongly encouraged to take extraordinary

- measures to provide enhanced curbside, pick up or delivery services and minimize in-person services to the greatest extent possible.
- d. **Non-critical Manufacturing** may operate at 10% of the posted occupancy limit not to exceed 25 people, whichever is less, per room.
 - e. **Field Services** that are not necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions** are closed, including real estate open houses.
 - f. **Personal Services** are closed for in-person work and services but may continue to carry out **Minimum Basic Operations**.
 - g. **Limited Healthcare Settings** that provide services may operate at 10% of the posted occupancy limit, not to exceed 25 people, per room to provide those services.
 - h. **Restaurants** are closed for in-person indoor and outdoor dining but may offer curbside, takeout and delivery services.
 - i. **Smoking Lounges** are closed for in-person work but may continue to carry out **Minimum Basic Operations**.
 - j. Repealed.
 - k. **Indoor Events** are closed.
 - l. **Outdoor Events** are closed.
 - m. **Recreation**
 - 1. **Gyms, recreation centers and indoor pools** are closed for indoor activities, except that fitness centers and nonessential personal services included in residential facilities, such as hotels, apartment or condominium complexes or similar housing arrangements, that are limited to use only by hotel guests or residents of the housing who are following social distancing requirements of at least 6 feet between individuals, and the hotel or property managers are performing frequent environmental cleaning may operate. **Gyms** and **recreation centers** may operate with 10 or fewer individuals outdoors.
 - 2. **Outdoor recreational** activities in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
 - n. **Organized recreational youth or adult league sports** are not authorized for indoor settings. Virtual services may be provided, or outdoor recreational sports in groups of 10 people or fewer may occur, maintaining 6 feet **Distancing Requirements** between non-household contacts.
 - o. **Outdoor Guided Activities** may operate at 25% capacity of the outdoor activity setting, not to exceed 10 household members.

- p. **Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** are closed.
- q. **Casinos** are closed for in-person work and services under this Order but may continue to carry out **Minimum Basic Operations**.
- r. **Critical Businesses** and **Critical Government Functions** may continue to operate without capacity limitations, except that **Critical Retail** must adhere to 50% of the posted occupancy limit, but must follow the requirements in Section III.B and C of this Order.

III. BUSINESS AND ACTIVITY REQUIREMENTS

- A. In **Levels Blue, Yellow, and Orange**, any business or activity not addressed in this Order or corresponding interpretive guidance found [here](#) may operate with 10 or fewer individuals per room in accordance with the requirements in Section III.C of this Order. In **Levels Red and Purple**, any business not addressed in Sections II.F and II.G of this Order are closed.
 - 1. The following establishments and activities remain closed in **Levels Blue, Yellow, Orange, Red and Purple**:
 - a. **Bars** that do not serve food, except that effective March 24, 2021, **Bars** may operate in **Level Blue** in accordance with the restrictions in Section II of this Order; and
 - b. the use of bounce houses and ball pits in any public or commercial venue.
 - 2. The following businesses or activities are subject to the requirements of other public health orders:
 - a. Nursing facilities, assisted living residences, intermediate care facilities and group homes are subject to PHO 20-20; and
 - b. Hospitals are subject to PHO 20-29.
- B. All **Critical Businesses** and **Critical Government Functions**, as defined in **Appendix A** and Section IV.C of this Order, may continue to operate, and must comply with **Distancing Requirements**, adopt work from home or tele-work policies for any operations that can be done remotely, and implement other strategies, such as staggered schedules or re-designing workplaces, to create more distance between workers unless doing so would make it impossible to carry out critical functions. **Critical Businesses** and **Critical Government Functions** should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions.

C. All Business and Government Functions. All Businesses and Government Functions shall follow the protocols below:

1. **Face Coverings.** Face coverings are required pursuant to **Executive Order D 2020 138**, as amended and extended, for all individuals in public indoor settings unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities described in Section II.M of **Executive Order D 2020 138**, as amended and extended. Additionally, face coverings may be removed in a school classroom setting for the limited purpose of playing an instrument that cannot otherwise be played while wearing a face covering.
2. **Work Accommodations.** Employers must provide reasonable work accommodations, such as telecommuting, for **Individuals At Risk of Severe Illness from COVID-19**. Employers are also strongly encouraged to provide reasonable work accommodations for individuals who reside with or are caring for **Individuals at Risk of Severe Illness from COVID-19**, or facing child care needs while schools remain closed.
3. **Disease Prevention Measures for the Workplace.** Employers and sole proprietors shall take all of the following measures within the workplace to minimize disease transmission, in accord with the [CDPHE Guidance](#):
 - a. deputize a workplace coordinator(s) charged with addressing COVID-19 issues;
 - b. maintain 6 foot separation between employees and discourage shared spaces;
 - c. [clean and disinfect](#) all high touch areas;
 - d. post signage for employees and customers on good hygiene;
 - e. ensure proper ventilation;
 - f. avoid gatherings (meetings, waiting rooms, etc) of more than 10 people or provide sufficient spaces where **Distancing Requirements** can be maintained if larger gatherings are required by law, such as for some government functions like trials;
 - g. implement symptom monitoring protocols, conduct daily temperature checks and monitor symptoms in employees at the worksite to the greatest extent possible, or if not practicable, through employee self-assessment at home prior to coming to the worksite. A sample form can be found [here](#). If an employee reports any symptoms, refer symptomatic employees to the [CDPHE Symptom Tracker](#) and take all of the following steps:
 1. send employee home immediately;

2. increase cleaning in your facility and mandate 6 feet **Distancing Requirements** of staff from one another;
 3. exclude employee until they are released from isolation by public health. In most cases, someone is released from isolation when they are fever-free, without medication, for 24 hours, other symptoms have improved and 10 days have passed since their first symptom. A limited number of people with severe illness may require longer isolation; and
 4. if two or more employees have these symptoms, consult [CDPHE's outbreak guidance](#), contact your local health department and cooperate in any disease outbreak investigations; and
 - h. eliminate or regularly [clean and disinfect](#) any items in common spaces, such as break rooms, that are shared between individuals, such as condiments, coffee makers, vending machines.
4. **Disease Prevention Measures for Employees.** Employers shall take all of the following measures regarding employees to minimize disease transmission:
- a. require employees to stay home when showing any symptoms or signs of sickness, which include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea and connect employees to company or state benefits providers;
 - b. provide work accommodations for **Individuals at Risk of Severe Illness from COVID-19**, prioritizing telecommuting, as **Individuals at Risk of Severe Illness from COVID-19** shall not be compelled to go to work during the pendency of this pandemic emergency;
 - c. provide to the greatest extent possible flexible or remote scheduling for employees who may have child or elder care obligations, or who live with a person who still needs to observe **Stay at Home** due to underlying condition, age, or other factor;
 - d. encourage and enable remote work whenever possible;
 - e. encourage breaks to wash hands or use hand sanitizer;
 - f. phase shift and breaks to reduce density; and
 - g. provide appropriate protective gear like [gloves, masks, and face coverings](#) as defined by [OSHA industry standards](#) and require face coverings for all employees in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended.

5. **Disease Prevention Measures for Customers.** Employers and sole proprietors shall implement the following measures regarding customers to minimize disease transmission:
 - a. create whenever possible special hours for **Individuals at Risk of Severe Illness from COVID-19** only;
 - b. encourage 6 foot **Distancing Requirements** inside of the business for all patrons;
 - c. encourage customer use of protection like gloves and face coverings, and require face coverings for all customers in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended;
 - d. provide hand sanitizer at the entrances to the greatest extent possible; and
 - e. use contactless payment solutions, no touch trash cans, etc. whenever possible.
6. **Large Employers.** Employers with over fifty (50) employees in any one location shall, in addition to the above requirements, implement the following protocols:
 - a. implement employee screening systems that follow the requirements of Section II.C.3.g above in one of the following ways:
 - i. Set up stations at the worksite for symptom screening and temperature checks; or
 - ii. Create a business policy that requires at-home employee self-screening each work day and reporting of the results to the employer prior to entering the worksite;
 - b. close common areas to disallow gatherings of employees;
 - c. implement mandatory cleaning and disinfection protocols; and
 - d. require mandatory adherence to **Distancing Requirements**.
- D. **Non-Critical Office-Based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix B** of this Order.
- E. All **Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix C** of this Order.
- F. **Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix D** of this Order.

- G. Field Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix E** of this Order.
- H. Personal Services** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix F** of this Order.
- I. Limited Healthcare Settings** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix G** of this Order.
- J. Restaurants** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix H**. Additionally, for **Levels Blue, Yellow, Orange and Red**, only **Bars** that offer food from a licensed retail food establishment for on-premise consumption and follow the Restaurant requirements in **Appendix H** of this Order may operate. All other **Bars**, except **Bars in Levels Green or Blue**, are closed to ingress, egress, use, and occupancy by members of the public, but may offer alcoholic beverages with food service offered through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or any manner set forth in that PHO and in accordance with mandatory **Distancing Requirements**.
1. All licensees licensed pursuant to Articles 3, 4 and 5 of Title 44 of the Colorado Revised Statutes, including approved sales rooms licensed under C.R.S. §§ 44-3-402(2), 44-3-402(7), 44-3-403(2)(e), or 44-3-407(1)(b), that are licensed for on-premises consumption of alcohol beverages must make meals prepared by a retail food licensee available at all times that alcohol beverages are served for on-premises consumption. Nothing in **Executive Order D 2020 091**, as amended and extended:
 - a. prohibits on-premises licensees licensed under Articles 3 or 4 of Title 44 of the Colorado Revised Statutes who have delivery privileges from making alcohol beverage sales for delivery after the close of on-premise or take-out services; or
 - b. changes or amends the requirements of C.R.S. § 44-3-901(1)(a) that prohibit selling or serving alcohol beverages to visibly intoxicated people, and in accordance with Colorado law, over-service violations could result in administrative action by the Liquor Enforcement Division up to and including revocation of a liquor license.

- K. Smoking Lounges** may operate at the level described in Section II of this Order for which the county in which they operate is approved. For **Smoking Lounges** with outdoor spaces, the establishment must follow local zoning requirements for such spaces. **Smoking Lounges** may provide retail sales, pick up, and delivery of their products.
- L.** Repealed.
- M. Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix I** of this Order.
- N. Recreation**, including **Gyms and Fitness** and outdoor recreation facilities and activities may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the specific requirements of **Appendix J** of this Order.
- O. Sports.**
1. **Organized Recreational Youth or Adult League Sports** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix J. Organized Recreational Youth or Adult League Sports** that want approval to operate following the Colorado High School Athletic Association (CHSAA) requirements described in Section III.O.3 of this Order must [apply to CDPHE](#) for approval and shall sign an agreement with CDPHE to implement and maintain all CDPHE approved CHSAA requirements.
 2. **Professional sports** may resume pre-season practices, training and league play after they submit a reopening plan that details their disease prevention and mitigation strategies to the CDPHE and receive approval, and visiting teams will also follow those approved plans when playing in Colorado. Many professional leagues have created their own reopening requirements and guidance, and professional teams are expected at a minimum to incorporate those requirements into their reopening plans. Colorado sporting events that include both a professional event and a recreational event must have their professional opening plan reviewed and approved by CDPHE. Any recreational sporting events must follow the recreation requirements contained in **Appendix J** and any guidance found [here](#).
 3. **High School Sports** that do not follow the personal recreation guidance in **Appendix J**, and are operating under the auspices of CHSAA, may resume

practices and games after CHSAA submits plans to CDPHE that detail their disease prevention and mitigation strategies and receives approval.

4. **Collegiate sports** must submit a plan that details their disease prevention and mitigation strategies to CDPHE for review and approval, and visiting teams will also follow those approved plans when playing in Colorado. Collegiate sports plans shall at a minimum meet or exceed the standards established by their organized athletic associations, such as the National Collegiate Athletic Association (NCAA).
- P. Outdoor Guided Activities** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix K** of this Order.
- Q. Children's Day Camps, Residential Camps, Youth Sports Day Camps and Exempt Single Skill-Building Youth Camps** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must comply with the requirements of **Appendix L** of this Order. License-exempt child care programs, such as single skill-building and 72-hour camps, are considered critical child care services and must follow the child care guidance, including the [case and outbreak guidance](#) for schools and child cares. Single skill-building team or group sports camps are not considered critical child care services and must follow the requirements in Section II and **Appendix L** of this Order.
- R. Postsecondary Institutions.** Programs and courses at public and private postsecondary institutions may resume in-person classes at the same capacity restrictions for **Indoor Events** at the level described in Section II of this Order for which the county in which they operate is approved.
1. Each institution should consult with the local public health agency for the county in which the institution resides concerning implementation of disease prevention measures in accordance with the [CDPHE Guidance for Higher Education](#), including following all **Distancing Requirements**, determining whether course content should be delivered remotely or in person based upon the prevalence of disease at the school and in the county, and managing any cases and outbreaks, including helping implement quarantine and isolation as needed in accordance with CDPHE guidelines, to minimize any further spread of disease.
 2. Institutions that conduct COVID-19 sample collection for testing in a lab that they own, operate or manage must report all test results, whether

positive or negative, to CDPHE. Institutions that contract out laboratory testing services for COVID-19 samples must include in their contracts with the laboratory service provider the requirement to submit all COVID-19 testing results to CDPHE.

3. Institutions shall work in close collaboration and coordination with local health officials and health care partners to develop protocols for confirmed cases and outbreaks of COVID-19 at the institution and in the community. Such protocols shall include communication with public health, case notification, environmental cleaning, contact tracing, and arranging for quarantine of contacts and isolation of cases in accordance with CDPHE guidelines.
4. All possible outbreaks of COVID-19 must be reported to public health within 24 hours of detection in a manner specified by CDPHE. If an institution is unsure if the cases had contact with one another, report to public health for investigation.
 - a. An outbreak in a postsecondary institution is defined as two or more laboratory-confirmed COVID-19 cases among students or staff, from separate households, in contact with one another with either onset of symptoms of disease or a positive test date if asymptomatic, within a 14-day period.
5. Institutions shall respond to CDPHE surveys collecting information concerning COVID-19 investigation and response activities, such as the use of quarantine and isolation, in a manner specified by CDPHE.
6. Residential postsecondary institutions shall have policies in place that require all of the following:
 - a. All students of residential postsecondary institutions shall monitor their health daily for the following COVID-19 symptoms: subjective fever/chills; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - b. Any student of a residential postsecondary institution who develops COVID-19 symptoms during the term of this Order shall:
 - i. If living in on campus housing, notify their postsecondary institution immediately and follow all public health requirements for isolation and quarantine in accordance with CDPHE guidelines;
 - ii. If living in off campus congregate student housing, defined as 10 or more students living in the same residence, notify their local public health agency immediately and follow all public

- health requirements for isolation and quarantine in accordance with CDPHE guidelines;
- iii. Stay separated away from others (i.e. isolate) until all of the following criteria are met:
 - 1. No fever (of at least 100.4 degrees), without medication, for at least twenty-four (24) hours; and
 - 2. All other COVID-19 symptoms have improved; and
 - 3. At least ten (10) days have passed since symptoms first appeared, or longer if so directed by public health;
 - iv. Stay separated from all other people as much as possible. Use a separate bathroom, if available; if unavailable, disinfect all touched surfaces before leaving the bathroom;
 - v. Contact any health care provider prior to visiting its office so that arrangements can be made to prevent exposing other persons at the office;
 - vi. In the event of a medical emergency and need to call 911, notify dispatch personnel that they may have COVID-19 and put on a **Face Covering** before the emergency medical personnel arrives; and
 - vii. Cooperate with public health and school representatives regarding case investigation and contact tracing.
7. Students of postsecondary institutions are subject to COVID-19 screening, quarantine, and isolation requirements as follows:
- a. Screening requirements.
 - i. Screening for COVID-19 symptoms includes all of the following: fever of 100.4F or higher; cough; shortness of breath or difficulty breathing; muscle or body aches; sore throat; headache; diarrhea; nausea or vomiting; congestion or runny nose; new loss of taste or smell.
 - ii. Institutions shall implement screening protocols for students in campus housing and for access to other campus buildings, such as class buildings, recreational facilities, and dining halls. Restrict building access by non-residents, including outside guests, non-residential staff, and others. These restrictions may not apply when the law otherwise requires, such as allowing personal care attendants for students with disabilities.
 - iii. Students living in off campus congregate student housing, defined as 10 or more students living in the same residence,

shall implement screening protocols for all residents that share off campus congregate student housing as well as any guests to the residence and maintain records of the screening results. Each off campus congregate student residence shall designate a contact person to work with public health and school representatives regarding implementation of public health requirements.

