



CITY COUNCIL REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

April 16, 2024 - 6:00 PM

AGENDA

Please register for Regular City Council Meeting

<https://attendee.gotowebinar.com/register/3742005742374996822>

After registering, you will receive a confirmation email containing information about joining the webinar.

To watch live meetings:

https://c.streamhoster.com/embed/media/W6sdC9/xAllQfSmmO/vpfQhcsApYv_5?preview=1

CALL TO ORDER

Pledge of Allegiance

Roll Call

Civility Invocation

1. Civility Invocation

CONSENT AGENDA

2. Approve Agenda

3. Approve April 2, 2024 Minutes

4. Approve Special Event Liquor License for A Church

5. Approve Special Event Liquor License - Bluegrass on the Arkansas

CITIZEN COMMENT—Three (3) Minute Time Limit

UNFINISHED BUSINESS / ACTION ITEMS

6. **Ordinance 2024- 04** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING SECTION 4-2-30(a)(8) OF THE SALIDA MUNICIPAL CODE TO MODIFY THE TERMS OF THE AFFORDABLE HOUSING FUND-**Second Reading and Public Hearing**

7. **Ordinance 2024-05-** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, AMENDING THE CITY CODE TO REPEAL AND REENACT CHAPTER 11, ARTICLE VI ENTITLED PARKS, RECREATION, OPEN SPACE AND TRAILS OF THE SALIDA MUNICIPAL CODE -**Second Reading and Public Hearing**

NEW BUSINESS / ACTION ITEMS

8. SOUND PERMIT- Amplified Sound Permit, High Side! **Public Hearing**

9. **Resolution 2024-28** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING THE AMENDED INTERSTATE PARKING SERVICES AGREEMENT WITH INTERSTATE PARKING MANAGEMENT.

10. **Resolution 2024-29** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING MAY 11, 2024 AS ARBOR DAY IN THE CITY OF SALIDA

11. **Resolution 2024-30** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, EXPRESSING COMMITMENT TO "TOGETHER WE STAND – A CHAFFEE COUNTY PROJECT"

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Council Reports

- **Critelli, Fontana, Martin, Naccarato, Pappenfort, Stephens**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.

Mayor Report

Treasurer Report

[12.](#) Treasurer Report

Attorney Report

[13.](#) Public update and summary regarding lawsuit brought by the Town of Poncha Springs, Tailwind Group LLC and Full Views Matter, LLC against the City of Salida.

Staff Reports

[14.](#) Staff Reports

EXECUTIVE SESSION

15. For the purpose of conferencing with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S Section 24-6-402(4)(b), and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), and the following additional details are provided for identification purposes: **Atmos Franchise Agreement and franchise agreement terms generally.**

ADJOURN



City Clerk | Deputy City Clerk

Mayor Dan Shore



CIVILITY INVOCATION

We are here working together to create a thriving community. It is the intention of the Salida City Council to promote civil communication by adopting the following guidelines for speaking to the public in the City Council Chambers. It is our hope that by acting in this manner we can help create a safe space for people to share their perspectives and opinions:

- We honor the opportunity to be engaged in the process of governance for the benefit of our community.
- We acknowledge that each of us brings a unique perspective to this conversation and that our perspectives may differ.
- We challenge ourselves to value varying points of view and hold all contributions as equally important.
- We understand and accept that while we may sometimes disagree, we can always be courteous and kind.
- We commit to respectful language, avoiding rumor, harsh criticism or personal accusation, even when feeling emotionally charged.
- We will, to best of our ability, speak thoughtfully and listen with attention, respect, and curiosity.
- We are confident that there may be even better solutions than any of us have thought of, which may be discovered through civil conversations.
- We affirm our support for women's rights, including equal pay, equal treatment under the law and in the workplace, and the right to determine choices that impact the direction and personal values of one's life, including all individuals' reproductive health choices.
- We commit to the City of Salida being a hate-free zone and declare and affirm a policy of non-discrimination on the basis of a person's race, color, religion, ancestry, national origin, age, sexual orientation, gender, gender identity, marital status, military or veteran status, socio-economic class, medical condition, or physical or mental disability.



CITY COUNCIL REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201
April 02, 2024 - 6:00 PM

MINUTES

Please register for Regular City Council Meeting

<https://attendee.gotowebinar.com/register/3742005742374996822>

After registering, you will receive a confirmation email containing information about joining the webinar.

To watch live meetings:

https://c.streamhoster.com/embed/media/W6sdC9/xAllQfSsmmO/vpfQhcsApYv_5?preview=1

CALL TO ORDER

Pledge of Allegiance

Roll Call

PRESENT

Council Member Suzanne Fontana
Council Member Dominique Naccarato
Council Member Justin Critelli
Council Member Aaron Stephens
Council Member Alisa Pappenfort
Council Member Wayles Martin
Mayor Dan Shore
Treasurer Ben Gilling

Civility Invocation

CONSENT AGENDA

Council Member Critelli moved to combine and approve the Consent Agenda, Seconded by Council Member Naccarato.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

MOTION PASSED

CITIZEN COMMENT—Three (3) Minute Time Limit

F Street Closure signatures submitted by Adam Martinez

Citizen Comment - Jerry Raski

Justin Burns, Robin Nejame, Aaron Cook, Tracy Vandaveer, Donnie Kaess, Adam Martinez, Chris Tracy, Jim Miller, Bethany Struthers spoke during Public Comment.

PROCLAMATIONS

Arab American Heritage Month

UNFINISHED BUSINESS / ACTION ITEMS

NEW BUSINESS / ACTION ITEMS

Amplified Sound Permit, High Side! - **Public Hearing**

Douglas Peltier spoke on the sound permit application.

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.

Council Member Naccarato moved to approve the Amplified Sound Permit, Seconded by Council Member Pappenfort.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

MOTION PASSED

Chaffee County Community Foundation Grants Recommendation

Council Member Fontana moved to approve the Chaffee County Community Foundation Grants Recommendation, Seconded by Council Member Critelli.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

MOTION PASSED

Ordinance 2024-05 AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, AMENDING THE CITY CODE TO REPEAL AND REENACT CHAPTER 11, ARTICLE VI ENTITLED PARKS, RECREATION, OPEN SPACE AND TRAILS OF THE SALIDA MUNICIPAL CODE AND AMEND SECTION 7-5-220 ENTITLED ANIMAL NUISANCES. **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING**

Council Member Naccarato moved to amend Ordinance 2024-05 to add language that continues to prohibit dogs in Salida parks to Section 11-6-70 of the Salida Municipal Code and remove Section 3 of the Code in its entirety, Seconded by Council Member Pappenfort.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

MOTION PASSED

Council Member Critelli moved to approve Ordinance 2024-05 as amended, Seconded by Council Member Stephens.

Voting Yea: Council Member Fontana, Council Member Naccarato, Council Member Critelli, Council Member Stephens, Council Member Pappenfort, Council Member Martin

MOTION PASSED

Ordinance 2024-06 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF CERTAIN LAND USE APPLICATIONS, AND DECLARING AN EMERGENCY - **PUBLIC HEARING AND FINAL READING**

Philip Sterling, Aaron Cook, Jake Rishavy, Francie Bomer, Greg Follet, Ray Kitson and Rob Gartzman spoke on the proposed Ordinance 2024-06

Council Member Critelli moved to approve Ordinance 2024-06, Seconded by Council Member Pappenfort.

Voting Yea: Council Member Critelli, Council Member Pappenfort

Voting Nay: Council Member Fontana, Council Member Naccarato, Council Member Stephens, Council Member Martin

MOTION FAILED

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Reports were given.

Attorney Report

Reports were given.

Staff Reports

Reports were given.

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.

EXECUTIVE SESSION

For the purpose of conferencing with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S Section 24-6-402(4)(b), and for the purpose of determining positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e), and the following additional details are provided for identification purposes: **Legal advice regarding lawsuit brought by the Town of Poncha Springs, Tailwind Group LLC and Full Views Matter, LLC against the City of Salida and related negotiations, discussions and next steps.**

Council Member Martin moved to enter into Executive Session, Seconded by Council Member Critelli.

Voting Yea: Council Member Pappenfort, Council Member Stephens, Council Member Fontana, Council Member Naccarato, Council Member Martin and Council Member Critelli.

MOTION PASSED.

Council entered into Executive Session at 8:30pm and returned to the Regular Meeting at 9:30pm.

At 8:55pm Council Member Pappenfort made a motion to extend the meeting to 9:30pm, Seconded by Council Member Critelli.

Voting Yea: Council Member Pappenfort, Council Member Stephens, Council Member Fontana, Council Member Naccarato, Council Member Martin and Council Member Critelli.

MOTION PASSED.

ADJOURN

Adjourned at 9:31pm



City Clerk | Deputy City Clerk

Mayor Dan Shore

A Church, a non profit, is applying for a Special Event Permit at A Church for the following dates and times:

April 27, 2024 from 7pm-10pm

June 29, 2024 from 7pm-10pm

August 31, 2024 from 7pm-10pm

October 12, 2024 from 7pm-10pm

December 14, 2024 from 7pm-10pm

These are private events that A Church will be putting on and are not advertised to the general community. Please see the application materials enclosed.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

Item 4.

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|--|--|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input checked="" type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>A Church</i>	State Sales Tax Number (Required) <i>20171780513</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>419 D street Salida, CO 81201</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>419 D street Salida, CO 81201</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Beth Sather</i>			
5. EVENT MANAGER <i>Andrea Mossman</i>			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date <i>4/27/24</i>	Date <i>6/29/24</i>	Date <i>8/31/24</i>	Date <i>10/12/24</i>	Date <i>12/14/24</i>
Hours From 7:00 p.m. To 10:00 p.m.	Hours From 7:00 p.m. To 10:00 p.m.	Hours From 7:00 p.m. To 10:00 p.m.	Hours From 7:00 p.m. To 10:00 p.m.	Hours From 7:00 p.m. To 10:00 p.m.

OATH OF APPLICANT

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

SIGNATURE <i>Andi Morker</i>	TITLE <i>Manager</i>	DATE <i>3/29/24</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

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

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

A Church Inc

is a

Nonprofit Corporation

formed or registered on 10/19/2017 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20171780513.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 11/14/2017 that have been posted, and by documents delivered to this office electronically through 11/15/2017 @ 14:25:46.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 11/15/2017 @ 14:25:46 in accordance with applicable law. This certificate is assigned Confirmation Number 10554429.



Wayne W. Williams

Secretary of State of the State of Colorado

====End of Certificate====
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is just as valid and immediately valid and effective. However, in an option, the issuance and validity of a certificate obtained electronically may be established by viewing the Certificate's Confirmation page of the Secretary of State's Web site. <http://www.sos.state.co.us> (777) 786-4141. Viewing the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuing date of a certificate is an optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us> click "Businesses, trademarks, trade names" and select "Electronic Issued Certificates."

Purchase and install Knox Box. Provide necessary keys to chain entrance.

Approved by Fire Department

Approved

SALVAGE DEPARTMENT

01/26/2018

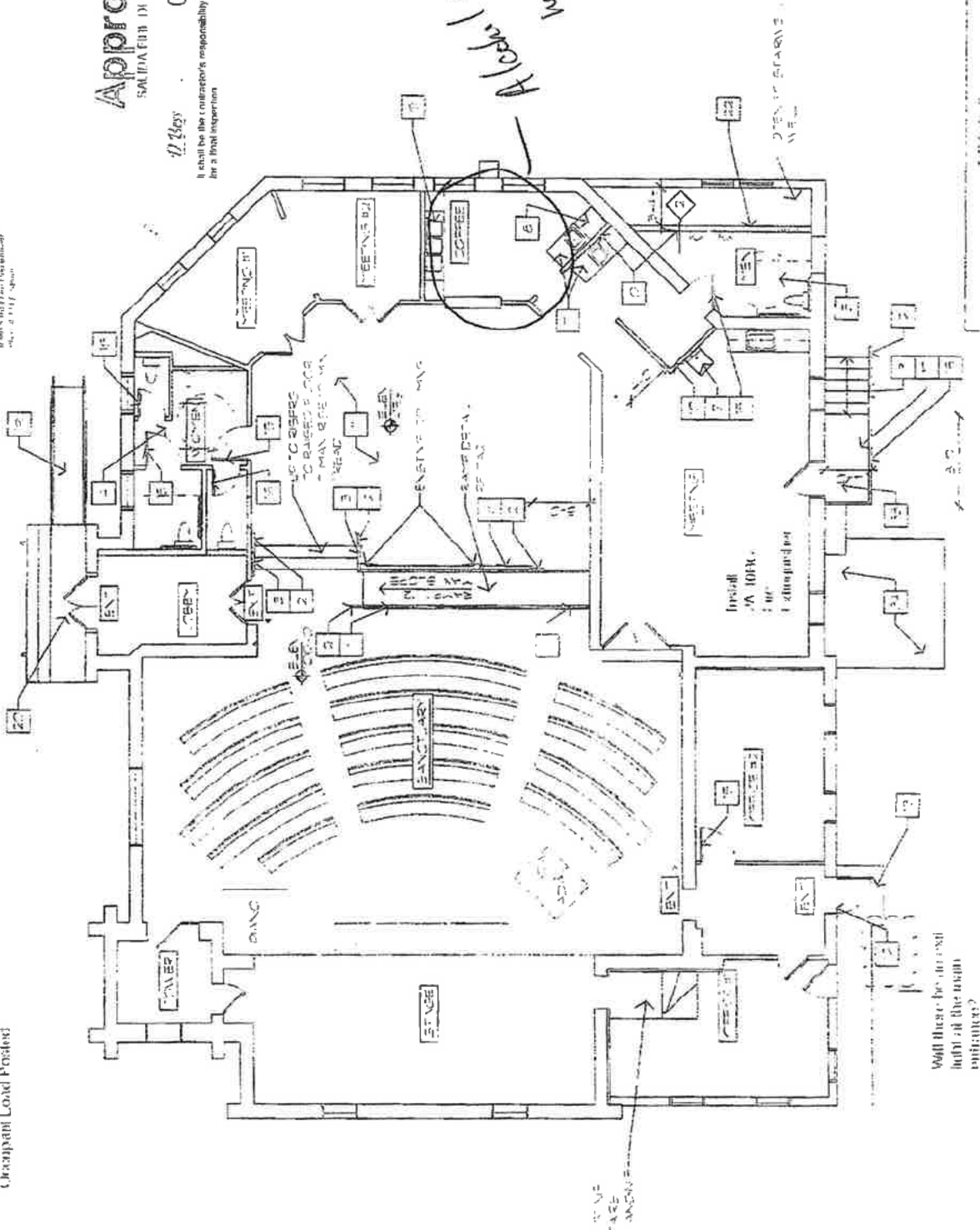
1/24/18

It shall be the contractor's responsibility to contact the fire department for a final inspection.

Block / saved

Address number posted minimum 4" w/ contrasting background

Occupant Load Posted



WALL HERE FOR EXIT LIGHT AT THE MAIN ENTRANCE?

SPECIAL EVENT MEMO

Item 5.

SPECIAL EVENT	PRESENTED BY	DATE
Bluegrass on the Arkansas	Parks & Recreation	

ITEM:

Consent Agenda
Council Action – Approve the Consent agenda.

Event Date(s): May 25 & 26, 2024

Location: Riverside Park

Event Mission Statement: Bluegrass on the Arkansas is an annual fundraiser for the Rotary Club of Salida. This event is free for our community and draws locals and visitors from all points to downtown Salida. All net proceeds from the festival will be reinvested into our community through scholarships and for financial support to other local nonprofits.



Check all that apply:

- Amplified Sound
- Liquor License
- Vendor(s)
- Street Closure
- Code Violation

Department Approvals

Parks & Recreation

Comments: Look Scout Hut Restrooms - Event to Service park trash cans
Signature: [Signature] Date: 4/4/24

Public Works

Comments: PW to supply 6 barricades for sackett closure (F to E)
Signature: [Signature] Date: 4/4/24

Arts & Culture

Comments: Rotary does not need use of the Hut
Signature: Patricia Obrien Date: 4/4/24

Police

Comments: _____
Signature: [Signature] Date: 04/04/24

Fire

Comments: NONE
Signature: [Signature] Date: 4/4/24

Chaffee County Public Health

Comments: _____
Signature: [Signature] Date: 4/4/24

Administration

Comments: _____
Signature: [Signature] Date: 4/4/24

City Clerk

Comments: _____
Signature: [Signature] Date: 04/07/24

Sustainability/PIO

Comments: _____
Signature: [Signature] Date: 04/04/24



Bluegrass on the Arkansas is an annual fund raiser for the Rotary Club of Salida. The event will be held on Memorial Day Weekend (May 25 – 26, 2024). The musicians will perform Saturday evening starting at 4:00 p.m. until 9:30 p.m. and then Sunday starting at noon until 9:30 p.m.

This event is a free event for our community and draws locals and visitors from all points to downtown Salida. In addition to a great line-up of bluegrass bands, there will be food available for purchase from local food vendors.

Beverage sales will be handled by the Rotary Club and all net proceeds from the festival will be reinvested into our community through scholarships and for financial support to other local non-profits.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

Item 5.

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE Salida Rotary Charitable Fund	State Sales Tax Number (Required)
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) P.O. Box 155 Salida, CO 81201	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Riverside Park Salida, Co 81201
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Steve Jones			
5. EVENT MANAGER Elaine Allemang			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT				
Date 05/25/2024	Date 5/26/2024	Date	Date	Date
Hours From 4:00 p .m. To 9:30 p .m.	Hours From 11:30 a .m. To 10:00 p .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.

OATH OF APPLICANT

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

SIGNATURE <i>Elaine Allemang</i>	TITLE <i>Member</i>	DATE <i>3-12-2024</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

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

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

(Instructions on Reverse Side)

APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; **or**
- If not incorporated, a NONPROFIT charter; **or**
- If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.**
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)**
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.**
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE**

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.



VALID ONLY FOR THIS ORGANIZATION AT THIS LOCATION
Salida Rotary Charitable Fund
Riverside Park
170 E Sackett Ave
Salida, CO 81201

SPECIAL EVENTS PERMIT MALT, VINOUS AND SPIRITUOUS LIQUOR

	Date	Hour		Date	Hour
FROM	5/25/24	4:00pm to 9:30pm		5/26/24	11:30am to 10:00pm

This permit is issued subject to the laws of the State of Colorado and especially under the provisions of Article 3, 4 & 5 of Title 44, Colorado Revised Statutes, as amended and the Ordinances of the City of Salida, insofar as the same may be applicable.

This permit is non-transferable. It is issued only for the specific location described above and must be conspicuously posted at that location.

In testimony whereof, The City Council has hereunto subscribed its name by its officers duly authorized this 16th of April, 2024.

ATTEST:

The City of Salida

City Clerk/Deputy City Clerk

City Administrator

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Salida Rotary Charitable Fund, Inc.

is a

Nonprofit Corporation

formed or registered on 03/16/2008 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20081144588 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/11/2024 that have been posted, and by documents delivered to this office electronically through 03/12/2024 @ 09:34:43 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 03/12/2024 @ 09:34:43 in accordance with applicable law. This certificate is assigned Confirmation Number 15835005 .



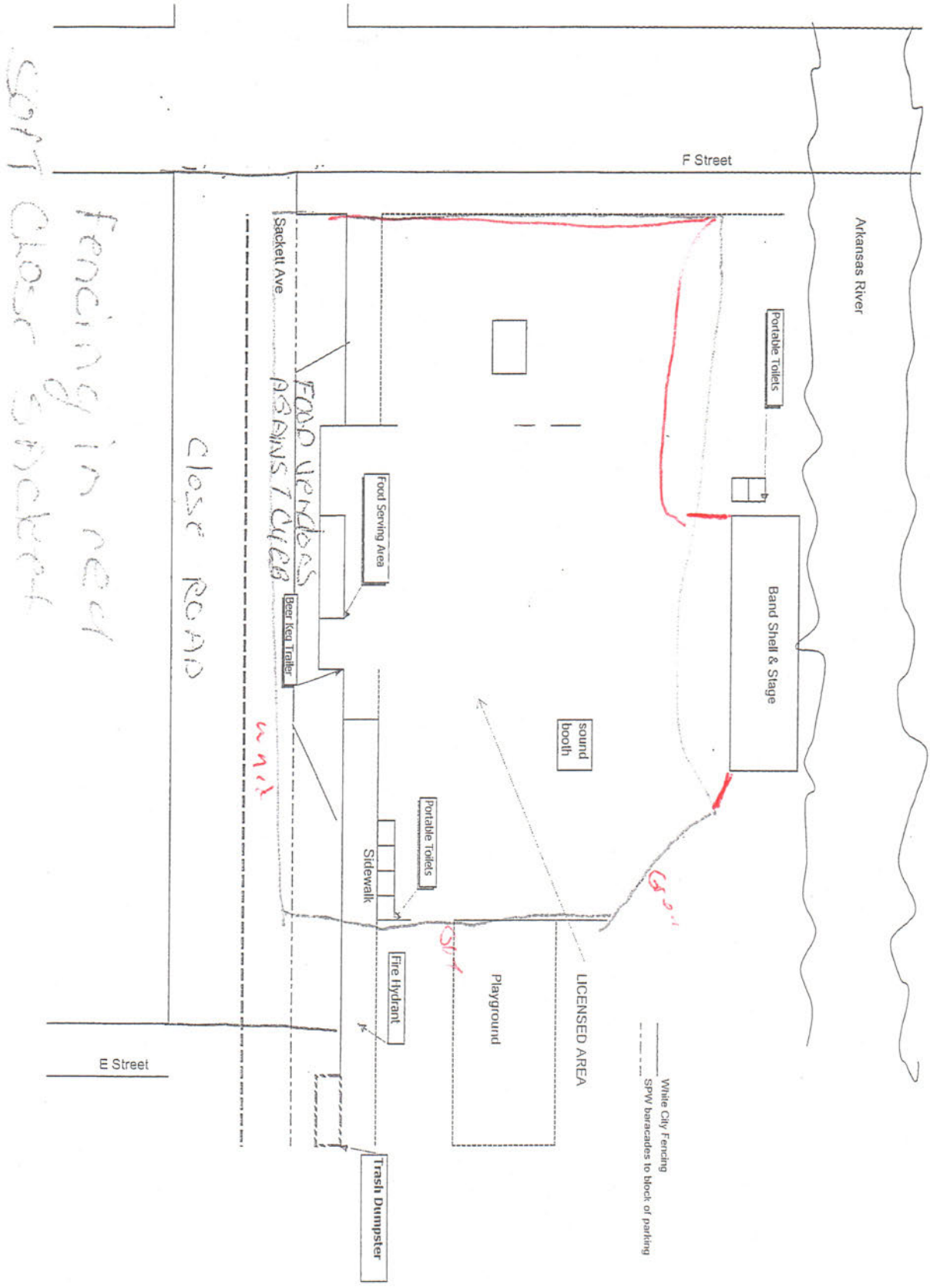
Jena Griswold

Secretary of State of the State of Colorado

*****End of Certificate*****

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parking lot





CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	April 16, 2024

ITEM

Second Reading and Public Hearing for Ordinance 2024-04: An Ordinance of the City Council for the City of Salida, Colorado Amending Section 4-2-30(a)(8) of the Salida Municipal Code to Modify the Terms of the Affordable Housing Fund

BACKGROUND

The Affordable Housing Fund was created in 2018 concurrent with Council’s initial adoption of an Inclusionary Housing policy. At the time, inclusionary housing (and language regarding the housing fund) specifically addressed local workforce households earning only up to 80% area median income (AMI) or less. In 2018, rental unit market prices were generally considered affordable to households making as high as 80% - 100% AMI and for-sale unit market prices were considered affordable to households making approximately 100% AMI and higher. Today, rental unit market price affordability generally starts at 100% -140% AMI, and for-sale unit market price affordability generally starts at 180% AMI and above.

Furthermore, the 2022 Chaffee County Housing Needs Assessment identified a broad spectrum of additional affordable housing needs across the County. Basically, very little was/is available to renting households making up to 100% AMI and practically nothing was available to households making up to 180% AMI (virtually all “middle-income” earners) looking to purchase a home. In response to this data and other factors, the City of Salida updated its inclusionary housing policy via Ordinance 2022-05 to require built units for projects of six units or greater and also expanded the target household incomes up to include up to 100% AMI for rental units and up to 160% AMI for ownership units (with other requirements that evenly disperse target AMIs across developments). Coincidentally, the state of Colorado, in recognition of the unique challenges experienced by “rural resort” communities like Salida, also expanded its rules around affordability to allow grant funding for projects with rental units priced up to 120% AMI and ownership units up to 160% AMI.

While changes were made to Chapter 16 of the Salida Municipal Code to account for this greater spectrum of need for the local workforce, the defined terms of the Affordable Housing Fund—which assists in creating housing across that entire spectrum—were inadvertently left unchanged from the original reference to “at or below 80% AMI”. This ordinance simply aligns the terms of the Fund with the existing inclusionary housing policy and relevant households (as high as 160% AMI) that the City intends to assist. This is important, as some City-initiated projects, especially, are expected to include housing deed-restricted up to 160% AMI (e.g. South Ark Neighborhood), where such funds could potentially be utilized.



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	April 16, 2024

SUGGESTED MOTION

A council person should make the motion to “approve Ordinance 2024-04: An Ordinance of the City Council for the City of Salida, Colorado Amending Section 4-2-30(a)(8) of the Salida Municipal Code to Modify the Terms of the Affordable Housing Fund.”

Attachments:

- Ordinance 2024-04
- Ordinance 2022-05
- Proof of Publication

CITY OF SALIDA, COLORADO
ORDINANCE NO. 04
(Series of 2024)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO AMENDING SECTION 4-2-30(a)(8) OF THE SALIDA MUNICIPAL
CODE TO MODIFY THE TERMS OF THE AFFORDABLE HOUSING FUND**

WHEREAS, the increasing cost of housing has long been an issue facing many communities within the State of Colorado, but it has impacted smaller communities especially hard; and

WHEREAS, affordable housing continues to be an issue that the City of Salida (“City”) grapples with as the cost of living continues to increase; and

WHEREAS, an Affordable Housing Fund was established by Ordinance 2018-14 to assist the citizens of the City with affordable housing; and

WHEREAS, since the original creation of the Affordable Housing Fund, the cost of living has significantly increased within the City, to the point where even middle-income earners cannot afford market rate homes; and

WHEREAS, a Chaffee County Housing Needs Assessment was conducted in 2022 that identified the diverse needs of the local workforce and led the City to amend the Inclusionary Housing provisions of the Salida Municipal Code (“Code”), Chapter 16 via Ordinance 2022-05; and

WHEREAS, at the same time that the City was making these changes, many other rural resort communities were making similar amendments to their codes to account for market rate changes and the state now provides funding for up to one hundred sixty percent (160%) AMI on for-sale units; and

WHEREAS, while changes were made to Chapter 16 of the Code, similar changes were not made to the Affordable Housing fund; and

WHEREAS, the City finds that it is in the best interest of the local workforce to make sure there is a spectrum of affordable housing to meet the needs of the diverse array of workers within the City, and further finds it is desirable to make changes to the Code for consistency purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY
OF SALIDA, COLORADO AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Salida Municipal Code Section 4-2-30(a)(8), concerning the Affordable

Housing Fund, is amended by to read as follows:

Sec. 4-2-30. – Special funds.

(a) The City Administrator shall maintain, in the accounting records of the City, separate accounts for any and all special funds of the City, including, but not limited to, the following:

...

(8) Affordable Housing Fund. The City shall create a special Affordable Housing Fund wherein all inclusionary housing in-lieu fees collected will be deposited and used for the creation and maintenance of housing opportunities in the City of Salida for households whose income is at or below the one hundred sixty (160) percent ~~eighty (80)~~ percent AMI for Chaffee County including special needs populations and for a significant proportion of those who work or live in the City.

Section 3. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this ordinance.

INTRODUCED ON FIRST READING on this 19th day of March, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2024, and set for second reading and public hearing on the 16th day of April, 2024.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this 16th day of April 2024.

City of Salida

Mayor Dan Shore

ATTEST:

City Clerk/Deputy City Clerk

CITY OF SALIDA, COLORADO
ORDINANCE NO. 05
 (Series of 2022)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
 COLORADO AMENDING CHAPTER 16, ARTICLES IV, VI AND XIII OF THE
 SALIDA MUNICIPAL CODE, REGARDING INCLUSIONARY HOUSING, TO
 FURTHER PROMOTE THE DEVELOPMENT OF WORKFORCE HOUSING**

WHEREAS, the City of Salida, Colorado (the “City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-23-301 *et seq.*, the City, by and through its City Council, possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, under such authority, the City Council previously adopted regulations related to inclusionary housing, codified as Chapter 16, Article XIII of the Salida Municipal Code (the “Code”); and

WHEREAS, the City Council remains committed to the promotion of inclusionary housing, such that all residents and workforce have a meaningful opportunity to afford housing in the City; and

WHEREAS, increasing the percentage of dwelling units required to be affordable housing in certain new developments furthers this imperative given the recent changes in the market; and

WHEREAS, the number of new deed-restricted affordable housing units have not kept up with the amount recommended by the 2016 Chaffee County Housing Needs Analysis, and such needs have only intensified; and

WHEREAS, the housing market, especially over the last few years, has been impacted by unprecedented forces and demand focused on mountain communities such as Salida—forces such as the prevalence of remote workers, vacation home ownership, retirees relocating from outside the area, short-term rental ownership, and other factors; and

WHEREAS, the City of Salida recognizes the need for affordable housing across a greater diversity of income levels than is currently addressed by the inclusionary housing policy; and

WHEREAS, deed-restrictions are the primary tools to ensure permanent affordability—that units will not go from affordable to unaffordable with a simple sale of property; and

WHEREAS, the Planning Commission held a public hearing on these code changes on February 28, 2022, and recommends the amendments set forth in this Ordinance; and

WHEREAS, after consideration at a public hearing held on April 5, 2022, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents, workforce, local businesses and customers to amend Chapter 16 of the Code, as it relates to the promotion of inclusionary housing in the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
 CITY OF SALIDA, COLORADO AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Table 16-D of the Code, entitled “Schedule of Uses,” is hereby amended to read as follows:

TABLE 16-D Schedule of Uses									
N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									Standards¹
	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	
Residential Uses									
...									
Residential (3 - 4 units)	N	AR	AR	AR	AR	AR	AR ³	AR ³	
Residential (5 - 19 units) ^{***}	N	LR	AR	AR	LR	AR	LR ³	LR ³	
Residential (20 or more units) ^{***}	N	MR	MR	MR	MR	MR	MR ³	MR ³	
...									
Notes:									
¹ The standards referenced herein are in addition to all other applicable standards of this Land Use Code.									
² Provided that State Health Code space and sanitation requirements are met.									
³ An existing dwelling can be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards of Table 16-F.									
⁴ Ground floor residential uses are limited in the Central Business Economic Overlay per Section 16-5-90.									
* The allowed use is conditional in the SH 291 Corridor Overlay (291 CO). Refer to Section 16-5-50 regarding the SH 291 Corridor (291 CO) District.									
** Any site or lot where more than two (2) temporary commercial activities or vendors are proposed must receive Limited Impact Review approval for the entire site.									
*** <u>See Inclusionary Housing requirements of Section 16-13-20.</u>									

Section 3. Table 16-F of the Code, entitled “Schedule of Dimensional Standards,” is hereby amended to read as follows:

TABLE 16-F
Schedule of Dimensional Standards

Dimensional Standard	R-1	R-2	R-3	R-4	RMU	C-1	C-2	I
Min. lot size (sq. ft.)	7,500	5,625 <u>5,063⁶</u> <u>3,750⁷</u>	5,625 5,063 ⁶ 3,750 ⁷	4,000 3,600 ⁶	5,625 5,063 ⁶ 3,750 ⁷	5,625 5,063 ⁶ 3,750 ⁷	N/A	5,625
Density (Lot s.f./Min. lot area per principal dwelling unit)	3,750	3,125 <u>2,734⁶</u>	2,400 2,100 ⁶	2,400 2,100 ⁶	3,125 2,734 ⁶	2,800 2,450 ⁶	N/A	2,800
Min lot size (sq. ft.) - attached units	N/A	3,125 <u>2,812⁶</u>	2,400 2,160 ⁶	2,400 2,160 ⁶	3,125 2,812 ⁶	2,800 2,520 ⁶	N/A	2,800
Min. lot frontage	50'	37' – 6' " <u>25 ft⁷</u>	37' – 6" " 25 ft ⁷	37' – 6" " 25 ft ⁷	37' – 6" " 25 ft ⁷	37' – 6" " 25 ft ⁷	No Req.	37' – 6" "
Min. lot frontage – attached units	N/A	20'	15'	15'	20'	20'	N/A	20'
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	35%	40% <u>45%⁶</u>	45% 50% ⁶	45% 50% ⁶	45% 50% ⁶	60% 66% ⁶	100% ³	60%
...								