- b. Isolation requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, isolation protocols as needed for students who are symptomatic or test positive for COVID-19.
 - i. Isolate any symptomatic or COVID-19 positive cases away from others in the residence and limit the sharing of services, such as restrooms or kitchen facilities, with other residents to the greatest extent possible,
 - ii. notify public health immediately, no later than 24 hours from detection, and
 - iii. isolated individuals must remain in isolation without leaving the residence other than for medical care until released by public health;
- c. Quarantine requirements. Institutions for students in campus housing and students in off campus congregate student housing shall implement, in collaboration with public health, quarantine protocols in accordance with CDPHE guidelines as needed for students who are close contacts of a symptomatic individual or an individual who tests positive for COVID-19.
 - i. Quarantine for 14 days from the last date of exposure to any close contacts, defined as individuals who were within 6 feet of an ill or symptomatic individual for 15 minutes or longer or other high risk contact defined by public health. and
 - ii. quarantined individuals may only leave the residence for medical care;
- d. Clean and disinfect the residence in accordance with CDC's shared or congregate housing guidance, found [here](#);
- e. Provide public health as soon as possible the information necessary for case investigation and contact tracing; and
- f. Implement testing for COVID-19 for all congregate student housing residents in accordance with the recommendations of public health.

8. Institutions of higher education should utilize their student disciplinary process regarding students who are not complying with state and local public health orders.
- S. Ski Resorts.** Prior to opening a ski resort, the resort must do all of the following:
1. Work with the local community to create an opening plan. The plan must:
 - a. Comply with any guidance issued by CDPHE for ski resorts,
 - b. Phase in operations in a way to ensure the ski resort can be fully compliant with all guidelines,
 - c. Factor in the overall capacity that a community can safely host and follow all **Distancing Requirements**, and
 - d. Describe how the ski resort will assist the community in dealing with the increased volume of tourists during winter;
 2. Receive local government approval of the opening plan, either the county or municipality as appropriate;
 3. Submit the opening plan to the local public health agency for their review to ensure alignment with state and local guidance; and
 4. If approved by the local public health agency, the agency will submit the opening plan to CDPHE for final review and approval.

IV. DEFINITIONS

- A. Bar** means a bar, tavern, brew pub, brewery, microbrewery, distillery pub, winery, tasting room, special licensee, club, and other place of public accommodation serving alcoholic beverages and, if serving food, only snacks and not kitchen-prepared meals.
- B. COVID-19 Dial or Dial** means the six levels, designated as **Green, Blue, Yellow, Orange, Red** and **Purple**, defined by CDPHE in which a county may allow businesses to operate and activities to occur based upon standard metrics regarding disease incidence, percent positivity, and hospitalization rates, with additional metrics required to be met for **Level Green**.
- C. Critical Business.** Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed in **Appendix A**, must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all

PHOs currently in effect to the greatest extent possible and will be held accountable for doing so. A list of **Critical Businesses** is contained in **Appendix A** of this Order.

D. Critical Government Functions. The provision, operation and support of the following state and local government functions shall continue:

1. Public health and safety (public health agencies, police stations, fire and rescue stations, sheriff authorized search and rescue, correctional institutions, emergency vehicle and equipment storage, and, emergency operation centers)
2. Emergency response
3. Judicial branch operations including state and municipal courts, including attorneys, experts, witnesses, parties, and any personnel necessary for trials, court appearances, or other court business. The Judicial branch is encouraged to make remote participation available to the greatest extent possible.
4. The Colorado General Assembly, legislative bodies of municipal governments, and executive branch functions
5. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions)
6. Designated emergency shelters
7. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits)
8. Public utility plant facilities for generation and distribution (drinking water and wastewater infrastructure, hubs, treatment plants, substations and pumping stations for power and gas, but not including towers, poles, power lines, and oil and gas buried pipelines)
9. Transportation. All public and private airports, airlines, taxis, transportation network companies (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for **Necessary Activities**, in compliance with the transportation guidance found [here](#).
10. Transportation infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars), critical road construction and maintenance
11. Hazardous material safety
12. Services to at-risk populations and **Individuals at Risk of Severe Illness from COVID-19**

13. Activities related to federal, state, and local elections, including any required acts of a political party, provided **Distancing Requirements** are observed to the greatest extent possible
 14. Any government service, state or local, required for the public health and safety, government functionality, or vital to restoring normal services
 15. Election operations and activities within voter services and polling centers, county clerk offices, and other locations where election operations occur, including but not limited to the functions performed by election judges, signature gatherers/circulators, authorized watchers, and voters.
- E. Distancing Requirements.** To reduce the risk of disease transmission, individuals shall maintain at least a six-foot distance from other individuals, wash hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and not shake hands.
- F. Field Services** means a service that is being provided out in the field as opposed to a company property, including third party private properties, such as a third party household.
- G. Gym** means a building or room used for indoor sports or exercise, such as fitness, dance, exercise or group classes, exercise studios and centers, recreation centers, bowling alleys, pools, and other indoor athletic facilities.
- H. Individual at Risk of Severe Illness from COVID-19** means:
1. Individuals who are 65 years and older;
 2. Individuals who have cancer;
 3. Individuals who have chronic kidney disease;
 4. Individuals who have chronic obstructive pulmonary disease;
 5. Individuals who have Down Syndrome;
 6. Individuals who are immunocompromised (weakened immune system) from solid organ transplant;
 7. Individual who have a body mass index of 30 or higher;
 8. Individuals who have serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
 9. Individuals who have Sickle cell disease;
 10. Individuals who have Type 2 diabetes mellitus;
 11. Individuals who are pregnant;
 12. Individuals who smoke; and

13. Other individuals determined to be high risk by a licensed healthcare provider.
- I. **Indoor Events** means indoor activities like receptions, events, concerts, indoor markets, non-critical auctions, theaters, trade shows, or other indoor venues not covered in other sectors listed in this Order.
- J. **Limited Healthcare Settings** means those locations where certain healthcare services are provided, including acupuncture (not related to personal services), athletic training (not related to personal services), audiology services, services by hearing aid providers, chiropractic care, massage therapy (not related to personal services), naturopathic care, occupational therapy services, physical therapy, and speech language pathology services. Services provided in **Limited Healthcare Settings** that are ordered by a medical, dental or veterinary practitioner, are subject to the requirements of PHO 20-29; otherwise, the services are subject to the requirements of PHO 20-36.
- K. **Minimum Basic Operations.** The minimum necessary activities to (1) maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions; or (2) facilitate employees of the business being able to continue to work remotely from their residences are allowable pursuant to this Order; continue filling online product orders and to process customer orders remotely. Any business supporting **Minimum Basic Operations** must comply at all times with **Distancing Requirements**.
- L. **Necessary Activities.** For purposes of this PHO, individuals are encouraged to only leave their Residence to perform any of the following **Necessary Activities**, provided they comply at all times and to the greatest extent possible with **Distancing Requirements** below. **Individuals at Risk of Severe Illness from COVID-19** who have not yet been vaccinated with a COVID-19 vaccine are urged not to leave their residence except as necessary to receive medical care. People who are sick must not leave their residence except as necessary to receive medical care, and must not go to work, even for a **Critical Business**. **Necessary Activities** include:
1. Engaging in activities or performing tasks essential to their health and safety, or to the health and safety of their family or household members, including, but not limited to, pets and livestock, such as, by way of example only and without limitation, obtaining medical supplies, walking your dog, feeding barnyard animals, obtaining durable medical equipment, obtaining medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
 2. Obtaining necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by

way of example only and without limitation, food, pet supply, other household consumer products, and products or equipment necessary to maintain the safety, sanitation, and essential operation of a Residence.

3. Engaging in outdoor activity, such as, by way of example and without limitation, walking, hiking, nordic skiing, snowshoeing, biking or running. For purposes of outdoor activity, State parks will remain open to the public who live in the vicinity to engage in walking, hiking, biking, running, camping and similar outdoor activities, basketball and tennis courts may be open for use. For other parks, check with the local jurisdiction and follow any requirements for that jurisdiction. For ski resorts, the local public health agency must approve the ski resort's plan prior to opening as outlined in section III.S. Additionally, the permitted outdoor activities in this PHO do not include activities that would violate the **Distancing Requirements** defined in this Section IV.
4. Performing work providing for businesses, government entities, and industries authorized in Section II of this Order, or to otherwise carry out activities permitted in this Order.
5. Caring for a family member, a vulnerable person, or pet in another household, or to care for livestock kept at a location other than an individual's home.

M. Necessary Travel. For purposes of this Order, travel is Necessary for any of the following purposes: (1) providing or accessing **Necessary Activities, Minimum Basic Operations, Critical Government Functions**, and **Critical Businesses**, and other businesses or industries authorized in Section II of this Order; (2) receiving materials for distance learning, for receiving meals, and any other related services from educational institutions; (3) returning to a place of residence from outside the jurisdiction; (4) travel required by law enforcement or court order; (5) travel to transport children between separate households pursuant to a parenting plan or other agreement governing parental responsibilities; (6) non-residents returning to their place of residence; (7) moving to a new residence, including individuals whose Residence is unsafe due to domestic violence concerns.

N. Non-Critical Office-Based Business means any commercial business that is conducted in an office and not a production environment and is not included in the list of **Critical Businesses** in **Appendix A**.

O. Non-Critical Retail means any retail service that is not included in the list of critical retail services in **Appendix C**. Examples of **Non-Critical Retail** include retailers of clothing, home goods, cell phone stores, mattresses, appliances, thrift shops,

apothecaries, vape and tobacco shops, craft, hobby and fabric stores, fishing tackle retailers, sporting goods, boutiques, etc.

- P. Outdoor Events** means outdoor activities such as outdoor receptions, events, fairs, rodeos, non-critical auctions, concerts, outdoor markets, amusement parks, or other outdoor venues not covered in any other sector in this Order. This does not include activities covered under delineated sectors in this Order such as **Restaurants** or **Outdoor Guided Tours**.
- Q. Personal Services** means services and products that are not necessary to maintain an individual's health or safety, or the sanitation or essential operation of a business or residence. **Personal Services** include, but are not limited to, personal training, dog grooming, or body art and also applies to noncritical professionals regulated by the Division of Professions and Occupations, within the Department of Regulatory Agencies (DORA) including but not limited to services provided by personal beauty professionals such as hairstylists, barbers, cosmetologists, estheticians, nail technicians, as well as massage therapists, whose work requires these professionals to be less than six feet from the person for whom the services are being provided. Massage therapy services ordered by a healthcare professional should consult **Executive Order D 2020 027**, as amended and extended.
- R. Recreation** means **Gyms** as defined in Section IV.F and outdoor recreation facilities and activities, such as playgrounds, tennis and pickleball courts, bike and motocross tracks, and outdoor swimming pools.
- S. Restaurant** means restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption or from a licensed retail food establishment.
- T. Safer at Home** means individuals stay in your place of residence as much as possible, and avoid unnecessary social interactions.
- U. Smoking Lounge** means any establishment authorized at the state or local level to provide space for patrons to smoke or vape, indoors or outdoors, while at the establishment.
- V. Stay at Home** means to stay in your place of residence, which includes hotels, motels, and shared rental facilities, and not leave unless necessary to provide, support, perform,

or operate **Necessary Activities, Minimum Basic Operations, Critical Government Functions, and Critical Businesses.**

V. VARIANCE REQUESTS.

Any Colorado county that is in **Level Blue** or **Yellow** may request a site specific indoor variance, and in **Level Orange** may request a site specific outdoor variance, from CDPHE authorizing implementation of different restrictions for the requested site than what is required in this Order. The variance request must include the site requirements endorsed by the local public health agency and adopted by the county commissioners or other county-level governing body, in addition to verification from local hospitals that they have the capacity to serve all people needing their care. Variances that have been approved by CDPHE remain in effect until the expiration or termination of this Order, unless rescinded or suspended sooner by CDPHE. Further requirements concerning variance requests are contained in **Appendix M.**

VI. ENFORCEMENT

This Order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties, including jail time, and fines, and may also be subject to discipline on a professional license based upon the applicable practice act.

VII. SEVERABILITY

If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

VIII. DURATION

This Order shall become effective on Wednesday, March 24, 2021 and will expire in 30 days unless extended, rescinded, superseded, or amended in writing.


Jill Hunsaker Ryan, MPH
Executive Director

March 23, 2021

Date

Appendix A. Critical Businesses List

Appendix B. Non-Critical Office-Based Businesses

Appendix C: Critical and Non-Critical Retail Requirements

Appendix D: Non-Critical Manufacturing

Appendix E: Field Services

Appendix F: Personal Services

Appendix G: Limited Healthcare Settings

Appendix H: Restaurants

Appendix I: Indoor and Outdoor Events

Appendix J: Recreation

Appendix K: Outdoor Guided Services

**Appendix L: Children's Day Camps, Residential Camps, Youth Sports Day Camps And
Exempt Single Skill-Building Youth Camps**

**Appendix M: County Site Specific Variance Requests and the 5 Star State Certification
Program**

APPENDIX A: CRITICAL BUSINESSES

Critical Business. Any business, including any for profit or non-profit, regardless of its corporate structure, engaged primarily in any of the commercial, manufacturing, or service activities listed below, should follow all of the requirements in this Order for their sector, and any applicable [CDPHE guidance](#), unless doing so would make it impossible to carry out critical functions, in which case they may exceed the sector restrictions to the minimum extent necessary to carry out critical functions. **Critical Retail** may not exceed 50% of the posted occupancy limit under all **Dial** levels. **Critical Businesses** must comply with the guidance and directives for maintaining a clean and safe work environment issued by the Colorado Department of Public Health and Environment (CDPHE) and any applicable local health department. **Critical Businesses** must comply with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible and will be held accountable for doing so.

“Critical Business” means:

1. Healthcare Operations, Including:

- Hospitals, clinics, and walk-in health facilities
- Medical and dental care, including ambulatory providers
- Research and laboratory services
- Medical wholesale and distribution
- Home health care companies, workers and aides
- Pharmacies
- Pharmaceutical and biotechnology companies
- Behavioral health care providers
- Veterinary care and livestock services
- Nursing homes, residential health care, or congregate care facilities
- Medical supplies and equipment manufacturers and providers, including durable medical equipment technicians and suppliers
- Blood banks

2. Critical Infrastructure, Including:

- Utilities and electricity, including generation, transmission, distribution and fuel supply
- Road and railways
- Oil and gas extraction, production, refining, storage, transport and distribution
- Public water and wastewater
- Telecommunications and data centers
- Transportation and infrastructure necessary to support critical businesses

- Hotels, and other places of accommodation
- Businesses and organizations that provide food, shelter, social services, and other necessities of life for economically disadvantaged, persons with access and functional needs, or otherwise needy individuals
- Food and plant cultivation, including farming crops, livestock, food processing and manufacturing, animal feed and feed products, rendering, commodity sales, and any other work critical to the operation of any component of the food supply chain
- Any business that produces products critical or incidental to the construction or operation of the categories of products included in this subsection
- Flight schools

3. Critical Manufacturing, Including:

- Food processing, manufacturing agents, including all foods and beverages
- Chemicals
- Computers and computer components
- Medical equipment, components used in any medical device, supplies or instruments
- Pharmaceuticals
- Sanitary products
- Telecommunications
- Microelectronics/semiconductor
- Agriculture/farms
- Household paper products
- Any business that produces products critical or incidental to the processing, functioning, development, manufacture, packaging, or delivery of any of the categories of products included in this subsection
- Any manufacturing necessary to support a **Critical Business**

4. Critical Retail, Including:

- Grocery stores including all food and beverage stores
- Farm and produce stands
- Gas stations and convenience stores
- Restaurants for curbside, takeout and delivery, in compliance with the requirements of **Appendix H** of this Order
- Marijuana dispensary (only for the sale of medical marijuana or curbside delivery pursuant)
- Liquor stores for curbside, takeout and delivery
- Firearms stores

- Hardware, farm supply, and building material stores
- Establishments engaged in the retail sale of food and any other household consumer products (such as cleaning and personal care products), excluding retailers of only health and nutrition-related products (vitamins, minerals, supplements, herbs, sports nutrition, diet and energy products)
- Establishments engaged in the sale of products that support working from home (this exclusion does not include businesses that primarily sell hobby craft supplies)

5. Critical Services, Including:

- Trash, compost, and recycling collection, processing and disposal
- Mail and shipping services, and locations that offer P.O. boxes
- Self-serve laundromats and garment and linen cleaning services for critical businesses
- Building cleaning and maintenance
- Child care services, following [case and outbreak guidance](#) for child care and schools
- Automobile rental, automobile online sales with no touch delivery service, auto supply and repair (including retail dealerships that include repair and maintenance, but not in person retail sales)
- Warehouse/distribution and fulfillment, including freight distributors
- Funeral homes, crematoriums, and cemeteries
- In-person pastoral services for individuals who are in crisis or in need of end of life services provided Distancing is observed to the greatest extent possible.
- Houses of Worship and associated ceremonies such as weddings, funerals and baptisms (religious or secular)
- Storage for **Critical Businesses**
- Animal shelters, animal boarding services, animal rescues, zoological facilities, animal sanctuaries, animal grooming, and other related facilities
- Moving services
- In person group counseling or recovery meetings for substance abuse or behavioral health following Distancing of 6 feet and no more than 10 participants
- Libraries

6. News Media

- Newspapers
- Television
- Radio
- Other media services

7. Financial and Professional Institutions, Including:

- Banks and credit unions
- Insurance and payroll
- Services related to financial markets
- Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions

8. Providers of Basic Necessities to Economically Disadvantaged Populations, Including:

- Homeless shelters and congregate care facilities
- Food banks
- Human services providers whose function includes the direct care of patients in State-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in State-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

9. Construction, Including but not Limited To:

- Housing and housing for low-income and vulnerable people
- Skilled trades such as electricians, plumbers
- Other related firms and professionals who provide services necessary to maintain the safety, sanitation, and critical operation of residences and other **Critical Businesses** or **Critical Government Functions**, and other essential services

10. Defense

- Defense, security, and intelligence-related operations supporting the State of Colorado, local government, the U.S. Government or a contractor for any of the foregoing
- Aerospace operations
- Military operations and personnel
- Defense suppliers

11. Critical Services Necessary to Maintain the Safety, Sanitation and Critical Operations of Residences or Other Critical Businesses, Including:

- Law enforcement
- Fire prevention and response
- Building code enforcement
- Security

- Emergency management and response
- Building cleaners or janitors
- General maintenance whether employed by the entity directly or a vendor (including maintenance and repair of ordinary household and business appliances but not in-person retail sales of such products)
- Automotive and bicycle repair
- Disinfection
- Snow removal
- Bail bonds agents
- Pest control

12. Vendors that Provide Critical Services or Products, Including Logistics and Technology Support, Child Care and Services:

- Logistics
- Technology support for online and telephone services
- Child care programs and services, following [case and outbreak guidance](#) for child care and schools
- Government owned or leased buildings
- **Critical Government Functions**

13. Educational Institutions, for Purposes of providing Critical Services to Students and the General Public:

- Pre-kindergarten through 12th grade public and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and in consultation with the local public health agency providing in person learning as necessary, or other essential services to students as determined by the school or school district in consultation with the local public health agency. Such institutions are required to work with state and local public health officials and follow [case and outbreak guidance](#) for schools when cases of COVID-19 are suspected or confirmed in students or staff to determine transmission mitigation strategies, isolation, quarantine and shifting to remote learning.
- Postsecondary institutions, including private and public occupational schools, colleges and universities, for the purpose of facilitating remote learning, providing in person classroom or laboratory education only in limited circumstances when remote learning is not possible or appropriate , or performing essential functions, such as security, medical and mental health services, housing, food services, and critical research, provided that **Distancing Requirements** are observed.

APPENDIX B: NON-CRITICAL OFFICE-BASED BUSINESSES

- I. Non-Critical Office-based Businesses** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as the requirements contained in this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. ensure a minimum of 6 feet of space between all desks and workspaces;
 2. modify the flow of people traffic to minimize contacts, such as identifying doors for entry or exit only;
 3. conduct standard office cleaning with increased frequency and supplement with sanitization of high touch areas, in accord with [CDPHE guidelines](#);
 4. provide employees with cleaning and disinfecting products and guidance on daily workspace cleaning routines; and
 5. post signage for employees and customers on good hygiene and new office practices.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. maximize use of telecommuting and develop in-office rotation schedules;
 2. minimize the number of in-person meetings and maintain 6 foot distancing in those meetings;
 3. provide guidance and encouragement on maintaining 6 foot distancing and taking breaks to wash hands;
 4. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all employees, volunteers, and vendors in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 5. require gloves and masks for any customer interactions; and
 6. allow telecommuting to the greatest extent possible.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. require 6 foot distancing measures wherever possible, such as marked space in check-out lines;

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2. pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
3. provide hand sanitizer at entrances and other high-traffic locations; and
4. implement hours where service is only provided to **Individuals at Risk of Severe Illness from COVID-19** if possible.

APPENDIX C. CRITICAL AND NON-CRITICAL RETAIL REQUIREMENTS

- I. Non-Critical Retail** may operate at the level described in Section II of this Order for which the county in which they operate is approved. **Non-Critical Retailers** are encouraged to continue drive-through, curbside pick-up or delivery for longer term service wherever possible. **Critical** and **Non-Critical Retailers** must implement the requirements in Section III.C of this Order, in addition to the specific requirements in this **Appendix C**. Indoor malls are addressed separately in Section III of this **Appendix C**.
- A. Critical and Non-Critical Retail** must implement the following measures within the workplace to minimize disease transmission:
1. Elevate and increase frequency of [cleaning practices](#), including cleaning and disinfection of high touch areas for both back-room and retail spaces.
 2. Restrict return policy to only items that can be properly sanitized prior to re-selling.
 3. Post signage for employees and customers on good hygiene and other sanitation practices.
 4. Maintain 6 foot distancing between patrons and employees;
 5. Effectively monitor employees' symptoms as listed in Section III.C;
 6. Require and provide face coverings for all employees, and gloves as necessary and appropriate;
 7. Provide dedicated, in-store hours for **Individuals at Risk for Severe Illness from COVID-19**.
- B. Critical and Non-Critical Retail** must implement the following measures regarding employees to minimize disease transmission:
1. Provide guidance and encouragement on maintaining 6 foot distancing between both employees and employees and customers.
 2. Provide appropriate face coverings and gloves to all employees whenever possible, and also allow employees who can to provide their own appropriate face coverings and gloves for work activities. Pursuant to **Executive Order D 2020 138**, as amended and extended, face coverings are required in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 3. Encourage frequent breaks to allow employees to wash or sanitize their hands.

4. Require employees to stay home when showing any symptoms or signs of sickness.
 5. Provide personal protective equipment (PPE) for employees who are managing deliveries, returns, etc.
- C.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. Require 6 foot distancing measures wherever possible, such as marked space in pick up lines;
 2. Require face coverings for all customers in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended;
 3. Limit the number of customers on the premises as needed to make 6 foot distancing between customers attainable;
 4. Provide decals and demarcation for waiting area in lines that meet **Distancing** criteria;
 5. Create signage encouraging **Individuals At Risk of Severe Illness from COVID-19** to refrain from shopping outside of dedicated hours set aside for them;
 6. Create signage to remind of the requirement for all individuals in public indoor spaces to wear a face covering, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, and to encourage the use of gloves by customers while on the premises; and
 7. Provide hand sanitizer and wipes at entrances and other high-traffic locations to the greatest extent possible.
- III. Retail Markets and Malls.** Indoor and outdoor market operators shall follow the **Indoor or Outdoor Event** requirements in **Appendix I**. Both individual vendors operating within the mall and the common space in indoor malls shall follow **Retail** requirements.

APPENDIX D: NON-CRITICAL MANUFACTURING

- I. Non-Critical Manufacturing** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Create and implement policies or procedures for all of the following:
 - a. Limiting group interactions to keep any group less than ten (10) people by
 - i. staggering of shift changes, breaks, lunches, etc., and
 - ii. eliminating all-staff in-person meetings or lunches;
 - b. Modifying the flow of people traffic to minimize contacts, such as arranging one-way flow of work and people;
 - c. Implementing 6 foot distancing and impermeable barriers between employees whenever possible;
 - d. Limiting the sharing of tools, equipment, or other resources to the greatest extent possible, and if not feasible, implement cleaning and disinfection protocols as often as possible for any such shared tool, equipment and resources; and
 - e. Requiring hand washing upon arrival and before departure, establishing set hand washing time frames throughout shifts, and providing additional hand washing stations if possible.
 2. Conduct cleaning protocols as follows:
 - a. Daily deep cleaning and disinfecting and full cleaning in-between shifts in accordance with [CDPHE guidance](#); and
 - b. Establish protocols to increase the frequency of sanitization in work and common spaces, following OSHA requirements and CDPHE guidance, [found here](#);
 3. Provide contactless options, such as entry to the worksite, payments, etc., whenever applicable and possible;
 4. Use paperless, electronic options whenever possible to reduce the use of sharing paperwork;
 5. Ensure ventilation of work and break areas is in line with [OSHA guidance](#);
 6. Support transportation arrangements that discourage carpooling; and
 7. Develop a Preparedness and Response document in accordance with OSHA guidance.

B. Employers must implement the following measures for employees to minimize disease transmission:

1. Provide guidance about how to comply with 6 foot distancing;
2. Designate workers to monitor and facilitate distancing on processing floor lines;
3. Require employees to use masks or face coverings, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties;
4. Require employees to wash their hands upon arrival to and before departure from the facility, as well as frequently during workshifts, in accordance with the policy required in Section I.A.1.vi of this **Appendix**;
5. Disinfect work stations between shifts and/or at the end of the workday;
6. Group employees into teams or shifts that remain together;
7. Stagger employee lunch and break times;
8. Encourage all employees not critical to in-person operations to continue working from home or working remotely; and
9. Encourage the wearing of masks or other face coverings while carpooling, and individuals are required pursuant to Executive Order D 2020 138 to wear a face covering while taking public transportation, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.

C. Employers must implement the following measures regarding customers to minimize disease transmission:

1. Prohibit entry to the worksite of all non-essential external visitors;
2. Conduct symptom checks for any essential visitors who will interact with employees;
3. Require essential visitors to wear masks or face coverings, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
4. Encourage 6 foot distancing and implement procedures to limit person-to-person interaction in inbound/outbound shipping areas.

APPENDIX E: FIELD SERVICES

I. Field Services may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

A. Employers must implement the following measures regarding employees to minimize disease transmission:

1. adhere to all general rules or guidance on social gathering limitations when working out of the office;
2. implement procedures for field-based employees to monitor for symptoms and report-in to management daily on health status.
3. comply with the **Distancing Requirements** and maintain a 6 foot distance between employees and from their customers;
4. provide gloves and masks for any customer interactions or work being done in third-party home, office spaces, or other public indoor spaces;
5. When scheduling or conducting field services, either the employer or an employee must inquire whether third-party homes have individuals symptomatic for COVID-19 or have been in contact with known positive cases, and exercise caution when inside the home and interacting with anyone in the home if they do;
6. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, and location of contact, as well as the contact's phone number and/or email address;
7. require that all tools or equipment be sanitized after each customer visit;
8. prioritize work accommodations for **Individuals at Risk of Severe Illness from COVID-19**, prioritizing telecommuting;
9. provide guidance and encouragement on personal sanitation, including frequently washing hands. This guidance should include all of the following:
 - a. frequently and thoroughly wash your hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer with at least 60% alcohol;
 - b. cover coughs and sneezes with a tissue, then throw the tissue in the trash, or use your inner elbow or sleeve;
 - c. avoid touching your eyes, nose, and mouth with unwashed hands;
 - d. stay home if you're sick, and keep your children home if they are sick; and
 - e. clean high touch surfaces in your home, and personal items such as cell phones, using regular household products; and
10. real estate open houses must follow the **Indoor Events** requirements in Section III.M. and **Appendix I** of this Order.

- B.** Employers must implement the following measures regarding customers to minimize disease transmission:
1. provide estimates, invoices, receipts, and other documentation electronically to negate the need for paper;
 2. provide contactless payment options in the field whenever possible;
 3. encourage customers to maintain 6 foot distancing from field service employees; and
 4. encourage customers to use facial coverings when field services are being conducted and pursuant to **Executive Order D 2020 138**, as amended and extended, require face coverings if the services are provided in a public indoor space unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.

APPENDIX F: PERSONAL SERVICES

I. Personal Services may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- A.** Employers and sole proprietors must implement the following measures within the workplace to minimize disease transmission:
1. Employ strict hygiene guidelines and cleaning and disinfection procedures for all contact surfaces and tools, in accordance with [CDPHE Worker and Customer Protection Guidelines for Non-Healthcare Industries](#);
 2. Ensure a minimum of 6 feet of separation between clients and customers, including services for pets, when not directly performing service;
 3. Post signage for employees and customers on good hygiene and safety measures being taken;
 4. Minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings; and
 5. Implement the capacity restrictions in Section II of this Order on a per room basis. All businesses offering services through employees or lessees in individual rooms must comply with the requirements of this Order for each room.
- B.** Employers must implement the following measures regarding employees to minimize disease transmission:
1. Services with close personal contact, such as beauty professionals, massage, etc., must implement the following:
 - a. wear a face covering and gloves at all times, or, if wearing gloves is not feasible or appropriate, meticulous hand washing;
 - b. change gloves and wash hands between every individual or pet served;
 - c. clean and disinfect all shared equipment and tools between every individual or pet served; and
 - d. maintain a detailed log of customer interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number and/or email address.
 - e. for services where the client cannot wear a mask (facials, beard trims, etc.), the employee or practitioner is strongly encouraged to wear a medical-grade mask whenever possible, and must wear a face shield in addition to their mask.

2. Personal services with low personal contact, such as movers or repair services, must implement the following:
 - a. maintain a minimum of 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
- C. Personal Services** must implement the following measures regarding customers to minimize disease transmission:
1. provide customer services by appointment only, do not allow walk-ins or waiting for an appointment, and follow **Distancing Requirements**;
 2. require customers to wear face coverings, except
 - a. for personal training in a pool,
 - b. if the service being performed requires the removal of a mask (e.g. a facial, lip waxing or beard trim), or
 - c. where the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties; and
 - d. if a customer does not have a mask, a "disposable mask" could be provided;
 3. conduct symptoms check for all customers of services with close personal contact and decline to provide services to anyone who has symptoms. A sample form can be found [here](#); and
 4. provide contactless payment options whenever possible.

APPENDIX G: LIMITED HEALTHCARE SETTINGS

I. Limited Healthcare Settings may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

Limited Healthcare Settings may conduct voluntary and elective surgeries and procedures in limited healthcare facilities and offices with required personal protective equipment (PPE) in accord with the priorities, requirements, and specific criteria below.

- A.** Employers and sole proprietors of **Limited Healthcare Settings** must implement the following measures within the overall workplace, including administrative and front office operations, to minimize disease transmission:
1. The practice must have access to adequate PPE in order to sustain recommended PPE use for its workforce for two weeks without the need for emergency PPE-conserving measures. If a practice proposes to extend the use of or reuse PPE, it must follow CDC guidance.¹
 2. The practice must implement strict infection control policies as recommended by the CDC.²
 3. The practice must ensure a minimum of 6 feet of separation between clients and patients, when not directly performing service, and all settings offering services in individuals rooms must comply with the requirements of this Order for each room.
 4. The practice must post signage for employees and patients on good hygiene and safety measures being taken.
 5. The practice must minimize in-home and in-facility services with remote alternatives whenever possible, such as drive-by services or virtual meetings.
 6. Practices must maintain a plan to reduce or stop voluntary and elective surgeries and procedures should a surge/resurgence of COVID-19 cases occur in their region.
- B.** Employers of **Limited Healthcare Settings** must implement the following measures regarding employees to minimize disease transmission:
1. Services with close, direct personal contact must implement the following:
 - a. wear medical grade mask and gloves at all times; however, acupuncturists may substitute good hand hygiene by thoroughly washing hands before and after seeing each patient for the gloves if their licensing requirements and standards so allow;
 - b. change gloves and wash hands between every patient;
 - c. clean and disinfect all shared equipment and tools between every patient; and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/index.html>

² <https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html>

- d. maintain a detailed log of patient interactions to enable contact tracing if it becomes necessary. The log should include name, date, details of services performed, and location of contact, as well as the contact's phone number
 - e. for services where the client cannot wear a mask, the employee or practitioner must wear a face shield in addition to their mask.
2. Services with low personal contact must implement the following:
 - a. maintain a minimum of six 6 feet of separation between customers;
 - b. require face coverings and, if feasible, gloves for any customer interactions; and
 - c. provide guidance on strict hygiene precautions to employees.
3. The practice must require all administrative personnel to wear a facemask, that can be cloth if necessary, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. In order to ensure staff can take off their masks for meals and breaks, scheduling and location for meals and breaks should ensure that at least a 6-foot distance can be maintained between staff when staff needs to remove their mask. It is important for healthcare settings to emphasize that hand hygiene is essential to maintaining employee safety, even if staff are wearing masks. If the facemask is touched, adjusted or removed, hand hygiene should be performed.