Notes:

- 1 If a property does not utilize the zero setback allowance, the minimum landscape area shall be ten percent (10%).
- 2 If the property adjoins a residential zone district, setbacks on the side and rear lot line shall be the same as those in the residential zone.
- 3 Existing structures are not required to meet off-street parking requirements. New structures and additions shall meet off-street parking requirements.
- 4 A covered porch may encroach into the front yard setback by twenty-five percent (25%).
- 5 If a front-loaded garage is set back at least ten (10) feet behind the primary street-facing building façade, the lot coverage between the garage entrance and the primary, street-facing building façade shall not be included in the calculation of lot coverage for uncovered parking/access.
- 6 Standards for inclusionary housing development per Section 16-13-50.
- 7 15% of the single-family lots within an inclusionary housing development may be 25 feet X 150 feet.
- 8 See Sec. 16-4-190(c) for a description of side lot line setbacks for all accessory buildings, including ADUs.

Section 4. Section 16-6-60 of the Code, concerning duplex conversion subdivisions, is hereby amended to read as follows:

Sec. 16-6-60. – Duplex conversion subdivision.

A duplex conversion subdivision is generally subject to the administrative review process established in Article III of this Chapter. The subdivision of a single lot on which an existing duplex dwelling is located or is constructed, into two (2) separate lots will be approved if all of the following conditions have been met:

...

(6) Inclusionary Housing. Duplex conversion subdivisions must meet the requirements of Article XIII, Inclusionary Housing.

Section 5. Section 16-6-100 of the Code, concerning condominiums, is hereby amended to read as follows:

Sec. 16-6-100. - Condominiums.

...

(c) Condominium plats ~~including five (5) units or greater~~ must meet the requirements of Article XIII, Inclusionary Housing.

Section 6. Section 16-13-20 of the Code, concerning general inclusionary housing requirements, is hereby amended to read as follows:

Sec. 16-13-20. - General inclusionary housing requirements.

(a) Any application brought under the annexation or planned development sections of this Code; condominium plats of ~~five (5) units or greater~~ **any size; duplex conversion subdivisions;** and minor and major subdivision sections of this Code, **as well as multi-family residential projects of five (5) or more units** ~~is are~~ required to include at least ~~twelve and one-half (12.5)~~ **sixteen and seven tenths (16.7)** percent of the total number of residential dwelling units as affordable dwelling units, **pursuant to requirements set forth in this Article, and** subject to the following standards:

(1) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning ~~eighty (80) percent~~ **the applicable percentage** of Area Median Income (AMI) for Chaffee County as defined annually by the United States Department of Housing and Urban Development (HUD) **Colorado Housing Finance Authority (CHFA), at the time of such unit is sold or rented, and as further specified in Sections 16-13-60 and 16-13-70.**

...

(4) The proportion of required affordable units, whether for-sale or rental, shall follow the proportion of for-sale and rental market rate units, unless otherwise approved by the decision making body. For example, if the project includes 100% for-sale units, then 100% of the required affordable units shall be for-sale units. If the project includes 50% for-sale units and 50% rental units, that same percentage of for-sale and rental affordable units shall be provided.

(e) Deed Restriction Required. No person offering an affordable dwelling unit for rent or sale pursuant to this Article shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the County Recorder, a covenant or declaration of restrictions in a form provided and approved by the City Attorney and applicable Housing Authority. Such covenant or declaration of restrictions shall reference applicable contractual arrangements, restrictive covenants and resale restrictions as are necessary to carry out the purposes of this Article.

(g) Required Agreements. Those applicants creating residential developments under this Chapter shall enter into an inclusionary housing development agreement with the City Council. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this Article including:

(1) Defining the inclusionary housing development including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided; ~~and~~

(2) The application of allowed density, parking and development standards allowed for projects that provide one hundred (100) percent of the inclusionary housing requirements, as provided in Section 16-13-50; ~~and~~

(3) Design standards to assure the affordable units will be comparable to market rate units and are integrated into the development; ~~and~~

(4) The requirement that each required affordable housing unit must receive its certificate of occupancy before development of every sixth market-rate housing unit within the development, unless an alternative schedule is approved by the City; and

~~(4)~~ (5) The restrictive covenants and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this Article.

(h) Accessory dwelling units shall not be considered inclusionary housing for the purpose of compliance with the requirements of this Article.

Section 7. Section 16-13-30 of the Code, concerning options for satisfaction of the inclusionary housing requirement, is hereby amended to read as follows:

Sec. 16-13-30. - Options for satisfaction of inclusionary housing requirement.

An applicant may seek an alternative to providing the required percentage of affordable housing under this Article by any of the following methods:

(a) Providing the Required Housing Off-Site. This may be met only through the dedication of land to the City or a qualified non-profit housing developer for the required development of such units as approved by the City, with the guarantee that the land to be dedicated will allow for, and be developed with ~~the number of required affordable housing~~ a minimum number of

twenty-five percent (25%) of the total units in the subject development as affordable housing.

(b) Dedicating Land Within the Project. Provided it is large enough and located appropriately to accommodate at least the minimum number of required affordable units, Land within a project may be dedicated to the City or a qualified non-profit housing developer for the required development of such units, as approved by the City. The units to be built within the project shall be comparable to the market rate housing units in exterior finish and design to blend into the overall project.

(c) Paying a fee in lieu of providing units as defined in Section 16-13-40. This alternative is only available if the calculation for inclusionary housing results in a fraction of a dwelling unit or if the development is for five (5) units or less.

(d) Providing fewer units, but which are affordable to households earning sixty (60) percent or less of the AMI for Chaffee County for rental projects, or one hundred (100) percent or less of the AMI for Chaffee County for for-sale projects. For the purposes of this option, an affordable dwelling unit at the above AMI levels sixty (60) percent or less AMI shall equal ~~two~~ (2) one and one half (1.5) inclusionary housing units at any other AMI level specified in Sections 16-13-60 and 16-13-70 below. ~~eighty (80) percent or less AMI.~~

Section 8. Section 16-13-40 of the Code, concerning the in-lieu fee, is hereby amended to read as follows:

Sec. 16-13-40. - In-lieu fee.

If ~~an applicant chooses to pay~~ an in-lieu fee is permitted and chosen for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the City's fee schedule, established, adopted and amended by City Council from time to time, and be due ~~no later than issuance of the building permit~~ prior to issuance of the certificate of occupancy.

Section 9. Section 16-13-50 of the Code, concerning density, parking, and development standards for inclusionary housing developments, is hereby amended to read as follows:

Sec. 16-13-50. – Density, parking and development standards incentives for inclusionary housing developments.

Residential development within the zoning districts of C-1, ~~R-2,~~ R-3, R-4 and RMU; and portions of a planned development with the underlying zoning districts of C-1, ~~R-2,~~ R-3, R-4 and RMU; that are subject to inclusionary housing development requirements and are providing one hundred (100) percent of the required affordable housing within the development, may increase the allowed density and utilize the lowered dimensional standards stated in Table 16-F, Schedule of Dimensional Standards, within these districts and utilize the reduced parking requirements for multi-family dwellings stated in Table 16-J, Off-Street Parking Standards by Use. To ensure the integration of the affordable residential units into the development, these standards shall apply to all of the residential units of the subject development within parcels with the above zoning or underlying zoning, that include a minimum of ~~twelve and one-half (12.5)~~ sixteen and seven tenths (16.7) percent affordable housing.

Section 10. Section 16-13-60 of the Code, concerning program requirements for for-sale units, is hereby amended to read as follows:

Sec. 16-13-60. - Program requirements for for-sale units.

(a) Affordable Unit Price. The prices charged for any affordable priced dwelling units shall not exceed ~~a price that is affordable to a household earning~~ **greater than what is affordable to households earning one hundred twenty percent (120%), one hundred forty percent (140%), or one hundred sixty percent (160%)** ~~eighty (80) percent~~ of the Area Median Income (AMI) for Chaffee County. **Furthermore, for-sale affordable units shall be subject to the following additional requirements:**

- (1) **The average sales price of all affordable housing units shall not exceed a price affordable to households earning one hundred forty percent (140%) or less of the AMI for Chaffee County; and**
- (2) **For projects providing multiple affordable units, and to create parity across levels of affordability, the total number of affordable units deed-restricted at one of the applicable AMI levels shall not exceed the total number of affordable units deed-restricted at any of the other applicable AMI levels by more than one unit.**
- (3) **Studio units above one hundred twenty percent (120%) AMI for Chaffee County and one bedroom units above one hundred forty percent (140%) AMIE for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.**

(a) Approved Purchasers for Affordable Dwelling Units. A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved by the City and applicable Housing Authority. ~~according to the housing administrative regulations:~~

(b) Sale Restriction. No person shall sell an affordable dwelling unit except to a person that meets the income, asset and other eligibility requirements of this Article or any asset and income eligibility requirement that is included in any **applicable contract, covenant or declaration of restrictions** or any other agreements to which the City is a party or beneficiary.

(c) Resale Restrictions. All affordable ownership dwelling units developed under this Article shall be subject to the ~~following~~ resale restrictions: **itemized within the deed restriction required pursuant to Section 16-13-20(e).**

~~(1) Approved Purchasers. A seller of an affordable dwelling unit must select an income-eligible purchaser by a method that complies with the good faith marketing and selection process defined by the housing administrative regulations. All purchasers of affordable dwelling units shall be part of program-eligible households.~~

~~(2) Resale Price. The resale price of any affordable dwelling unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:-~~

~~a. Closing Costs. Customary closing costs and costs of sale, which may include-~~

- customary realtor fees, as reviewed and approved by the City Administrator.
- ~~b. Permanent Capital Improvements. Consideration of eligible permanent capital improvements installed by the seller that have been approved in advance by the City Administrator in accordance with rules or administrative guidance established by the City Administrator.~~
- ~~e. Resale Price. The resale price may include an inflationary factor or shared appreciation factor as applied to the original sale price pursuant to rules as may be established by the City Administrator to provide for such consideration. In developing rules, the City Administrator may consider the purposes of this Article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing. In the event that the City has not adopted rules that contemplate a particular arrangement for the use of an inflationary factor or shared appreciation factor, the City Administrator is authorized to approve a resale price formula that is consistent with the purposes of this Article, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing.~~
- ~~(3) Special Fees. The seller of an affordable dwelling unit shall neither levy nor charge any additional fees or any finder's fee nor demand any other monetary consideration other than provided in this Article.~~
- (e) Ownership Associations. When accepting a for-sale unit as meeting the inclusionary housing obligation, the City Administrator **and/or applicable Housing Authority** will review the condominium association declarations to assess the impact on buyers of affordable units. The City Administrator **and/or applicable Housing Authority** is authorized to establish rules regarding allowable terms in condominium declarations in order to ensure that the purposes of this Article are accomplished.
- (f) Rental Restriction. The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the administrative regulations **and/or applicable deed restriction. At no point shall such rent price exceed a price that is affordable to a household earning one hundred percent (100%) of the Area Median Income (AMI) for Chaffee County, as defined annually by CHFA.**

Section 11. Section 16-13-70 of the Code, concerning program requirements for rental units, is hereby amended to read as follows:

Sec. 16-13-70. - Program requirements for rental units.

Maximum Rent. Rents charged for any affordable units in any one (1) development must be **shall not exceed a price greater than what is** affordable to households earning ~~no more than~~ **eighty percent (80%) percent or one hundred percent (100%)** of the AMI **for Chaffee County, as defined by CHFA as approved in the agreement. Furthermore, affordable rental units shall be subject to the following additional requirements:**

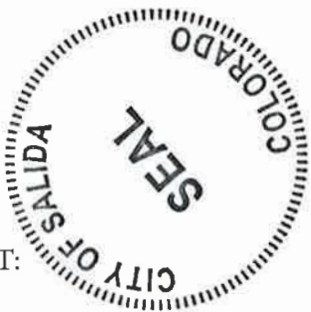
- (a) At least fifty percent (50%) of all provided units shall be rented at prices affordable to households earning eighty percent (80%) or less of the AMI for Chaffee County.**

(b) Studio units rented above eighty percent (80%) AMI for Chaffee County shall not be eligible to satisfy inclusionary housing requirements.

Section 12. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 15th day of March, 2022, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this 18th day of March, 2022, and set for second reading and public hearing on the 5th day of April, 2022.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this 5th day of April, 2022.



ATTEST:

Ering Kellen
City Clerk/Deputy City Clerk

City of Salida

Dan Shore
Mayor Dan Shore

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business.
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April 15th,

1750

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Helen at
303-880-4370

are as follows:
Owner/Petitioner: Meaghan Richmond
Chaffee County Tax Schedule No:
380717100008
Property Address: 6025 Archery Lane,
Salida, Colorado 81201
Property Descriptions: Further informa-
tion regarding the property may be obtained
by contacting Michael Luedtke, Esq., at
the law firm of Hoskin Farina & Kampf, tel-
ephone: 970-986-3400.
DATED at Salida, Colorado, the 19th day of
March, 2024.

**SOUTH ARKANSAS FIRE
PROTECTION DISTRICT**
Published in The Mountain Mail March 29,
2024

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE
THE CITY COUNCIL FOR THE CITY OF
SALIDA CONCERNING A PROPOSED
AMENDMENT TO CHAPTER 4, ARTICLE
II OF THE SALIDA MUNICIPAL CODE
REGARDING THE TERMS OF THE AF-
FORDABLE HOUSING FUND**

**TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE
TAKE NOTICE:** that on April 16, 2024, at or
about the hour of 6:00 p.m., a public hear-
ing will be conducted by the City of Salida
City Council at City Council Chambers,
448 East First Street, Suite 190, Salida,
Colorado and online at the following link:
<https://attendee.gotowebinar.com/register/6382995264411204366>.

The public hearing is to consider amend-
ments to Chapter 4, Article 2 of the Salida
Municipal Code regarding an amendment to
the terms of the Affordable Housing Fund.
Interested persons are encouraged to at-
tend the public hearing. Further information
on the amendments may be obtained from
the Community Development Department,
(719) 530-2631.

*Please note that it is inappropriate to per-
sonally contact individual City Councilors
outside of the public hearing while an appli-
cation is pending. Such contact is consid-
ered ex parte communication and will have
to be disclosed as part of the public hear-
ings on the matter. If you have any ques-
tions/comments, you should email or write
a letter to staff, or present your concerns at
the public meeting via the above GoToWebi-
nar link so your comments can be made part
of the record.

Published in The Mountain Mail March 29,
2024



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Parks and Recreation	Diesel Post - Parks and Recreation Director	April 16, 2024

ITEM

Second reading and public hearing of Ordinance 2024-05, an update to the City of Salida code, Chapter 11, Article VI - Parks and Recreation.

BACKGROUND

The existing Municipal code Chapter 11 – Streets, Sidewalk and Public Areas, Article VI – Parks and Recreation Areas is out of date and irrelevant. It appears to have been written over time prior to the existence of o Department of Parks and Recreation.

Department staff, along with the staff of Wilson and Wiliams, evaluated our existing code, reviewed other municipalities P&R code, assessed our existing needs, and then developed new code language that is more easily interpreted, applied and used to develop standard operating procedures.

There are numerous instances in the code in which references are antiquated and illogical, examples state with the specific and limited section titles:

"Major" deviations or updates from existing code:

- No code for a specific park or facility
- Added "Special uses"(filming, guided tours, etc.) and "Parades and Races" as uses that require a permit.
- Council approves a Liquor License, not an event, unless requested by staff that they do so.
- Posted rules are enforceable

Section of the code titles:

- *Private use of City Parks*
- *Camping Overnight*
- *Marvin Park*
- *Hot Spring Aquatics Center*
- *Skate park*
- *City Parks Closed during nighttime hours*

Proposed code outline and sections:

- *Park defined*
- *Hours; extensions; exceptions*
- *Private use of City parks*
- *Motor vehicle regulations*

- *Certain conduct prohibited*
- *Enforcement and penalties for violations of this section*
- *Administrative rules and regulations*

Examples of statements that led to confusion, were illogical/inappropriate/etc. Or created cumbersome processes:

- With respect to minor persons who are in the Salida Hot Springs Aquatic Center without their parents or legal guardians, the City Administrator shall exercise such authority with respect to discipline over said minor persons as a parent may lawfully exercise over his or her children.
- In the event that the use of Marvin Park is for an athletic event or performance which draws an audience, the persons promoting or participating in the athletic event or performance shall be deemed the users of the park and shall be required to obtain permission. The audience, whether invited or drawn by nature of the athletic event or performance, shall not be deemed users of the park and shall not be required to obtain permission to be in Marvin Park.(3)
- The provisions of this Section relate to the Salida Skateboard Park, which is located on the former right-of-way of the Denver and Rio Grande Western Railroad, Monarch Branch, between the Monarch Spur Trail, 1st Street, Sackett Street and "G" Street, and which consists of the Southerly one-half (½) of the portion of the former right-of-way above described.
- Use the same for skating purposes when the person's skating equipment and protective gear are not in good working order.
- The Public Works Director shall post signs in all parks in conspicuous places advising that the parks are closed to all persons between the hours designated in subsection (b) above.

Existing code prohibited acts and conditions

The extent of the prohibited acts sections reads:

Dogs in park.

- It is unlawful for any person who owns, harbors or keeps a dog to permit that dog to enter any City park, except areas specifically identified as "dogs permitted" or by motion of the City Council for special events.
- The Public Works Director shall post all City parks with clear, legible signs reading "No Dogs Allowed," which signs shall be posted in such a manner as to give all persons entering the parks notice that dogs are not permitted therein.
- Glass containers. It is unlawful for any person to possess any glass container within any City park or to transport any glass container into a City park.
- Any person who violates, disobeys, omits, neglects, refuses to comply with or resists any of the provisions of this Article shall be subject to the provisions of Chapter 1, Article IV of this Code.

Expanded "Prohibited acts" section:

Within any City park, it is unlawful for any person to do any of the following acts:

- (a) To camp or lodge in any park without first having obtained a permit from the director of parks and recreation;
- (b) To drive or hit golf balls, excepting at such place as is set apart for that purpose;
- (c) To wash dishes, empty waste liquids, or in any other manner pollute the ground or water of any fountain, pond, lake, drainage ditch, street gutter, or stream;

- (d) To sell, offer for sale, or distribute at no charge any merchandise, article, goods, services, or thing, without the express written permission of the City Administrator;
- (e) To build or place any tent, building, booth, stand, or other structure in or upon any of the parks or other recreational facilities, without first having obtained a permit to do so through the Special Event/Park Rental application process;
- (f) To build, start, or maintain, or cause to be started or maintained, any fire in or on any park unless said fire is contained in a grill provided by the City;
- (g) To take or carry or cause to be taken or carried into any park any explosive, dangerous, or inflammable powder, or any explosive, dangerous, inflammable, or combustible substance;
- (h) To smoke/vape or carry lighted tobacco products;
- (i) To dispose of any trash or recycling in any City trash or recycling receptacles that was not generated on or in any City park;
- (j) To climb, affix any item to, or remove any item from any tree within any park, except for slacklines and hammocks affixed to trees of at minimum fourteen (14) inches in diameter and must not cause the tree to noticeably flex or damage to the tree;
- (k) To affix any sign, poster, or placard to any City structure or other object within any City park;
- (l) To implant in the ground of any park any sign or other objects;
- (m) To discharge, fire, or shoot any firearm or archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts, and
- (n) To litter or leave any trash within any City park; and
- (o) To not follow any of the rules posted in any City park or facility.

At the City Council meeting on April, 2, 2024, the ordinance was approved with amendments, adding language to section 11.6.70 of the Salida Municipal Code that continued to prohibit dogs from Salida City parks, and removed section 3 of the code in its entirety.

FISCAL NOTE

Possible costs for additional signs throughout the Parks system.

STAFF RECOMMENDATION

Staff recommends that Council approve Ordinance 2024-05 as amended.

SUGGESTED MOTION

A council person should make the motion to “approve Ordinance 2024-05 as amended on second reading”, followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 5
(Series of 2024)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO, AMENDING THE CITY CODE TO REPEAL AND REENACT
CHAPTER 11, ARTICLE VI ENTITLED PARKS, RECREATION, OPEN SPACE
AND TRAILS OF THE SALIDA MUNICIPAL CODE**

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, from time to time, it becomes necessary for the City to review the City Code (“Code”) to update ordinances to bring them in line with City values; and

WHEREAS, the Parks and Recreation Ordinances are not currently in line with the City’s enforcement, nor do they provide clear guidance to residents and visitors on current rules and regulations within City parks; and

WHEREAS, the Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 11, Article VI of the Code to harmonize the Code with current enforcement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF SALIDA, COLORADO, THAT:**

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. Code Chapter 11, Article VI entitled Parks, Recreation, Open Space and Trails is hereby repealed and reenacted to read as follows:

Article VI. – PARKS, RECREATION, OPEN SPACE AND TRAILS.

Sec. 11-6-10. – Park defined.

As used in this Article, park means and refers to any park, reservation, playground, recreation facility or ground, trail, or any other open space area owned, leased, or under the control of the City, whether located within or without the corporate boundary limits of the City, which is devoted to recreation and leisure-time use by the public. For the purposes of this Section, the boundary of a park shall be deemed to extend to the edge of any adjoining road or street and shall be deemed to extend to the bank (at low-water mark) of the Arkansas River where the

park adjoins the Arkansas River. This Section shall apply to the Monarch Spur Trail, which runs along the abandoned railroad right-of-way (Denver & Rio Grande Western Railroad, Monarch Branch) and the Arkansas River Whitewater Park.

Sec. 11-6-20. – Hours; extensions; exceptions.

The parks and recreational areas which are the subject of this Article within the City, shall be open daily to the public from 6:00 a.m. until 10:00 p.m. No person who is not an employee of the department of parks and recreation having jurisdiction over a particular park, parkway, or recreational area, or of the City, acting in the scope of his or her employment, shall be or remain in any such park, parkway, or area at any other time; provided, however, that:

- (a) The director of parks and recreation may, by permit or authorization first had or obtained or by regulation duly posted in the park, parkway, or area affected, extend to a later hour the nighttime closing hour with respect to particular areas, or parks, parkways, or recreational grounds, and with respect to particular recreational activities in such parks, parkways, or areas; and
- (b) Nothing contained in this Article shall prevent or make unlawful the conduct of or attendance at a nighttime athletic event or activity in areas set aside and lighted for such events or activities by or with the permission of the director of parks and recreation.
- (c) In the case of emergency or inclement weather, or where, in the judgment of the Director of Parks and Recreation, the City Administrator, or the Chief of Police and /or Fire, the public interest demands it, the roadways or other portions of any park may be closed to the public.
- (d) The Director of Parks and Recreation shall post signs in all parks in conspicuous places advising that the parks are closed to all persons between the hours designated above.

Sec. 11-6-30. – Private use of City parks.

Types of use:

- (a) Rentals: the request to for private or reserved use of a public space or amenity that does not include any factors that qualify as a Special Event and does not result in private financial gain.
- (b) Special Events: Special events require additional permits, licenses, or approval from City staff, the City Council, the State, the County, or another authorizing authority. Organizers wishing to hold a special event must follow the processes outlined on the City's website.

Examples of factors that require special event permits are, but are not limited to the following:

- (1) Has an expected attendance of 50 or more people; and/or
 - (2) Has more than one vendor; and/or
 - (3) Provides, sells, or distributes alcohol to the public; and/or
 - (4) Provides, sells, or distributes food to the public; and/or
 - (5) Requests the closing of any street/sidewalk or using any public right of way (i.e. City streets, multi-use paths and sidewalks, boat ramps, ect.) and/or impacting vehicle, bike or bus traffic; and/or
 - (6) Lasts multiple days; and/or
 - (7) Intends to violate one or more City ordinances
- (c) Special Uses: Special uses require additional permits, authorization, and contracting from City staff. Organizers wishing to utilize City property for a special use must follow the processes outlined on the City's website.

Examples of factors that require a Special Use Permit are, but are not limited to, the following:

- (1) Conducting activities that require participant payment; and/or
 - (2) Conducting activities in a guided manner; and/or
 - (3) Conducting activities which require exclusive use of City property; and/or
 - (4) Filming productions or marketing activities.
- (d) Parades and Races. It is unlawful to interfere with the operations of a public right of way without prior authorization of City staff and the issuance of a parade or race permit. Applicants must complete the application process, get staff approval, and post notice (provided by the City) to affected businesses and residences. Parades must operate under the City's parade standards and guidelines as outlined on the City's website.
- (e) Any City Staff approval decision on issuance of a permit can be deferred to City Council on the authority of the City Administrator.

Regulations:

- (a) Approval and Priorities: No private person or organization shall promote, conduct, or organize any meeting, commercial film production or performance within a City park, trail, open space or right of way without the prior approval of the City. Priority for park and facility use will be given in the following order: programs sponsored by the

department of parks and recreation, nonprofit resident groups, nonprofit nonresident groups, private gatherings, and for-profit groups.

(b) **Application and Issuance of Permits:** Applications for permits to hold private, community, and special events must be submitted to the Director of Parks and Recreation in compliance with the timelines established on the City website. The director shall issue the permit in a timely manner upon receipt of a completed application. Please refer to the Special Event and Park Rental/permit application for specific processing timeframes and other details, as these may be subject to change from time to time.

(c) **Permit Conditions and Responsibilities:** The use of park areas and recreation facilities covered by a permit is non-transferable, and the permit must be in the possession of the applicant at the time of use. The holder of a permit shall be responsible for any and all damages and losses to the park areas and recreation facilities. The applicant is required to enter into a Use Agreement before a permit is issued and the park is used, outlining responsibilities and obligations including inspection, insurance, security deposit, and potential damages.

(d) **Conformance with Regulations:** All groups or persons must conform to the policies established in this Article, rules and regulations set forth in the permit, and all local, state, and federal regulations or requirements of other duly authorized regulatory bodies. Any infringement on these shall be deemed just cause for cancellation of a permit or the refusal to issue further permits.

(e) **Fees and Regulations:** The Director of Parks and Recreation, with the consent of the City Administrator, is authorized to recommend to the City council fees to be charged for the use of the parks, recreational facilities, and recreational programs of the City for residents and non-residents. Any fee structure shall be adopted with the City's Schedules of Fee by resolution of the City council and amended from time to time. The director of parks and recreation is also authorized, with the consent of the City Administrator, to establish necessary rules and regulations to ensure the safe, pleasant, and efficient operation of parks and recreational facilities and to effectuate the provisions of this Article.

(f) **Alcoholic Beverages:** It is unlawful for any person to carry, possess, or consume any alcoholic beverages within any area of any park or recreation facility unless authorized by the director of parks and recreation on the face of a permit issued under this Article.

Sec. 11-6-60. – Motor vehicle regulations.

(a) It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a park except in designated roadways; provided that the foregoing shall not apply to any area specifically designated and marked for parking purposes by order of the director of parks and recreation.

(b) It is unlawful to remove or relocate any barrier or other device erected for the purpose

of controlling motor-vehicular traffic.

(c) It is unlawful to leave or park a vehicle in any park between the hours of 10:00 p.m. and 6:00 a.m. of the following day, except when done by City employees in the course of their employment or when an exemption has been made pursuant to Section 11-6-20(a) above.

(d) All other requirements of the Model Traffic Code, except as otherwise specified in this Article, shall apply to all roadways in all parks.

Sec. 11-6-70. – Certain conduct prohibited.

Within any City park, it is unlawful for any person to do any of the following acts:

(a) To camp or lodge in any park without first having obtained a permit from the director of parks and recreation;

(b) To drive or hit golf balls, excepting at such place as is set apart for that purpose;

(c) To wash dishes, empty waste liquids, or in any other manner pollute the ground or water of any fountain, pond, lake, drainage ditch, street gutter, or stream;

(d) To sell, offer for sale, or distribute at no charge any merchandise, article, goods, services, or thing, without the express written permission of the City Administrator;

(e) To build or place any tent, building, booth, stand, or other structure in or upon any of the parks or other recreational facilities, without first having obtained a permit to do so through the Special Event/Park Rental application process;

(f) To build, start, or maintain, or cause to be started or maintained, any fire in or on any park unless said fire is contained in a grill provided by the City;

(g) To take or carry or cause to be taken or carried into any park any explosive, dangerous, or inflammable powder, or any explosive, dangerous, inflammable, or combustible substance;

(h) To smoke/vape or carry lighted tobacco products;

(i) To dispose of any trash or recycling in any City trash or recycling receptacles that was not generated on or in any City park;

(j) To climb, affix any item to, or remove any item from any tree within any park, except for slacklines and hammocks affixed to trees of at minimum fourteen (14) inches in diameter and must not cause the tree to noticeably flex or damage to the tree;

(k) To affix any sign, poster, or placard to any City structure or other object within any

City park;

- (l) To implant in the ground of any park any sign or other objects;
- (m) To discharge, fire, or shoot any firearm or archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts, and
- (n) To litter or leave any trash within any City park; and
- (o) For any person who owns, harbors or keeps a dog to permit that dog to enter any City park, except areas specifically identified as "dogs permitted" or by motion of the City Council for special events; and
- (p) To not follow any of the rules posted in any City park or facility.

Sec. 11-6-80. – Enforcement and penalties for violations of this section.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists any provisions of this Article shall be subject to the provisions of Chapter 1, Article IV of this Code.

Sec. 11-6-90. – Administrative rules and regulations.

The City's Administrator, Parks and Recreation Director, or the director's designee may adopt rules for the management, operation and control of City parks, parkways, recreation areas, open spaces and trails, and for the use and occupancy, management, control, operation, care, repair, and maintenance of all structures and facilities thereon and all land on which they are located and operated. The manager may adopt rules, including without limitation, for:

- (a) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures, and any other object of scientific or historic value or interest;
- (b) Restriction on or limitation of the use of any area or trail according to type, type, and manner of activities;
- (c) Prohibition of conduct that may reasonably be expected to interfere substantially with the use and enjoyment of parks, parkways, recreation areas, open spaces and trails by the general public or that constitutes a nuisance;
- (d) Maintenance of reasonable and necessary sanitation, health, and safety;
- (e) Other requirements that are reasonable and necessary for the preservation and management of parks, parkways, recreation areas, open spaces and trails.

All persons shall comply with such rules and regulations, which shall take effect upon their adoption and shall be noticed by posting in the City parks or facilities.

Section 3. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this ____ day of _____, 2024, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this __ day of _____, 2024, and set for second reading and public hearing on the ____ day of _____, 2024.

INTRODUCED, ON SECOND READING FINALLY ADOPTED AND ORDERED PUBLISHED IN FULL by the City Council this ____ day of _____, 2024.

CITY OF SALIDA

By: _____
Mayor Dan Shore

ATTEST: (SEAL)

By: _____
City Clerk Kristi Jefferson



CITY COUNCIL ACTION FORM

DEPARTMENT Administration	PRESENTED BY Kristi Jefferson –City Clerk	DATE April 16, 2024
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ITEM

Amplified Sound Permit – High Side! Bar and Grill – Public Hearing

BACKGROUND

Per City Council direction, certain amplified Sound Permits are subject to public hearings as they relate to dates, hours of operation, and decibel levels. The City has received an application from High Side! Bar and Grill, located at 300 West Sackett Avenue, to host the Salida Enduro Race Afterparty on April 27^h, 2024 from 3-9pm. Amplified Sound Permits are allowed to be approved by the City Administrator between the dates of May 1 and November 1 annually; as the proposed date is outside of that window, a public hearing shall be held to receive feedback from the public.

Public notice was posted at the property. The permit application is also attached for review.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff recommends approval of the amplified Sound Permit for High Side! Bar and Grill for the Salida Enduro Race Afterparty to be held on April 27, 2024, between the hours of 3:00 p.m. and 9:00 p.m.

SUGGESTED MOTION

Following a public hearing, a City Councilmember should state, “I move to approve an amplified Sound Permit for High Side! Bar and Grill, located at 300 West Sackett Avenue, for the Salida Enduro Race Afterparty to be held on April 27, 2024, between the hours of 3:00 p.m. and 9:00 p.m.”, followed by a second and a roll call vote.