C. Limited Healthcare Settings must implement the following measures regarding customers to minimize disease transmission:

1. The practice must provide services by appointment only, do not allow walk-ins or waiting for an appointment;
2. The practice must require patients to wear face coverings; if a patient does not have a mask, a "disposable medical mask" could be provided;
3. The practice must conduct symptom checks for all patients, decline to provide services to anyone who has symptoms, and refer them to their primary care physician. A sample form can be found [here](#); and
4. The practice must provide contactless payment options whenever possible;
5. The practice must follow **Distancing** protocols of maintaining at least a 6-foot distance between individuals wherever possible such as in waiting rooms and other small spaces, and should use physical barriers within patient care areas when possible.
6. The practice must appropriately schedule patients, so that providers have sufficient time to change PPE and ensure rooms and equipment can be cleaned and disinfected between each patient.
7. The practice should continue to maximize the use of telehealth and virtual office or clinic visits.

8. The practice should use virtual waiting rooms when possible, with patients who are able to wait in their cars not entering the office until they can be moved immediately to an exam room.
 9. The practice should implement source control for everyone entering the office or clinic, including requiring all patients and visitors to wear a cloth mask when entering any healthcare building, and if they arrive without a mask, one should be provided.
- D.** As best practice, it is recommended that if performing voluntary and elective surgeries and procedures, **Limited Healthcare Settings** reassess their operations every two weeks, in order to ensure:
1. All of the above approaches and criteria are being met;
 2. Procedures are prioritized based on whether their continued delay will have an adverse health outcome.
 - a. Voluntary and elective surgeries and procedures should be prioritized based on indication and urgency³;
 3. Strong consideration is given to the balance of risks versus benefits for patients in higher-risk groups such as those over age 65 and those with compromised immune systems or lung and heart function;
 4. All patients are pre-screened for COVID-19 risk factors and symptoms prior to delivering care, via telehealth when applicable; and
 5. Compliance with the guidance and directives for maintaining a clean and safe work environment issued by the CDPHE and any applicable local health department for critical businesses is maintained, including compliance with **Distancing Requirements** and all PHOs currently in effect to the greatest extent possible.

³ Urgent and emergent care should continue in accordance with OHA and CMS guidance.

APPENDIX H: RESTAURANTS

- I. Restaurants, Bars in Levels Green and Blue, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. **Restaurants** remain encouraged to continue curbside pick up and delivery, including alcohol pick up and delivery. **Bars** that do not offer food, other than **Bars in Levels Green and Blue**, may only provide alcohol service through takeout, curbside pick up and delivery.
- A.** Employers must implement the following measures within the workplace to minimize disease transmission:
1. Indoor and outdoor in-person services
 - a. Post signage notifying patrons and employees of hygiene and sanitation expectations, including not entering if they are experiencing any symptoms.
 - b. Patrons in different parties must be a minimum of 6 feet apart. The spacing of tables should be a minimum of 6 feet to ensure proper distancing.
 - c. Limit party size to 10 people or less, and in **Level Red** tables are restricted to household members only.
 - d. All employees must wear facial coverings that cover the nose and mouth, unless the individual cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - e. Employees may utilize disposable gloves as normally required by their governing regulations. Employees that are directly involved with disinfecting equipment and surfaces within critical business and/or have direct contact with customers shall wear gloves when involved in these activities.
 - f. Cleaning and disinfection of all shared surfaces must be done between seatings.
 - g. Ensure proper ventilation per [OSHA guidance](#).
 2. **Restaurants, Bars in Levels Green and Blue, and Bars** that serve food from a retail food licensee with tables at least 6 feet apart and set seating for on-premise consumption, must make every effort to maintain physical distancing at all times,

both inside and outside the establishment, including:

- a. Using a reservation system, exclusively if possible;
- b. Disallowing close proximity to others outside the patron's group by:
 - i. eliminating communal and seat yourself options
 - ii. providing a hostess seating option or staffing the dining area to ensure cleaning and disinfection between prior to the next seating
 - iii. allowing bar seating options only if the bar is not being used for bar service or if there is a clearly designated and separated section of the bar that is not being used for bar service;
- c. Eliminating customer service buffets;
- d. Provide appropriate signs or markings within the **Restaurant** or **Bar** to space lines, indicate which tables are unavailable, prohibit games and dance floors that encourage gatherings, and direct foot traffic; and
- e. Performers in a restaurant or bar whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, must maintain a minimum distance of 12 feet if wearing a face covering or 25 feet if not wearing a face covering from the patrons.

- 3. **Restaurants, Bars in Levels Green and Blue, and Bars** that serve food from a retail food licensee with tables spaced at least 6 feet apart and set seating for on-premise consumption, must implement measures to maintain the cleanliness and sanitation of the restaurant, including:
 - a. Minimize or eliminate high touch surfaces and multi-use objects, such as games, table cloths if used for multiple seatings, permanent menus, and condiments, and clean and disinfect any shared objects between uses;
 - b. Increase cleaning and disinfection protocols and track with publicly posted cleaning logs including:
 - i. Clean and disinfect restrooms and high touch areas every hour, and
 - ii. Block off stalls and urinals with proper signage to adhere to 6 feet distance between patrons; and
 - c. Use disposable items wherever possible, such as single-use menus and condiments.
 - d. Eliminate multi-use utensils (such as hot dog roller tongs, bulk food bins and coffee urns) at self-service stations that have and implement touchless self-service wherever practicable.

B. Employers must implement the following measures for employees to minimize disease transmission:

- 1. Establish a minimum of 6 foot physical distancing standards and train employees

- on maintaining distancing between employees to the greatest extent possible
 - a. Consider implementing workflow requirements, dividers at pay counters and hostess areas, and modifying the menu to free up kitchen space.
 - b. Limit group interactions including staggering of shift changes, breaks, no consumption of family or shift meals onsite, etc.
 - c. Conduct virtual staff meetings whenever possible, any all staff meetings must meet 6 foot distancing requirements.
- 2. Face coverings and gloves
 - a. Require employees to wear face coverings at all times, unless the individual cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties, and encourage the use of gloves when in contact with customers or goods.
 - b. Require face coverings and encourage gloves for vendors, suppliers, and contract workers entering the licensed establishment, except where doing so would inhibit that individual's health, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
- 3. Employee sanitary requirements
 - a. Encourage frequent breaks to wash hands (at least every 30 minutes) including upon arrival and departure.
 - b. Strict adherence to the hygienic practices listed in the *Colorado Retail Food Regulations* regarding hand washing and glove use.
- C. Employers should implement as many of the following measures as feasible regarding customers to minimize disease transmission and assist in any necessary outbreak investigations:
 - 1. To facilitate notifying customers if a disease exposure occurs, consider
 - a. providing an option for customers to "sign in", and
 - b. utilizing a reservation system;
 - 2. Implement as feasible the following low or no touch options:
 - a. Provide contactless payment options, and
 - b. Continue curbside pick up/delivery options and recommend for vulnerable individuals or those unable to adhere to hygienic and distancing requirements;
 - 3. Ensure 6 foot distancing at all times by implementing the following:
 - a. Block off lobbies or waiting areas completely, or establish customer waiting areas that maintain proper Distancing from other guests, and
 - b. Restrict standing or congregating in public spaces such as the bar area,

entrance or exit; and

4. Pursuant to **Executive Order D 2020 138**, as amended and extended, require facial coverings be worn by customers when not seated for dining, and consider refusing service to customers who refuse to adhere to hygiene and Distancing requirements.

APPENDIX I: INDOOR AND OUTDOOR EVENTS

- I. **Indoor and Outdoor Events** may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.
 - A. Venue size is determined based on usable space per room or designated activity. An indoor event or outdoor designated activity that includes spectators may include both the activity space and the spectator space, or these spaces may be separated, and the venue must apply the appropriate capacity limits to the size of each designated space. If participants in the designated activity may also at times move into the spectator space, those participants will count for purposes of the capacity limit for the spectator space if that space is separately defined from the designated activity space.
 1. For seated **Indoor and Outdoor Events**, where the attendees have minimal movement, such as purchasing concessions or using the restroom facilities, the calculation of the available space may be based on 6 feet distancing between non-household contacts and does not require the use of the **Distancing Space Calculator in Levels Blue, Yellow, Orange, and Red**.
 2. If an **Indoor or Outdoor Event** has several different facets, some of which are seated with minimal movement, others of which include movement such as walking around fairgrounds or through exhibits in a museum, only the space for the seated events with minimal movement may be calculated using 6 feet distancing without the use of the **Distancing Space Calculator**.
 - B. Designated activities or areas must be separated by a minimum of 50 feet from each other, maintain separate entrances and exits, and must minimize the use of shared facilities like restrooms
 - C. Performers are not included in capacity limits as long as they do not join the spectator or patron areas at any time and, for performers whose performance includes forced exhalation that increases the potential to aerosolize respiratory droplets, such as speaking or shouting, singing, playing some instruments, or physical exertion, the performers must remain at least 12 feet if wearing a face covering or 25 feet if not wearing a face covering from attendees. If performers join the patron spaces, they must be included in the capacity limit numbers. Performers should also use a separate entrance and exit from spectators or patrons.

- D.** Operators, employees and attendees must wear face coverings unless the individual is age 10 or under, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138**, as amended and extended. Individuals in public indoor settings, including performers, must follow the face covering requirements in **Executive Order D 2020 138**, as amended and extended.
- E.** Operators, organizers or employers must implement employee screening protocols for all employees as described in Section III.C.3.g of this Order, and exclude ill or symptomatic individuals.
- F.** Operators and organizers must manage the event or activity to comply with the capacity limits per activity at all times, and further manage traffic flow between designated activities to minimize or eliminate mixing of groups including the use of single direction traffic flow in and out of the venue and seating area.
- G.** Food sold in these settings must follow the **Restaurant** requirements in Section III.J and **Appendix H** of this Order.
- H.** Ventilation in an indoor venue must meet OSHA guidance.
- I.** Indoor market operators must follow the **Indoor Events** requirements in Section III.M and **Appendix I** of this Order, outdoor market operators must follow the **Outdoor Events** requirements in Section III.M and **Appendix I** of this Order. Individual vendors in these settings must follow the **Retail** requirements in Section III.E and **Appendix C** of this Order.
- J.** Drive-in events such as theaters or fireworks displays are authorized to operate, observing the personal gathering restrictions for their level of the **Dial**, so long as participants remain in their vehicles unless seeking minimal services, the vehicles remain a minimum of 6 feet apart, and only minimal common services are available such as concessions and restrooms.

APPENDIX J: RECREATION

- I. Individuals may participate in personal recreation and operators may operate **Gyms**, outdoor recreational facilities and activities and **Organized Recreational Youth or Adult League Sports** at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Travel should occur within an individual's local community or as necessary to access outdoor recreation areas. If travelling outside their community, Coloradans are urged to honor all restrictions in place at their destination and avoid travel to counties or municipalities that issue travel restrictions. Local authorities have the discretion to close recreation as needed.
- A. **Campgrounds.** Campgrounds may be open for use. Campground operators must regularly clean and disinfect all common areas, such as bathrooms, in accordance with the [CDPHE Cleaning Guidance](#). Group facilities, pavilions, cabins, and yurts remain closed. Campsites must be a minimum of 6 feet apart, and should only be available by reservation. Campground operators must post signs to remind guests of physical distancing requirements, and limit visitors in campground offices to maintain such distancing.
- B. Outdoor recreation activities are permitted as follows:
 1. Playgrounds and outdoor recreation facilities, such as tennis and pickleball courts, should clean and disinfect high touch areas frequently.
 2. Outdoor swimming pools capacities do not change in **Levels Yellow** and **Orange**; instead, they may operate at 50% capacity not to exceed 50 people in both levels. In **Levels Red** and **Purple**, outdoor swimming pools may operate at 25% capacity not to exceed 10 people. Frequently touched surfaces, shared objects, and bathrooms should be cleaned and disinfected every hour.
- C. **Organized Recreational Youth or Adult League Sports**
 1. Parents may attend youth sports activities but must remain 6 feet apart from non-household members. Spectators are authorized and must follow the **Indoor** and **Outdoor Events** requirements. Adjacent fields of play should be distanced to allow for at least 50 feet of distancing between two fields of play and their respective spectator sections.
 2. All individuals in public indoor spaces must wear a face covering unless the individual is 10 years of age or younger, cannot medically tolerate a face

covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

3. The sports leagues and teams must establish protocols for:
 - a. Screening both athletes and spectators for symptoms and COVID-19 exposures to ensure they are symptom-free before they are deemed able to attend or play;
 - b. Isolation and quarantine for ill or exposed individuals; and
 - c. Requiring athletes with confirmed or presumed COVID-19 infection to obtain clearance from their health care provider for return to sports participation
4. The sports league must retain records of who played in case later disease outbreak investigations become necessary.
5. The sports league must notify and cooperate with the local public health agency regarding any cases of COVID-19.

D. Gyms

1. Gyms must maintain 6 feet distancing between patrons, discourage the sharing of equipment, and clean and disinfected equipment between uses.
2. All individuals must wear face coverings in **Gyms**, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is performing one of the enumerated activities in Section II.M of **Executive Order D 2020 138** as amended and extended.

- E. Competitive Events.** Competitive events such as races and endurance events are permitted as long as 6 foot distancing and limitations on group size can be maintained. This includes implementing, including implementation of staggered start times and making efforts to prevent gatherings at starts and finishings, so that no more than 10 people are gathered at a time.

APPENDIX K: OUTDOOR GUIDED SERVICES

- I. **Outdoor Guided Services**, may, if authorized by the local jurisdiction, may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**. Additionally, specific **Outdoor Guided Services** may operate in accordance with the following capacity requirements established per service type:
 - A. Non-guided equipment rentals, subject to compliance with the retail requirements in **Appendix C** of this Order;
 - B. Developed hot springs may operate in accordance with the outdoor pools requirements in **Appendix J** of this Order;
 - C. The following **Outdoor Guided Services** must have their plans approved by the local public health agency in their jurisdiction:
 1. Outdoor recreation activities at ski resorts (mountain biking, hiking, climbing walls, mountain coasters, ropes courses, adventure parks, zip lines, etc) in accordance with Section III.S of this Order;
 2. Zip lines, ropes courses, outdoor artificial climbing walls, or outdoor sports adventure centers not affiliated with ski resorts; and
 3. Scenic trains must have every local public health agency in each jurisdiction through which the train operates has approved the train's plans.
- II. **Outdoor Guided Services** operators must meet any local policies in effect as well as all of the following requirements:
 - A. **Distancing and Capacity Requirements**
 1. Maintain a distance of 6 feet from patrons and fellow employees, except in cases where it is unsafe to maintain that distance.
 2. Follow **Retail** or **Restaurant** guidelines where applicable.
 3. For vehicles used to transport patrons, the following requirements apply:
 - a. No closed-air vehicles or tours are allowed, as windows must remain open during the transport or tour.
 - b. Limit smaller vehicles or crafts to two household units not including guides. Where a distance of 6 feet can be ensured between household units, more than two households per vehicle/craft are permitted.
 - c. Limit passenger buses and vans to no more than 50% capacity, or less if

distancing requirements cannot be met between groups, and prohibit use of the seat behind the driver.

- d. Effective November 9, 2020, follow the transportation guidelines found [here](#).
4. Conduct staging operations such as customer check-ins and end-of-trip operations outdoors with parties from different households spaced 6 feet apart.
5. Maintain and promote physical distance during a tour or trip. Rafts or vehicles should not be full, and ensure distance between guide and patrons.

B. Hygiene, Cleaning and Disinfection Requirements

1. Post signs for employees and customers outlining good hand/respiratory hygiene and safety measures being taken. Signs should be in languages customers will understand. ([CDC examples](#))
2. Encourage hand hygiene by directing customers to where they can wash their hands with soap and water or use hand sanitizer.
3. Vehicles used to transport patrons must be cleaned and disinfected after each use.
4. Disinfect all equipment used by patrons as well as surfaces or items in common contact with patrons between each use.

C. Operators and Employees

1. Wear face coverings at all times in public indoor spaces pursuant to **Executive Order D 2020 138**, as amended and extended, and also during staging and disembarking operations, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in one of the activities listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties. Where safe, wear face coverings during trip operations.
2. Operators must conduct symptom and temperature checks for employees and refer symptomatic employees to the [CDPHE Symptom Tracker \(Additional Guidance\)](#). Employees who exhibit COVID-19 symptoms should not come to work. Employees who develop COVID-19 symptoms while at work should immediately notify their supervisor and be separated from others, sent home, and referred to state or company support services.

APPENDIX L: CHILDREN'S DAY CAMPS, RESIDENTIAL CAMPS, YOUTH SPORTS DAY CAMPS AND EXEMPT SINGLE SKILL-BUILDING YOUTH CAMPS

- I.** Summer camps, sports camps, and residential camps may operate at the level described in Section II of this Order for which the county in which they operate is approved, and must follow the requirements included in Section III.C of this Order, as well as all of the requirements of this **Appendix**.

- A.** Prior to hosting a camp, the camp operators must create a plan that implements all of the following:
 - 1. All activities, including recreation, transportation, and food service must comply with the following restrictions:
 - a. Six feet physical distancing is required at all times, which may limit further the size of the group due to the size of the space. If the space is large enough to accommodate multiple groups and maintain 6 feet physical distancing, multiple groups are permitted.
 - b. Require face coverings during transportation in camp vehicles to and from the camp, unless the individual is 10 years of age or younger or cannot medically tolerate a face covering, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 2. For staff and camper health and safety:
 - a. Provide adequate personal protective equipment (PPE) for staff who supervise and care for ill campers, staff, and volunteers, and require face coverings for all individuals in public indoor spaces unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended.
 - b. Determine the staffing needs, including the availability of substitute staff if staff or volunteers become ill or are exposed.
 - c. Ensure space is available to isolate ill staff and campers (cots, bedding, restrooms, and supervision).
 - d. Ensure the on-call availability of a nurse or health care professional.
 - e. Establish protocols for responding and reporting cases to health care staff, local public health authorities, and CDPHE.
 - f. Prepare procedures for closures following a case or outbreak of COVID-19.
 - g. Provide access to or sufficient supplies of all of the following:

- i. public restrooms, drinkable water sources, and picnic or other eating areas during activities at outdoor locations;
 - ii. handwashing/hand sanitizing locations; and
 - iii. adequate cleaning and disinfecting supplies
 - h. Train camp staff and volunteers on the requirements of this Order, as well as prevention, transmission, and care of COVID-19 illness.
- B. Camp operators must meet all of the following requirements while camps are in session:
 - 1. Staff, volunteer and camper health.
 - a. Screen staff, volunteers and campers for symptoms and close-contact exposures upon arrival. Exclude ill individuals from the camp, and encourage them to use the [CDPHE Symptom Tracker](#)
 - b. Staff or volunteers sent home must adhere to [isolation](#) and exclusion requirements.
 - c. Establish protocols for staff, volunteers and campers to alert health care staff of symptoms in themselves or campers.
 - d. Determine if any staff or volunteers are at a higher risk for COVID-19 and consider whether job duties that don't involve interaction with others are advisable.
 - 2. Require staff, volunteers and campers to do all of the following:
 - a. Remain with the same group of campers and maintain physical distancing of at least 6 feet whenever possible, including during meals and recreation;
 - b. Wash hands upon arrival, before eating, and at regular intervals throughout the day;
 - c. Stagger activities as much as possible to avoid any mixing of groups, and
 - d. Wear masks or face coverings in public indoor spaces and encourage the use outdoors, unless the individual is 10 years of age or younger, cannot medically tolerate a face covering, or is participating in an activity listed in Section II.M of **Executive Order D 2020 138**, as amended and extended, in which case reasonable accommodations should be pursued to maintain the safety and health of all parties.
 - 3. Post signs or mark spaces to ensure 6 foot minimum distancing, and limit any activities that are not conducive to maintaining this distance.
 - 4. Educate campers as needed on COVID-19 prevention, including respiratory etiquette and good hygiene, in accordance with public health guidance.
 - 5. Ensure sufficient cleaning and disinfecting of commonly touched surfaces, equipment, and vehicles throughout the camp.

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6. Provide frequent communication with all families of enrolled campers related to the occurrences of COVID-19 at the camp, the camp's responses, and all issues in the public health order.
7. Prohibit family and buffet style food services, self service and counter food service, and other configurations that require campers to share utensils. Clean and disinfect dining areas and high touch surfaces between groups.
8. For residential camps, disallow non-essential visitors to the camp and prohibit external community organizations from sharing the camp space during the camp session.

APPENDIX M: COUNTY SITE SPECIFIC VARIANCE REQUESTS AND THE 5 STAR STATE CERTIFICATION PROGRAM

I. BACKGROUND

The restrictions contained in this Order may be subject to revision through a county variance process established by CDPHE. Any county meeting the **Level Blue** or **Yellow** metrics as described in Section II of this Order that desires to apply for a site specific variance from part of the public health order may do so if they meet certain criteria established below. These variances allow very large indoor and outdoor venues that meet the criteria to operate in an alternate fashion after receiving approval from the county's local public health agency and other local officials, and then final approval from the CDPHE. The application must be submitted by the local public health agency directly to CDPHE.

II. SITE SPECIFIC VARIANCE APPLICATION REQUIREMENTS

A. Application Requirements

1. Eligibility

- a. Counties that are in **Level Blue** and **Yellow** on the **Dial** may apply for **indoor** site-specific variances.
- b. Counties that are in **Level Orange** on the **Dial** may only apply for **outdoor** site-specific variances.
- c. Only venues that exceed 30,000 square feet will be considered for a variance.
- d. If a venue has multiple uses or sectors included in it, the variance request must specify how the venue proposes to meet the requirements for each use or sector.

2. Application Submission. Prior to submitting a variance application to CDPHE, counties that receive a request for a site specific variance must review and determine whether to support the request. If the county supports the site specific variance, the local public health agency may submit a variance application to CDPHE. The application form must include all of the following:

- a. Identify the site and capacity limit(s) the county is requesting a variance from.
- b. Describe the disease prevention measures the county will require of the site to meet the state's orders.
- c. Use the [Distancing Space Calculator](#) to determine capacity.

- d. Use the **outdoor** and **indoor** event guidance to create designated spaces within the site.
- e. Documentation of approval of the variance request must be included in the variance application from all of the following:
 - i. The local public health agency;
 - ii. Local hospitals verify that they have the capacity to serve all people needing their care;
 - iii. The county commissioners or, in the case of the City and County of Denver, the mayor of Denver, or, in the case of the City and County of Broomfield, the city council, vote affirmatively to adopt the alternative plan in place of the state Safer-At-Home order; and
 - iv. Counties with sovereign tribal nations (Ute Mountain Ute and Southern Ute Indian tribes) must obtain a letter of support from tribes and include it with their variance application.

B. Application Review. Site specific variance requests will be evaluated based on a number of factors, including:

- 1. County is in **Level Blue** or **Yellow** of the **COVID-19 Dial**;
- 2. Square footage of venue;
- 3. Map of venue with occupied floor space;
- 4. Capacity request, including both the percent and total number of people;
- 5. Ventilation plan if an indoor site;
- 6. Sanitation plan, including handwashing stations, hand sanitizer and restrooms;
- 7. Mask wearing for all staff and participants;
- 8. Health exclusion considerations for staff and participants;
- 9. Distancing requirements;
- 10. Designated areas for participants and activities;
- 11. Signage for participants and traffic flow requirements;
- 12. Risk assessment analysis; and
- 13. Parking and transportation plan.

III. LIMITATIONS ON SITE SPECIFIC VARIANCES

A. A county in **Level Blue, Yellow, or Orange** may apply to CDPHE for up to 10 variances per 100,000 people for venues that exceed 30,000 square feet.

B. CDPHE will not grant a variance request for any of the following:

- 1. A higher capacity than 50%;
- 2. Removal from the requirements of the state's orders generally;

3. Reduction or elimination of protections for **Individuals at Risk of Severe Illness from COVID-19**, as defined in state's orders;
4. Modifications of the requirements of **Public Health Order 20-29: Voluntary and Elective Surgeries and Procedures**;
5. Modifications to the requirements for nursing facilities, assisted living residences or intermediate care facilities in **PHO 20-20**; or
6. Modification of the mask or face covering requirements.

IV. SUSPENSION, RESCISSION OR TERMINATION OF VARIANCES

- A.** If a site that has an approved variance experiences two COVID-19 cases linked to the site, the county must work with the site to implement mitigation strategies to reduce or eliminate further spread of disease. CDPHE may suspend the variance at any time, as deemed necessary, to mitigate disease spread. For counties moving to **Level Red**, any site specific variances will be reviewed to determine if the variance should be suspended. Site specific variances in counties moving to **Level Purple** are automatically suspended when the move to **Level Purple** is effective, unless otherwise authorized to remain in place by CDPHE.
- B.** Approved site specific variances may also be suspended by the local public health agency. Local public health agencies may also choose to maintain approved site specific variances in the event that a state order becomes less restrictive than the approved variance. At no point may an approved variance request be altered to be less restrictive in any aspect than state orders without updated approval from CDPHE.
- C.** Suspension or rescission of a site specific variance will reinstitute the requirements of this Order at the level for which the county is approved at the time of suspension or rescission for that site.
- D.** All variances granted pursuant to this Order remain in effect until the sooner of:
 1. The county moves to a level where the variance is no longer authorized, or to a level where the variance is no longer necessary;
 2. The variance is rescinded pursuant to the terms of the variance approval by CDPHE, rescinded for other reasons by CDPHE, or rescinded by the county; or
 3. This Order expires without further extension or is terminated.
- E.** Counties that are unwilling or unable to implement mitigation strategies or take enforcement actions as warranted are subject to suspension or rescission of variances.

Counties that choose to not comply with executive orders, public health orders, or an approved variance will be subject to the loss of emergency preparedness or other funds.

V. 5 STAR STATE CERTIFICATION PROGRAM

A. Counties that want to allow businesses that meet standards that exceed the public health order requirements for their level in the **Dial** for their sector may choose to apply for the state's 5 Star State Certification Program ("5 Star Program"). This voluntary program authorizes businesses that meet the certification requirements generally to operate at the level of the next less restrictive level in the **Dial**, e.g. businesses operating in a county in **Level Red** that are certified through the program may operate at the capacities and allowances of **Level Orange**.

B. Eligibility for the 5 Star Business Certification Program

1. Counties in levels **Blue**, **Yellow**, **Orange** and **Red** may apply for the 5 Star Program.
 - a. Counties in **Level Purple** are not eligible for the program.
 - b. Counties in **Level Green**, Protect Our Neighbors, are also not eligible for the program because they are already eligible for capacity increases through the Protect Our Neighbors framework.
2. Counties must submit the [5 Star Business Certification Program Application](#) to CDPHE. Eligibility criteria for counties applying for the 5 Star Program include:
 - a. The local public health agency that serves the county applying for the program must have a director who meets the minimum qualifications as defined by the State Board of Health.
 - b. Create an administrative committee established by the county to oversee the administration of the program. The committee must include the local public health agency, and may include other local partners such as the local Chamber of Commerce, nonprofits, local elected leaders, and industry association members.
 - c. Create a program budget and staffing plan for the 5 Star Program, and identify the resources available to support and implement this program. Inspections of businesses for initial certification and for compliance must be in person.
 - d. Identify the sector(s) for which the county would like to certify businesses for the program. Provide documentation of the compliance requirements, per sector, that businesses must meet in order to obtain and maintain certification. Mitigation strategy checklists for general businesses and sector specific can be found [here](#).

- e. Create and implement an enforcement process for businesses that participate in the 5 Star Program that are not in compliance with the requirements of the program. Enforcement programs must include investigating complaints and terminating program participation for any business that has two complaints that result in confirmation of noncompliance.
 - f. The application must include letters of support from the LPHA, local hospitals, local law enforcement, county commissioners or other elected body, and local tribes (if applicable).
- 3. Counties in **Blue**, **Yellow** and **Orange** levels are eligible to apply for a 5 Star Certification program as long as their incidence rate, percent positivity and hospitalizations meet the thresholds and criteria of their respective Dial levels.
- 4. Counties in **Level Red** must meet the following criteria:
 - a. A two week sustained decline in incidence;
 - b. A percent positivity under 10% or 10 cumulative days of decline in the previous rolling 14 day period; and
 - c. Under 90% of ICU beds in use, and steady or declining regional hospitalizations.

C. Authorized County 5 Star Business Certification Programs.

- 1. Once a county receives approval from CDPHE to implement their 5 Star Program, businesses in that county may apply for certification to the county's administrative committee.
- 2. All businesses seeking 5 Star Program certification must submit documentation to the administrative committee regarding their implementation of the county's sector requirements and receive an in-person inspection prior to any certification being issued. Businesses that have received a citation, formal notice of violation, or similar formal notice of noncompliance with public health orders on or after the beginning of the 5 Star Program on December 16, 2020 are not eligible for certification. Businesses that have received two or more citations for noncompliance with public health orders are not eligible for certification.
- 3. Operational Capacity.
 - a. Certified businesses in **Levels Yellow**, **Orange** and **Red** may operate with the capacities and allowances of the next less restrictive level for their business sector. This includes both **Restaurants** and **Recreation**, including **gyms, recreation centers and pools**, operating at 100% capacity with 6 feet distancing between nonhousehold contacts for certified businesses in **Level Yellow**.

- b. **Outdoor Events** in **Level Blue** may operate subject only to local restrictions, so certified 5 Star **Outdoor Events** for counties in **Levels Blue** and **Yellow** may also operate subject only to local restrictions.
- c. Certified businesses in **Level Blue** in the sectors listed below may operate at the following levels:
 - i. **Restaurants** may operate at 100% capacity with 6 feet distancing between nonhousehold contacts.
 - ii. **Indoor Events** may operate at 50% capacity not to exceed 500 people.
 - iii. **Recreation**, including **gyms, recreation centers and pools**, may operate at 100% capacity with 6 feet distancing between nonhousehold members.

All other certified businesses in **Level Blue** may allow up to 50 additional people in each setting beyond the Level Blue limits. Certified businesses are not authorized to operate at **Level Green** capacity.

D. Enforcement and Reporting

- 1. Counties approved to implement their 5 Star Program must create and maintain an active enforcement process that includes educating the public regarding how they can file complaints concerning noncompliance with the program. Such educational materials shall include a link to the [5 Star Business Program Complaint Form](#). Counties may also create and maintain their own complaint form and reporting process in addition to providing this complaint form.
- 2. Counties are required to investigate all complaints. A business may only receive one warning regarding noncompliance with program requirements. If noncompliance continues after a warning, the certification for that business must be revoked.
- 3. The administrative committee must report weekly updates to their local public health agency and to CDPHE about the new certifications granted, the businesses that receive warnings, and the businesses whose certifications are revoked. CDPHE may require additional reporting from administrative committees as needed.