CITY OF SALIDA

OVERVIEW OF LOCAL NOISE REGULATIONS & PERMITTING

Chapter 10, Article IX of the Salida Municipal Code (the “Code”) establishes regulations and standards for noise within the City of Salida (the “City”) to reduce and eliminate unnecessary and excessive noise which would otherwise be detrimental to residents and the community in the enjoyment of life, property, and the conduct of business. Of note, Section 10-9-30(c) of the Code provides that it is “unlawful for any person to emit or cause to be emitted any noise which leaves the premises on which it originates, inclusive of a public premises, crosses a property line and enters onto any other premises in excess” of the specified levels.

Pursuant to Sections 10-9-40(14) and 10-9-80 of the Code, however, the City may specifically exempt a particular noise from this prohibition through the issuance of a noise permit. Such a permit may include limitations and conditions to minimize the adverse impacts of the proposed noise may have on the community or surrounding neighborhood. Such limitations and conditions include, but are not limited to, the following: the hours of operation, maximum decibels, the type of sound amplification equipment, and the type of sound that may be amplified. No permit shall be issued for noise after 10:00 PM, with allowances to go until midnight on the Fridays and Saturdays of Memorial Day weekend, 4th of July weekend, and Labor Day weekend, and on the Thursday, Friday, and Saturday during the FIBArk Festival.

The issuance of a noise permit is at the sole discretion of the City Administrator or City Council, and the issuance of such permit does not confer any rights upon the permittee other than those expressly authorized by the permit. Violation of any of the conditions or limitations set forth in the noise permit may result in immediate revocation of the permit. Revocation of the noise permit does not preclude the City from seeking any remedies otherwise available under federal, state, or local law.

Applications for a noise permit must be submitted on the attached “Application for a Noise Permit” form and submitted at least five (5) working days prior to the date for which the permit is sought.



CITY OF SALIDA

NOISE PERMIT APPLICATION

Please fill out the form completely, including by signing and dating the application. Submitting an incomplete application is a basis for denial of a noise permit. Listing a particular type of audio amplification equipment, hours of operation, or any other information below does not guarantee the applicant's right to use such equipment or have an event at a particular time. Whether such application requests have been granted will be indicated in the issued permit.

Applicants may apply for events which are recurring (i.e., live music every Thursday). Any such events should be clearly described as recurring in the event description and should identify all dates on which the event will occur.

Completed applications should be submitted via email to deputyclerk@cityofsalida.com. If that is not possible, they can be submitted in-person to 448 E 1st Street Suite 112. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

I. Applicant Information.

Applicant Name: Angela Winston

Applicant Business/Organization: High Side! Bar & Grill

Applicant Phone: 9709807359

Applicant Email: highsidesalida@gmail.com

Applicant Address: 300 West Sackett Ave. Salida. CO 81201

Sound Supervisor¹: Angela or Chief Winston

Sound Supervisor Phone: 9709807359

II. Event Information.

Description of Event: Salida Enduro Race Afterparty

Estimated Attendance: 150

Date(s): 4/27/24

Hours of Event: 3-9pm

Location of Event: 300 West Sackett Ave. Salida. CO 81201

¹ The sound supervisor will be responsible for responding to and immediately addressing noise or other complaints in the absence of the applicant/permittee.



III. Noise Information.

Type of Noise (e.g., live music, parade):

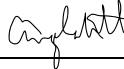
Live Outdoor Music

Type of Sound Amplification Equipment:

PA System

IV. Agreement.

As the applicant for this noise permit, I, Angela Winston, hereby agree and understand that it is my responsibility to ensure compliance with the conditions and limitations set forth in the permit and all laws, rules, and regulations of the City of Salida, the state, and the federal government. I further agree and understand that any violations of the permit or applicable laws may result in the immediate revocation of the permit. Violations of the conditions and limitations set forth in the permit or applicable laws shall also be grounds for denial of future permit applications. I further understand and agree that the permit and application fee are non-refundable and non-transferrable.

Signature: 

(Typed or Digital signature accepted)

Date: 4/5/24

For use by the City Clerk only:

Application fee received: [] Yes [] No [] N/A

Signature: _____

Date: _____



**CITY OF SALIDA
NOISE PERMIT**

Signature by the City Administrator on this noise permit indicates that the noise permit has been deemed granted to the applicant and the requested noise has been so authorized, subject to the conditions and limitations set forth below. Where the conditions or limitations set forth below contradict or conflict with the information contained in the application, the conditions and limitations will control.

I. Conditions and Limitations Applicable to All Permits.

The following conditions and limitations are applicable to all noise permits:

- No noise is permitted after 10:00 PM, unless specifically authorized by the City Council following a public hearing. No noise is permitted after midnight on the Fridays and Saturdays of Memorial Day weekend, 4th of July weekend, and Labor Day weekend. No noise is permitted after midnight on the Thursday, Friday, and Saturday during the FIBArk festival.
- No noise is authorized in excess of the maximum limit of 85 dB(A), as measured from any point along the property line or within the property line of the receiving premises. Measuring devices shall be those specifically utilized by the City of Salida.
- All amplification equipment shall be arranged so as to minimize the disturbance to neighboring properties, and permittees shall take reasonable measures to baffle or reduce noise impacts to neighbors.
- No outdoor amplified sound shall be permitted between November 1 through May 1.
- A maximum of sixty (60) amplified sound permits may be granted to same location during a single calendar year, unless additional permits are specifically authorized by the City Council following a public hearing.

II. Conditions and Limitations Applicable to this Permit.

The following conditions and limitations are applicable to this noise permit:

- _____
- _____
- _____

III. Expiration.

This noise permit is issued for the following dates and expires on the following date:

Date(s): _____

Expiration: _____

For use by the City Administrator only:

Application granted: [] Yes [] No

Signature: _____

Date: _____

TO ALL MEMBERS OF THE PUBLIC AND INTERESTED PERSONS: PLEASE TAKE

NOTICE: that on April 16, 2024 at or about the hour of 6:00 p.m. a public hearing will be conducted by the City of Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link:

<https://attendee.gotowebinar.com/register/6382995264411204366>. The hearing concerns an Amplified Sound Permit Application filed by Angela Winston of High Side! Bar & Grill, located at 300 W Sackett Ave, Salida, CO, 81201.

The applicant is requesting to provide amplified sound outdoors from 3-9pm on April 27th which cannot be administratively approved since it is out of season. As such, it must go to a Council public hearing.

Interested persons are encouraged to attend the public hearings. Further information on the application may be obtained from the City Clerk at 719 530 2626.

*Please note that it is inappropriate to personally contact individual City Councilors or Planning Commissioners, outside of the public hearing, while an application is pending. Such contact is considered ex parte communication and will have to be disclosed as part of the public hearings on the matter. If you have any questions/comments, you should email or write a letter to staff, or present your concerns at the public meeting via the above GoToWebinar link so your comments can be made part of the record.



COUNCIL ACTION FORM

DEPARTMENT Administration	PRESENTED BY Christy Doon - City Administrator	DATE April 16, 2024
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ITEM

Resolution 2024-28, A Resolution of the City Council of the City of Salida, Colorado Approving the Amended Interstate Parking Servies Agreement with Interstate Parking Management

BACKGROUND

Ordinance 2024 – 2 was approved by City Council on February 6, 2024, entering into an agreement with Interstate Parking to provide for comprehensive parking management services in Salida. Since the approval of that agreement, staff has been working with Interstate Parking to identify specific areas of concerns and needs in the community, a parking task force has been established to assist in the process and additional community conversations have taken place.

Throughout these conversations, the need for parking compliance has remained a top priority. Currently, the city has established parking zones with time limits which are inconsistently enforced. A second need is for a better understanding of how the downtown parking areas are used, by whom and when. Gathering this information will assist the community in identifying future parking asset or improvement needs.

Interstate Parking has agreed to amend the current contract to help the city address the two most pressing needs – data analytics and compliance. Through the amended contract, Interstate Parking will hire one person to ensure parking compliance four (4) days per week May 15, 2024 until September 15, 2024 and collect parking data analytics for the same time frame.

FISCAL NOTE

The cost for services is \$45,000.

STAFF RECOMMENDATION

Staff recommends Council approve Resolution 2024-28.

SUGGESTED MOTION

A City Councilmember should state, "I move to approve Resolution 2024-28, A Resolution of the City Council of the City of Salida, Colorado Approving the Amended Interstate Parking Servies Agreement with Interstate Parking Management" followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 28
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,
APPROVING THE AMENDED INTERSTATE PARKING SERVICES AGREEMENT WITH
INTERSTATE PARKING MANGEMENT**

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, parking enforcement has been an issue in the City for some time so in order to address some concerns, the Salida City Council (“Council”) passed Ordinance Series 2024, Number 2 to approve a contract with Interstate Parking to assist with parking enforcement; and

WHEREAS, from time to time it becomes necessary to amend previously agreed upon contracts; and

WHEREAS, pursuant to Part 19 of the Agreement with Interstate Parking, the Agreement may not be amended except in a written document; and

WHEREAS, this Resolution constitutes the formal action necessary to amend the existing Agreement with Interstate Parking; and

WHEREAS, the Council approves the execution of the Modified Services Agreement between the City and Interstate Parking Management, attached hereto as **Exhibit A**.

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

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. The Salida City Council hereby approves the City to amend the Amended Services Agreement, attached hereto as **Exhibit A**.

Section 3. The Salida City Council hereby approves and authorizes the City to enter into the Amended Services Agreement, attached hereto as **Exhibit A**.

RESOLVED, APPROVED, AND ADOPTED this ____ day of _____, 2024.

CITY OF SALIDA

By: _____

Dan Shore, Mayor

[SEAL]

ATTEST: _____

City Clerk/Deputy City Clerk

Exhibit A

Amended Services Agreement between the City of Salida and Interstate Parking Services

**CITY OF SALIDA
INDEPENDENT CONTRACTOR SERVICES AGREEMENT**

THIS AGREEMENT FOR INDEPENDENT CONTRACTOR SERVICES (“Agreement”) is made and entered into this 16th day of April, 2024 by and between the CITY OF SALIDA, COLORADO, a Colorado municipal corporation (“City”), and Interstate Parking Company of Colorado LLC (“Contractor”), whose address is 1610 Wynkoop Street, Suite 600, Denver, Colorado 80202.

WHEREAS, the City desires that Contractor perform the Services of collecting data analytics related to parking within the City parking compliance services as an independent contractor, in accordance with the provisions of this Agreement, and more fully described in **Section 1** of this Agreement; and

WHEREAS, Contractor is customarily engaged in an independent trade, occupation, profession, or business related to the services to be provided pursuant to this Agreement, and is ready, qualified, willing, and able to provide such services to the City; and

WHEREAS, Contractor desires to perform such duties pursuant to the terms and conditions provided for in this Agreement; and

WHEREAS, the parties hereto desire to set forth certain understandings regarding the services in writing.

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

1. Services. The City agrees to retain Contractor to provide the services set forth herein, further specified as collection of parking data analytics for the summer within the City and the hiring of one (1) person to ensure parking compliance four (4) days per week, as mutually agreed upon, and during posted parking restricted times and in parking restricted areas from May 15, 2024 until September 15, 2024 (“Services”), and Contractor agrees to so serve. Contractor warrants and represents that it has the requisite authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws and agrees to perform the Services on the terms and conditions set forth herein.

All equipment, tools, materials and supplies required for the performance of services under this Agreement shall be furnished by the Contractor.

2. Compensation. The City agrees to compensate Contractor \$45,000.00. The Parties further agree that there shall be no further expense paid by the City to the Contractor including, but not limited to, no revenue sharing, no fee splitting, and no parking fees. The City shall make payment within thirty (30) days of the execution of this Agreement.

3. Term. The provision of services under this Agreement shall commence on April 16, 2024 (the “Effective Date”) and will terminate on December 31, 2024 (cumulatively, the

“Term”); unless terminated pursuant to Section 8 of this Agreement; provided, however, under no circumstances will the Term exceed the end of the current year. The Contractor understands and agrees that the City has no obligation to extend this Agreement’s Term or contract for the provision of any future services and makes no warranties or representations otherwise.

4. Outside Support Services and Sub-Contractor. Any sub-contractors shall be pre-approved by the City. A rate sheet for each sub-contractor shall be provided to the City.

5. Independent Contractor. The parties agree that the Contractor is an independent contractor and shall not be considered an employee, agent, or servant of the City for any purpose. Contractor is not entitled to workers’ compensation benefits from the City and is obligated to pay federal and state income tax on any money earned pursuant to this Agreement. The parties further agree and understand that as an independent contractor, Contractor does not receive the protections of the Colorado Government Immunity Act, that the Contractor is responsible for their own liability insurance, and that the City’s insurance coverage does not extend to independent contractors or to the Contractor.

6. Insurance Requirements. Contractor shall procure and keep in force during the duration of this Agreement a policy of comprehensive general liability insurance insuring Contractor and naming the City as an additional insured against any liability for personal injury, bodily injury, damages to property, or death arising out of the performance of the Services with at least One Million Dollars (\$1,000,000) each occurrence. The limits of said insurance shall not, however, limit the liability of Contractor hereunder.

7. Indemnification. Contractor hereby covenants and agrees to indemnify, save, and hold harmless the City, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, attorney’s fees, litigation, judgments, damages, claims, and demands of any kind whatsoever arising from or out of any negligent act or error and omission or other tortious conduct of Contractor, its officers, subcontractors, employees, or agents in the performance or nonperformance of its obligations under this Agreement.

8. Termination. The City or the Contractor may terminate this Agreement at any time by providing a minimum thirty (30) calendar days’ written notice to the other party. If the parties have mutually determined that the work has become infeasible, the parties agree to terminate the Agreement in accordance with this Section. In the event this Agreement is terminated, the Contractor shall be compensated for all work performed to date based on estimated percentage of completion, including the percentage of any and all work items begun but not completed.

9. Entire Agreement. This Agreement, along with any addendums and attachments hereto, constitutes the entire agreement between the parties. The provisions of this Agreement may be amended at any time by the mutual consent of both parties. The parties shall not be bound by any other agreements, either written or oral, except as set forth in this Agreement.

10. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and venue for any action instituted pursuant to this Agreement shall be in the County of Chaffee, State of Colorado.

11. Authority. Each person signing this Agreement, and any addendums or attachments hereto, 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.

12. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, *et seq.*

13. Assignability. Contractor shall not assign this Agreement without the City’s prior written consent.

14. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, personal representatives, successors, and assigns.

15. Survival Clause. The “Indemnification” provision set forth in this Agreement shall survive the completion of the Services and the satisfaction, expiration, or termination of this Agreement.

17. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

17. Notices. Any written notices required to be given under this Agreement shall be delivered as follows:

- To the City: City Administrator
City of Salida
448 E. First Street, Suite 112
Salida, Colorado 81201
(719)-539-4555
- With a copy to: Nina P. Williams, City Attorney
Wilson Williams Fellman Dittman
1314 Main Street, Suite 100
Louisville, Colorado 80027
- To the Contractor: Interstate Parking Company of Colorado LLC
Attn: Gareth James Lloyd
1610 Wynkoop Street, Suite 600
Denver, Colorado 80202
(720) 646-0261
Glloyd@interstateparking.com

With a copy to: Interstate Parking Company of Colorado LLC
Attn: Tony Janowiec
710 N. Plankinton Avenue, Suite 700
Milwaukee, WI 53203
(414) 274-2861
tjanowiec@interstateparking.com

18. Authority. Each person signing this Agreement, and any addendums or attachments hereto, 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.

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

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF SALIDA, COLORADO

By: _____
Christy Doon, City Administrator

CONTRACTOR:

By: Interstate Parking of Colorado LLC
Gareth James Lloyd
President and Operating Partner



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Administration	Sara Law- Sustainability Coordinator/PIO	April 16, 2024

ITEM

RESOLUTION 2024-29 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING MAY 11, 2024 AS ARBOR DAY IN THE CITY OF SALIDA.

BACKGROUND

The City of Salida has proudly been a part of the “Tree City USA” program for 37 years. This year, the Arbor Day Foundation presented the City with a Growth Award for its exceptional tree care and community engagement over the last year. Being a Tree City means that we maintain a Tree Board, have a community tree ordinance, spend at least \$2 per capita on urban forestry and celebrate an Arbor Day each year.

This year, the City of Salida will have two Arbor Day events. The first is a volunteer day to plant 260 saplings on S Mountain. This collaborative effort is scheduled for Saturday, May 11, as part of a multi-year initiative aimed at restoring, reforestation, improving the natural landscape while building wildlife habitat and enhancing the recreational experience.

Our second event will be with a 4th grade class at Longfellow Elementary. They will be planting a tree in celebration of Arbor Day on Thursday, May 16th. The class researched shade tree species recommended by the tree board for planting along 8th Street adjacent to the playground, and they decided that they wanted to plant a Sensation Boxelder. Before planting the tree, they will be learning about the benefits of trees, why we plant trees, and the history of Arbor Day.

FISCAL NOTE

There is no fiscal impact

STAFF RECOMMENDATION

Staff recommend the City Council approve May 11, 2024 as Arbor Day in the City of Salida

SUGGESTED MOTION

A City Councilmember should state, “I move to approve Resolution 2024-29, A Resolution of the City Council of the City of Salida, Colorado, approving May 11, 2024 as Arbor Day in the City of Salida,” followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 29
(Series of 2024)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO,
APPROVING MAY 11, 2024 AS ARBOR DAY IN THE CITY OF SALIDA**

WHEREAS, the City Council continues to pursue a designation of “Tree City USA” for the City of Salida; and

WHEREAS, communities designated as a Tree City USA commonly enjoy cleaner air, improved stormwater management, energy savings, increased property values and commercial activity, among other benefits; and

WHEREAS, Tree City USA is a designation given by the Arbor Day Foundation to communities that meet the four designated standards of having a sustainable tree management program; and

WHEREAS, one such standard for obtaining such designation is to declare an Annual Arbor Day; and

WHEREAS, the City of Salida has been recognized as a Tree City USA by the National Arbor Day Foundation for 37 years and desires to continue its tree-planting practices.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO THAT:

May 11, 2024 is hereby proclaimed as Arbor Day in the City of Salida.

RESOLVED, APPROVED AND ADOPTED this 16th day of April, 2024.

CITY OF SALIDA, COLORADO

Dan Shore, Mayor

[SEAL]

ATTEST:

City Clerk/Deputy City Clerk



COUNCIL ACTION FORM

DEPARTMENT Administration	PRESENTED BY Christy Doon - City Administrator	DATE April 16, 2024
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ITEM

Resolution 2024-30, A Resolution of the City Council of the City of Salida, Colorado Expressing Commitment to "TOGETHER WE STAND – A Chaffee County Project"

BACKGROUND

The League of Women Voters Chaffee County has announced a county-wide project entitled TOGETHER WE STAND. The project is based on Richard Haass's book "The Bill of Obligations" and the Ten Habits of Good Citizens. Colorado Mountain College chose the book as the 2024 Common Reader. The LWVCC is asking organizations across the county to endorse the Ten Habits of Good Citizens through resolution.

FISCAL NOTE

There is no fiscal impact.

STAFF RECOMMENDATION

Staff recommends Council approve Resolution 2024-30.

SUGGESTED MOTION

A City Councilmember should state, "I move to approve Resolution 2024-30, A Resolution of the City Council of the City of Salida, Colorado Expressing Commitment to "Together We Stand – A Chaffee County Project" followed by a second and a roll call vote.

CITY OF SALIDA, COLORADO
RESOLUTION NO. 30
(Series of 2024)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, EXPRESSING COMMITMENT TO “TOGETHER WE STAND – A CHAFFEE COUNTY PROJECT”

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, we find ourselves at an extraordinary juncture with a valuable opportunity to emphasize our commonality and strengths over our differences; and

WHEREAS, we envision and strive for a united, well-informed community capable of engaging in meaningful discussions and dialogues; and

WHEREAS, we acknowledge that disagreements are inevitable among humans, yet we value coming together on numerous issues; and

WHEREAS, we uphold individual rights as fundamental to our community and government, recognizing the necessity for more; and

WHEREAS, we advocate for the placement of the Bill of Obligations (Habits of Citizenship) alongside the Bill of Rights to foster a resilient, informed, participatory, and thriving community; and

WHEREAS, we believe that active engagement with the Habits of Good Citizenship through reading, discussion, dialogue, teaching, and learning enhances our political understanding and behavior; and

WHEREAS, the League of Women Voters Chaffee County, a non-partisan and non-political organization supporting our community for over 50 years, has launched the “TOGETHER WE STAND”: 10 Habits of Good Citizenship” Project from April 10th to mid-October 2024; and

WHEREAS, Colorado Mountain College, Salida Campus, has endorsed the Project, aligning with their 2024 Common Reader initiative; and

WHEREAS, the Project encompasses three components: Resolutions signed by organizations, Pledges signed by individual families to uphold and embody the 10 Habits of Good Citizenship and engaging in a form of expression demonstrating the Habits; and

WHEREAS, The 10 Habits of Good Citizenship are:

Be Informed: I pledge to stay informed about local issues and events that impact Chaffee County.

Be Involved: I pledge to actively participate in community activities and initiatives that contribute to the betterment of Chaffee County.

Embrace Compromise: I pledge to remain open to finding common ground and seeking compromises for the collective benefit of Chaffee County.

Practice Civility: I pledge to engage with others in a respectful and civil manner, fostering positive interactions for myself and within the community. peaceful resolutions to conflicts in Chaffee County.

Reject Violence: I pledge to stand against violence and advocate for peaceful resolutions to conflicts in Chaffee County.

Value Community Norms: I pledge to uphold and promote the core values and norms that define our community. To be kind and charitable, look out for our neighbor, tell the truth, keep our commitments, and respect authority.

Champion the Common Good: I pledge to work towards the advancement of the common good and welfare of all residents in Chaffee County.

Respect Government Service: I pledge to respect the contributions and efforts of those serving in governmental roles in Chaffee County.

Support Civic Education: I pledge to support initiatives that improve the understanding of civics and inspire civic engagement in Chaffee County.

Prioritize Country: I pledge to prioritize the well-being of every citizen, the prosperity for all of Chaffee County and contribute positively to its growth and success.

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

We hereby support the principles outlined in the book, *The Bill of Obligations* by Richard Hass focusing on the 10 Habits of Good Citizenship and supporting The Project: “TOGETHER WE STAND” in Chaffee County.

RESOLVED, APPROVED, AND ADOPTED this ____ day of _____, 2024.

CITY OF SALIDA

By: _____

Dan Shore, Mayor

[SEAL]

ATTEST: _____

City Clerk/Deputy City Clerk

PROJECT PROPOSAL



TOGETHER WE STAND



“TOGETHER WE STAND”

The Chaffee County Project





PROJECT: Book of Obligations County Wide

Mission: To create an environment in which the norm for our ‘pocket of awesomeness’ known as Chaffee County can find common ground for conversation and dialogue, norms of behavior and a focus for how we operate together regardless of age, race, creed, sex, political affiliation based on the 10 Habits of Good Citizenship and the book, the Bill of Obligations

Background: The upcoming elections can be a lightning rod for our differences versus the many things we have in common. Currently there is no county-wide effort to bring us together. *The Book, The Bill of Obligations by Richard Haass*, can provide some background, context, specific suggestions of 10 behaviors and plenty of dialogue around which to create the norm for our community.

Elements: -

- Organizations to sign Resolutions
- Families & Individuals to sign pledges
- Categories of participants to create displays/expressions for how they live the 10 Habits of Good Citizenship

Groups for Resolutions of support:

- LWVCC* (project through LWVCC)
- County Commissioners*
- Town of Buena Vista – *Town Trustees
- City of Salida
- Town of Poncha Springs
- County/Town/City Clerks*
- CMC – Salida Dean, Rob Simpson*
- CC Dems*
- CC Republicans
- BV Library*
- US/State Congressmen
- CCCF*
- BV ISD*
- Salida SD
- BV Chamber*
- Salida Chamber

*Note: * Are groups who have express interest and or commitment in being part of the Project*



EDC* (Economic Development Council)
Optimists*
Rotary Club
Lions Club

Groups for individuals to put forth a symbol/piece of ‘expressions’ representing the Bill of Obligations:

Elementary school (need young person curriculum)
Middle schools
High schools (Seniors in two classes in Salida SD are reading the book)
Veterans
Teachers
Front-line workers
Book clubs
4H
Boy Scouts
Girl Scouts
BGCC

Pieces of work:

Essay
Video/Reels/Influencers
Poster
Button
Performance
Parade float
Oral Stories
Protest

Timeframe: Media announcement to all Chaffee County media to coincide with National Civic week, March 11-15th. The project will launch April 10th in conjunction with the CMC launch of their series on the Common Reader book: Bill of Obligations with the ending to be the week of October 6-11, when the author will be in the area.



TIME FRAME 2024



<p>Launch of Resolutions to Organizations</p> <p>Launch Pledges</p> <p>Launch of Book Reading Groups</p>	<p>Parade</p>
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<p>Library discussions</p> <p>School reading</p> <p>Launch of 'expression' projects</p>	<p>Competition closes</p> <p>Reviewers select finalist</p> <p>Constitution Day 17th</p>	<p>Award ceremony</p> <p>Possibly author event</p>
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RESOLUTION OF "TOGETHER WE STAND" CHAFFEE COUNTY

Whereas,

- We find ourselves at an extraordinary juncture with a valuable opportunity to emphasize our commonality and strengths over our differences.
- We envision and strive for a united, well-informed community capable of engaging in meaningful discussions and dialogues.
- We acknowledge that disagreements are inevitable among humans, yet we value coming together on numerous issues.
- We uphold individual rights as fundamental to our community and government, recognizing the necessity for more.
- We advocate for the placement of the Bill of Obligations (Habits of Citizenship) alongside the Bill of Rights to foster a resilient, informed, participatory, and thriving community.
- We believe that active engagement with the Habits of Good Citizenship through reading, discussion, dialogue, teaching, and learning enhances our political understanding and behavior.

Whereas,

- The League of Women Voters Chaffee County, a non-partisan and non-political organization supporting our community for over 50 years, has launched the "TOGETHER WE STAND: 10 Habits of Good Citizenship" Project from April 10th to mid-October 2024.



CONT'D: RESOLUTION OF "TOGETHER WE STAND" CHAFFEE COUNTY

- Colorado Mountain College, Salida Campus, has endorsed the Project, aligning with their 2024 Common Reader initiative.

- The Project encompasses three components; Resolutions signed by organizations, Pledges signed by individual families to uphold, groups and embody the 10 Habits of Good Citizenship.

Therefore,

We, _____ hereby endorse and support the principles outlined in the book, *The Bill of Obligations by Richard Hass* focusing on the 10 Habits of Good Citizenship and supporting The Project: "TOGETHER WE STAND" in Chaffee County.

Date: _____



Pledge of Chaffee County Citizens “TOGETHER WE STAND”

I, _____ pledge, as a citizen of the United States, the State of Colorado, and a proud resident of Chaffee County, to honor and uphold the 10 Habits of Good Citizenship:

1. **Be Informed:** I pledge to stay informed about local issues and events that impact Chaffee County.
2. **Be Involved:** I pledge to actively participate in community activities and initiatives that contribute to the betterment of Chaffee County.
3. **Embrace Compromise:** I pledge to remain open to finding common ground and seeking compromises for the collective benefit of Chaffee County.
4. **Practice Civility:** I pledge to engage with others in a respectful and civil manner, fostering positive interactions for myself and within the community.
peaceful resolutions to conflicts in Chaffee County.
5. **Reject Violence:** I pledge to stand against violence and advocate for peaceful resolutions to conflicts in Chaffee County.
6. **Value Community Norms:** I pledge to uphold and promote the core values and norms that define our community. To be kind and charitable, look out for our neighbor, tell the truth, keep our commitments and respect authority.
7. **Champion the Common Good:** I pledge to work towards the advancement of the common good and welfare of all residents in Chaffee County.
8. **Respect Government Service:** I pledge to respect the contributions and efforts of those serving in governmental roles in Chaffee County.
9. **Support Civic Education:** I pledge to support initiatives that improve the understanding of civics and inspire civic engagement in Chaffee County.
10. **Prioritize Country:** I pledge to prioritize the well-being of every citizen, the prosperity for all of Chaffee County and contribute positively to its growth and success.

Signed: _____ **Date:** _____



WE HAVE, WE JUST NEED.....

WHAT WE HAVE:

- Support by key organizations to include Commissioners, CMC, BV Library, several BV school board members, BV Town Trustees, CCCF (for running financials and resolution), Clerks, BV Chamber.

WHAT WE NEED:

- SPONSORS! In kind and donations for awards. In-kind would be for books, t-shirts, buttons, printing, food for event, event locations, possible author travel, Donations for stipends for teachers, award event food and location, possible author travel
- marketing materials, website flyers, QR codes
- bookmark styled with 10 Habits of Good Citizenship
- someone who can help write k-8 curriculum/book
- reviewers for expressions in September
- everyone to sign pledge, help with getting organizations to sign Resolution
- everyone to pass out posters
- everyone to spread the word

Proposed Logo/Button



CITY OF SALIDA, COLORADO
CITY SALES TAX AND COUNTY SALES TAX SHARED WITH CITY
FEBRUARY 2024



The City of Salida Sales Tax and Chaffee County Sales Tax report examines tax collections for the month of February 2024, which were remitted to the City of Salida in April 2024.

Summary Results for City and Chaffee County Sales Taxes

February City sales tax collections increased by \$27,557 (4.3%) as compared to February 2023. The City's portion of Chaffee County sales tax collections decreased by \$92, a 0.0% decrease over February 2023. In total, sales tax receipts are 3.2% higher for February and 6.5% higher year-to-date. Actual collections are ahead of budget by 1.3% year-to-date (budget is spread throughout the year based on historical collection proportions, not evenly).

Current Month							
	February 2024	February 2023	2024 - 2023 \$ Change	2024 - 2023 % Change	February 2024 Budget	2024 Budget \$ Variance	2024 Budget % Variance
3% City Sales Tax	\$ 661,263	\$ 633,706	\$ 27,557	4.3%	\$ 676,826	\$ (15,563)	-2.3%
Shared County Tax	\$ 237,022	\$ 237,114	\$ (92)	0.0%	\$ 232,775	\$ 4,247	1.8%
Total	\$ 898,286	\$ 870,820	\$ 27,465	3.2%	\$ 909,601	\$ (11,315)	-1.2%
Year-to-Date							
	Year-to-date 2024	Year-to-date 2023	2024 - 2023 \$ Change	2024 - 2023 % Change	Year-to-date 2024 Budget	2024 Budget \$ Variance	2024 Budget % Variance
3% Sales Tax	\$ 1,355,383	\$ 1,251,645	\$ 103,738	8.3%	\$ 1,352,293	\$ 3,090	0.2%
Shared County Tax	\$ 479,220	\$ 470,974	\$ 8,246	1.8%	\$ 458,614	\$ 20,606	4.5%
Total	\$ 1,834,603	\$ 1,722,619	\$ 111,983	6.5%	\$ 1,810,907	\$ 23,696	1.3%

CITY OF SALIDA, COLORADO
CITY SALES TAX AND COUNTY SALES TAX SHARED WITH CITY
FEBRUARY 2024



Below is the tracking by NAICS industry sector report for the 3% City sales tax collections.