E. Business or Program Suspension or Rescission

- 1. All business certifications granted by a county pursuant to a 5 Star Program approved by CDPHE remain in effect until the sooner of:
 - a. The county moves to a level where the certification is no longer authorized, e.g. **Level Purple**, or to a level where the variance is no longer necessary, e.g. **Level Green**;

- b. The business's certification is revoked by the county;
 - c. The county's participation in the program is suspended; or
 - d. This Order expires without further extension or is terminated.
- 2. CDPHE may suspend a county's participation in the 5 Star Program if a county sees a significant rise in cases or hospitalizations. Participation shall be suspended if the ICU hospital occupancy in either the county or the county's region reaches more than 90%. A county's region is the regional emergency trauma advisory council (RETAC) region in which the county is located.
- 2. CDPHE may revoke its approval of a county's 5 Star Program if the program does not follow the state's program requirements, including the enforcement and reporting requirements.
- 3. Suspension or rescission of a county's 5 Star Program will reinstate the requirements of this Order for the businesses that had been certified at the level of the Dial for which the county is approved at the time of suspension or rescission for that site.



D 2021 079

EXECUTIVE ORDER

Amending, Restating, and Extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056 Ordering Individuals in Colorado to Wear Non-Medical Face Coverings

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending, restating, and extending Executive Orders D 2020 039, D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056, ordering individuals in Colorado to wear a medical or non-medical face covering due to the presence of coronavirus-2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of widespread community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended and extended by Executive Orders D 2020 018, D 2020 032, D 2020 058, D 2020 076, D 2020 109, D 2020 125, D 2020 152, D 2020 176, D 2020 205, D 2020 234, D 2020 258, D 2020 264, D 2020 268, D 2020 284, D 2020 290, D 2020 296, D 2021 009, D 2021 022, D 2021 028, D 2021 045, D 2021 061, and D 2021 068. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

A statewide vaccination effort is now underway, and the general population of the State of Colorado became eligible to receive the COVID-19 vaccine as of April 2, 2021. As more and more Coloradans are vaccinated, we are further protecting ourselves, our families and friends, and our communities from COVID-19. As we take steps to return Coloradans to work and return

to life as normal, we must continue to take measures to facilitate reopening the economy while protecting public health by incorporating best practices to protect individuals from infection.

This Executive Order amends, restates, and extends the prior Executive Orders relating to face coverings to protect Coloradans by requiring individuals in Colorado to wear face coverings over their nose and mouth in certain locations and situations.

II. Directives

- A. In all counties, medical or non-medical cloth face coverings that cover the nose and mouth are required to be worn by individuals age eleven (11) and older when entering or within the following public and private settings:
1. Preschool through grade 12 schools (including extracurricular activities), child care centers and services, and indoor children's camps;
 2. Public areas of state government facilities, and areas in state government facilities where members of the public come into contact with state government employees;
 3. Congregate care facilities, including nursing facilities, assisted living residences, intermediate care facilities, and group homes;
 4. Prisons;
 5. Jails;
 6. Emergency medical and other healthcare settings (including hospitals, ambulance service centers, urgent care centers, non-ambulatory surgical structures, clinics, doctors' offices, and non-urgent care medical structures);
 7. Personal services, as defined by Public Health Order (PHO) 20-36; and
 8. Limited healthcare settings, as defined by PHO 20-36.
- B. In counties with one week disease incidence rates of 35 or fewer per 100,000 (Level Green under PHO 20-36), counties may lift or modify face covering requirements to the extent permitted under this Executive Order. In counties with one week disease incidence rates in excess of 35 per 100,000, medical or non-medical cloth face coverings that cover the nose and mouth are required to be worn by individuals age eleven (11) and older when entering or within Public Indoor Spaces where 10 or more unvaccinated individuals or individuals of unknown vaccination status are present.

- C. For the purposes of this Executive Order, Public Indoor Space means any enclosed indoor area that is publicly or privately owned, managed, or operated, to which individuals have access by right or by invitation, expressed or implied, and that is accessible to the public, serves as a place of employment, or is an entity providing services. Public Indoor Space does not mean a person's residence, including a room in a motel or hotel or a residential room for students at an educational facility.
- D. Except as permitted by Sections II.H, II.I, and II.K of this Executive Order, to protect workers, customers, and the community, owners, operators, and managers of the businesses, services, and locations listed in Sections II.A and II.B of this Executive Order and those authorized on their behalf, shall deny admittance or service and require the removal of any individual who fails to wear a medical or non-medical face covering as required by this Executive Order.
- E. Owners, operators, or managers of the businesses, services, and locations identified in Sections II.A and II.B of this Executive Order must post signs at entrance(s) instructing individuals of their legal obligation under this Executive Order to wear a face covering when entering or within the business, service, or location.
- F. Any individual who endangers the health of others by knowingly entering or remaining in a Public Indoor Space, as such term is defined in Section II.C of this Executive Order, in violation of the terms of this Executive Order may be subject to civil or criminal penalties, including but not limited to prosecution for trespass.
- G. A State or local department or agency that learns of a business licensee that is in violation of this Executive Order will consider whether the public health, safety, or welfare requires summary, temporary suspension of the business's license to operate (including but not limited to a liquor license).
- H. The following individuals are exempt from the requirements of this Executive Order:
 - 1. Individuals ten (10) years old and younger; and
 - 2. Individuals who cannot medically tolerate a face covering.
- I. Individuals performing the following activities are exempt from the requirements of this Executive Order while the activity is being performed:
 - 1. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;

2. Individuals who are seated at a food service establishment;
 3. Individuals who are exercising alone or with others from the individual's household and a face covering would interfere with the activity;
 4. Individuals who are receiving a personal service where the temporary removal of the face covering is necessary to perform the service;
 5. Individuals who enter a business or receive services and are asked to temporarily remove a face covering for identification purposes;
 6. Individuals who are actively engaged in a public safety role, such as law enforcement officers, firefighters, or emergency medical personnel;
 7. Individuals who are officiating or participating in a life rite or religious service where the temporary removal of a face covering is necessary to complete or participate in the life rite or religious service;
 8. Individuals who are giving a speech for broadcast or an audience;
 9. Individuals who are alone in a room.
- J. Nothing in this Executive Order should be construed to prevent individuals from wearing a surgical-grade mask, face shield, or other, more protective face covering to cover the nose and mouth if that type of mask or more protective face covering is appropriate under industry standards.
- K. These directives shall be applied in a manner consistent with the American with Disabilities Act (42 U.S.C. § 12101 *et seq.*), Title VII of the Civil Rights Act (42 U.S.C. § 2000e *et seq.*), the Colorado Anti-Discrimination Act (C.R.S. § 24-34-401 *et seq.*), and any other relevant federal or State law.
- L. Nothing in this Executive Order changes or abrogates the Centers for Disease Control and Prevention's (CDC) Order on January 29, 2021, requiring the wearing of masks by travelers to prevent the spread of COVID-19. All Coloradans must abide by the CDC's Order, which can be viewed here: <https://www.cdc.gov/quarantine/masks/mask-travel-guidance.html>
- M. Nothing in this Executive Order prevents a county or municipality from adopting more protective standards than those contained in this Executive Order.
- N. Except as modified by this Executive Order, all Executive Orders or Public Health Orders issued due to COVID-19 and that are currently in effect shall remain in full force and effect as originally promulgated.

- O. CDPHE, in consultation with the appropriate Local Public Health Administration, may grant waivers for certain indoor activities that take place for a limited time period if such activities cannot practically or safely be performed while wearing a face covering.
- P. Notwithstanding any provision of this Executive Order, all Coloradans are encouraged to wear a medical or non-medical cloth face covering that covers the nose and mouth in any setting where they are likely to come into close proximity with non-vaccinated members of the public.

III. Duration

Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, D 2021 056, and as amended, restated, and extended by this Executive Order, shall expire thirty (30) days from April 3, 2021, unless extended further by Executive Order. In all other respects, Executive Order D 2020 039, as amended and extended by Executive Orders D 2020 067, D 2020 092, D 2020 110, D 2020 138, D 2020 164, D 2020 190, D 2020 219, D 2020 237, D 2020 245, D 2020 276, D 2020 281, D 2021 007, D 2021 035, and D 2021 056 shall remain in full force and effect as originally promulgated.



GIVEN under my hand and
the Executive Seal of the
State of Colorado, this third
day of April, 2021.

A handwritten signature in blue ink, reading "Jared Polis".

Jared Polis
Governor



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Water Rate Study Resolution 2021-07

Action Requested: Approval of a rate increase through the approval of the Water Rate Study Resolution.

Department: Public Works

Presented By: Matthew Langhorst, Public Works Director
Steve Boyd, COO

Background Info: The City of Glenwood Springs Water and Wastewater Departments initiated an updated rate study in 2020 due to shortfalls within the revenue versus cost of operations hit a breaking point. A previous rate study was completed in 2014 and the last water/sewer rate increase was approved in 2015. Staff has completed a 10 year infrastructure and facility plan that includes \$36 million dollars of capital improvements needed over the next 10 years to bring the system back up to an acceptable level, create redundant water sources, upgrade the fire and domestic water storage volume in town, upgrade plant operating capacities and initiate a pipe replacement program.

At current rates, the water/wastewater funds do not generate enough revenue to cover these costs or additional debt coverage related to improvements needed due to the 2020 Grizzly Creek fire. Staff and our water rate study consultant, GovRates, have now completed what we are calling an Interim rate increase solution. We call it interim, because staff would like to keep GovRates working in 2021-2022 on a meter size base-rate system to replace the existing flat fee/tiered volume rate system we currently have in place. The water rate study results completed by GovRates recommends a 36.8% overall increase in fees in 2021, along with a reoccurring 5% increase in fees over the duration of the Capital Plan schedule through 2031 to accommodate the water and sewer system needs to provide reliable service to our customers and to keep up with increasing costs of Operations and Maintenance of the system (labor, chemicals, plant maintenance, vehicles, equipment, etc). This discussion is not just a City of Glenwood Springs issue, many other communities in the valley and across the county are dealing with the same aging infrastructure issue as Glenwood is. Back in 2017 Rifle voters approved a 0.75% sales tax increase to help fund a \$30 million dollar water treatment plant and in 2020 their council approved a 5% increase to the sewer fees. The recent report from JVA on the Rifle system showed up to \$164.3 million dollars of infrastructure needs within their system through the year 2040.

The Town of Carbondale implemented a rate increase plan in 2017 that would see their flat fees for water/sewer increase 7.5% and 5% respectively, with a standard 5% increase each year over the 8 years of the program, bringing the total increase in around 47.7% accruing over that time period to deal with infrastructure needs in their community.

The Town of Basalt was in the same situation as the City of Glenwood Springs is in 2018, when they moved to increase their rates 48% to catch up on costs because they had not raised rates over a 5 year period also. This is a reoccurring theme and the City of Glenwood needs to be consistent on small rate increases in the future so as to not need to see these large scale jumps.

The increased being recommended to the City's rates is to ensure that the City can maintain a high level of confidence in its system, continue to provide adequate fire flows, retain an acceptable level of reserves in the W/WW funds, provide quality water and continue to meet all requirements that State/Federal agencies place on our operations well into the future.

Issues: None at this time.

Staff Recommendation: Staff is Recommending Approval of Resolution 2021-7 providing for adjustments to the monthly water and wastewater rates, providing for annual rate indexing of the monthly rates and providing effective dates.

April 15th, 2021



CITY OF GLENWOOD SPRINGS **WATER AND WASTEWATER RATE STUDY**





Rate Increase Discussion Points

- **The Utility's Capital Projects List Has Been Amended Down from the Original \$50 Million in Capital Projects to Just Over \$36 Million by Reorganizing and Cost Estimate Tightening of Grizzly Creek Fire Projects.**
- **Grizzly Creek Fire Projects That Were Not Budgeted for in the Original Project List Now Make up 18% of the Current Funding Needs.**
- **Cost of Capital Currently is at an All-Time Low and It is Financially Responsible for the City to Borrow Money and Complete Projects as Quickly as Possible to Keep Rising Costs Down.**
- **Many of the Capital Projects Pertaining to Raw Water and Water Treatment Are Stacked Projects – If One Project is Not Completed in a Timely Manner, the Following Projects Would Need to Be Deferred. Staff has Organized Projects in a Manner to be Cost-Effective and Timely for System Needs.**



Rate Increase Discussion Points

- **Rates Have Not Been Increased Since 2015, thus Giving the Residents of the City of Glenwood Springs a Reprieve of the Rate Increases from 2006 to 2015. The Rate Study of 2014 Recommended a Cumulative 17% Water Rate Increase and a 26% to 46% Wastewater Increase that Were Only Partially Implemented.**
- **Prior Management Directed Staff to Not Impose Rate Increases after 2015.**
- **Due to the Changing Environment, the City Needs to Look at All Available Water Sources and Bring Those Sources Online for Redundancy of the System.**
- **Possible Option for Council to Set Up a Low-Income Assistance Program Funded Though General Fund Revenue Sources (e.g., Tobacco Tax).**
- **County Department of Human Services and State LEAP Program are also Available Assistance Programs.**



Issues Addressed Through Capital Program

- **Recent Grizzly Creek Fire Highlighted the Critical Need to Significantly Improve the Resiliency and Supply Capabilities of the Glenwood Springs Water System**
- **Two Areas in the City Do Not Meet Fire Flow Requirements in Summertime (Two New Water Tanks Are in Capital Plan)**
- **Without Fixing Raw Water System in South Glenwood, City Will Have Difficulty Pushing Enough Water to the South End of the City to Fill Two 500K Tanks for Fire Flow and Domestic Use**
- **Large Amount of Old, Thin-Walled Steel Pipe Throughout the City That Fails Frequently – Plan Is to Replace It With New Pipe Constructed of Stronger Materials**
- **Slip-lining of Aged Wastewater Mains to Reduce Inflow and Infiltration (I&I = Groundwater and Stormwater Entering Wastewater System)**
 - **Collection Systems Can Be Damaged When They Are Forced to Transport More Flow Than They Are Designed to Handle; I&I Also Increases Costs at Wastewater Treatment Facilities**
- **Funding of Regular Renewals and Replacements of Utility Infrastructure to Help Ensure Safe and Reliable Water and Wastewater Service into the Future**



Major Cost Factors Affecting Water and Wastewater Utility System

- **Utility Infrastructure Is Often "Out of Sight, Out of Mind"**
- **Substantial Capital Needs**
 - **Primarily Replacements or Rehabilitations of Utility Assets Reaching the End of Their Service Lives to Continue Providing Reliable Water and Wastewater Service**





Aging Infrastructure

Raw Water Line Break 2020



Collapsed Sewer Line with Root Intrusion





Updates to Discussion

- **Have Recognized Adjustments to Multi-Year Capital Improvement Program Costs and Timing**
 - **Changing Needs Due to Recent Wildfire Project Clarifications and Project List Reduction to Keep Rate Adjustment as Low as Possible**
- **City Has Qualified for \$8 Million Wildfire Impact Loan from the Colorado Water Conservation Board (CWCBC)**
 - **Can Be Used for Raw Water Supply Projects**
 - **1.8% Interest Rate; No Payments for Three (3) Years**





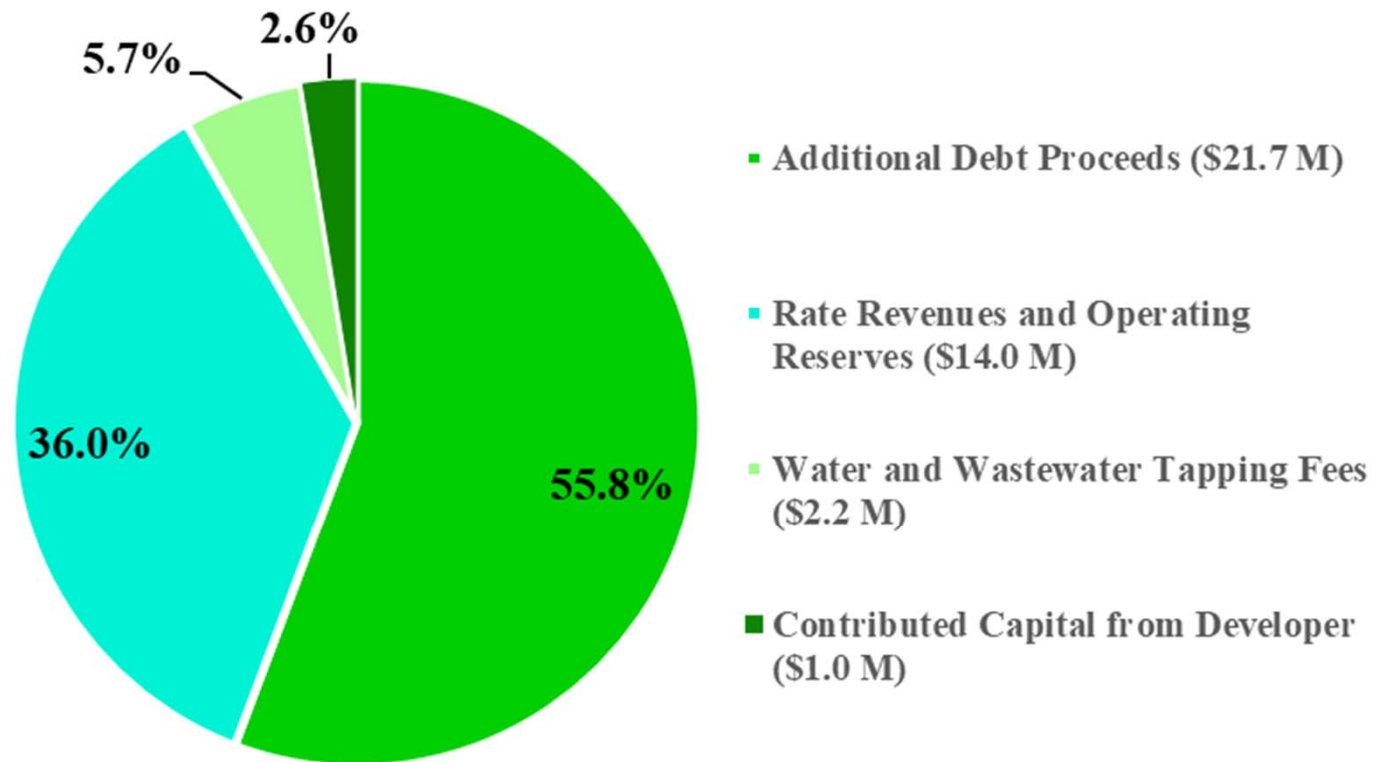
Major Cost Factors Affecting Water and Wastewater Utility System

- **Revenues Under Existing Rates After Payment of Operating Expenses and Existing Debt Service Provide Minimal Funding for Capital Needs or Additional Dept Service.**
- **Operating Expenses Anticipated to Continue Increasing**
 - **Due to Regulatory Environment, Capital-Intensive Nature of Utility Operations, and Commodity Cost Increases (Electricity, Chemicals, Fuel, etc.), Utility Costs Typically Increase at Higher Rate Than General Inflation**
 - **Despite COVID-19, Congressional Budget Office National CPI Projections Still Show Increases of 1.6% to 2.2% Per Year – CPI in a Normal Year can be as high as 4%**
 - **Continuing to Address Aging Infrastructure That Needs to Be Repaired and Replaced as it Fails.**



Projected Funding of Capital Improvement Program

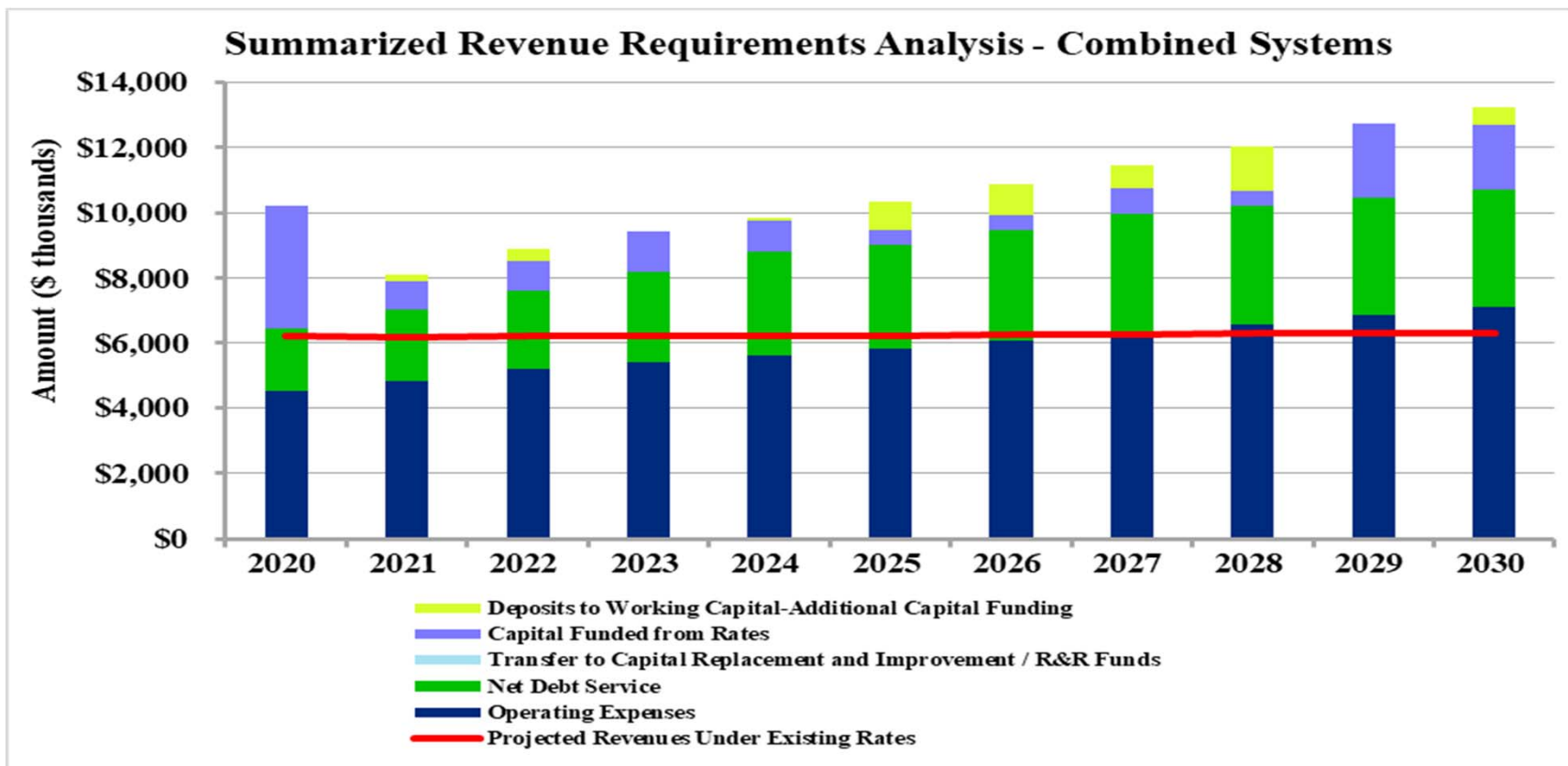
Capital Improvement Program Funding (\$39.0 M)





Revenues Under Existing Rates Are Insufficient to Address Utility System Needs

➤ User Rates Last Adjusted in 2015 (Almost 6 Years Ago)





Projected Need for Revenue Adjustments

➤ Two Proposed Revenue Increase Options:

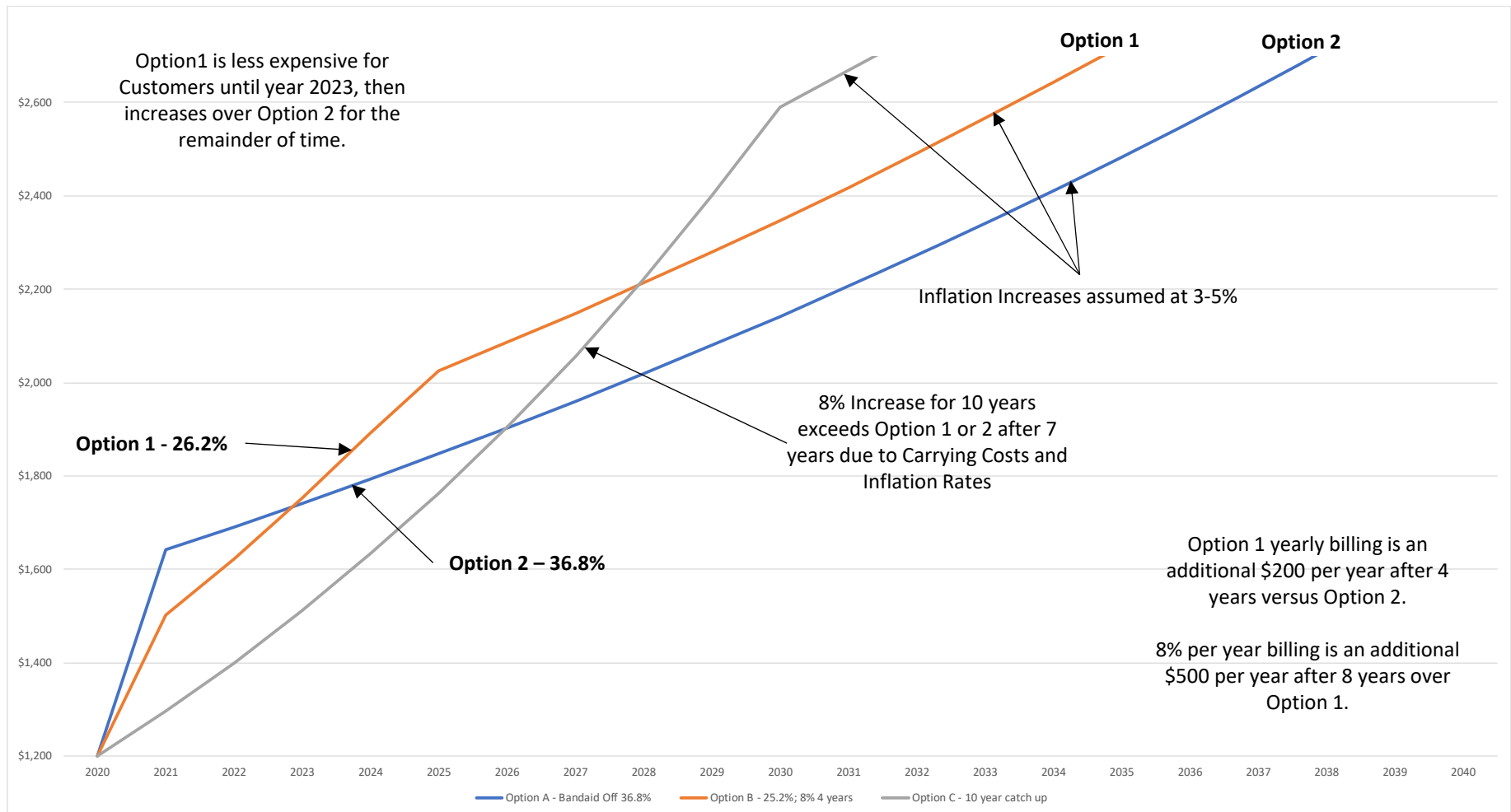
- Option 1 Proposes an Overall 26.2% Increase for 2021, 8% Increases 2022 to 2024, 7% Increase in 2025, 5% Increases from 2026 through 2030, and Indexing Adjustments Linked to Local CPI After 2030
- Option 2 Proposes an Overall 36.8% Increase for 2021, 5% Increases 2022 to 2030, and Indexing Adjustments Linked to Local CPI After 2030

➤ If the City Can Keep Smaller Yearly Increases in the Budget, Larger Increases to “Catch Up” Could Be Eliminated

Water and Wastewater User Rate Revenue Adjustment Options						
Year	OPTION 1			OPTION 2		
	Water System Revenue Adjustment	Wastewater System Revenue Adjustment	Combined System Revenue Adjustment	Water System Revenue Adjustment	Wastewater System Revenue Adjustment	Combined System Revenue Adjustment
2021	36.0%	18.0%	26.2%	51.0%	25.0%	36.8%
2022	8.0%	8.0%	8.0%	Automatic 5% Annual Revenue Adjustments After 2021		
2023	8.0%	8.0%	8.0%			
2024	8.0%	8.0%	8.0%			
2025	7.0%	7.0%	7.0%	Automatic 5% Annual Revenue Adjustments After 2025		



Financial Comparison of Options





Monthly Bill Comparison for 2021: Option 1 vs. Option 2

OPTION 1			
Usage (gallons)	Existing Combined Bill	Proposed Combined Bill	Difference
2,000	\$85.41	\$104.14	\$18.73
5,000	\$92.55	\$113.86	\$21.31
10,000	\$107.96	\$134.83	\$26.87

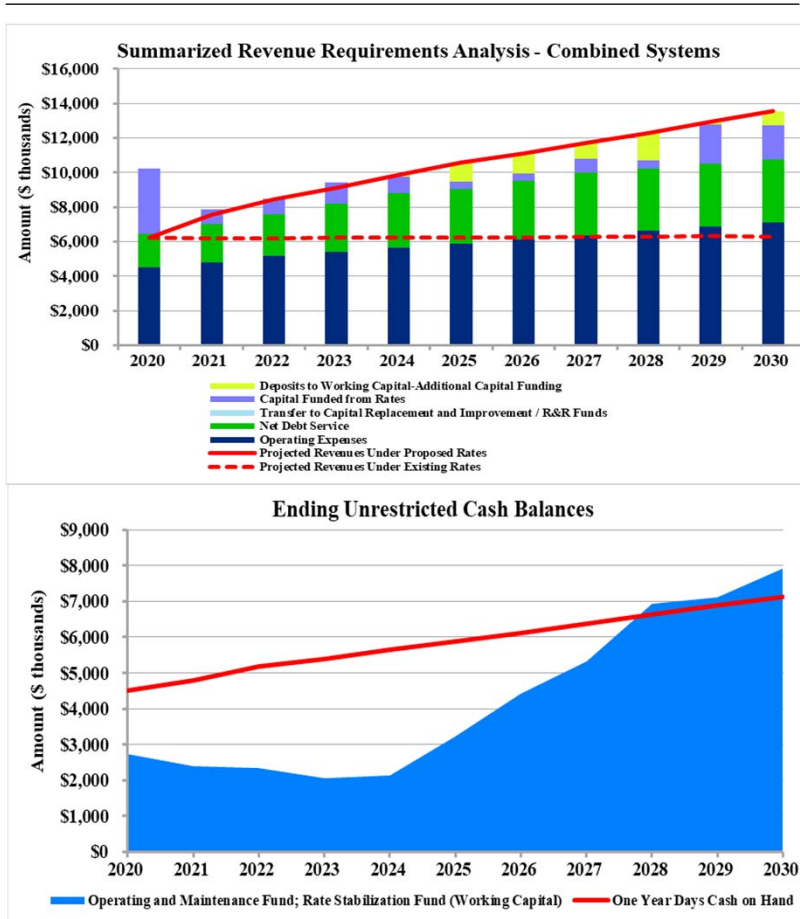
OPTION 2			
Usage (gallons)	Existing Combined Bill	Proposed Combined Bill	Difference
2,000	\$85.41	\$111.59	\$26.18
5,000	\$92.55	\$122.36	\$29.81
10,000	\$107.96	\$145.62	\$37.66