3% City Sales Tax by Industry Sector

Current Month

NAICS Sector	February 2024	February 2023	2024-2023 \$ Change	2024-2023 % Change
Retail Trade	\$ 442,170	\$ 441,333	\$ 837	0.2%
Accomodation & Food Service	\$ 116,310	\$ 109,996	\$ 6,314	5.7%
All Other	\$ 39,989	\$ 36,912	\$ 3,077	8.3%
Wholesale Trade	\$ 23,597	\$ 18,142	\$ 5,455	30.1%
Manufacturing	\$ 17,747	\$ 12,395	\$ 5,352	43.2%
Information	\$ 10,004	\$ 9,464	\$ 540	5.7%
Real Estate and Rental and Leasing	\$ 5,567	\$ 2,558	\$ 3,009	117.6%
Construction	\$ 5,879	\$ 2,906	\$ 2,973	102.3%
Total	\$ 661,263	\$ 633,706	\$ 27,557	4.3%

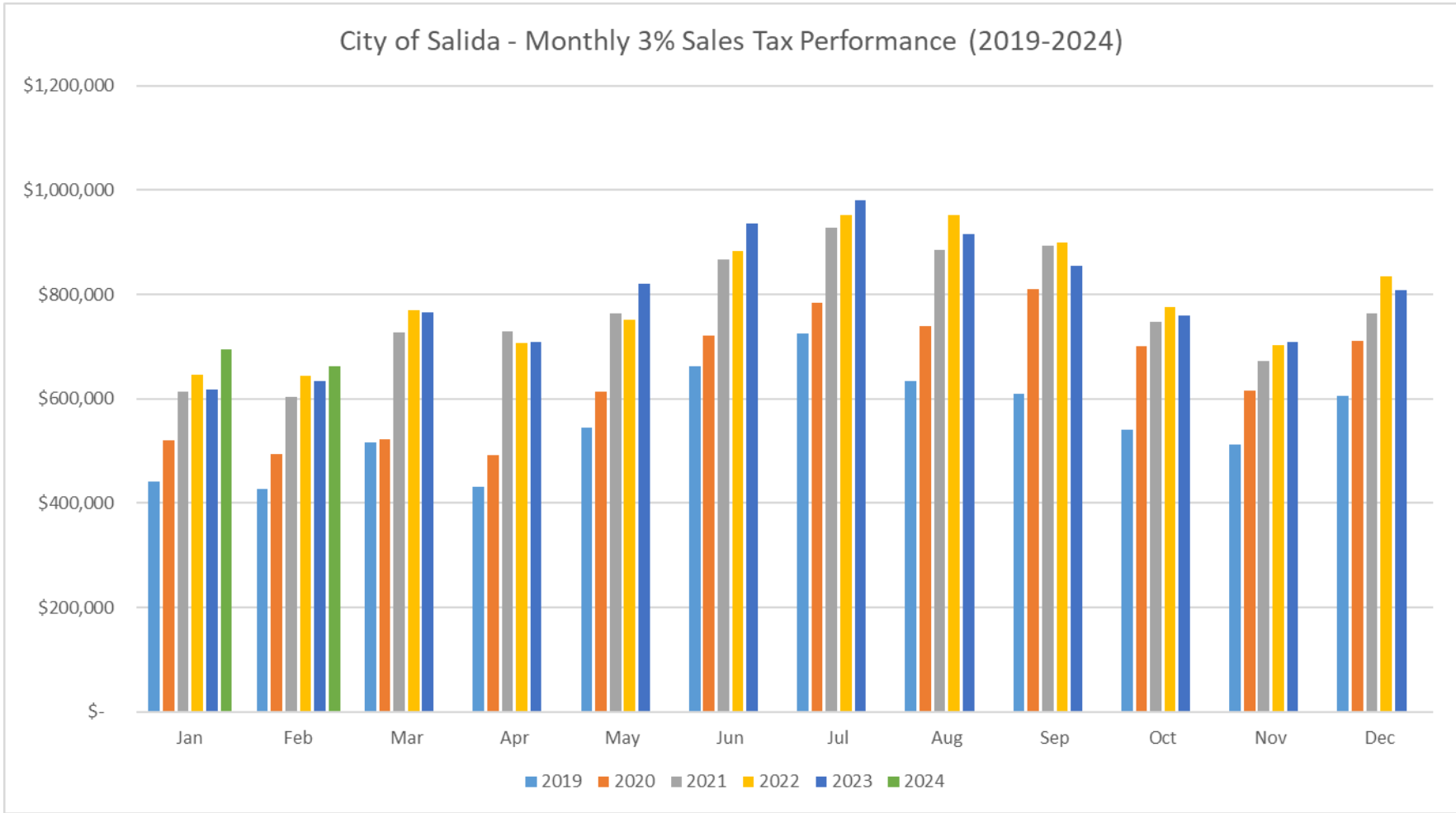
Year to Date

NAICS Sector	YTD 2024	YTD 2023	2024-2023 \$ Change	2024-2023 % Change
Retail Trade	\$ 929,401	\$ 883,105	\$ 46,296	5.2%
Accomodation & Food Service	\$ 221,399	\$ 194,758	\$ 26,641	13.7%
All Other	\$ 75,552	\$ 72,842	\$ 2,710	3.7%
Wholesale Trade	\$ 56,980	\$ 41,889	\$ 15,091	36.0%
Manufacturing	\$ 29,315	\$ 24,822	\$ 4,493	18.1%
Information	\$ 20,465	\$ 18,632	\$ 1,833	9.8%
Real Estate and Rental and Leasing	\$ 12,611	\$ 6,186	\$ 6,425	103.9%
Construction	\$ 9,660	\$ 9,411	\$ 249	2.6%
Total	\$1,355,383	\$1,251,645	\$ 103,738	8.3%

CITY OF SALIDA, COLORADO
CITY SALES TAX AND COUNTY SALES TAX SHARED WITH CITY
FEBRUARY 2024



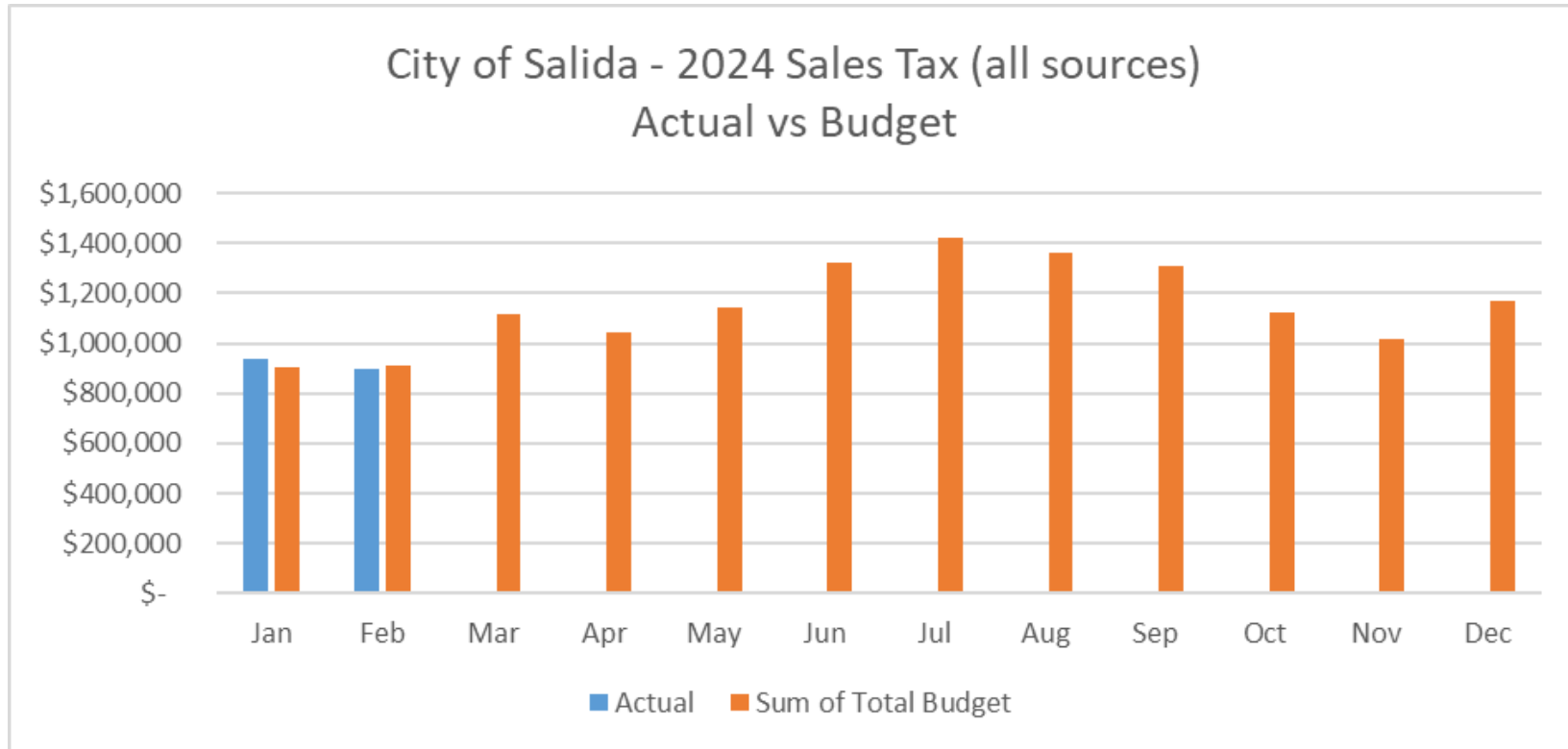
Item 12.



CITY OF SALIDA, COLORADO
CITY SALES TAX AND COUNTY SALES TAX SHARED WITH CITY
FEBRUARY 2024



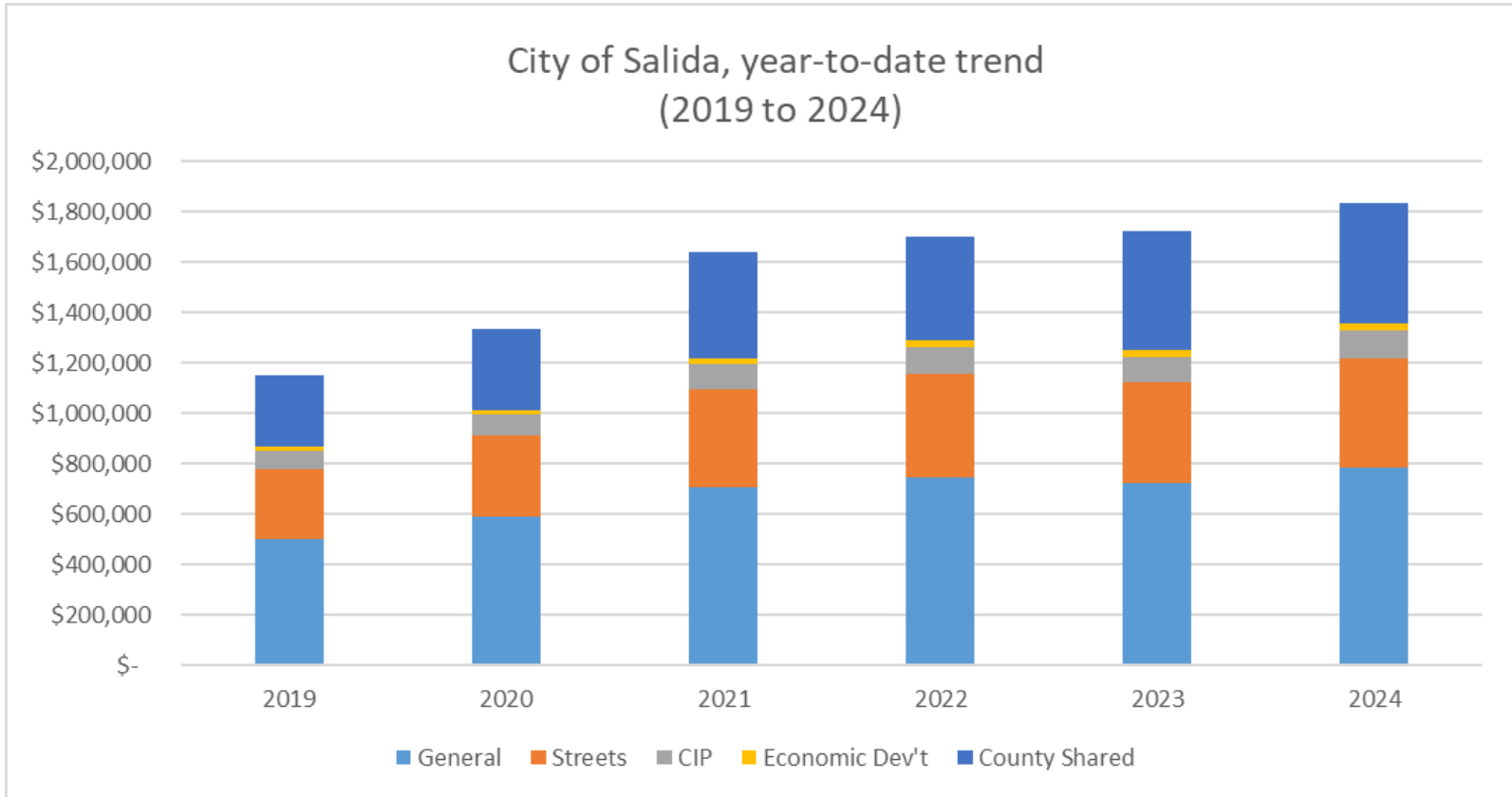
Item 12.



CITY OF SALIDA, COLORADO
CITY SALES TAX AND COUNTY SALES TAX SHARED WITH CITY
FEBRUARY 2024



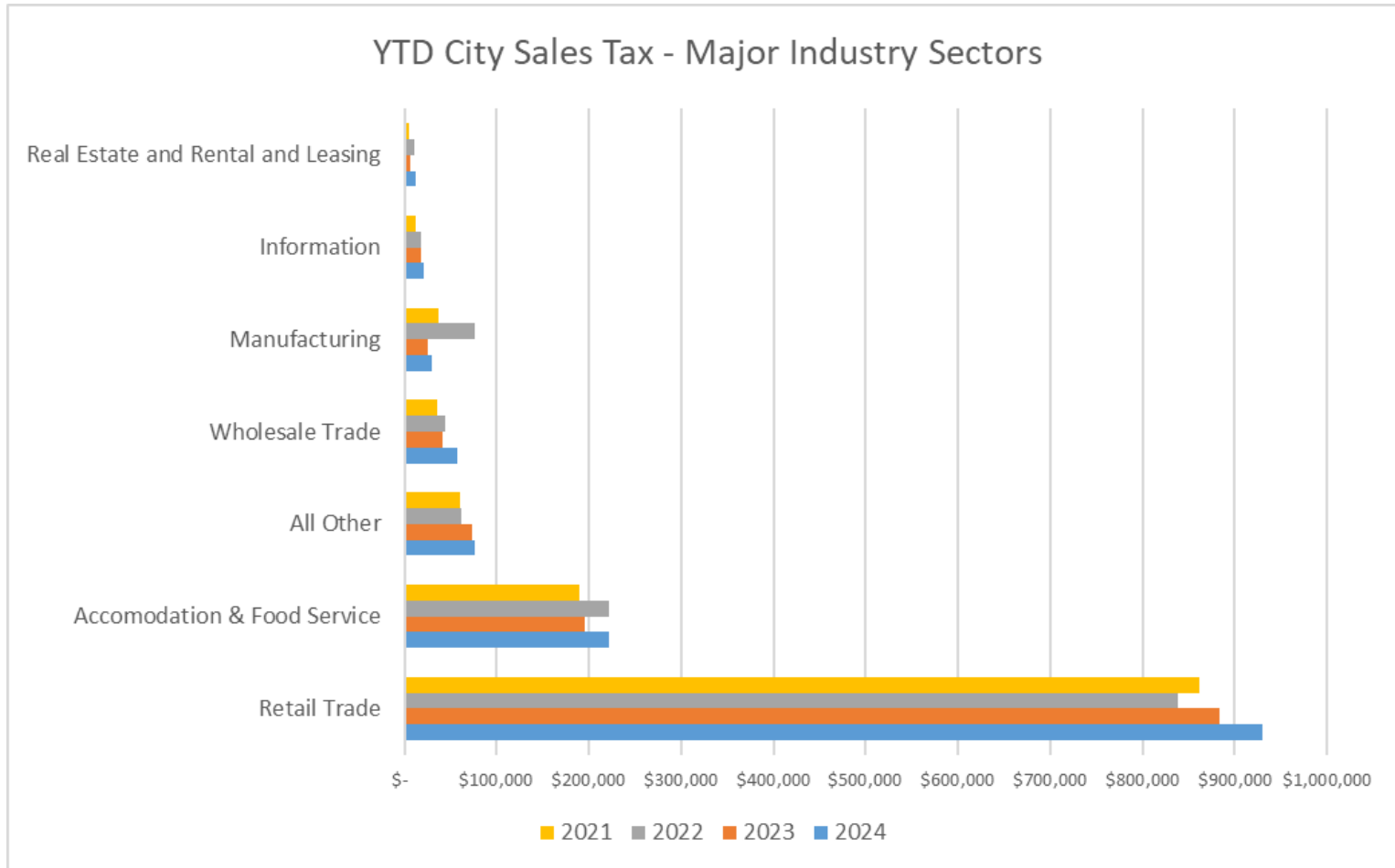
Item 12.



CITY OF SALIDA, COLORADO
CITY SALES TAX AND COUNTY SALES TAX SHARED WITH CITY
FEBRUARY 2024



Item 12.





CITY COUNCIL ACTION FORM

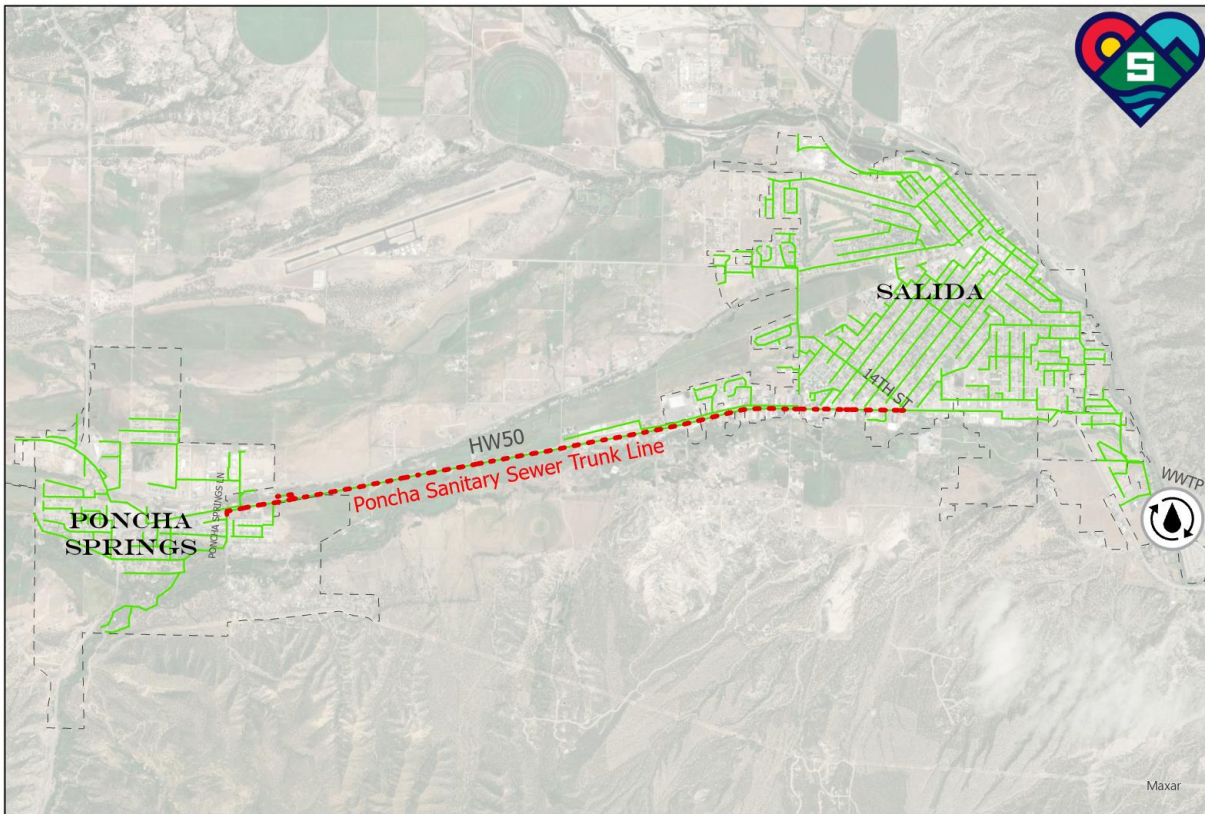
DEPARTMENT City Attorney	PRESENTED BY Nina P. Williams - City Attorney	DATE April 16, 2024
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ITEM

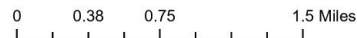
Attorney Report: Public update and summary regarding lawsuit brought by the Town of Poncha Springs, Tailwind Group LLC and Full Views Matter, LLC against the City of Salida

UPDATE

The City Attorney will give a verbal update during the Attorney Report portion of the City Council agenda, regarding the lawsuit that the Town of Poncha Springs, Tailwind Group LLC and Full Views Matter, LLC brought against the City of Salida, as well as summarizing and clarifying facts and historical perspective surrounding the matter, relating to the Poncha Sanitary Sewer Trunk Line:



*City of Salida, CO
Poncha to Salida Sewer*





CITY COUNCIL ACTION FORM

DEPARTMENT City Attorney	PRESENTED BY Nina P. Williams - City Attorney	DATE April 16, 2024
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Section 7 of the IGA between the City of Salida and Town of Poncha Springs for Transfer of Sewer System states: "Poncha Springs' future development shall not be limited by the Sewer System, its construction, operation or maintenance, *provided that the costs of construction and expansion of the Sewer System are not paid for by the existing rate payers* **but that the costs are borne by the future development.**"

ATTACHMENTS

The following attachments are provided in the packet for informational and supplemental purposes:

- 1) March 3, 2020 City Agency Review regarding Tailwinds II annexation application and letter from Mayor PT Wood to Poncha Springs Town Board warning that this property was identified outside the planned municipal service area within the IGA, and that the Poncha Sewer Sanitary Trunk Line would need to be upsized.
 - o Mayor Wood concluded that the "*City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data be collected, analyzed, and discussed... This has far-reaching financial implications for rate payers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line.*"

- 2) June 6, 2023 City Council Action Form and supplemental materials justifying Ordinance 2023-08, imposing a temporary moratorium on the acceptance, processing and approval of applications for connection to the wastewater system for those properties benefiting from the Poncha Interceptor and affected by its capacity limitations, and declaring an emergency



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY Nina P. Williams - City Attorney	DATE June 6, 2023
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ITEM

Ordinance 2023-09, Imposing a temporary moratorium on the acceptance, processing and approval of applications for connection to the wastewater system for those properties benefiting from the Poncha Interceptor and affected by its capacity limitations, and declaring an emergency.

BACKGROUND

Over the last six years, the Town of Poncha Springs has experienced exponential and unprecedented growth, which alerted the City to the need for specific planning as it related to the Poncha Springs Service Area within the Water and Wastewater Enterprise of the City of Salida.

The City first notified Poncha Springs of the growing concern regarding pipeline capacity due to rapid growth towards the end of 2017. These capacity concerns prompted City staff to engage Providence Infrastructure Consultants in 2018 to monitor sewer flow at the Interceptor for comparison with pipeline capacity, and for recommendations as to when upgrades would be required, as well as for capital improvements planning. The City presented the Sewer Collection System Infrastructure Build Out Plan in December 2019 to the Poncha Town Board at the Salida SteamPlant, to plan and get ahead of this issue.

Following that presentation, the City installed additional flow meters in 2020 to confirm the projections in the Plan. This data was tracked daily for over two years, and results were placed into an engineering report by Providence Infrastructure Consultants, entitled "Poncha Interceptor Flow Analysis Technical Memorandum," which was provided to Poncha Springs. This Technical Memorandum concluded that the existing Interceptor was approaching capacity and was anticipated to reach critical flow at buildout of existing platted lots already approved through previously approved sewer line extension or connection agreements. The anticipated development and current rate of growth within the Poncha Springs Service Area made clear the need to upsize the sanitary sewer infrastructure within the next few years and before the specific threshold of units were developed. Additionally, the annual increase in residential sewer connections in the Poncha Springs Service Area over the last three years was found to be significant, amounting to an increase of 11.5% annually, or 33% over the last three years.

This substantial increase occurred despite Poncha Springs in 2018 and 2019 incorrectly projecting anticipated growth as 4% for the foreseeable future, through the year 2035.



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY Nina P. Williams - City Attorney	DATE June 6, 2023
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Figure 2 of the Technical Memorandum indicated that Interceptor sewer flow will reach 80% pipe capacity between 1,150 and 1,375 equivalent single-family units. This is the critical timeframe Providence Infrastructure Consultants recommended using to begin construction of improvements to the Interceptor. As of January 2023, the current number of residential units in the Poncha Springs Service Area is 688, with an additional approximately 500 residential units already approved by Salida through executed sewer line extension or connection agreements but not yet online. This total of 1,168 single family equivalents reaches the alarming threshold of 80% of the current pipe capacity, triggering the need for replacement and expansion of the Interceptor. Any new development in addition to the total amount of 1,168 equivalent single family units goes beyond the critical 80% pipe capacity of the current Interceptor, which is why the City responsibly withheld sewer line extension agreements for developments approved by the Poncha Springs Town Board comprising of 262 residential units, and why a moratorium must be placed on such properties and subsequent development connecting to the wastewater system, until the necessary capital improvements benefiting said properties are funded.

Due to these imminent capacity concerns at the Interceptor, City of Salida Public Works Director David Lady submitted agency review comment letters to the Poncha Springs Town Board for the land use public hearings involving this significant residential development, namely the Tailwinds II Subdivision Phase 1 application in April 2022 and the Poncha Meadows Filing No. 2 Subdivision application in June 2022. These letters placed both Poncha Springs and the developers on notice that sewer line extension agreements prior to the issuance of sewer taps would be contingent upon either re-negotiated Intergovernmental Agreements (IGAs) or the developer providing off-site improvements due to the noted capacity limitations. The letters clearly stated that “the developer will be required to submit an application for sewer service and receive approval of the sewer extension agreement by the Salida City Council prior to the issuance of sewer taps.” Nevertheless, the Poncha Springs Town Board approved both subdivision applications, which would account for a 28% increase in existing units within Poncha Springs.

In fact, as early March 3, 2020, pursuant to the direction of the City Council acting as the Enterprise Board, Mayor P.T. Wood sent a letter to the Poncha Springs Town Board, in advance of the Town’s public hearing on the Moltz (Tailwinds II) annexation application that this 54.25 acre property was identified outside of the planned municipal services area, and that such plan indicated that in order to serve such areas designated as “unknown,” the Poncha Interceptor would need to be upsized. Mayor Wood reiterated that the 2019 Sewer Collection System Build-Out Infrastructure Plan indicated that a portion of the Interceptor needed to be upsized in order to provide reliable service



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY Nina P. Williams - City Attorney	DATE June 6, 2023
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for development beyond the planned areas, which would be the case should this property be annexed and provided service. Mayor Wood’s March 3, 2020 letter concludes that the “City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data be collected, analyzed, and discussed. We desire to continue to work collaboratively with the Poncha Springs Board of Trustees on delivering sustainable, cost-effective wastewater service to residents of both Salida and Poncha Springs, and it is imperative that factual data be allowed to drive the ongoing conversations that started during development of the Plan. This March 3, 2020 letter also stated that the engineering data, being compiled by Providence Infrastructure Consultants and later articulated within the Technical Memorandum, “is critical to understand the implications of continued growth of flows in the trunk line. It is the City’s belief that without the data we are in the process of collecting, any decisions related to land use and development would be missing critical information to assist the Poncha Springs Board of Trustees in its contemplation of the annexation request. This has far-reaching financial implications for rate payers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line.”

The Poncha Springs Town Board unfortunately ignored this firm and direct warning by the City and instead approved the annexation of the Moltz/Tailwinds II property, and later approved the property’s subdivision application.

It is important to note that but for this exponential, unprecedented and unplanned growth within Poncha Springs, the upgrades to the Interceptor would not be necessary. In fact, the Interceptor is the only facility currently requiring an upgrade to increase capacity. No development within the City of Salida, or outside these properties serviced and benefiting from the Interceptor is creating the need for this capital improvement, and no other parts of the wastewater system are nearing capacity or require construction upgrades. These upgrades only benefit the brand new Poncha development. Finally, a system-wide capacity issue does not currently exist, nor is the wastewater treatment plant nearing capacity.

Additionally, Section 7 of the April 6, 2010 Intergovernmental Agreement between the City of Salida and the Town of Poncha Springs for Transfer of Sewer System clearly states: “Poncha Springs’ future development shall not be limited by the Sewer System, its construction, operation or maintenance, provided that the costs of construction and expansion of the Sewer System are not paid for by the existing rate payers but that the costs are borne by the future development.”



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY Nina P. Williams - City Attorney	DATE June 6, 2023
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Unfortunately, Poncha Springs has not managed development pursuant to the direction of its 2011 Master Plan, or in a way that most of the state and country operates. Instead, Poncha Springs has experienced exponential growth due to the Town Board’s unfettered approval of land use developments. These approvals have unfortunately been made by Poncha Springs with indifferent regard towards the City’s grave concerns of capacity of the Interceptor, including forceful warnings before the Town approved annexation and subdivision plat applications of developments exceeding critical threshold Interceptor capacity.

You, acting as the Water and Wastewater Enterprise Board, are the responsible agent for preserving, sustaining, enhancing and expanding the City’s utility systems, and owe an obligation and a fiduciary responsibility to current ratepayers, as well as current and future properties not specially benefiting from the necessary Interceptor upgrades.

Due to infrastructure limitations at the Poncha Interceptor, the Enterprise lacks the capacity to serve additional Single Family Equivalent development projects until such time that capital improvements are financed, funded and completed to provide the ability to serve new building construction projects.

Municipalities have the authority to enact moratoria in order to preserve the status quo, protect public health and safety, and promote orderly development, and where there are significant utility capacity limitations.

This temporary moratorium would apply to properties benefiting from the Poncha Interceptor and affected by its capacity limitations, which have not yet been approved for connection to the wastewater system by the City Council through executed sewer line extension or connection agreements. This moratorium will not apply to properties which have already been approved for connection through the execution of a sewer line extension or connection agreement, or to lots platted within the Town of Poncha Springs as of April 6, 2019, when the IGA for Transfer of Sewer System was executed between Salida and Poncha.

Please note that this is an emergency ordinance, which requires an affirmative vote of 3/4ths of the governing body, and which shall become effective immediately upon adoption.



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY Nina P. Williams - City Attorney	DATE June 6, 2023
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STAFF RECOMMENDATION City Staff strongly recommends approval of Ordinance No. 2023-09, due to the noted grave capacity concerns at the Poncha Interceptor, and the need to finance and fund the project and determine a structure to support the repayment of such debt to cover the costs of the necessary upgrades due to the unprecedented growth and land use approvals in the Town of Poncha Springs.

SUGGESTED MOTION

A City Councilmember should state, "I move to approve Ordinance 2023-09, Imposing a temporary moratorium on the acceptance, processing and approval of applications for connection to the wastewater system for those properties benefiting from the Poncha Interceptor and affected by its capacity limitations, and declaring an emergency," followed by a roll call vote.

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 09
(Series of 2023)**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, ACTING AS THE GOVERNING BODY OF THE WATER AND WASTEWATER ENTERPRISE OF THE CITY OF SALIDA, IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF APPLICATIONS FOR CONNECTION TO THE WASTEWATER SYSTEM FOR THOSE PROPERTIES BENEFITING FROM THE PONCHA INTERCEPTOR AND AFFECTED BY ITS CAPACITY LIMITATIONS, AND DECLARING AN EMERGENCY

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Chapter 13 of the Salida Municipal Code (“Code”) concerning municipal utilities; and

WHEREAS, pursuant to Chapter 13, Article 1, the Water and Wastewater Enterprise of the City of Salida (“Enterprise”) was established, which is authorized to implement provisions of Chapter 13 of the Code and perform all other functions and duties as authorized by law, and which Enterprise is wholly owned by the City and operates in accordance with all applicable laws; and

WHEREAS, pursuant to Code section 13-1-30, the City Council serves as the governing board and body of the Water and Wastewater Enterprise; and

WHEREAS, pursuant to Code section 13-1-50 of the Code, the Enterprise board’s powers and duties include: (1) recommendation of rates, fees and charges for enterprise services, which rates, fees and charges shall be established by resolution of the City Council; (2) issuance and payment of debt service requirements and financial obligations; (3) acquisition, development and protection of water supplies decreed, adjudicated or contracted for the City; (4) preparation of an annual budget and development of long range plans for water and wastewater improvements; (5) contracting with individuals or firms for professional services to include but not be limited to construction, engineering, legal or financial; and (6) exercising all other powers and duties authorized by applicable law; and

WHEREAS, over the last six years, the Town of Poncha Springs (“Poncha Springs”) has experienced exponential and unprecedented growth, which alerted the City to the need for specific planning as it related to the Poncha Springs Service Area within the Water and Wastewater Enterprise of the City of Salida; and

WHEREAS, the City first notified Poncha Springs of the growing concern regarding pipeline capacity due to rapid growth towards the end of 2017. On November 6, 2017, it was noted within Salida City Administrator Larry Lorentzen’s Memorandum to Mayor and Council regarding the updated draft 2018 budget, under *Future Needs & Concerns* as follows: “A preliminary evaluation of collection system in Poncha Springs area has sewer system capacity issues. Upsizing of existing lines and/or re-routing of flows may be required in the near future to address growth. Staff has reported to City Administrator and worked with Poncha Springs staff recently to make note of these concerns to ensure that development is addressed in a responsible manner. Distribution and collection system studies need to be updated routinely due to the increases in growth;” and

WHEREAS, these capacity concerns prompted City staff to begin conferring with Providence Infrastructure Consultants in 2018 related to the Poncha Interceptor (“Interceptor”), located along US-50 near Poncha Springs Lane within the Town of Poncha Springs and terminating along US-50 near 14th Street in the City of Salida, which services properties within the Town of Poncha Springs and the Poncha Springs Service Area; and

WHEREAS, Providence was subsequently engaged to monitor sewer flow at the Interceptor for comparison with pipeline capacity, and for recommendations as to when upgrades would be required, as well as for capital improvements planning. The Salida Water and Wastewater Enterprise paid for their analysis, in the amount of \$176,291.35; and

WHEREAS, in 2019, the Salida City Council set goals related to “Community Infrastructure: ensuring proper asset management controls, and Fiscal Responsibility: making information available on a regular basis to make decisions;” and

WHEREAS, this led to the presentation of the Sewer Collection System Infrastructure Build Out Plan in December 2019 to the Poncha Town Board at the Salida SteamPlant, to plan and get ahead of this issue; and

WHEREAS, following that presentation, the City installed additional flow meters in 2020 to confirm the projections in the Plan. This data was tracked daily, and results were placed into an updated Technical Memorandum which were provided to Poncha Springs; and

WHEREAS, over the last many years, the Salida Water and Wastewater Enterprise and City staff continued to work diligently on issues like infiltration and line maintenance to ensure the sewer system at the Poncha Interceptor remains viable. Staff has implemented a routine maintenance program of jetting all sewer lines every 3 years, and the City of Salida 2020 Budget included the purchase of a new \$400,000 jet vac truck and TV device to make sure that lines are free and clear. Salida also invested in upgraded monitoring and tracking infrastructure for the Interceptor, as well as increased staff training. This financial and logistic commitment has been with the intent of keeping ahead of future maintenance and data tracking issues, to the greatest extent possible; and

WHEREAS, the engineering report created by Providence Infrastructure Consultants,

entitled “Poncha Interceptor Flow Analysis Technical Memorandum,” (“Technical Memo”) presented the updated Poncha Springs Service Area flow meter data and growth projections. Upper and lower Interceptor flow meter data were collected from January 2020 to March 2022 and compared with the estimated flows and peaking factors from the Sewer Collection System Infrastructure Build Out Plan dated December 16, 2019. The final version of this Technical Memorandum is dated September 13, 2022, which was updated from the October 10, 2021, March 18, 2022, and April 11, 2022 versions; and

WHEREAS, Table 2-6 of the Technical Memorandum provides the total number of residential unit and commercial unit connections estimated at full buildout in the Poncha Springs Service Area. This anticipates that the commercial user class units will double, increasing from 71 existing units to a total of 141 at full buildout. Residential user class units will expand from 552 existing units to 4,588 units at full buildout, amounting to an escalation of 831%; and

WHEREAS, existing units were provided in Table 2-1 and planned developments were provided in Table 2-2. Existing units plus planned developments, with sewer line extension or connection agreements in place, totaled 1,139 units. Build out of these units would therefore have the existing trunk line approximately at capacity. Reaching the critical flow was estimated to occur in 2026, as identified in the Conclusion of the Technical Memorandum; and

WHEREAS, this Technical Memorandum concluded that the existing Interceptor was approaching capacity and was anticipated to reach critical flow at buildout of existing platted lots already approved through previously approved sewer line extension or connection agreements. The anticipated development and current rate of growth within the Poncha Springs Service Area made clear the need to upsize the sanitary sewer infrastructure within the next few years and before the specific threshold of units were developed; and

WHEREAS, the annual increase in residential sewer connections in the Poncha Springs Service Area over the last three years was found to be significant, amounting to an increase of 11.5% annually, or 33% over the last three years; and

WHEREAS, this substantial increase occurred despite Poncha Springs Town Administrator Brian Berger’s May 22, 2018 email to City Public Works Director David Lady stating: “Attached is the information from the Comp Plan showing varying % increases and a crude excel spreadsheet with 4% growth. For the foreseeable future I believe 4% is a decent variable,” and such attachments incorrectly projecting growth in the Poncha Springs Service Area as 4% for the foreseeable future, through the year 2035; and

WHEREAS, this exponential growth occurred despite Poncha Springs Town Administrator Brian Berger representing similar estimated percentage increases of growth at a joint meeting between the municipalities on December 3, 2019; and

WHEREAS, Figure 2 of the Technical Memorandum indicated that Interceptor sewer flow will reach 80% pipe capacity between 1,150 and 1,375 equivalent single family units. This is the critical timeframe Providence Infrastructure Consultants recommended using to begin construction of improvements to the Interceptor. As of January 2023, the current number of

residential units in the Poncha Springs Service Area is 688, with an additional approximately 500 residential units already approved by Salida through executed sewer line extension or connection agreements but not yet online. This total of 1,168 single family equivalents reaches the alarming threshold of 80% of the current pipe capacity, triggering the need for replacement and expansion of the Interceptor; and

WHEREAS, any new development in addition to the total amount of 1,168 equivalent single family units goes beyond the critical 80% pipe capacity of the current Interceptor, which is why the City has responsibly withheld sewer line extension agreements for developments approved by the Poncha Springs Town Board comprising of 262 residential units, and why a moratorium must be placed on such properties and subsequent development connecting to the wastewater system, until the necessary capital improvements benefiting said properties are funded; and

WHEREAS, due to these imminent capacity concerns at the Interceptor, City of Salida Public Works Director David Lady submitted agency review comment letters to the Poncha Springs Town Board for the land use public hearings involving this significant residential development, namely the Tailwinds II Subdivision Phase 1 application in April 2022 and the Poncha Meadows Filing No. 2 Subdivision application in June 2022. These letters placed both Poncha Springs and the developers on notice that sewer line extension agreements prior to the issuance of sewer taps would be contingent upon either re-negotiated Intergovernmental Agreements (IGAs) or the developer providing off-site improvements due to the noted capacity limitations. The letters clearly stated that “the developer will be required to submit an application for sewer service and receive approval of the sewer extension agreement by the Salida City Council prior to the issuance of sewer taps.”

WHEREAS, despite the foregoing, the Poncha Springs Town Board approved both subdivision applications which would account for a 28% increase in existing units within Poncha Springs; and

WHEREAS, as early as March 3, 2020, pursuant to the direction of the City Council acting as the Enterprise Board, Mayor P.T. Wood sent a letter to the Poncha Springs Town Board, in advance of the Town’s public hearing on the Moltz (Tailwinds II) annexation application that this 54.25 acre property was identified outside of the planned municipal services area, and that such plan indicated that in order to serve such areas designated as “unknown,” the Poncha Interceptor would need to be upsized. Mayor Wood reiterated that the 2019 Sewer Collection System Build-Out Infrastructure Plan indicated that a portion of the Interceptor needed to be upsized in order to provide reliable service for development beyond the planned areas, which would be the case should this property be annexed and provided service. Mayor Wood’s March 3, 2020 letter concludes that the “City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data be collected, analyzed, and discussed. We desire to continue to work collaboratively with the Poncha Springs Board of Trustees on delivering sustainable, cost-effective wastewater service to residents of both Salida and Poncha Springs, and it is imperative that factual data be allowed to drive the ongoing conversations that started during development of the Plan;” and

WHEREAS, this March 3, 2020 letter also stated that the engineering data, being compiled by Providence Infrastructure Consultants and later articulated within the Technical Memorandum, “is critical to understand the implications of continued growth of flows in the trunk line. It is the City’s belief that without the data we are in the process of collecting, any decisions related to land use and development would be missing critical information to assist the Poncha Springs Board of Trustees in its contemplation of the annexation request. This has far-reaching financial implications for rate payers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line;” and

WHEREAS, the Poncha Springs Town Board unfortunately ignored this firm and direct warning by the City and instead approved the annexation of the Moltz/Tailwinds II property, and later approved the property’s subdivision application; and

WHEREAS, but for this exponential, unprecedented and unplanned growth within Poncha Springs, the upgrades to the Interceptor would not be necessary. In fact, the Interceptor is the only facility currently requiring an upgrade to increase capacity. No development within the City of Salida, or outside these properties serviced and specially benefiting from the Interceptor is creating the need for this capital improvement, and no other parts of the wastewater system are nearing capacity or require construction upgrades. A system-wide capacity issue does not currently exist, nor is the wastewater treatment plant nearing capacity; and

WHEREAS, the preliminary opinion of probable construction costs for this Poncha Interceptor sewer replacement capital improvements in October 2021 was estimated at \$14,300,000. Construction of these infrastructure improvements would take a few years; and

WHEREAS, Section 7 of the April 6, 2010 Intergovernmental Agreement between the City of Salida and the Town of Poncha Springs for Transfer of Sewer System clearly states: “Poncha Springs’ future development shall not be limited by the Sewer System, its construction, operation or maintenance, provided that the costs of construction and expansion of the Sewer System are not paid for by the existing rate payers but that the costs are borne by the future development;” and

WHEREAS, *Colorado Land Planning and Development Law*, Twelfth Edition, explains “Local governments often place the costs of public improvements required to serve new development onto the development itself through the land use approval process.” (*See*, pg. 158). The rationale behind these types of fees is so “the benefit of public improvements *made necessary* by the new development principally flows to the new development, and that the developer can pass the cost of the improvement to the ultimate user of the improvement, the developer’s customer. *The philosophy is often summarized in the adage that ‘growth should pay its own way.’*” (*Id.* At 159) (emphasis added).

WHEREAS, the Town of Poncha Springs 2011 Master Plan included the following goal: “Water, sewer and storm drainage systems will be adequate to supply the long-term needs of the community.” Within that goal, two policy statements were listed: (1) “Manage growth so that the quantity, pace, and type of development does not exceed the capacity of public facilities,

resulting in inadequacies in public services;” and (2) “New development shall be connected to both the municipal water system and the City of Salida’s sewer system. Prior to connection, the developer shall prepare and submit an impact report of the proposed development. This report will address the development’s impact on the existing water supply and existing sewer capacity;” and

WHEREAS, unfortunately Poncha Springs has not managed development pursuant to this direction. Instead, Poncha Springs has experienced exponential growth due to the Town Board’s unfettered approval of land use developments. These approvals have unfortunately been made by Poncha Springs with indifferent regard towards the City’s grave concerns of capacity of the Interceptor, including forceful warnings before the Town approved annexation and subdivision plat applications of developments exceeding critical threshold Interceptor capacity; and

WHEREAS, the Salida City Council acting as the Water and Wastewater Enterprise Board is the responsible agent for preserving, sustaining, enhancing and expanding the City’s utility systems, and owe an obligation and a fiduciary responsibility to current ratepayers, as well as current and future properties not specially benefiting from the necessary Interceptor upgrades; and

WHEREAS, due to infrastructure limitations at the Poncha Interceptor, the Enterprise lacks the capacity to serve additional Single Family Equivalent development projects until such time that capital improvements are financed, funded and completed to provide the ability to serve new building construction projects; and

WHEREAS, City staff, its consultants and Council have worked diligently to ensure that the Interceptor improvements are constructed and that there is sufficient capacity to serve additional new development. The City has obtained design survey and completed 90% construction drawings in 2022 for the replacement of the Interceptor. The City has proactively moved this need forward to ensure that construction can proceed in a timely manner once funding and financing is established. However, the capital improvement costs of this upgraded and expanded Poncha Interceptor are far beyond the ability of the Enterprise or City to fund or finance, obligating the Enterprise and City to search for a more affordable, effective and fair way to pay for wastewater services and capital upgrades benefitting specific new and future properties; and

WHEREAS, municipalities have the authority to enact moratoria in order to preserve the status quo, protect public health and safety, and promote orderly development so long as it is not contrary to a statewide regulatory scheme or policy; and

WHEREAS, the City Council hereby finds and determines that a moratorium on the acceptance, processing and approval of applications for connection to the wastewater system for properties in the Poncha Springs Service Area benefiting from the Poncha Interceptor and affected by its capacity limitations which have not been approved for connection by the Salida City Council through executed sewer line extension or connection agreements preserves the status quo in such a manner as to protect public health and safety, and promote orderly development within the City

and is not contrary to any statewide regulatory schemes or policies, and furthermore provides sufficient assurance as to the availability of wastewater taps for pending applications for properties which have already been approved for connection to the wastewater system through execution of sewer line extension or connection agreements, while also protecting the City’s and Enterprise’s ability to adequately serve existing utility customers, thereby protecting the Enterprise’s wastewater infrastructure; and

WHEREAS, a moratorium was not imposed earlier because the Town of Poncha Springs led the City to believe that good faith negotiations were being held to settle and resolve this matter to determine funding for the necessary Interceptor upgrades, and because the City was waiting to receive a response after the applicable Public Works agency letters; however, having not heard realistic proposals from either Poncha Springs or the subject developers, the City is forced to impose this official moratorium; and

WHEREAS, the City Council recognizes the announcement of this moratorium alerts and concerns neighboring property owners and developers, and therefore the confirms that the moratorium will not apply to applications for properties benefiting from the required Interceptor capital improvements which have already been approved for connection to the wastewater system through execution of sewer line extension or connection agreements and will not apply to those lots platted within the Town of Poncha Springs at the time the Intergovernmental Agreement for the Transfer of Sewer System was executed between the City of Salida and Town of Poncha Springs on April 6, 2010; and

WHEREAS, the Council also finds and determines that the subject moratorium concerning infrastructure capacity and wastewater services is necessary to the immediate preservation of the public health, safety and welfare and that this ordinance should therefore become effective upon adoption, as authorized by C.R.S. § 31-16-105.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, ACTING AS THE GOVERNING BODY OF THE WATER AND WASTEWATER ENTERPRISE OF THE CITY OF SALIDA as follows:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. Imposition of Temporary Moratorium. Effective immediately, upon the date of this Ordinance, a moratorium is imposed upon the acceptance, processing, and approval of all applications for connection to the wastewater system for properties in or around the Poncha Springs Service Area benefiting from the necessary Interceptor capital improvements, which have not been approved for connection by the Salida City Council through executed sewer line extension or connection agreements, and excluding those lots platted within the Town of Poncha Springs at the time the Intergovernmental Agreement for the Transfer of Sewer System was executed between the City of Salida and Town of Poncha Springs on April 6, 2010.

Section 3. Effective Date; Duration; review. The moratorium imposed by this Ordinance shall commence as of the effective date of this Ordinance and shall remain in effect

until the day construction commences of an approved and financed upgraded Poncha Interceptor, unless extended or shortened by further action of the City Council. This moratorium also shall be reviewed by City Council every six (6) months.

Section 4. A copy of the September 13, 2022 “Poncha Interceptor Flow Analysis Technical Memorandum” shall be posted online at www.cityofsalida.com/publicworks as well as on file in the Public Works Director’s office, located at 340 W. Highway 291, Salida, for review and inspection at all times during regular business hours for the entire duration of this moratorium.

Section 5. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 6. Emergency declaration. Pursuant to C.R.S. § 31-16-105, the City Council hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety and welfare and the financial well-being of the City and the Enterprise due to grave infrastructure capacity and utility services concerns, and therefore, this ordinance must be passed as an emergency ordinance.

INTRODUCED, READ AND PASSED, ADOPTED AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council this 6th day of June, 2023.

CITY OF SALIDA

By: _____
Mayor Dan Shore

ATTEST: (SEAL)

By: _____
City Clerk Erin Kelley



April 6, 2022

RE: Tailwinds 2 Subdivision Phase 1, Poncha Springs, Colorado
Construction Plan/Plat Review for Sanitary Sewer Infrastructure

To: Brian Berger, Town Administrator, Town of Poncha Springs

The City of Salida received construction plans and the draft Final Plat for the Tailwinds 2 Subdivision Phase 1. This subdivision includes 27 single-family lots, 19 duplex lots (38 units), and 2 multi-family lots (64 units). The construction plans are in general conformance with City of Salida standards. However, the technical memorandum titled, the Poncha Interceptor Flow Analysis has identified capacity limitations.

The results of this analysis includes upsizing infrastructure downstream of the proposed subdivision to accommodate capacity components related to development. These improvements will need to be discussed in further detail, including potential re-negotiation of the Town's intergovernmental agreements with the City, to allow surcharges on the system development fees and/or monthly service fees on these new properties, to help fund these necessary capital improvements. Alternatively developer initiation of offsite improvements may be required.

The developer will be required to submit an application for sewer service and receive approval of the sewer extension agreement by the Salida City Council prior to issuance of sewer taps. This is anticipated to be contingent of re-negotiated agreements or developer providing off-site improvements due to the noted capacity limitations.

Thanks,

A handwritten signature in black ink that reads "David Lady".

David Lady, P.E.
Director of Public Works
City of Salida

cc: Drew Nelson, City Administrator, City of Salida



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: March 3, 2020

AGENDA ITEM NO. 7.a.	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Drew Nelson
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ITEM:

Agency Review – Annexation Request – Moltz Property, Poncha Springs

BACKGROUND:

As you are aware, the City of Salida, through its Water and Wastewater Enterprise, provides sewer service to the Town of Poncha Springs as governed by two Intergovernmental Agreements (IGAs). Following a meeting with the Board of Trustees for Poncha Springs, the City finalized the 2019 Sewer Collection System Build-Out Infrastructure Plan (“the Plan”) that had a series of projections and recommendations for improvements to the system. The growth projections in the plan indicated that the main sewer trunk line that serves all of Poncha Springs may be at or exceed capacity at buildout and would need to be expanded in order to accommodate new growth.

On February 11, the City of Salida was notified by Poncha Springs of a new application for annexation of 54.25 acres of property on the eastern end of the Town, known as the Moltz property (also known as Tailwinds II). The proposed zoning for the property would be both urban and suburban, per their application. Per the City’s approved Plan, this property was identified as “unknown” in the mapping for the municipal services area – shown in red on the attached map. The Plan indicates that in order to serve areas designated as “unknown”, the sewer trunk line needs to be upsized.

In addition, the Plan indicates that better data needs to be gathered to track actual flows in the trunk line to improve projections along with understanding current conditions (winter time flows, summer infiltration from irrigation, etc.). The City of Salida has installed flow metering devices in the line and we are gathering data. Should you recall, the City agreed to reconvene with Poncha Springs officials when we have a decent grasp on this data, anticipated to be sometime in the late spring/early summer, and to update the Plan after the summer irrigation season to include tried up numbers and data.

With all of this in mind, City staff believes that any decisions on annexation of property identified as “unknown” in the Plan may be premature without a complete picture of the actual flows in the trunk line and the implications that may have on future infrastructure needs. In addition, there is no current consensus on how the Water and Wastewater Enterprise will fund any improvements to the line via Poncha Springs developers or ratepayers. The City is currently in the process of working through financial modeling with its consultants (Ehlers), which was approved by the City Council at your last meeting.

Per the IGAs, the City is a referral agency for the Town of Poncha Springs for applications for development. City staff has drafted the attached response letter and map for consideration of the City Council, acting as the Water and Wastewater Enterprise Board.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: March 3, 2020

AGENDA ITEM NO. 7.a.	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Drew Nelson
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FISCAL NOTE:

There is no immediate fiscal impact; however, the Plan includes a cost estimate of \$14.15M to replace and expand the Poncha Springs trunk line to serve all future existing, planned, and unknown growth. This is a sizeable expenditure that should be approached carefully and will full understanding of the financial implications to the system.

STAFF RECOMMENDATION:

Staff recommends that the City Council review the attached letter for submittal to the Town of Poncha Springs as the official response by the City of Salida. Sitting as the Water and Wastewater Enterprise Board, the City Council is the responsible agent for preserving, sustaining, enhancing and expanding the City’s utility systems. It is imperative to have a full understanding of the implications of additional use of the sewer system on the Poncha Springs trunk line, which will occur over the next year (and beyond). The letter includes a request by the City of Salida to delay any decisions regarding this annexation – especially as it relates to infrastructure – until more data is in our collective possession.

SUGGESTED MOTIONS:

A City Councilperson should make a motion to approve response letter to the Town of Poncha Springs with regard to the annexation application for the Moltz property, also known as Tailwinds II, as noticed to the City on February 11, 2020, to be signed by the Mayor, followed by a second and a voice vote.



March 3, 2020

Town of Poncha Springs Board of Trustees
 Attn: Brian Berger, Town Administrator
 333 Burnett Avenue
 Poncha Springs, CO 81242

RE: Annexation and Zoning Map Amendment – Moltz Property, Poncha Springs, Colorado - Comments by the City of Salida as Referral Agency Pursuant to Paragraph 1.a. of the Intergovernmental Agreement for Provision of Sewer Services dated April 6, 2010

Dear Mr. Berger,

The City of Salida is in receipt of the public notice and agency review request dated February 11, 2020, regarding the Annexation and Zoning Map Amendment for the Paul Moltz property consisting of 54.25 acres located on US-50, immediately east of Tailwinds Subdivision. The proposed zoning map indicates urban and sub-urban zoning.

As you are aware, the City of Salida diligently worked with the Town of Poncha Springs during the development of the '2019 Sewer Collection System Build-Out Infrastructure Plan' (Plan). The Plan identified the capacity conditions of the wastewater collection system under three scenarios: existing (green), planned (yellow & green), and build-out including unknown future development (red, yellow, & green) as identified on the attachment titled, 'Figure 1 – Poncha Springs Parcel Development Status'. The Plan identified that portions of the trunk line serving the Poncha Springs Service Area are at or near capacity at full development of the parcels in the 'planned' scenario. The Moltz property was identified outside of the 'planned' scenario and is shown in red on Figure 1. The Plan indicates that a portion of the trunk line needs to be upsized in order to provide reliable service for development beyond the planned areas (yellow & green), which would be the case should this property be annexed and provided service.

The City of Salida installed a new flow meter and is collecting the data that was recommended within TM-7, Section 5, of the Plan. This data must be used to update the results and recommendations of the Plan. This analysis is proposed to be completed in the fall of 2020 once seasonal fluctuations in flow can be monitored. This data is critical to understand the implications of continued growth of flows in the trunk line. It is the City's belief that without the data we are in the process of collecting, any decisions related to land use and development would be missing critical information to assist the Poncha Springs Board of Trustees in its contemplation of the annexation request. This has far-reaching financial implications for ratepayers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line.

The City of Salida, in its capacity as a referral agency pursuant to the Salida and Poncha Springs Intergovernmental Agreement for Provision of Sewer Services dated April 6, 2010, submits the following:

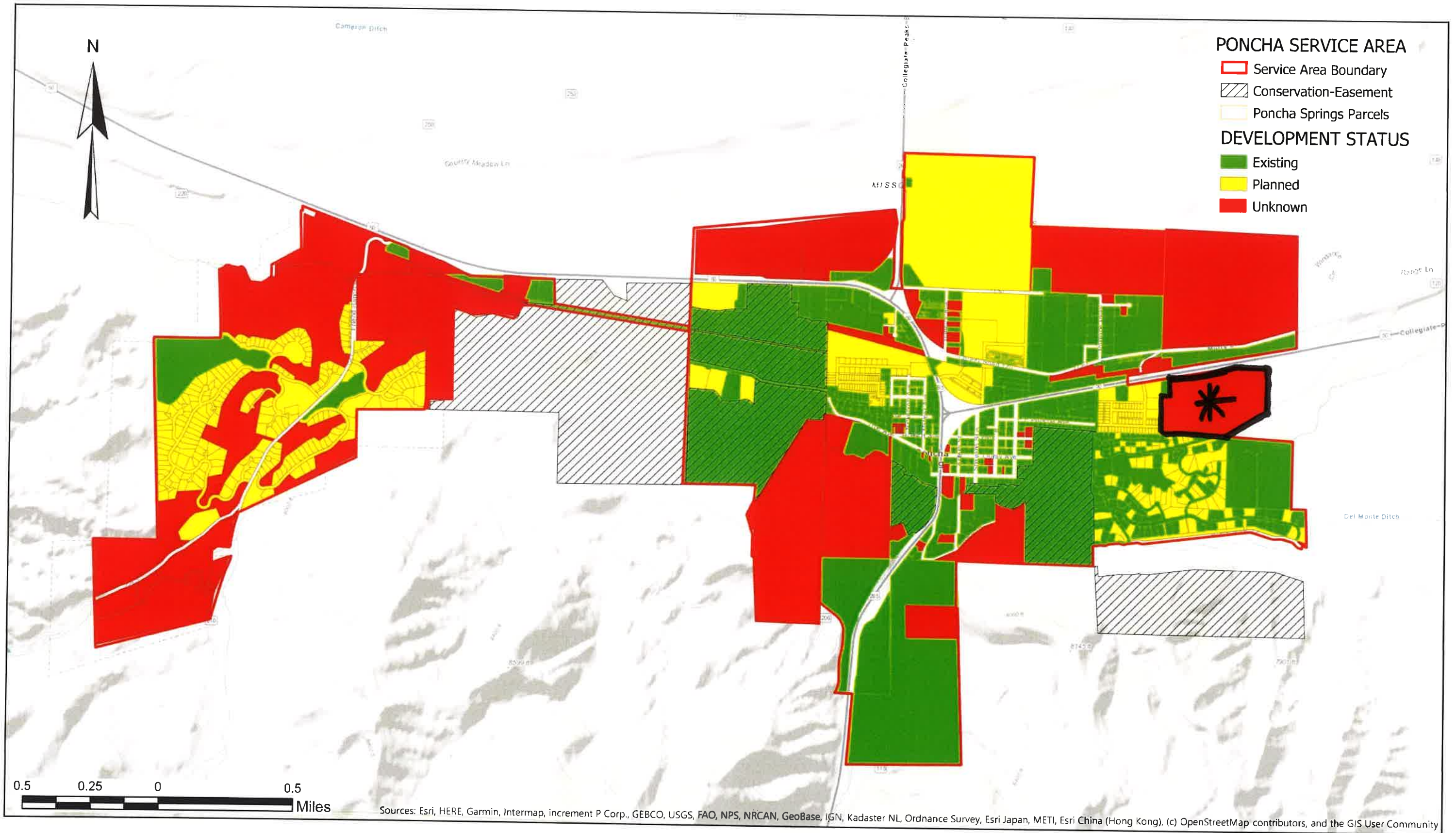
The Salida Sewer Collection System Build-Out Infrastructure Plan, as updated December 16, 2019, has not addressed the potential sewer unit load impact of this proposed annexation on the Salida sewer system, as it is a parcel that is not included in either the existing or planned development status addressed by the Plan. Because the sewer unit load impact on the sewer system is currently unknown, it is unclear what costs will be associated with providing sewer service to this proposed development.

With the above in mind, the City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data can be collected, analyzed, and discussed. We desire to continue to work collaboratively with the Poncha Springs Board of Trustees on delivering sustainable, cost-effective wastewater service to residents of both Salida and Poncha Springs, and it is imperative that factual data be allowed to drive the ongoing conversations that started during development of the Plan.

We greatly appreciate your attention to this matter, and are available to discuss this issue in greater detail.

Sincerely,

P.T. Wood
Mayor, City of Salida



CITY OF SALIDA SEWER BUILD-OUT PLAN
FIGURE 1 - PONCHA SPRINGS PARCEL DEVELOPMENT STATUS



February 11, 2020

Board of County Commissioners
Chaffee County, Colorado
PO Box 699
Salida, CO 81201

Upper Arkansas Water Conservancy District
PO Box 1090
Salida, CO 81201

Jennifer A. Davis, County Attorney
PO Box 699
Salida, CO 81201

Southeastern Colorado Water Conservancy
31717 United Avenue
Pueblo, CO 81001

Salida School District No. R32-J
349 E 9th Street
Salida, CO 81201

Heart of the Rockies Regional Medical Center
PO Box 429
Salida, CO 81201

City of Salida Wastewater
c/o David Lady – Public Works Director
340 W Hwy 291
Salida, CO 81201

Salida Regional Library
405 E Street
Salida, CO 81201

Chaffee County Fire Protection District
499 Antero Circle
Buena Vista, CO 81211

South Arkansas Fire Protection District
124 E Street, PO Box 393
Salida, CO 81201

IN COMPLIANCE WITH THE PROVISIONS OF SECTION 31-12-108(2) C.R.S., please find enclosed a copy of the published Notice, together with a copy of the Resolution and Petition concerning the annexation to the Town of Poncha Springs, of property therein described. The provisions of annexation laws of the State of Colorado require that such mailing be made to the Board of County Commissioners of the County, the County Attorney and to each Special District or School District having property within the area to be annexed.

Thank you.



Brian Berger, Town Clerk



PUBLIC NOTICE

Monday, March 9th, 2020 – 6:30p.m.

Public Hearing – Zoning Map Amendment

The Town of Poncha Springs **Planning and Zoning Commission** will hold a Public Hearing at the Poncha Springs Town Hall, 333 Burnett Ave., Poncha Springs, CO on March 9th, 2020 regarding a Zoning Map Amendment and requested zoning associated with an Annexation Petition submitted by Tailwind Group, LLC for parcel number 380511200034, 54.25 acres, situated east of Tailwind Village Subdivision, south of Hwy 50 and north of Little River Ranch/a portion of unincorporated Chaffee County owned by Paul Moltz.

Public Notice is also hereby given:

Monday, March 23rd, 2020 – 6:30p.m.

Public Hearing – Annexation and Zoning Map Amendment

The Town of Poncha Springs **Board of Trustees** will hold a Public Hearing at the Poncha Springs Town Hall, 333 Burnett Ave., Poncha Springs, CO on March 23rd, 2020 regarding an Annexation Petition and associated Zoning Map Amendment submitted by Tailwind Group, LLC for parcel number 380511200034, 54.25 acres, situated east of Tailwind Village Subdivision, south of Hwy 50 and north of Little River Ranch/a portion of unincorporated Chaffee County owned by Paul Moltz.

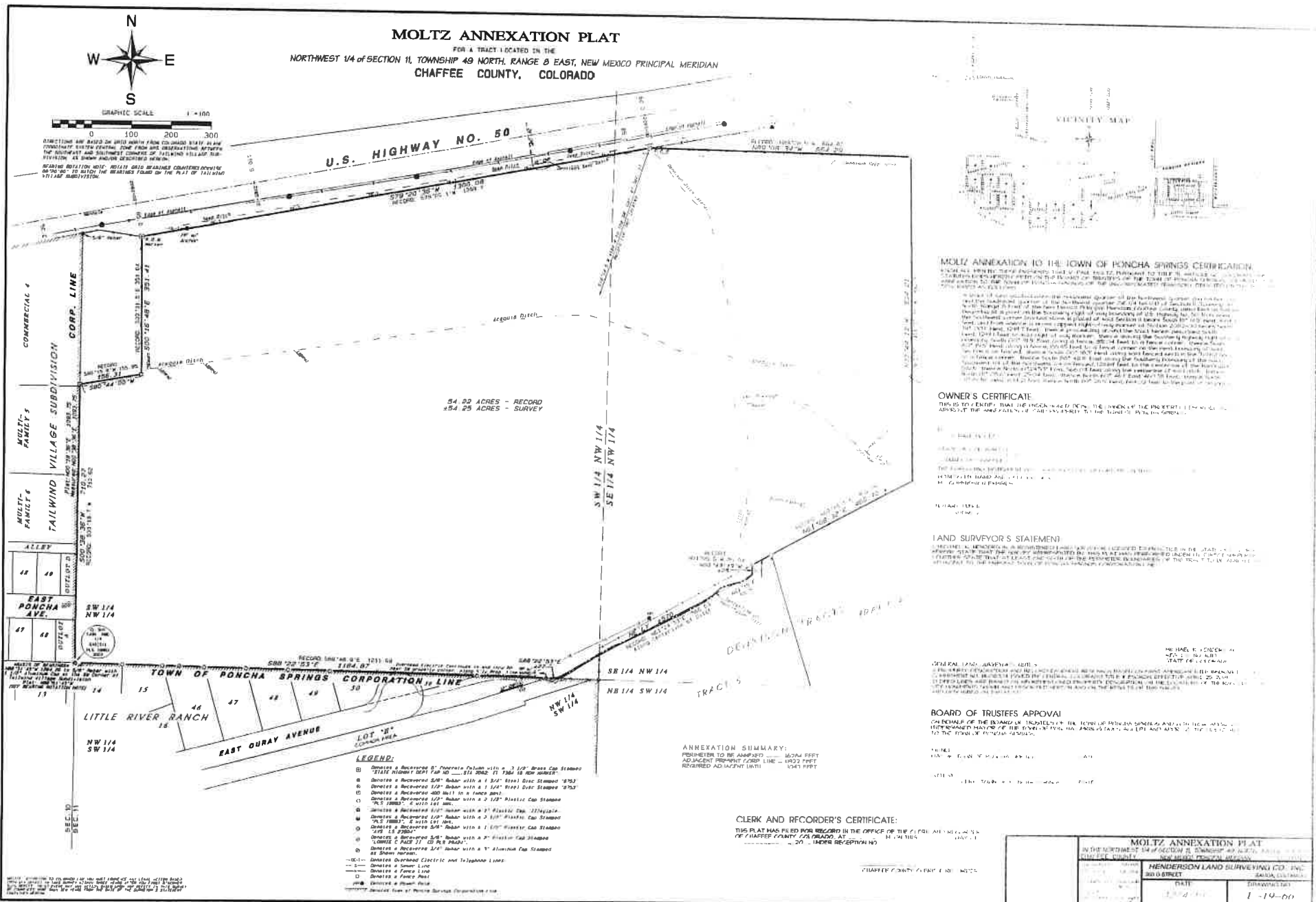
The hearings are for the purpose of taking public comment on proposed amendments to the Town of Poncha Springs Zoning District Map



Parcel Number R380511200034	Physical Address	Total Value \$19,494	Last 2 Sales			
Property Class Shed - Cattle	Owner Address MOLTZ V PAUL		Date	Price	Reason	Qual
Taxing District 06	PO BOX 1914		8/22/2001	\$8000	U	n/a
Acres 54.22	BUENA VISTA, CO 812111914		6/8/1999	\$16000	U	n/a
Brief Tax Description	TRACT IN SW4NW4 SE4NW4 11-49-8 B504 P888 B516 P804 REC 304483 WATER RIGHTS					
	<i>(Note: Not to be used on legal documents)</i>					

Date created: 2/3/2020
 Last Data Uploaded: 1/31/2020 5:16:46 PM

Developed by Schneider
 GEOSPATIAL



MOLTZ ANNEXATION TO THE TOWN OF PONCHA SPRINGS CERTIFICATION.
 WHEREAS THE TOWN OF PONCHA SPRINGS HAS BEEN INCORPORATED UNDER THE CHARTERS AND ORDINANCES OF THE STATE OF COLORADO AND HAS BEEN DULY ORGANIZED AND IS IN FULL COMPLIANCE WITH THE LAWS OF THE STATE;
 WHEREAS THE TOWN OF PONCHA SPRINGS HAS BEEN INCORPORATED IN THE COUNTY OF CHAFFEE, STATE OF COLORADO, AND HAS BEEN DULY ORGANIZED AND IS IN FULL COMPLIANCE WITH THE LAWS OF THE STATE;
 WHEREAS THE TOWN OF PONCHA SPRINGS HAS BEEN INCORPORATED IN THE COUNTY OF CHAFFEE, STATE OF COLORADO, AND HAS BEEN DULY ORGANIZED AND IS IN FULL COMPLIANCE WITH THE LAWS OF THE STATE;
 WHEREAS THE TOWN OF PONCHA SPRINGS HAS BEEN INCORPORATED IN THE COUNTY OF CHAFFEE, STATE OF COLORADO, AND HAS BEEN DULY ORGANIZED AND IS IN FULL COMPLIANCE WITH THE LAWS OF THE STATE;

OWNER'S CERTIFICATE
 THIS IS TO CERTIFY THAT THE UNDERSIGNED, THE OWNER OF THE PROPERTY HEREIN SHOWN, APPROVE THE ANNEXATION OF THE SAID PROPERTY TO THE TOWN OF PONCHA SPRINGS.

LAND SURVEYOR'S STATEMENT
 I, THE UNDERSIGNED, A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE BOUNDARIES SHOWN ON THIS PLAT ARE CORRECT AND ACCORDING TO THE RECORDS OF THE PUBLIC LANDS OFFICE AND THE RECORDS OF THE COUNTY OF CHAFFEE, COLORADO.

BOARD OF TRUSTEES APPROVAL
 ON BEHALF OF THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS AND IN THE PRESENCE OF THE UNDERSIGNED MAYOR OF THE TOWN OF PONCHA SPRINGS.

ANNEXATION SUMMARY:
 PERMETER TO BE ANNEXED 16784 FEET
 ADJACENT PERMETER CORNER LINE = 1002 FEET
 REQUIRED ADJACENT LOTS 1041 FEET

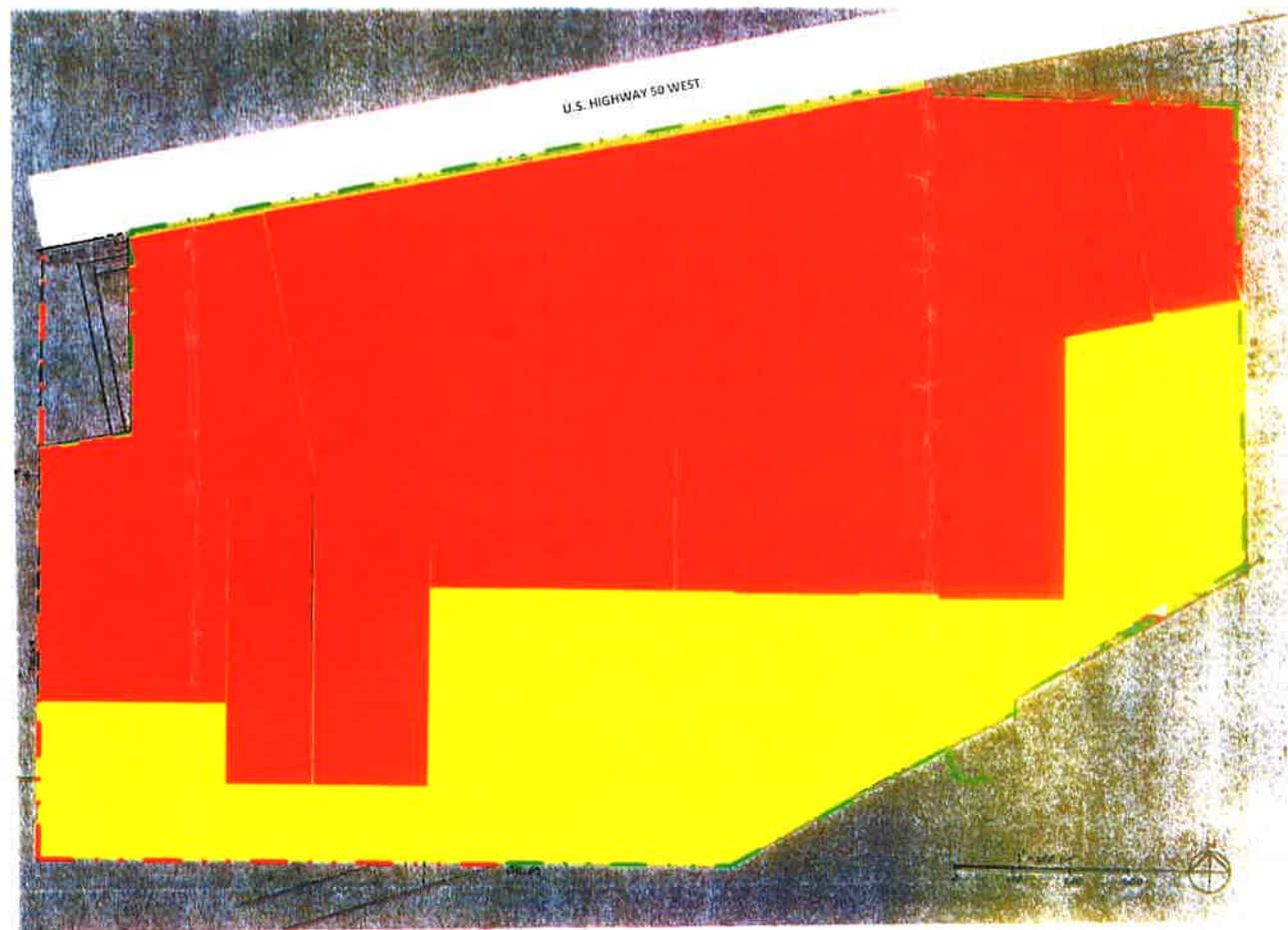
CLERK AND RECORDER'S CERTIFICATE:
 THIS PLAT HAS BEEN FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF CHAFFEE COUNTY, COLORADO, AT 10:00 AM, JANUARY 15, 2006.

MOLTZ ANNEXATION PLAT	
HENDERSON LAND SURVEYING CO., INC. 300 S. BRIMLEY ST. DENVER, CO 80202	CHAFFEE COUNTY CLERK AND RECORDER
DATE: 1/15/06	FILE NO: 2006-001
BY: [Signature]	1 - 10 - 06

MOLTZ ANNEXATION ZONE MAP

--- EXISTING TOWN BOUNDARY
--- NEW TOWN BOUNDARY

LEGEND	
[Green Box]	T1 - NATURAL ZONE (PUBLIC)
[Cross-hatched Box]	T1 - NATURAL ZONE (PRIVATE)
[Brown Box]	T2 - RURAL ZONE
[Yellow Box]	T3 - SUB-URBAN ZONE
[Red Box]	T4 - GENERAL URBAN ZONE
[Orange Box]	T5 - URBAN CENTER ZONE
[Dark Blue Box]	SD1 - BUSINESS PARK DISTRICT
[Light Blue Box]	SD2 - INDUSTRIAL PARK DISTRICT
[Medium Blue Box]	SD3 - FAIRCROUNDS DISTRICT
[Light Green Box]	SD4 - URBAN REBORT DISTRICT
[Dark Green Box]	CS - CIVIC SPACE
[Dotted Box]	CONSERVATION EASEMENT
[Dashed Box]	IRRIGATION DITCH



MOLTZ ANNEXATION ZONE MAP

*Conceptual Only
(likely to change)*

--- EXISTING TOWN BOUNDARY
--- NEW TOWN BOUNDARY

LEGEND	
	T1 - NATURAL ZONE (PUBLIC)
	T1 - NATURAL ZONE (PRIVATE)
	T2 - RURAL ZONE
	T3 - SUB-URBAN ZONE
	T4 - GENERAL URBAN ZONE
	T5 - URBAN CENTER ZONE
	BD1 - BUSINESS PARK DISTRICT
	BD2 - INDUSTRIAL PARK DISTRICT
	BD3 - FAIRGROUND DISTRICT
	BD4 - URBAN RESORT DISTRICT
	CS - CIVIC SPACE
	CONSERVATION EASEMENT
	IRRIGATION DITCH



TOWN OF PONCHA SPRINGS, COLORADO
RESOLUTION INITIATING ANNEXATION PROCEEDINGS

NOTICE IS HEREBY GIVEN that a Petition for Annexation of property hereinafter described has been presented to the Board of Trustees of the Town of Poncha Springs, Colorado and found to be in apparent compliance with the applicable provisions of law. The Board of Trustees has adopted a Resolution setting a public hearing to be held at 6:30 P.M. on March 23rd, 2020, at the Poncha Springs Town Hall, 333 Burnett Avenue, Poncha Springs, Colorado 81242, to determine if the proposed annexation complies with the applicable provisions of law.

Any person may appear at the hearing and present evidence and arguments to be considered by the Board of Trustees. The Resolution provides as follows:

TOWN OF PONCHA SPRINGS, COLORADO

RESOLUTION #2020-1

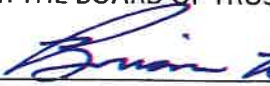
BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO AS FOLLOWS:

1. That annexation proceedings be initiated upon a Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.
2. Description of property proposed for annexation: See, attached **Exhibit A**.
3. Therefore, 6:30 P.M. on March 23rd, 2020 is hereby established as the date and time, and the Poncha Springs Town Hall, 333 Burnett Avenue, in Poncha Springs, Colorado 81242, as the place, for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.


PASSED, APPROVED AND ADOPTED this 27th day of January 2020, the vote upon roll call being as follows:

For: 5
 Against: 1
 Abstain: 0
 Absent: 1

FOR THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO


 Brian Berger, Town Clerk



By: 
 Ben Scanga, Mayor

Published in the Mountain Mail

Publish Weekly: First Publication: February 3rd, 2020
 Second Publication: February 10th, 2020
 Third Publication: February 17th, 2020
 Fourth Publication: February 24th, 2020

EXHIBIT A

Legal Description of Proposed Annexation

The Land referred to herein below is situated in the County of Chaffee, State of Colorado, and is described as follows:

A tract of land located within the Southwest quarter of the northwest quarter (SW1/4 NW ¼) and the South east quarter of the Northwest quarter (SE1/4 NW1/4) of Section 11 Township 49 North Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado described as follows:

Beginning at a point on the Southerly right-of-way boundary of U.S. Highway No. 50 from whence the Southwest corner marked stone in place, of said Section 11 bears South 18° 14' 5" West, 4184.4 feet and from whence a brass capped right-of-way marker at Station 2082-00 bears South 79° 00' 1" West, 1299.1 feet to said right-of-way marker, thence leaving the Southerly high way right-of-way boundary South 00° 31.5' East along a fence 351.04 feet to a fence corner, thence South 80° 15.8' West along a fence, 155.95 feet to a fence corner on the West boundary of said Section 11 as fenced; thence South 00° 18.7' West along the Southerly boundary of said Southwest ¼ of the Northwest ¼ as fenced, 1211.69 feet to the centerline of the Harrington Ditch; thence North 61° 24' 53" East, 566.03 feet along the centerline of said ditch; thence North 01° 05.6' West, 25.04 feet; thence North 60° 46.1' East, 460.78 feet; thence North 01° 05' 36" West, 834.21 feet; thence North 89° 28.5' West, 664.02 feet to the point of beginning

Also know by street address as: TBD

And assessor's schedule or parcel no.: 380511200034

PETITION FOR ANNEXATION

TO: The Town Board of Trustees of the Town of Poncha Springs, Colorado

The undersigned ("Petitioners"), being the owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A" attached hereto and made a part hereof (the "Property"), hereby petitions the Town Council of the Town of Poncha Springs for annexation of the Property as the "Paul V. Moltz Parcel" (Assessor Parcel No. 380511200034) in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S., as amended.

In support of this petition, Petitioners state:

1. It is desirable and necessary that the Property be annexed to the Town of Poncha Springs, Colorado.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.
3. Not less than one-sixth of the perimeter of the Property is contiguous with the Town of Poncha Springs.
4. A community of interest exists between the Property and the Town of Poncha Springs.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Poncha Springs.
7. In establishing the boundaries of the Property, no land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road or other public way.
8. No land held in identical ownership comprising twenty (20) acres or more which has a valuation for assessment in excess of Two Hundred Thousand Dollars (\$200,000.00) for the preceding tax year has been included in the boundary of the Property without the written consent of the landowner.
9. The boundaries of the Property to be annexed includes the full width of any county road abutting any of the property to be annexed.
10. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.

11. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.

12. Prior to the hearing before the Town Board of Trustees on whether to annex the Property, the Petitioners and the Town shall have entered into an annexation agreement which shall govern and control the development of the Property within the Town (the "Annexation Agreement"). Annexation of the Property shall be conditioned upon the Town Board of Trustees' approval of the Annexation Agreement. Upon the effective date of the ordinance annexing the Property and approving the Annexation Agreement ("Annexation Ordinance"), the Property shall be subject to all of the terms and provisions of the Annexation Agreement.

13. Except as modified by the terms and provisions of the Annexation Agreement, upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Poncha Springs, except for general property taxes of the Town of Poncha Springs, if any, which shall become effective on January 1st of the next succeeding year following the effective date of the Annexation Ordinance.

14. Petitioners are the owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, exclusive of streets and alleys and said owners attesting to the facts and agreeing to the conditions herein will negate the necessity of an annexation election.

15. The legal description of the land owned by each signer of this Petition for Annexation is set forth on Exhibit "B" attached hereto and incorporated herein by this reference;

16. Accompanying this petition are four copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

- a. A written legal description of the boundaries of the Property proposed to be annexed;
- b. The boundary of the Property and the boundary of the Property contiguous with the Town of Poncha Springs and any other municipality abutting the Property;
- c. The location of each ownership tract of un-platted land, there being no platted land on the Property;
- d. The total acreage, more or less, of the Property;
- e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Poncha Springs;
- f. The width of any county roads abutting the Property.

17. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.

18. The area proposed to be annexed is located within: Chaffee County, Salida R32J School District, Chaffee County Fire Protection District, the Health District of Heart of the Rockies Regional Medical Center, the Upper Arkansas Water Conservancy District, Salida Regional Library District, and the Chaffee County Pest Control District.

19. The mailing address of each Petitioner and the date of signing of each Petitioners' signature are shown on this Petition.

20. The Property is not presently a part of any incorporated town, city and county, or city.

21. Petitioners agree that provision of water service to the Property shall take place as provided in the Annexation Agreement. Petitioners understand that the Town of Poncha Springs does not provide municipal sewer services. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

22. No vested rights to use or develop the Property in any particular way, as defined in Section 24-68-101, et seq., C.R.S. have been requested by Petitioners from any governmental entity, other than those requested and included in the Annexation Agreement.

23. The Petitioners shall pay all fees and costs incurred by the Town in processing this Petition for Annexation through the annexation hearing before the Town Board of Trustees.

24. The Petitioners acknowledge that upon the effective date of the Annexation Ordinance, subject to the terms and provisions of the Annexation Agreement, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Article X, Section 20 adopted prior to annexation of the Property. The Petitioner waives any claims it may have under Article X, Section 20 of the Colorado Constitution related to such taxes and fees.

25. The Petitioners shall have the right in their sole and absolute discretion to withdraw this Petition for Annexation at any time subsequent to the second reading approval of the ordinance annexing the Property to the Town, but prior to the effective date of such ordinance.

WHEREFORE, the undersigned Petitioners request that the Town of Poncha Springs approve the annexation of the Property.

Petitioners:

Paul V. Moltz

By: 
Paul V. Moltz

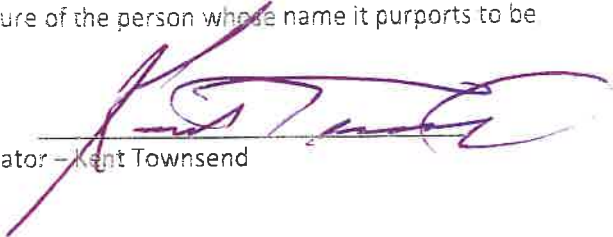
Dated: 12-4-19

Address: PO Box 1914,
Buena Vista, CO 81211-1914

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Poncha Springs, Colorado, and that the signature thereon of Paul V. Moltz was witnessed by affiant and is the signature of the person whose name it purports to be



Circulator - Kent Townsend

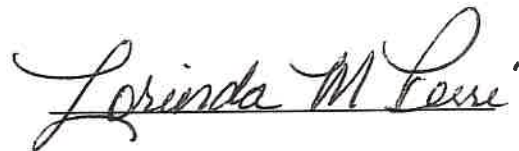
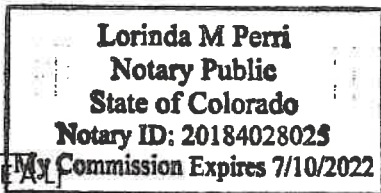
STATE OF COLORADO)

COUNTY OF Chaffee) ss.

On the 9th of Dec, 2019, before me personally came Kent Townsend to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and who acknowledged to me that he or she executed the same.

Witness my hand and official seal.

My Commission expires: 7/10/2022



Notary Public

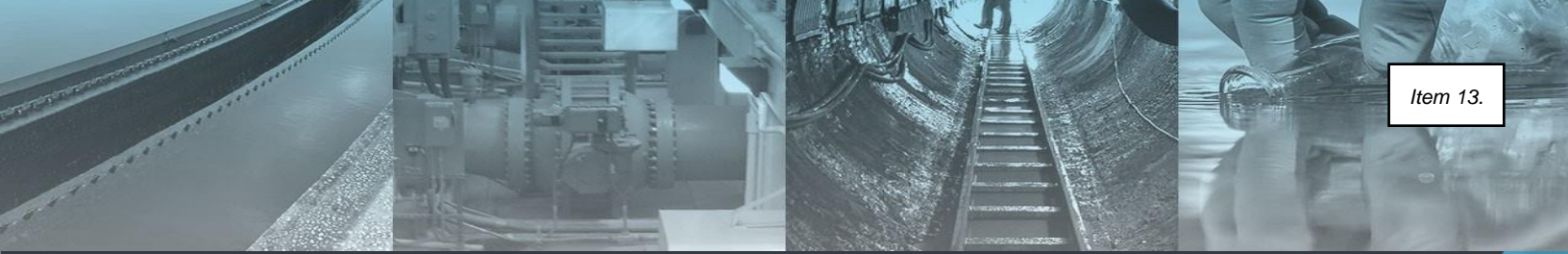
Exhibit "A"
to Petition for Annexation

Legal Description of the Property

The Land referred to herein below is situated in the County of Chaffee, State of Colorado, and is described as follows:

A tract of land located within the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) and the Southeast quarter of the Northwest quarter (SE1/4 NW1/4) of Section 11, Township 49 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the Southerly right-of-way boundary of U.S. Highway No. 50 from whence the Southwest corner (marked stone in place) of said Section 11 bears South 18° 14.5 West, 4184.4 feet, and from whence a brass capped right-of-way marker at Station 2082+00 bears South 79° 00.1 West, 1299.7 feet; thence proceeding around the tract herein described, South 79° 00.1 West, 1299.1 feet to said right-of-way marker; thence leaving the Southerly highway right-of-way boundary, South 00° 31.5' East along a fence, 351.04 feet to a fence corner; thence South 80° 15.8' West along a fence, 155.95 feet to a fence corner on the West boundary of said Section 11 as fenced; thence South 00° 18.7' West along the Southerly boundary of said Southwest 1/4 of the Northwest 1/4 as fenced, 1211.69 feet to the centerline of the Harrington Ditch; thence North 61° 24' 53" East, 566.03 feet along the centerline of said ditch; thence North 01° 05.6' West, 25.04 feet; thence North 60° 46.1' East, 460.78 feet; thence North 01° 05' 36" West, 834.21 feet; thence North 89° 28.5' West, 664.02 feet to the point of beginning.



City of Salida Technical Memorandum

Providence Infrastructure Consultants
300 Plaza Drive, Suite 320
Highlands Ranch, Colorado 80129
(303) 997-5035
www.providenceic.com



Poncha Interceptor Flow Analysis

Task:	002
Project Number:	210003
Revision:	Update from October 10, 2021, March 18, 2022, and April 11, 2022 versions
Date:	September 13, 2022
Status:	Updated Final
Lead Authors:	Terry McEnany, P.E.
Reviewed by:	Casey Mahoney, P.E.

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1 INTRODUCTION

The City of Salida (“City”) provides sewage collection and treatment according to an intergovernmental agreement with the Town of Poncha Springs. Poncha Springs is experiencing rapid growth, and the Poncha Interceptor (PI) sewer flow is being monitored for comparison with the pipeline capacity. Upper and lower PI flow meter data were collected from January 2020 to March 2022 and compared with the estimated flows and peaking factors from the Master Plan dated December 16, 2019. This Technical Memorandum (TM) presents updated Poncha Springs service area flow meter data and growth projections for City capital improvements planning.

2 GROWTH PROJECTIONS FOR THE PONCHA SPRINGS SERVICE AREA

Poncha Springs sewer accounts are classified in the Salida accounting system as either Residential or Commercial User Class, RUC and CUC, respectively. The sewer accounts are assumed to have single service connections. There are no multifamily residential accounts in the Poncha Springs accounting system. Commercial accounts are assigned to the institutional customers in the service area, such as schools.

The 2019 Sewer Master Plan identified three categories of land parcels using geographical information system data, maps, planned developments and/or land zoning in the Poncha Springs service area. The land parcels are categorized as:

- Existing customers who currently have a service connection
- Planned development with subdivided parcels that are in various stages of the review process. Phased developments with approved agreements are indicated as such.
- Vacant parcels with “unknown” plans for future growth (may not currently be annexed into the Town of Poncha Springs)

These three categories of land parcels in the Poncha Springs service area are identified in Figure 1, Poncha Springs Parcel Development Status. Parcels shaded in green are ‘Existing’ customers. Those shaded yellow are currently ‘planned’ developments. The red areas are ‘unknown’ vacant parcels that may develop in the future. Figure 1 is also provided in 11”x17” format in Appendix A.

2.1 Existing Customers

The City of Salida provided information on Poncha Springs sewer service accounts as of September 2021. Table 2-1 presents the annual growth rate from 2019 to 2021 based on the number of residential and commercial service connections that were estimated in the sewer master plan and the current accounting system.

Table 2-1 Existing Customer Accounts in the Poncha Springs Service Area

User Class	2019 (units)	2021 (units)	Annual Increase (%)
Residential (RUC)	410	552	11.5
Commercial (CUC)	73	71	-0.9

The annual increase in residential sewer connections over the last three years is significant with 142 RUC units added, whereas the commercial accounts have decreased slightly.

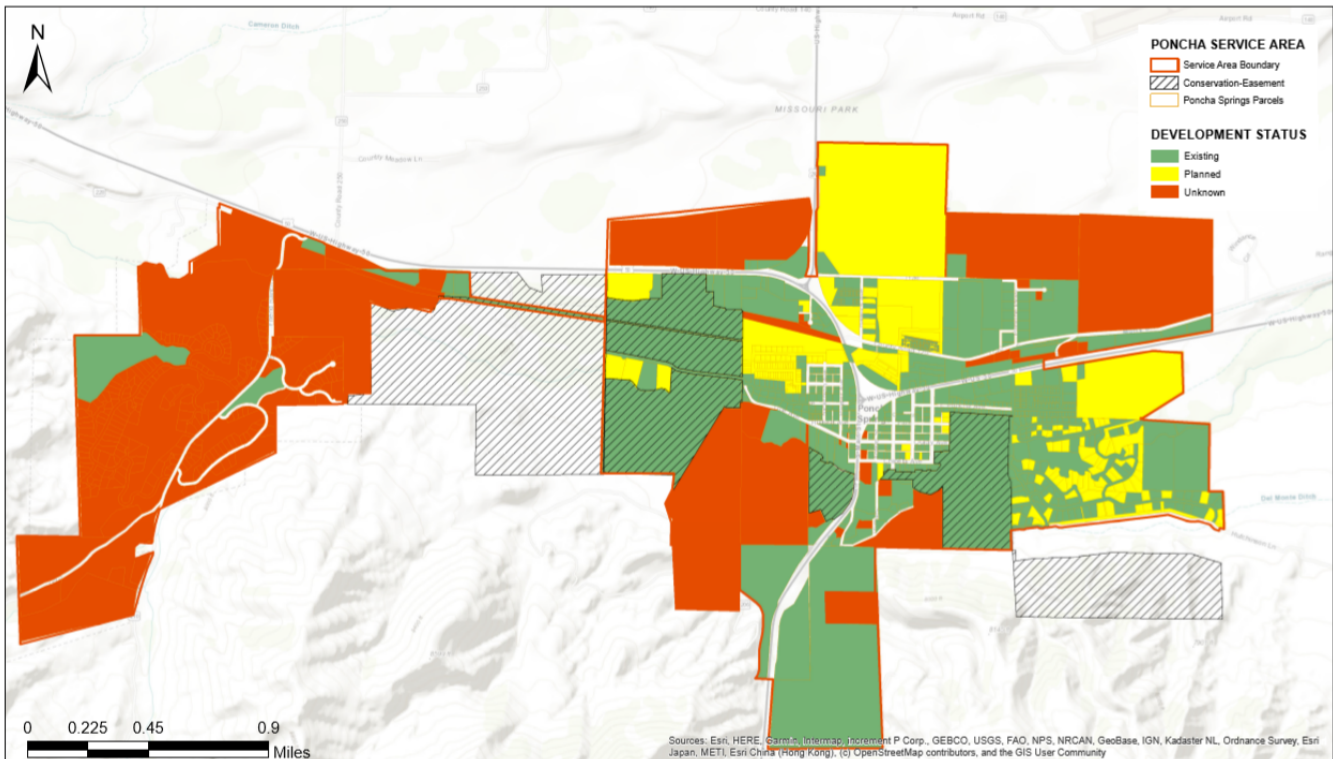


Figure 1 Poncha Springs Parcel Development Status (2021)

2.1.1 Development Density

The assumed density of residential development was reviewed using data from platted developments and field verification of the buildings constructed. Crossroads Village is now constructed with 61 RUC units on 9.08 acres, or an average density of 0.15 acres/unit. The total area of Tailwind Village I is 28.2 acres, of which 9.1 acres are platted for commercial development. The average residential density for Tailwind Village I is 0.13 acres/unit, assuming 148 RUC units in single, duplex, and multi-family lots. Tailwind Village II will likely have a similar density of RUC units. The Quarry Station development has more single-family residences planned: 100 units within 28.12 acres, or 0.28 acres/unit. The Little River Ranch has significantly larger lots between 0.5 and 1.0 acres/unit. Based on this limited review, the assumed density of 0.21 acres/unit is reasonable for future development planning of vacant parcels.

2.2 Planned Development

Changes in planned development of residential and commercial parcels occur for several reasons. Some planned developments have been built out and become existing customers (no longer planned units), which decreases the number of units in this category. The Little River Ranch development planned for 75 residential lots. There are 54 RUC units remaining to be constructed within Little River Ranch. Crossroads Village was platted for 61 RUC units which are now constructed and connected to the system. The Quarry Station development had 100 RUC units planned and 22 are now constructed, leaving 78 remaining as planned RUC units. The Tailwinds Village I development had 148 planned RUC units comprising single family, duplex, and multi-family apartment buildings. The remaining units to be constructed include 48 RUC units and 4.4 acres of commercial area. The number of new RUC units added to the list of existing service connections since 2018 totals 204 based on the evaluation of new construction in these four developments.

Parcels that had previously been in the planning stages but have reverted to unknown status may also change the number of planned units. The Poncha Mesa Senior Center that was planned in the Ute Development parcel has been abandoned. The former Poncha Mesa Senior Center parcel consists of 9.5 acres and is assumed to be fully developed in the future as high density single-family residential lots. From the Master Plan, an analysis of representative subdivision density indicates an average of 0.21 acres per residence. Based on this assumption, the former Poncha Mesa Senior Center will have 45 RUC units of future development.

Development in Poncha Springs West has been abandoned. Any new plans for development of the Friend Ranch area will require resubmittal for review and approval. The planned units for Poncha Springs West are assessed as unknown (refer to Section 2.3.1).

As development plans take shape, the density or break down of user class may also change. The Tailwind Village II is the second phase development recently platted from a vacant parcel. The challenge with the Tailwind Village II development is that significant portions of the parcel are platted as “Mixed Use” which has no definitive indication of density or use. As a result, the area described in the plat as Outlot 2 (30.89 ac) will be allocated as unknown using the original assumptions in the 2019 Master Plan for breakdown of user class (½ RUC, ¼ CUC, and ¼ Park).

A total of 1,144 RUC units are currently identified as planned development in the Poncha Springs East area, as shown in Table 2-2. The total area planned for commercial development is 35.1 acres. Applying the unit loading for planned RUC and CUC connections, the estimated average annual wastewater load as of 2021 is 129,221 gpd.

Table 2-2 Poncha Springs East - Planned Developments as of September 2021

Development Name	Single-Family Residences	Multi-Family Residences	RUC (Units)	CUC ** (Acres)	Notes
Crossroads Village	45	16			Built out in 2021; no lots remain
Loves Truck Stop*				4.9	CUC lots (2 total)
Poncha Meadows I	119	20	139	13.5	Approved phases
Poncha Meadows* (Unplatted)	176	330	506	13.5	Future phases
Ute Development	55	80	135		No change
Poncha Mesa Senior Center (former)	45	-	45	-	No longer planned – assumed to be 100% SFR in the future.
Quarry Station	51 (22 built)	49	100 - 22 = 78	0.95	22 of the 51 SFRs are built
Tailwind I	84 (68 built)	64 (32 built)	148 - 100 = 48	4.4	2 CUC lots remain undeveloped
Tailwind II *	65	64	129	5.26	Phase 1 is platted; Phase 2 is unknown “Mixed Use”
Poncha Town Center	-	-	-	6.9	Phase 1 is built, 6 CUC lots remain
Old Poncha Springs	10		10	4.3	6 CUC lots on Halley’s Ave remain
Little River Ranch	54	-	54	-	Approx. 54 lots remain
	Totals (Parcels or Acres)		1,144	35.1	509 RUCs are approved by City

* Development (or phase) does not currently have an approved agreement with the City of Salida.

** For commercial lots, 1.96 acres/lot is assumed.

2.3 Unknown Future Development

Unknown future development comprises large parcels of land surrounding existing areas of the Town of Poncha Springs, or small vacant lots within the Town’s boundary. Two regions of the Town were evaluated in the Salida Sewer Master Plan: Poncha Springs West and Poncha Springs East

2.3.1 Poncha Springs West

The areas identified as Poncha Springs West include the Friend Ranch development, which is currently vacant and not connected to the Salida sewer collection system. The assumptions that were developed for the Salida Sewer Master Plan for Poncha Springs West are carried forward except that the planned RUC units were moved to unknown future status. Sewer use projections are shown in Table 2-3.

Table 2-3 Planned and Future Sewer Use Projections for Poncha Springs West

Sewer User Class	Planned Development		Unknown Future Development	
	Units	Acres	Units	Acres
RUC	-	-	232	250.2
CUC	-	-	-	24.0

2.3.2 Poncha Springs East

Future development in Poncha Springs East has been updated from the master planning effort based on the new plat for Tailwind Village II. Phase 1 of Tailwind Village II has defined lots that are now planned as indicated above. However, Outlot 2 in Phase 2 of the development remains unknown. The total area and allocation of Outlot 2 sewer classification is 30.89 acres divided as ½ RUC and ¼ CUC with the remaining assumed to be used for a park.

Potential for infill of vacant lots within the existing sewer service area have changed slightly from the Master Plan. Table 2-4 presents the updated projections for planned development and future vacant parcels.

Table 2-4 Planned and Future Sewer Use Projections for Poncha Springs East

Sewer User Class	Planned Development		Unknown Development (Future)	
	Units	Acres	Units	Acres
RUC	1,144	-	228	261
CUC	-	35	4	71

2.4 Overall Growth Projections

Several planned developments are under construction in the Poncha Springs East area, which will likely continue annual growth at the current pace for several more years. Development in Poncha Springs West is unknown and moved from planned to unknown status. The former Poncha Mesa Senior Center is assumed to be developed as single family residential. Tables 2-5 and 2-6 provide the updated status of existing sewer user class units and build-out projections for planned and unknown development.

Table 2-5 Poncha Springs Service Area Build-Out Characterization (2021)

User Class	Existing		Planned Development		Unknown Development (Future)	
	(units)	(acres)	(units)	(acres)	(units)	(acres)
Residential User Class (RUC)	552	-	1,144	-	460	511
Commercial User Class (CUC)	71	-	-	35	4	95

For parcels that do not have subdivided lots, the areas were converted to an assumed number of lots based on the characteristic density of residential and commercial developments. Residential lots are assumed to have an average area of 0.21 acres per lot. For commercial lots, 1.96 acres/lot is assumed. Table 2-6 provides the total numbers of RUC and CUC connections estimated at full-buildout conditions in the Poncha Springs service area.

Table 2-6 Poncha Springs Service Area Buildout User Class Units (2021)

User Class	Existing (units) ^A	Planned (units) ^B	Unknown Development (units)	Full Buildout (units)
Residential User Class (RUC)	552	1,144	2,892 ^C	4,588
Commercial User Class (CUC)	71	18	52 ^D	141

Notes:

- A. 'Existing' units totaled from Salida accounting records.
- B. 'Planned' units totaled from subdivision development layout mapping.
- C. Total 'Unknown' residential units are calculated based upon varying development density direction from the Town on a parcel by parcel basis. Within the 'Unknown' developments, 460 individual residential units were identified in addition to 511 acres at 4.76 residential parcels per acre planning density from the Master Plan.
- D. 'Planned' and 'Unknown' Commercial acres were converted to commercial units using the 1.96 acres/parcel figure from Table 6 of TM3.

The number of full buildout units determined in this 2021 update for Poncha Springs did not change significantly from the original estimates in the Master Plan.

3 PONCHA INTERCEPTOR FLOW PROJECTIONS

Flow projections for the sewer master plan reflect the planned and unknown future development within the Poncha Springs service area. The unit flow for RUC connections was calculated during the master planning effort using winter water usage records to be 110 gpd/unit. CUC connections were allocated 188 gpd/unit. To verify the original calculations, the RUC unit flow rate was determined from the average daily flow of wastewater in the Poncha Interceptor at low season (Jan – Apr) in 2020 to be 66,800 gpd, and in 2021 to be 63,650 gpd. Subtracting the flow from 72 CUC connections assumed in 2020 at a unit flow of 188 gpd/unit, the flow contribution from residential connections in 2020 was 53,275 gpd. Assuming 502 RUC connections, the unit flow for residential development was calculated to be 106 gpd/ RUC unit. At 552 RUC connections in 2021, the unit load was calculated to be 91 gpd/RUC connection. This analysis verifies the original unit flow rates determined during the 2019 Master Plan, which will continue to be used for this update of flow projections.

Average annual flows listed in Table 3-1 for existing, planned, and unknown developments are based on the unit loads and density developed for the Master Plan.

Table 3-1 Poncha Springs Service Area Average Annual Flows at Build-Out (2021)

User Class	Existing (gpd)	Planned Development (gpd)	Unknown Development (gpd)	Total (gpd)
Residential User Class (RUC)	61,000	126,000	318,000	505,000
Commercial User Class (CUC)	13,000	3,000	10,000	26,000
TOTALS	74,000	129,000	328,000	531,000

3.1 Upper and Lower Flow Meter Data for the Poncha Interceptor

Two flow meters were installed in the Poncha Interceptor identified as the ‘Upper Meter’ (MH-049) and ‘Lower Meter’ (MH-036, 413 Rainbow Road). The Upper Meter only monitors flows from the Poncha Springs service area, whereas the Lower Meter also captures flow from a small portion of the Salida service area. Data recorded from the meters was downloaded on September 24, 2021 for analysis and comparison with previous projections.

3.1.1 Upper Flow Meter Data

The Upper Meter existing condition peak hour flow (PHF) modeled in 2019 was 23% of the 615 gpm total capacity, and the PHF calculated using metered data collected from January 2020 to January 2021 was 44% of total capacity. Using data collected from September 2020 to September 2021, the PHF increased to 56% of total capacity. Table 3-2 provides the Upper Meter flow metric summary, including annual average daily flow (AADF), maximum monthly flow (MMF), peak hour flow (PHF), peaking factor (PF), and the percent capacity of PHF. Full metered and modeled data for the Upper Meter is shown in Appendix B.

Table 3-2 Upper Meter Summary

Flow Metric	Sept. 2021 Metered	Jan. 2021 Metered	2019 Modeled
AADF (gpm)	88	63	41
MMF (gpm)	212	128.9	72
PHF (gpm)	347	269	139
PF	4.0	4.3	3.4
PHF % Capacity	56%	44%	23%

3.1.2 Lower Flow Meter Data

The Lower Meter monitors flows in a section of sewer identified as the ‘controlling segment’ during the 2019 Master Plan. The peak hour flow (PHF) modeled in 2019 at this controlling segment was 37% of the 615 gpm total capacity. The PHF calculated using metered data collected from January 2020 to January 2021 remained at 37% of the 615 total capacity. Using data collected from September 2020 to September 2021, the PHF increased to 53% of total capacity. Table 3-3 provides the Lower Meter flow metric summary. Full metered and modeled data for the Lower Meter is shown in Appendix C.

Table 3-3 Lower Meter Summary

Flow Metric	Sept. 2021 Metered	Jan. 2021 Metered	2019 Modeled
AADF (gpm)	98	74	67
MMF (gpm)	211	136	118
PHF (gpm)	328	225	228
PF	3.3	3.0	3.4
PHF % Capacity	53%	37%	37%

3.2 Pipe Capacity and Flow Projections

Ensuring future sewer loads can be accommodated by the Poncha Interceptor requires a capacity analysis to develop a timeline for pipeline replacement. Future flow projections are developed to predict timelines, and can be estimated using different methods, each with varying assumptions. The two primary methods used herein are: 1) extrapolate the metered flow data, and 2) estimate flows from population and growth projections. Using metered data to develop projections is the preferred method. However metered data limitations and variables include: inadequate historical metered data (data collection began in January 2020 and is incomplete), major variations in 2020 and 2021 precipitation and groundwater depths, and the Upper and Lower Flow Meters have slightly different contributing service areas. A combination of these two methods is required to account for these data limitations and variables.

Unit flow rates developed in the Master Plan were similar to the winter metered data, and therefore used in the projection calculations. In this analysis, growth is defined as single family equivalents (SFE) which was estimated by the number of residential and commercial connections to the system. Upper Meter flows are labeled in Figure 2 as “Poncha”, and lower meter flows labeled “Controlling Segment”. Buildout of all known Poncha Springs service area planned developments is 1,848 SFE.

Using Upper Meter flow data from September 2020 to September 2021, a PF of 4.0 was calculated from the Poncha AADF and Poncha PHF. The single family equivalents were applied to project flow rate growth at buildout, starting with the 2021 average annual daily and peak hour flows measured at the meter. The projections for peak hour flow rate are carried into the future using a PF of 4.0. Refer to the Poncha AADF and Poncha PHF in Figure 2.

Using Lower Meter (Controlling Segment) flow data, a PF of 3.34 was calculated. Projecting flows at the Controlling Segment followed the same approach as the Upper Meter (Poncha) flows projections. The only differences in calculations between the Poncha and Controlling Segment flow projections are the starting points and the peaking factors. It is interesting to note that the estimated 1,848 buildout SFE corresponds with the pipeline capacity (615 gpm) at the Controlling Segment assuming a peaking factor of 3.34.

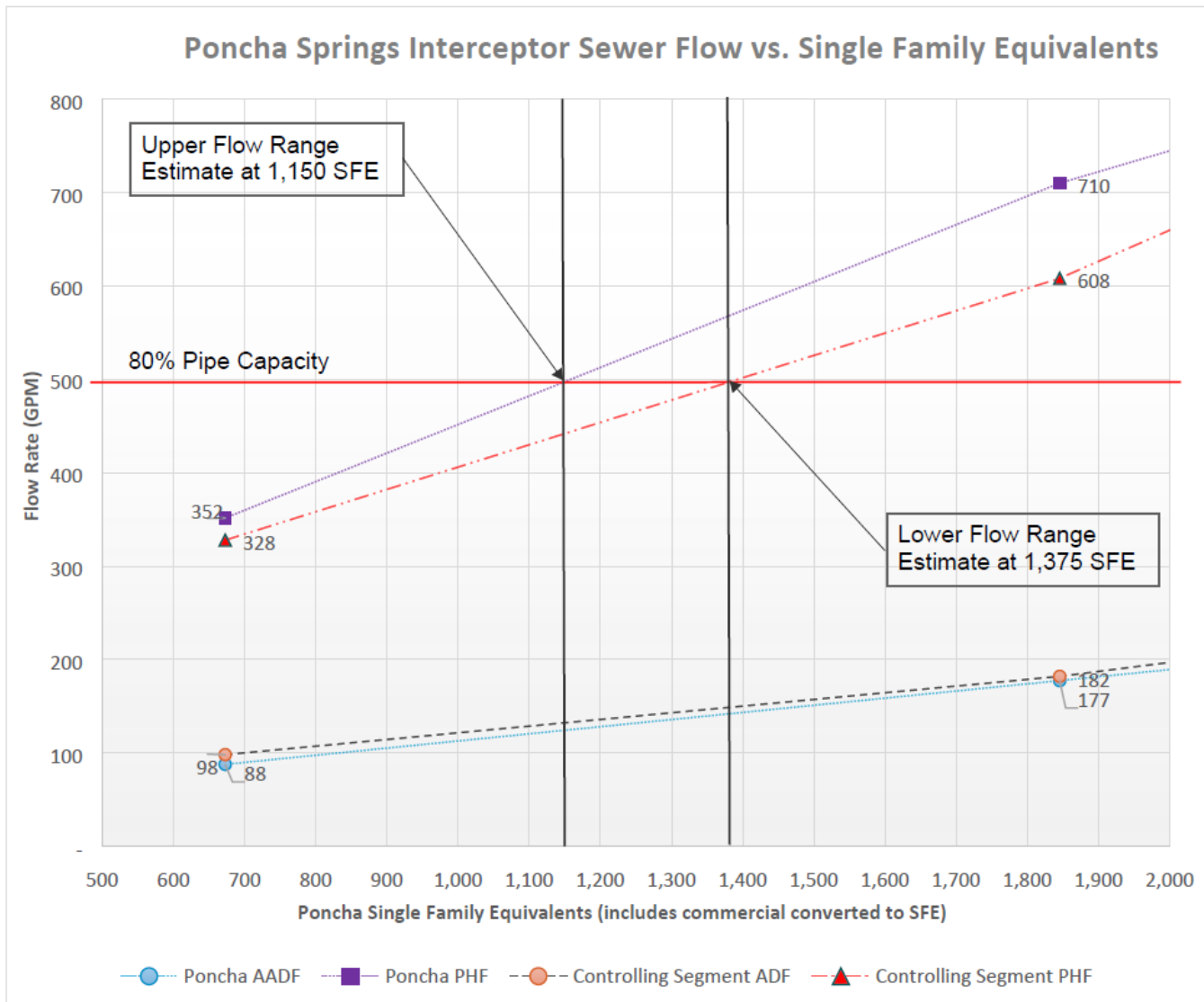


Figure 2 Poncha Interceptor Projected Sewer Flow vs. Single Family Equivalents

3.3 Timeline for Improvements

Providence Infrastructure Consultants recommends using 80% of the pipeline capacity for the critical timeframe to begin construction of improvements, or $0.8 \times 615 \text{ gpm} = 492 \text{ gpm}$. This occurs when the number of single family equivalents in the service area is between 1,150 and 1,375 (refer to Figure 2).

Predicting the rate that single family equivalents will be added to the Poncha Springs service area provides an indication of the time available to plan for the replacement project. Assuming 100 SFE/year growth starting from 673 existing single family equivalents, the City has between 4.8 and 7.0 years to plan. Using a less aggressive growth rate of 50 SFE/year, the planning horizon extends to provide between 9.5 and 14.0 years before 80% capacity is reached.

4 EVALUATION OF ALTERNATIVE IMPROVEMENTS

Two alternatives were considered for improving the capacity for conveying wastewater flows from Poncha Springs to the Salida Wastewater Treatment Plant:

1. Replace Existing Pipeline in Highway 50
2. Install New Interceptor along CR-120

The evaluation provides a general overview of the improvements for the project. Several primary advantages and disadvantages of each alternative are also included in the discussion.

4.1 Alternative 1: Replace Existing Pipeline in Highway 50

The existing pipeline was constructed in 1975 along Highway 50. Alternative 1 consists of installation of an 18-inch pipeline to replace the existing PVC sewer main. Approximately 19,000 linear feet (LF) of new pipeline is anticipated for this alternative. An updated estimate of probable cost for Alternative 1 is \$15,000,000.

Alternative 1 **advantages** are:

- Sewer location provides service to the largest area of potential development.
- Single point of flow monitoring for Poncha Springs service area

Alternative 1 **disadvantages** are:

- Impacts during construction along Highway 50 (mostly limited to eastbound lanes).

4.2 Alternative 2: Install New Interceptor along CR-120

Installation of a new interceptor would allow diversion of wastewater along County Road 120 from a connection near Pahlone Parkway. Options to connect into the Salida collection system include:

- a) Tying in at Holman Avenue and conveying flow in the West Salida Interceptor (along 14th Street) which is a 15-inch pipe,
- b) Tying in at Highway 50 and Holman Avenue, which requires a highway crossing and upsizing of the Poncha Interceptor downstream of Holman Avenue,
- c) Tying in at Highway 50 and CR-125, which requires a highway crossing and upsizing the Poncha Interceptor downstream of CR-125.

Any of these connection points have complications. Option a) does not require a crossing of Highway 50 but does require an inverted siphon east of CR-125, which is unacceptable due to maintenance issues.

Option b) would require both an inverted siphon and a crossing of Highway 50.

Option c) is the only option that avoids the inverted siphon. However, a crossing is required at Highway 50 and approximately 10,000 LF of pipeline would have to be replaced in Highway 50 downstream of the connection point. Option c) is the only viable alternative but there is likely to be very little, if any, cost savings for Alternative 2c compared with Alternative 1. Alternative 2c would also have a deferred cost for a future replacement project for the section of the Poncha Interceptor that is not replace (CR-125 to Poncha Springs). This option also adds

additional line maintenance due to the additional infrastructure and potential for infiltration into the sewer system.

Alternative 2 **advantages** are:

- Diverts flows from existing sewer in Highway 50.
- Smaller service area allows for installation of a smaller pipeline to the tie-in point

Alternative 2 **disadvantages** are:

- A significant portion of the Poncha Interceptor would still have to be upsized.
- Crossing of drainage requires an inverted siphon, which is a significant maintenance issue.
- Sewer improvements required to accommodate tie-in to Salida service area may require a crossing of Highway 50 and related downstream sewer improvements.
- Impacts during construction along CR-120 include complete closure.
- Multiple utility conflicts in CR-120 include water and gas lines.

4.3 Preferred Alternative

Replacing the existing pipeline in Highway 50 (Alternative 1) has the least impact to traffic and existing utilities during construction. It also maintains a single pipeline for all wastewater from Poncha Springs which reduces maintenance and future replacement costs. The total cost for Alternative 1 is based on significantly more detail than what was developed for Alternative 2c, which has many unknown factors, such as utility conflicts, and a future cost for maintenance and replacement of the Poncha Interceptor above the tie-in point. Based on our judgement, Alternative 2c would not have a cost advantage over Alternative 1. As such, Alternative 1 is preferred.

5 CONCLUSIONS

The timeline for replacing the Poncha Interceptor with an 18-inch pipeline is based on the flow capacity of the existing pipe, the existing flow, and projected flow from planned developments. Existing wastewater flow is continuously measured in the lower flow meter in the Poncha Interceptor where it is considered the critical section of the pipeline (least capacity). The impacts of development were graphed with projected flows in the sewer versus single-family equivalents (SFE) constructed. The rate of growth was estimated to be from 50 to 100 SFE/year. The peak hour flow would reach the critical flow threshold by 2026 at the higher estimated growth rate and by 2031 at the lower estimated growth rate.

The number of planned Residential User Class units identified in the Poncha Springs service area is 1,144, of which 509 are already approved by the City of Salida. It is estimated that 18 Commercial User Class units will be developed within 35.1 acres of planned developments in Poncha Springs.

Two pipeline alignments were considered for the project. Alternative 1 consists of the replacement of the existing pipeline along Highway 50. Alternative 2 looked at an alignment in County Road 120 with three options to connect back into the collection system.

- Option a) connects into the West Salida Interceptor.

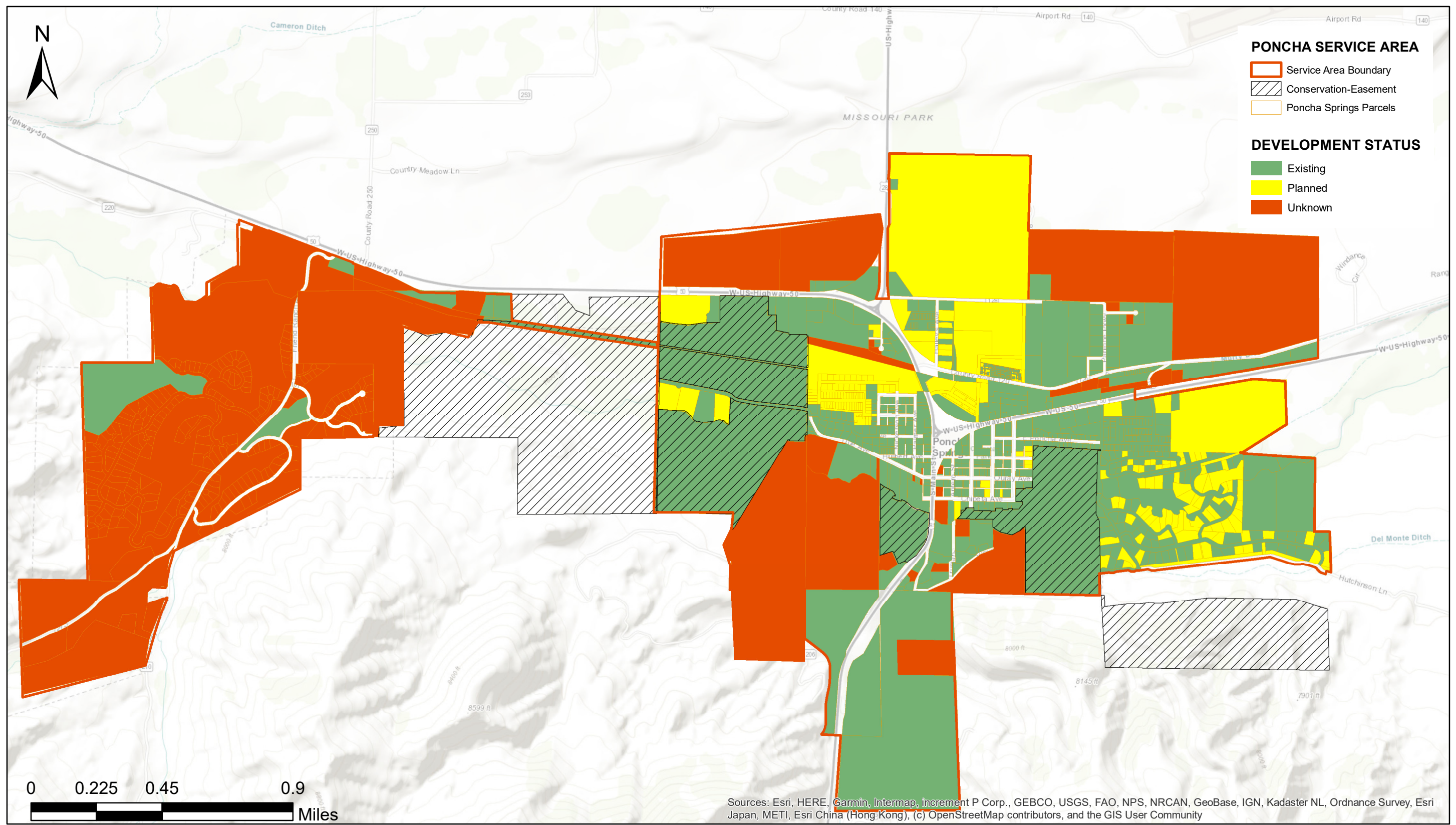
- Option b) connects to the Poncha Interceptor at Holman Avenue and Highway 50
- Option c) connects to the Poncha Interceptor at County Road 125 and Highway 50

Option c) is the only point of connection for Alternative 2 that avoids an inverted siphon east of County Road 125. However, Option c) would require a crossing of Highway 50 and replacement of approximately 10,000 LF of the Poncha Interceptor east of County Road 125, which negates any cost savings of the alternative alignment. The disadvantages of Alternative 2 include the additional maintenance for new pipelines, deferred cost for future replacement of the existing Poncha Interceptor, complete closure of County Roads 120 or 125 during construction, and utility conflict constraints. An updated opinion of project cost brings the total for Alternative 1 to \$15 million and for Alternative 2c, \$15.5 million. The preferred alignment is Alternative 1.

APPENDIX A

FIGURE 1

PONCHA SPRINGS PARCEL DEVELOPMENT STATUS (2021)



CITY OF SALIDA SEWER BUILD-OUT PLAN

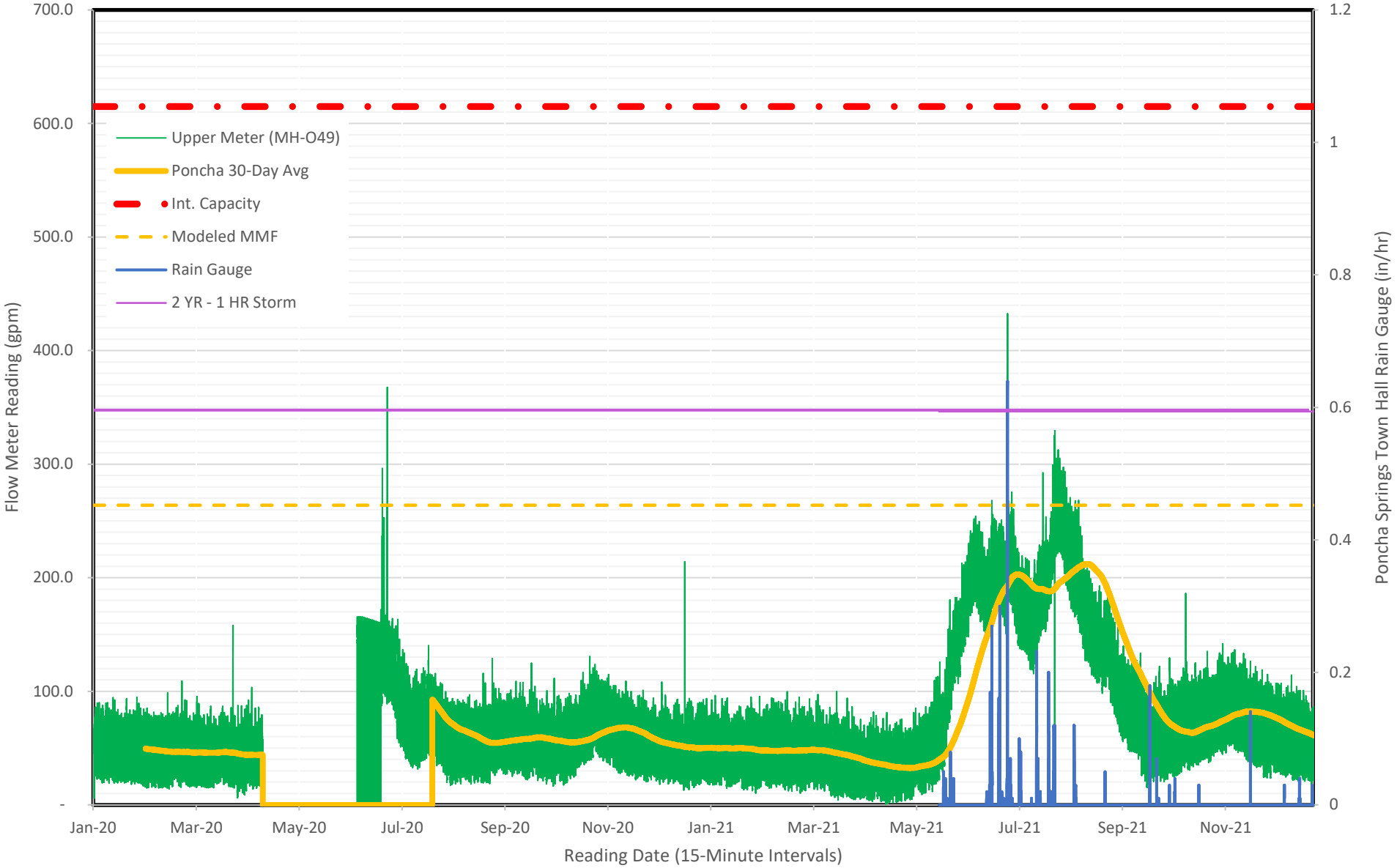
FIGURE 1 - PONCHA SPRINGS PARCEL DEVELOPMENT STATUS (2021)

APPENDIX B

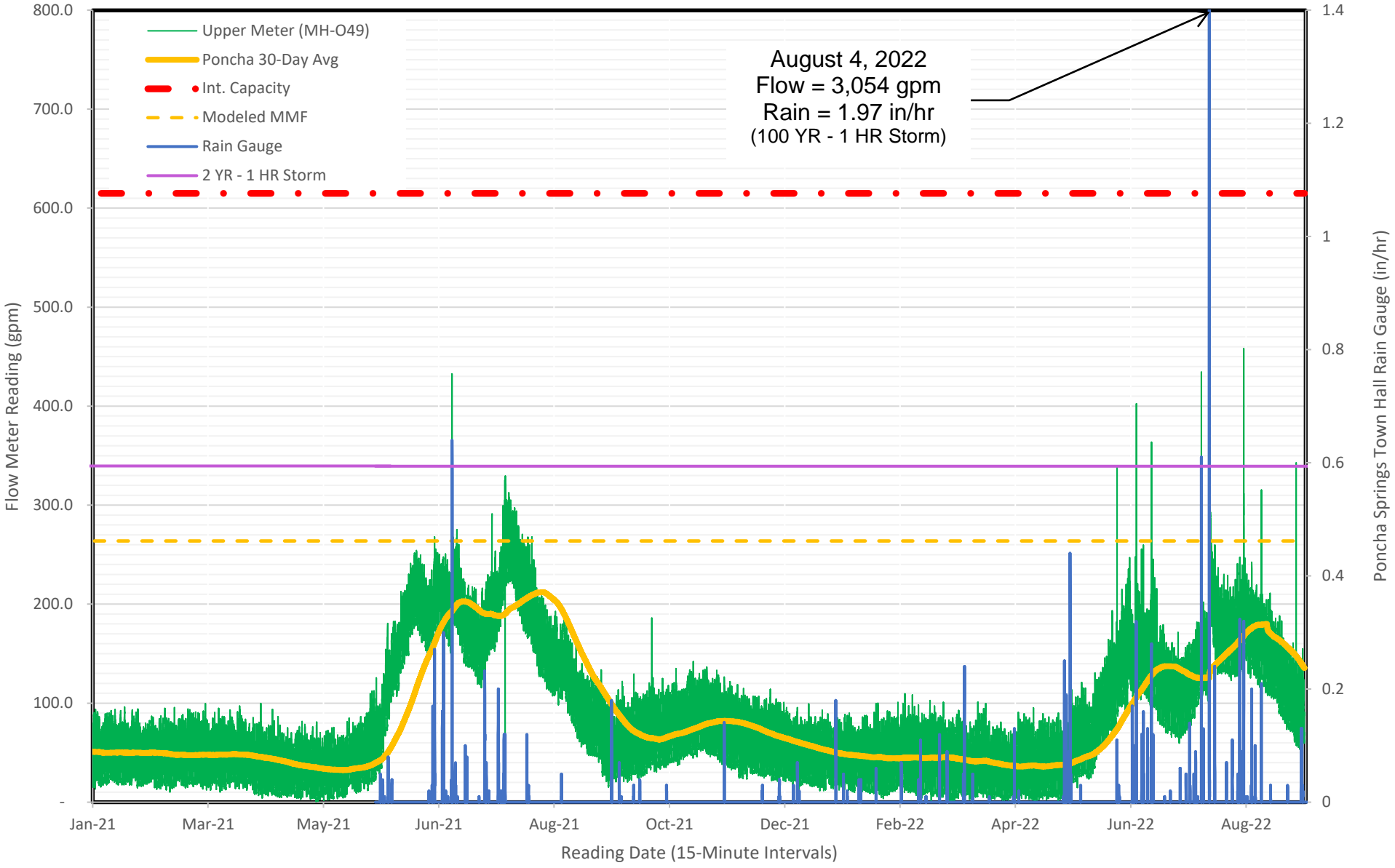
UPPER METER

METERED VS. MODELED DATA

PONCHA INTERCEPTOR UPPER FLOW METER EXISTING CONDITIONS Poncha Interceptor Sewer Meter (MH-049) Flow Chart, January 2020 - September 2021



PONCHA INTERCEPTOR UPPER FLOW METER EXISTING CONDITIONS Poncha Interceptor Sewer Meter (MH-049) Flow Chart, January 2021 - September 2022

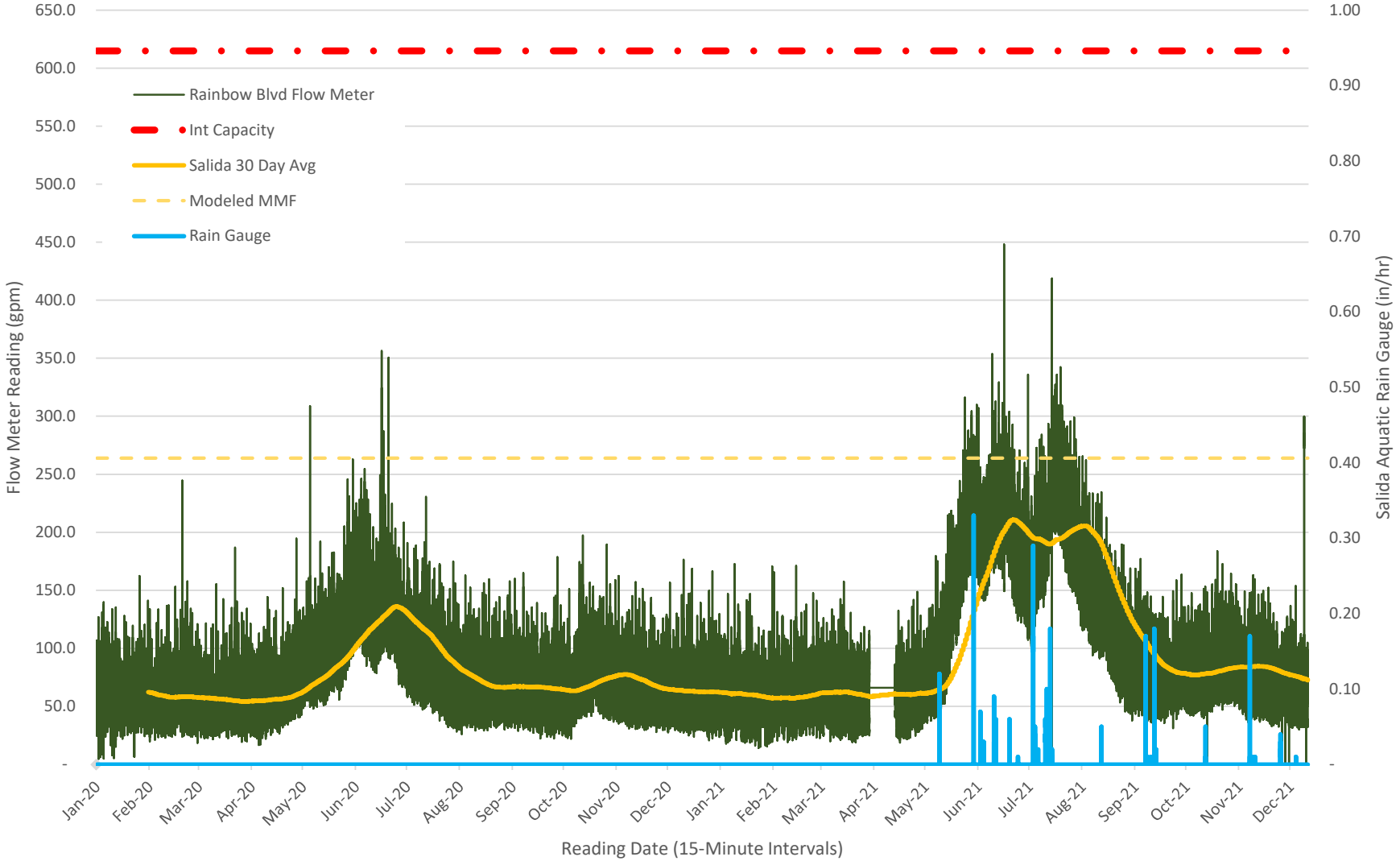


APPENDIX C

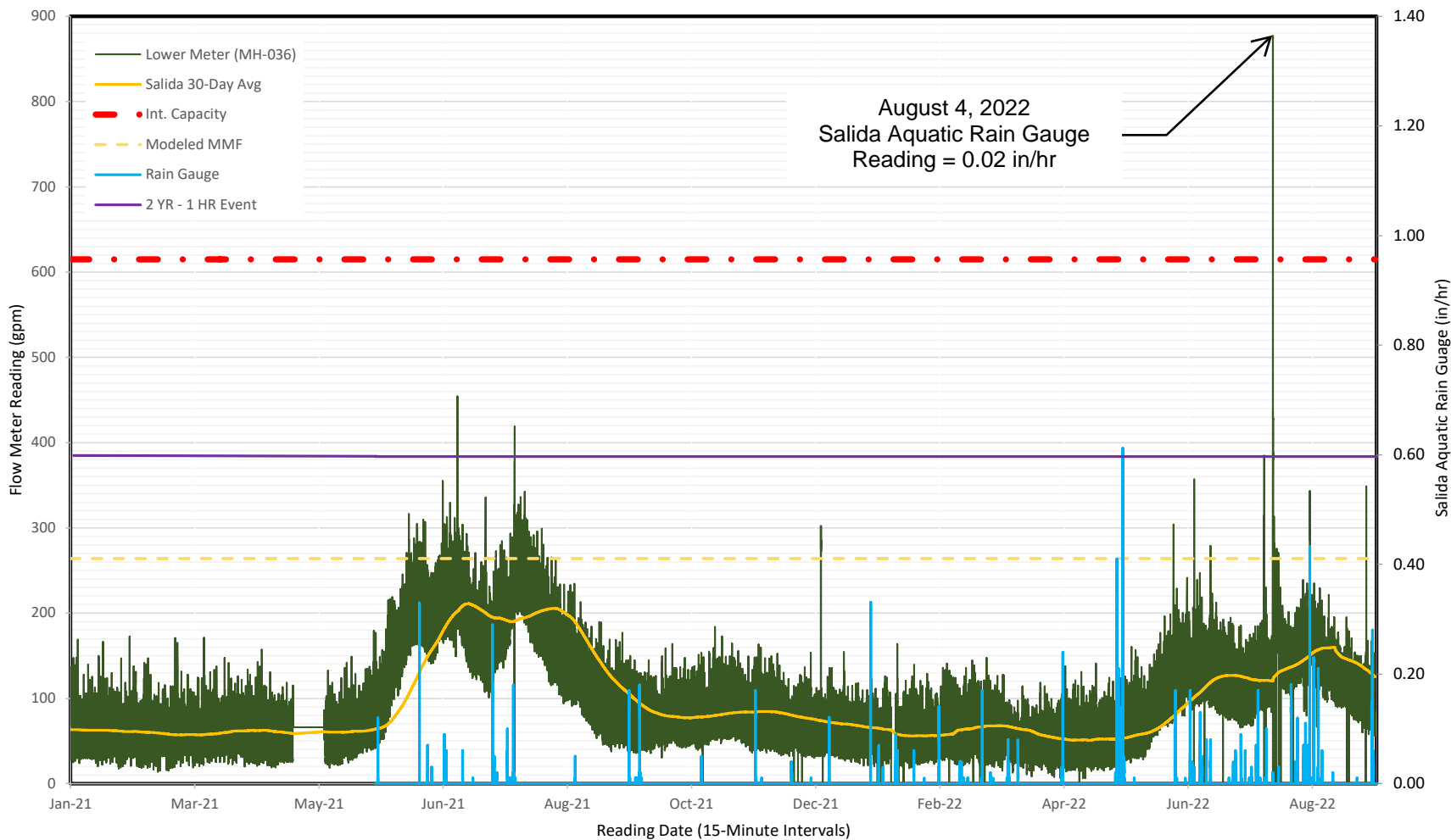
LOWER METER

METERED VS. MODELED DATA

PONCHA INTERCEPTOR LOWER FLOW METER EXISTING CONDITIONS Poncha Interceptor Sewer Meter (MH-036, 413 Rainbow Rd.) Flow Chart, January 2020 - December 2021



PONCHA INTERCEPTOR LOWER FLOW METER EXISTING CONDITIONS
Poncha Interceptor Sewer Meter (MH-036, 413 Rainbow Rd.) Flow Chart, January 2021 - September 2022





REQUEST FOR CITY COUNCIL ACTION

Meeting Date: March 3, 2020

AGENDA ITEM NO. 7.a.	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Drew Nelson
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ITEM:

Agency Review – Annexation Request – Moltz Property, Poncha Springs

BACKGROUND:

As you are aware, the City of Salida, through its Water and Wastewater Enterprise, provides sewer service to the Town of Poncha Springs as governed by two Intergovernmental Agreements (IGAs). Following a meeting with the Board of Trustees for Poncha Springs, the City finalized the 2019 Sewer Collection System Build-Out Infrastructure Plan (“the Plan”) that had a series of projections and recommendations for improvements to the system. The growth projections in the plan indicated that the main sewer trunk line that serves all of Poncha Springs may be at or exceed capacity at buildout and would need to be expanded in order to accommodate new growth.

On February 11, the City of Salida was notified by Poncha Springs of a new application for annexation of 54.25 acres of property on the eastern end of the Town, known as the Moltz property (also known as Tailwinds II). The proposed zoning for the property would be both urban and suburban, per their application. Per the City’s approved Plan, this property was identified as “unknown” in the mapping for the municipal services area – shown in red on the attached map. The Plan indicates that in order to serve areas designated as “unknown”, the sewer trunk line needs to be upsized.

In addition, the Plan indicates that better data needs to be gathered to track actual flows in the trunk line to improve projections along with understanding current conditions (winter time flows, summer infiltration from irrigation, etc.). The City of Salida has installed flow metering devices in the line and we are gathering data. Should you recall, the City agreed to reconvene with Poncha Springs officials when we have a decent grasp on this data, anticipated to be sometime in the late spring/early summer, and to update the Plan after the summer irrigation season to include tried up numbers and data.

With all of this in mind, City staff believes that any decisions on annexation of property identified as “unknown” in the Plan may be premature without a complete picture of the actual flows in the trunk line and the implications that may have on future infrastructure needs. In addition, there is no current consensus on how the Water and Wastewater Enterprise will fund any improvements to the line via Poncha Springs developers or ratepayers. The City is currently in the process of working through financial modeling with its consultants (Ehlers), which was approved by the City Council at your last meeting.

Per the IGAs, the City is a referral agency for the Town of Poncha Springs for applications for development. City staff has drafted the attached response letter and map for consideration of the City Council, acting as the Water and Wastewater Enterprise Board.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: March 3, 2020

AGENDA ITEM NO. 7.a.	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Drew Nelson
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FISCAL NOTE:

There is no immediate fiscal impact; however, the Plan includes a cost estimate of \$14.15M to replace and expand the Poncha Springs trunk line to serve all future existing, planned, and unknown growth. This is a sizeable expenditure that should be approached carefully and will full understanding of the financial implications to the system.

STAFF RECOMMENDATION:

Staff recommends that the City Council review the attached letter for submittal to the Town of Poncha Springs as the official response by the City of Salida. Sitting as the Water and Wastewater Enterprise Board, the City Council is the responsible agent for preserving, sustaining, enhancing and expanding the City’s utility systems. It is imperative to have a full understanding of the implications of additional use of the sewer system on the Poncha Springs trunk line, which will occur over the next year (and beyond). The letter includes a request by the City of Salida to delay any decisions regarding this annexation – especially as it relates to infrastructure – until more data is in our collective possession.

SUGGESTED MOTIONS:

A City Councilperson should make a motion to approve response letter to the Town of Poncha Springs with regard to the annexation application for the Moltz property, also known as Tailwinds II, as noticed to the City on February 11, 2020, to be signed by the Mayor, followed by a second and a voice vote.



March 3, 2020

Town of Poncha Springs Board of Trustees
Attn: Brian Berger, Town Administrator
333 Burnett Avenue
Poncha Springs, CO 81242

RE: Annexation and Zoning Map Amendment – Moltz Property, Poncha Springs, Colorado - Comments by the City of Salida as Referral Agency Pursuant to Paragraph 1.a. of the Intergovernmental Agreement for Provision of Sewer Services dated April 6, 2010

Dear Mr. Berger,

The City of Salida is in receipt of the public notice and agency review request dated February 11, 2020, regarding the Annexation and Zoning Map Amendment for the Paul Moltz property consisting of 54.25 acres located on US-50, immediately east of Tailwinds Subdivision. The proposed zoning map indicates urban and sub-urban zoning.

As you are aware, the City of Salida diligently worked with the Town of Poncha Springs during the development of the '2019 Sewer Collection System Build-Out Infrastructure Plan' (Plan). The Plan identified the capacity conditions of the wastewater collection system under three scenarios: existing (green), planned (yellow & green), and build-out including unknown future development (red, yellow, & green) as identified on the attachment titled, 'Figure 1 – Poncha Springs Parcel Development Status'. The Plan identified that portions of the trunk line serving the Poncha Springs Service Area are at or near capacity at full development of the parcels in the 'planned' scenario. The Moltz property was identified outside of the 'planned' scenario and is shown in red on Figure 1. The Plan indicates that a portion of the trunk line needs to be upsized in order to provide reliable service for development beyond the planned areas (yellow & green), which would be the case should this property be annexed and provided service.

The City of Salida installed a new flow meter and is collecting the data that was recommended within TM-7, Section 5, of the Plan. This data must be used to update the results and recommendations of the Plan. This analysis is proposed to be completed in the fall of 2020 once seasonal fluctuations in flow can be monitored. This data is critical to understand the implications of continued growth of flows in the trunk line. It is the City's belief that without the data we are in the process of collecting, any decisions related to land use and development would be missing critical information to assist the Poncha Springs Board of Trustees in its contemplation of the annexation request. This has far-reaching financial implications for ratepayers and property owners in Poncha Springs should additional improvements, including expansion, need to occur with the Poncha Springs trunk line.

The City of Salida, in its capacity as a referral agency pursuant to the Salida and Poncha Springs Intergovernmental Agreement for Provision of Sewer Services dated April 6, 2010, submits the following:

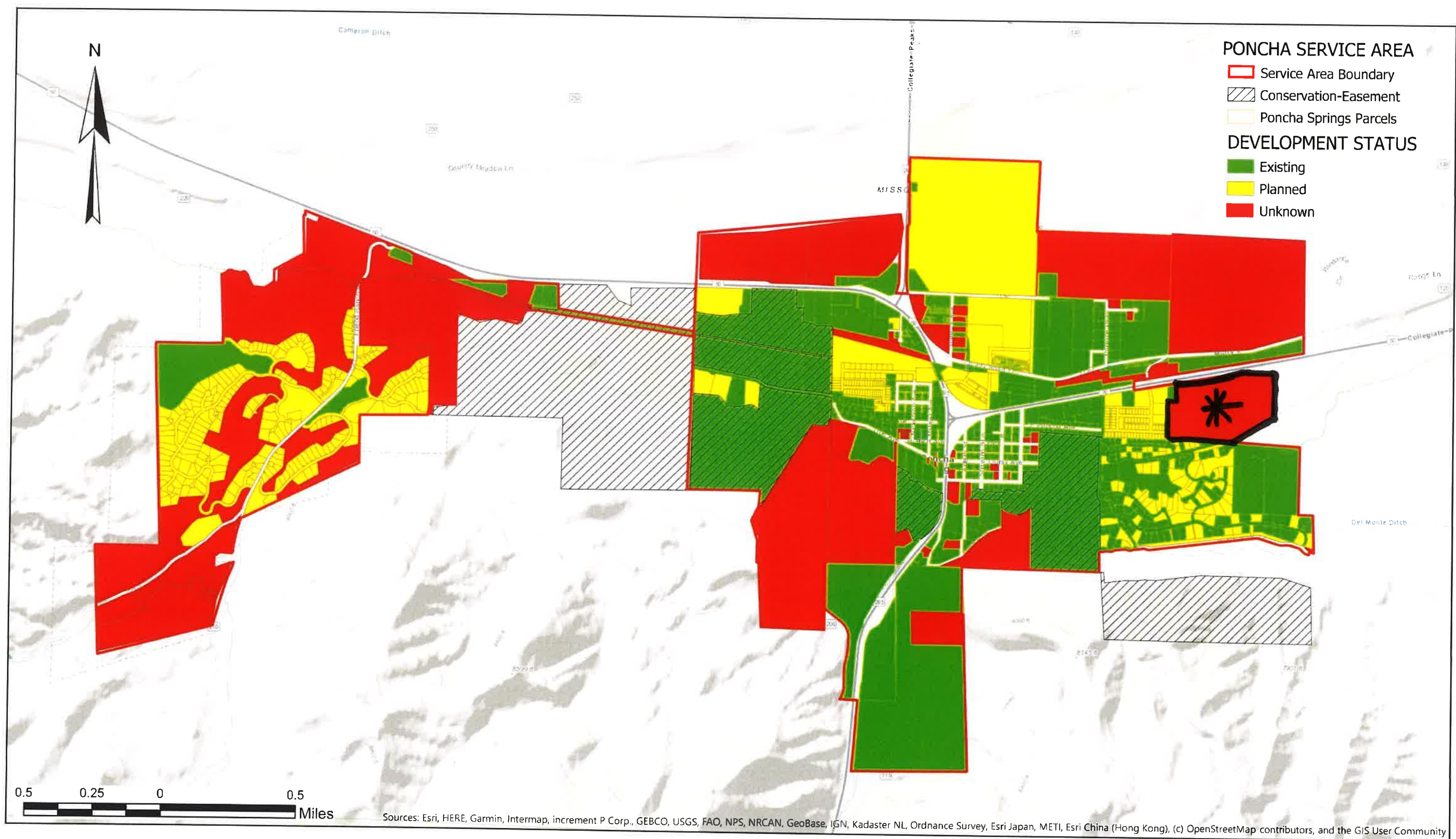
The Salida Sewer Collection System Build-Out Infrastructure Plan, as updated December 16, 2019, has not addressed the potential sewer unit load impact of this proposed annexation on the Salida sewer system, as it is a parcel that is not included in either the existing or planned development status addressed by the Plan. Because the sewer unit load impact on the sewer system is currently unknown, it is unclear what costs will be associated with providing sewer service to this proposed development.

With the above in mind, the City of Salida, acting as the Water and Wastewater Enterprise, humbly requests that no decision on annexation (especially with regard to public improvements) be made until the full scope of flow data can be collected, analyzed, and discussed. We desire to continue to work collaboratively with the Poncha Springs Board of Trustees on delivering sustainable, cost-effective wastewater service to residents of both Salida and Poncha Springs, and it is imperative that factual data be allowed to drive the ongoing conversations that started during development of the Plan.

We greatly appreciate your attention to this matter, and are available to discuss this issue in greater detail.

Sincerely,

P.T. Wood
Mayor, City of Salida



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

CITY OF SALIDA SEWER BUILD-OUT PLAN
FIGURE 1 - PONCHA SPRINGS PARCEL DEVELOPMENT STATUS



February 11, 2020

Board of County Commissioners
Chaffee County, Colorado
PO Box 699
Salida, CO 81201

Upper Arkansas Water Conservancy District
PO Box 1090
Salida, CO 81201

Jennifer A. Davis, County Attorney
PO Box 699
Salida, CO 81201

Southeastern Colorado Water Conservancy
31717 United Avenue
Pueblo, CO 81001

Salida School District No. R32-J
349 E 9th Street
Salida, CO 81201

Heart of the Rockies Regional Medical Center
PO Box 429
Salida, CO 81201

City of Salida Wastewater
c/o David Lady – Public Works Director
340 W Hwy 291
Salida, CO 81201

Salida Regional Library
405 E Street
Salida, CO 81201

Chaffee County Fire Protection District
499 Antero Circle
Buena Vista, CO 81211

South Arkansas Fire Protection District
124 E Street, PO Box 393
Salida, CO 81201

IN COMPLIANCE WITH THE PROVISIONS OF SECTION 31-12-108(2) C.R.S., please find enclosed a copy of the published Notice, together with a copy of the Resolution and Petition concerning the annexation to the Town of Poncha Springs, of property therein described. The provisions of annexation laws of the State of Colorado require that such mailing be made to the Board of County Commissioners of the County, the County Attorney and to each Special District or School District having property within the area to be annexed.

Thank you.



Brian Berger, Town Clerk



PUBLIC NOTICE

Monday, March 9th, 2020 – 6:30p.m.

Public Hearing – Zoning Map Amendment

The Town of Poncha Springs **Planning and Zoning Commission** will hold a Public Hearing at the Poncha Springs Town Hall, 333 Burnett Ave., Poncha Springs, CO on March 9th, 2020 regarding a Zoning Map Amendment and requested zoning associated with an Annexation Petition submitted by Tailwind Group, LLC for parcel number 380511200034, 54.25 acres, situated east of Tailwind Village Subdivision, south of Hwy 50 and north of Little River Ranch/a portion of unincorporated Chaffee County owned by Paul Moltz.

Public Notice is also hereby given:

Monday, March 23rd, 2020 – 6:30p.m.

Public Hearing – Annexation and Zoning Map Amendment

The Town of Poncha Springs **Board of Trustees** will hold a Public Hearing at the Poncha Springs Town Hall, 333 Burnett Ave., Poncha Springs, CO on March 23rd, 2020 regarding an Annexation Petition and associated Zoning Map Amendment submitted by Tailwind Group, LLC for parcel number 380511200034, 54.25 acres, situated east of Tailwind Village Subdivision, south of Hwy 50 and north of Little River Ranch/a portion of unincorporated Chaffee County owned by Paul Moltz.

The hearings are for the purpose of taking public comment on proposed amendments to the Town of Poncha Springs Zoning District Map



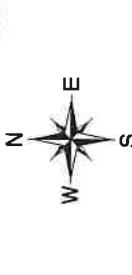
Parcel Number R380511200034	Physical Address	Total Value \$19,494	Last 2 Sales			
Property Class Shed - Cattle	Owner Address MOLTZ V PAUL		Date	Price	Reason	Qual
Taxing District 06	PO BOX 1914		8/22/2001	\$8000	U	n/a
Acres 54.22	BUENA VISTA, CO 812111914		6/8/1999	\$16000	U	n/a
Brief Tax Description	TRACT IN SW4NW4 SE4NW4 11-49-8 B504 P888 B516 P804 REC 304483 WATER RIGHTS					
	<i>(Note: Not to be used on legal documents)</i>					

Date created: 2/3/2020
 Last Data Uploaded: 1/31/2020 5:16:46 PM

Developed by Schneider
 GEOSPATIAL

MOLTZ ANNEXATION PLAT

FOR A TRACT LOCATED IN THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 49 NORTH, RANGE 8 EAST, NEW MEXICO PRINCIPAL MERIDIAN CHAFFEE COUNTY, COLORADO



N E W S

GRAPHIC SCALE 1" = 100'

SECTION 11
SECTION 10
SECTION 9
SECTION 8

300 200 100 0

200 100 0

100 0

0 100 200 300

100 0

0 100 200 300

100 0

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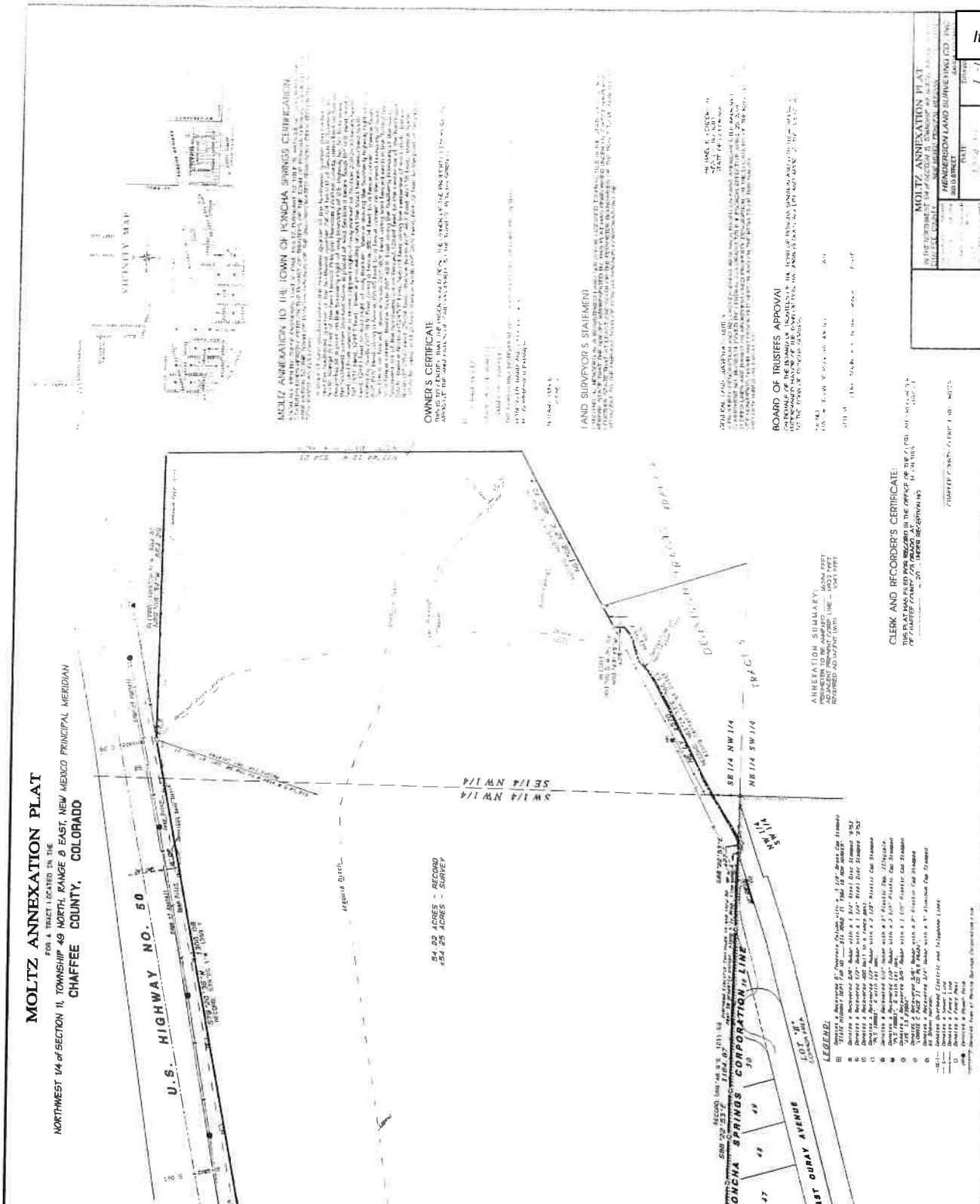
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OWNER'S CERTIFICATE

I, THE UNDERSIGNED, OWNER OF THE ABOVE DESCRIBED TRACT, DO HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: _____

SIGNED: _____

LAND SURVEYOR'S STATEMENT

BEFORE ME, the undersigned authority, on this _____ day of _____, 20__ AD, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

MY COMMISSION EXPIRES _____

ANNEXATION SUMMARY

ADJUSTED TOTAL AREA: _____

REQUIRED ADJUSTMENT: _____

CLERK AND RECORDER'S CERTIFICATE

I, _____, Clerk and Recorder of Chaffee County, Colorado, do hereby certify that the foregoing plat is a true and correct copy of the original as recorded in my office.

DATE: _____

LEGEND

1. Shows a boundary line between the State of Colorado and the State of New Mexico.

2. Shows a boundary line between the State of Colorado and the State of Utah.

3. Shows a boundary line between the State of Colorado and the State of Arizona.

4. Shows a boundary line between the State of Colorado and the State of Texas.

5. Shows a boundary line between the State of Colorado and the State of California.

6. Shows a boundary line between the State of Colorado and the State of Nevada.

7. Shows a boundary line between the State of Colorado and the State of Idaho.

8. Shows a boundary line between the State of Colorado and the State of Montana.

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MOLTZ ANNEXATION ZONE MAP



EXISTING TOWN BOUNDARY

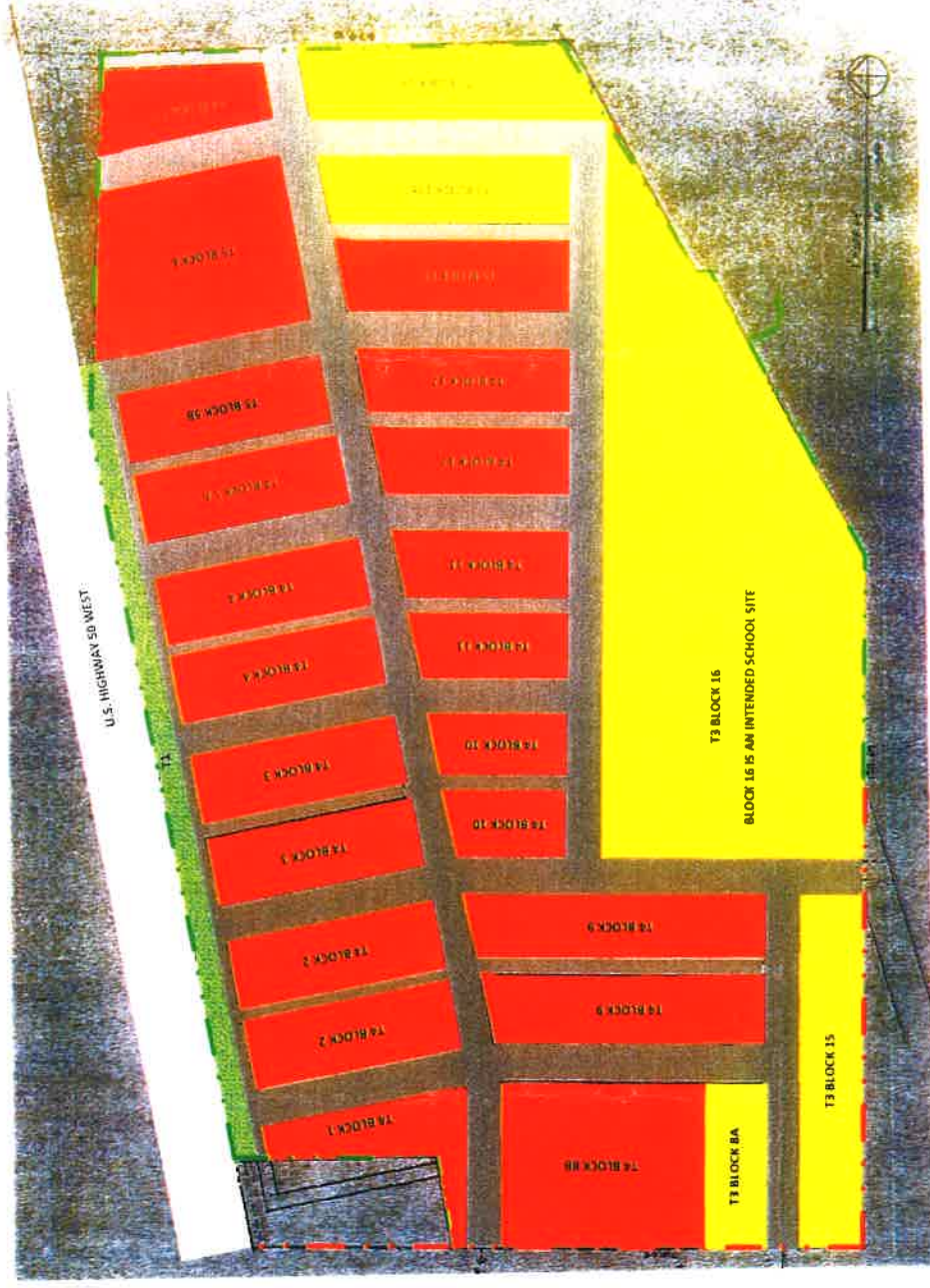
NEW TOWN BOUNDARY

LEGEND

[Green Box]	T1 - NATURAL ZONE (PUBLIC)
[Light Green Box]	T1 - NATURAL ZONE (PRIVATE)
[Yellow Box]	T2 - RURAL ZONE
[Orange Box]	T3 - SUB-URBAN ZONE
[Red Box]	T4 - GENERAL URBAN ZONE
[Light Blue Box]	T5 - URBAN CENTER ZONE
[Dark Blue Box]	BD1 - BUSINESS PARK DISTRICT
[Light Purple Box]	BD2 - INDUSTRIAL PARK DISTRICT
[Dark Purple Box]	BD3 - FAIRCOLUMNS DISTRICT
[Light Green Box]	BD4 - URBAN RESORT DISTRICT
[Green Box]	CS - CIVIC SPACE
[Dotted Line]	CONSERVATION EASEMENT
[Dashed Line]	IRRIGATION DITCH

*Conceptual Only
(likely to change)*

MOLTZ ANNEXATION ZONE MAP



EXISTING TOWN BOUNDARY

NEW TOWN BOUNDARY

LEGEND

- T1 - NATURAL ZONE (PUBLIC)
- T1 - NATURAL ZONE (PRIVATE)
- T2 - RURAL ZONE
- T3 - BI-URBAN ZONE
- T4 - GENERAL URBAN ZONE
- T5 - URBAN CENTER ZONE
- BD1 - BUSINESS PARK DISTRICT
- BD2 - INDUSTRIAL PARK DISTRICT
- BD3 - FAIRGROUND DISTRICT
- BD4 - URBAN RESORT DISTRICT
- CS - CIVIC SPACE
- CONSERVATION EASEMENT
- IRRIGATION DITCH

TOWN OF PONCHA SPRINGS, COLORADO
RESOLUTION INITIATING ANNEXATION PROCEEDINGS

NOTICE IS HEREBY GIVEN that a Petition for Annexation of property hereinafter described has been presented to the Board of Trustees of the Town of Poncha Springs, Colorado and found to be in apparent compliance with the applicable provisions of law. The Board of Trustees has adopted a Resolution setting a public hearing to be held at 6:30 P.M. on March 23rd, 2020, at the Poncha Springs Town Hall, 333 Burnett