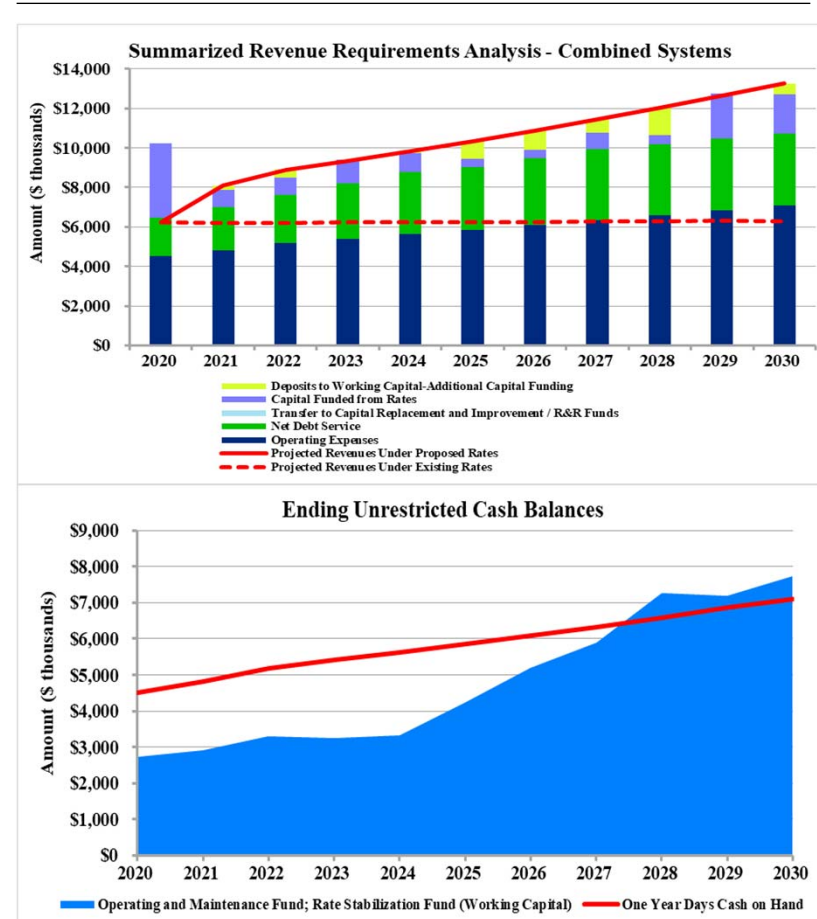


Financial Outlook

Option 1



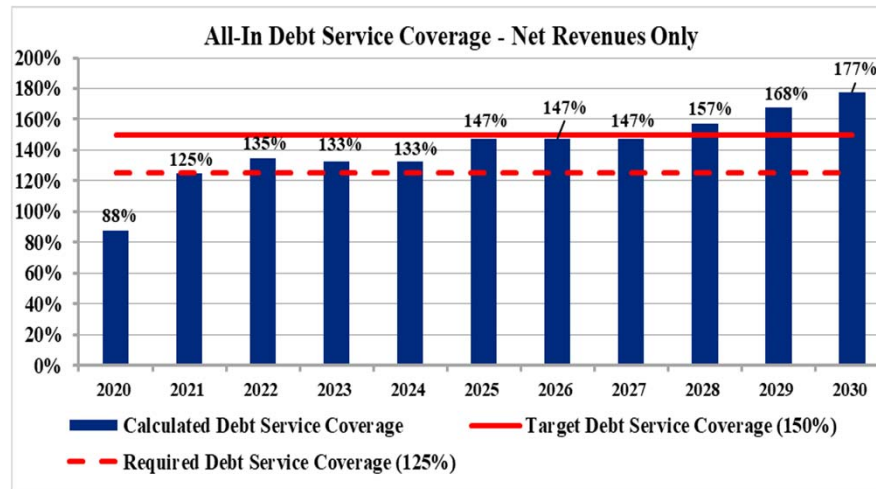
Option 2



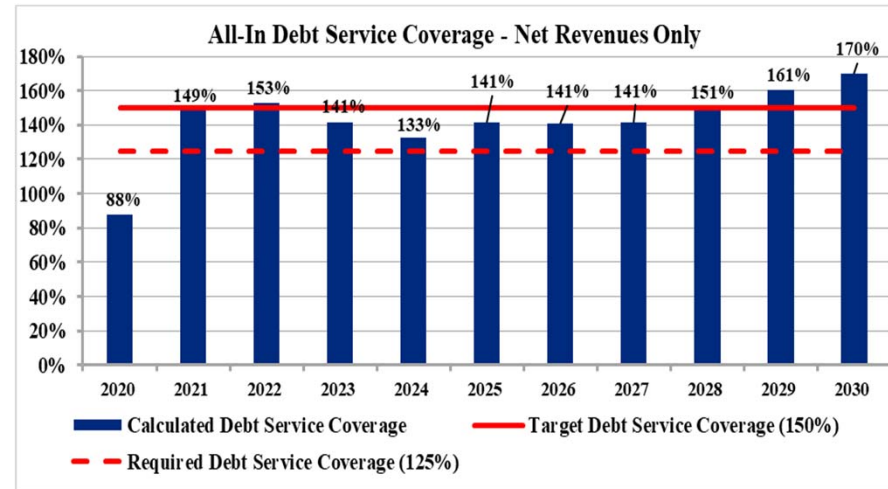


Financial Outlook (cont.)

Option 1



Option 2





Bill Comparison for 2021: Option 1 vs. Option 2

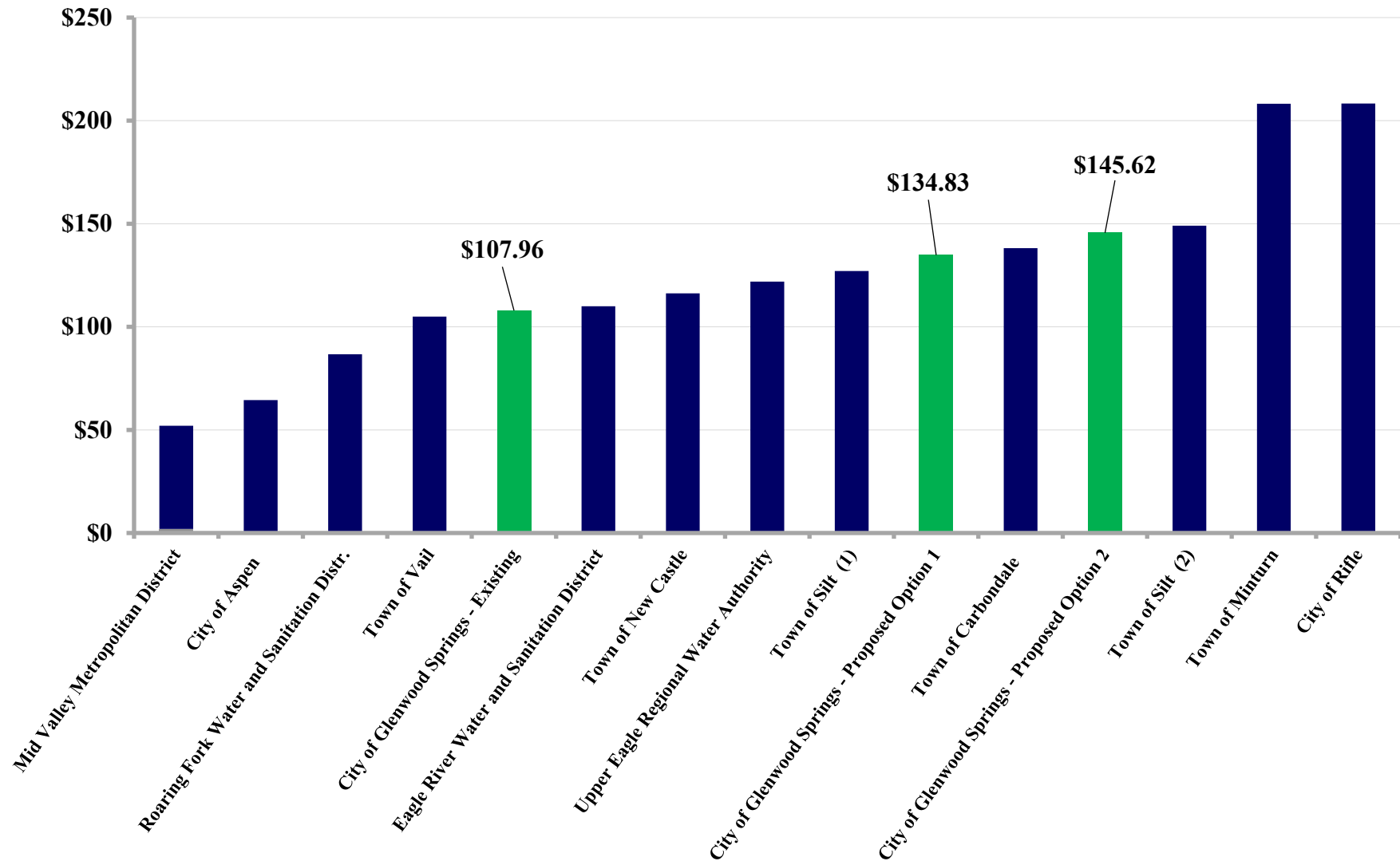
OPTION 1			
Usage (gallons)	Combined Bill	Cost Per Gallon	% of Median Household Income (< 4.5% Considered Affordable By EPA)
2,000	\$104.14	5.2¢	1.9%
5,000	\$113.86	2.3¢	2.0%
10,000	\$134.83	1.3¢	2.4%

OPTION 2			
Usage (gallons)	Combined Bill	Cost Per Gallon	% of Median Household Income (< 4.5% Considered Affordable By EPA)
2,000	\$111.59	5.6¢	2.0%
5,000	\$122.36	2.4¢	2.2%
10,000	\$145.62	1.5¢	2.6%



Comparison of Monthly Charges

For Combined Water and Wastewater Service - Monthly Usage of 10,000 Gallons
(Historical Average Usage of Single-Family Residential Customer in System)





Rate Adjustments Around Us

- **Carbondale Implemented a 5% and 7.5% Rate Adjustment on their fixed fees in 2017, with a 5% volumetric rate increase of 5% from 2017 to 2024. That is equal to a 47.7% accrued increase over the time frame of the program, and 3% increase per year there after.**
- **New Castle raised rates 3% in 2020, 2021 and possibly in 2022.**
- **Basalt completed at 48% increase to water rates in 2018 due to a rate increase lag of 5 years.**
- **Rifle voters approved a 0.75% sales tax to pay for a new water plant in 2017 and they are now looking at \$164 million in improvements through 2040. They increase sewer rates 5% in 2021.**



Financial Risks of Not Adjusting Rates

- **Inability to Fund All Revenue Requirements, Fund Capital Program, Operations and Maintenance Cuts, Debt Service Coverage Requirement Issues, and Meet Financial Targets**
- **User Rates Will Be Even Higher in the Future**
 - **Capital Needs for System Will Not Go Away, But Will Be More Expensive to Address in the Future**
 - **Inflation and Costs of Construction Continue to Affect System Improvement Costs**



Benefits to City of Glenwood Springs Residents of Rate and Financial Plan

- **Improvements will allow the City to Continue to Provide Water With Less Future Watering Restrictions**
- **Improved Fire Protection Throughout City**
- **Less Risk of Service Interruptions / Fewer Line Breaks with Newer Facilities and Infrastructure**
- **Improved Ability to Address Capital Needs More Quickly and at a Lower Cost**
- **Access to Debt Financing / Capital Markets**
- **Maintenance of Affordable and Competitive Rates Over the Long Haul**



Requested Council Action

- **Adopt Proposed Water and Wastewater Rates –
Option 1 or Option 2**
 - **Rates Have Not Been Adjusted in Nearly Six (6) Years**
 - **Proposed Rates Under Both Options Considered Affordable
and Competitive**



Questions and Discussion



**RESOLUTION 2021-7
(Supersedes No. 2015-8)**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF GLENWOOD SPRINGS, COLORADO
PROVIDING FOR ADJUSTMENTS TO THE MONTHLY WATER AND
WASTEWATER RATES; PROVIDING FOR ANNUAL RATE INDEXING OF THE
MONTHLY RATES; AND PROVIDING EFFECTIVE DATES.**

WHEREAS, the City's utility rates for water and wastewater services are structured to collect the necessary revenues to meet annual operating and maintenance costs of the water and wastewater infrastructure; to cover debt service for water and wastewater financing activities; to fund capital improvements to the City's utility system infrastructure, and to maintain adequate operating fund and capital reserves; and

WHEREAS, Article 080.050 of the City's Municipal Code provides that water and wastewater rates be established by Resolution; and

WHEREAS, the City has not adjusted monthly water and wastewater user rates since April 2015, or approximately six years ago; and

WHEREAS, the City has identified critical utility infrastructure capital needs for the next several years which must be funded through the rate and financial plan to ensure the sustainability of the utility systems; and

WHEREAS, the City recently conducted a rate study to determine the rate adjustments needed to fund the critical capital needs and address certain operating deficiencies over the next ten years; and

WHEREAS, rate adjustments are needed to provide access to capital markets and take advantage of historically low interest rates for financing the critical capital needs; and

WHEREAS, securing debt financing requires the City to demonstrate to lenders, bondholders, and credit rating agencies that the City has adopted a multi-year schedule of rates to support the debt; and

WHEREAS, the City held workshops with the City Council on October 15, 2020, January 21, 2021, and March 18, 2021 to discuss the results of the rate study; and

WHEREAS, the rate study recommendations were presented to the City's Financial Advisory Board on January 6, 2021, and the Financial Advisory Board unanimously recommended City Council approval of the rate recommendations; and

WHEREAS, the proposed rates are considered affordable by utility industry standards; and

WHEREAS, the proposed rates are competitive with those charged by neighboring Colorado local governments; and

WHEREAS, the City Council by this Resolution will set water and wastewater rates until otherwise amended by City Council.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, THAT:

Section 1: The water and wastewater rates set forth on **Exhibit A**, attached hereto and incorporated herein, are adopted and shall be effective for all water and wastewater bills rendered on or after July 1st, 2021.

Section 2: In the absence of a formal study recommendation or action by the City Council, the water and wastewater rates shall be automatically increased by 5% each year from 2022 to 2030. The adjustments shall be effective for all bills rendered on or after January 1st of each year. The first increases under these provisions shall become effective on January 1, 2022.

Section 3: Commencing in 2031, and in the absence of a formal study recommendation or action by the City Council, the water and wastewater rates shall be automatically increased for inflationary effects on the costs of operations – without a public hearing – effective for all bills rendered on or after January 1st of each year. The percentage increase shall be the percentage increase, if any, in the Consumer Price Index for the Denver-Aurora-Lakewood Area – as published by the U.S. Bureau of Labor Statistics – from July of the preceding calendar year to July of the current calendar year. IF the D-A-L CPI index does not exist after 2031, staff will choose the most applicable replacement CPI from the front range. The first increases under these provisions, if any, shall become effective on January 1, 2031.

Section 4: The City shall analyze the financial position of the utility systems annually to evaluate the need for subsequent rate adjustments. The City shall perform a formal rate study at least once every three (3) to five (5) years to update the ten-year financial project planning forecast and to minimize rate adjustments over time while conforming with appropriate utility best financial management practices.

Section 5: The City shall work toward establishing a financial assistance program to help low-income customers pay for the water and wastewater increases. The terms and conditions of this program shall be approved by the City Council at a future public meeting.

INTRODUCED, READ, AND PASSED THIS _____ DAY OF _____, 2021.

CITY OF GLENWOOD SPRINGS, COLORADO

Jonathan Godes, Mayor

ATTEST:

Ryan Muse, City Clerk

EXHIBIT A**WATER RATES**Treated Water Rates

Monthly Customer Charge	\$20.88
<u>Usage Rate</u>	<u>Per 1,000 gallons</u>
Up to 5,500 gallons	\$3.59
From 5,500 gallons to 17,500 gallons	\$4.77
Over 17,500 gallons	\$6.34

Bulk Water Rates

Monthly Customer Charge	\$20.88
Usage Rate, per 1,000 gallons	\$2.97

Raw Water Irrigation Rates

Monthly Customer Charge	\$20.88
Usage Rate, per 1,000 gallons	\$2.97

Treated Water Irrigation Only Rates

Monthly Customer Charge	\$20.88
Usage Rate, per 1,000 gallons	\$4.77

WASTEWATER RATES

Inside Corporate Limits Wastewater Rates

Minimum Monthly Bill – All Users	\$83.53	
Usage Type	Volume Charge (\$/1000 gal)	Billing Period
Restaurant	\$8.18	Year Round
Hotel or motel with food/beverage service	\$8.18	Year Round
Hotel or motel without food/beverage service	\$8.18	Year Round
All others	\$8.18	Winter Billing
	Winter Average	Summer Billing

Outside Corporate Limits Wastewater Rates

Minimum Monthly Bill – All Users	\$125.30	
Usage Type	Volume Charge (\$/1000 gal)	Billing Period
Restaurant	\$12.27	Year Round
Hotel or motel with food/beverage service	\$12.27	Year Round
Hotel or motel without food/beverage service	\$12.27	Year Round
All others	\$12.27	Winter Billing
	Winter Average	Summer Billing

Bulk Service Outside Corporate Limits Wastewater Rates

All bulk wastewater treatment service outside the corporate limits will be a negotiated rate, on a case-by-case basis.
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City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Tourism Board Conversation

Action Requested:

Department: City Clerk

Presented By:

Background Info:

Issues:

Staff Recommendation:



City Council
STAFF REPORT
City of Glenwood Springs
April 15, 2021

Agenda Item: Price Increases in Large Projects

Action Requested:

Department: City Administration

Presented By:

Background Info:

Issues:

Staff Recommendation: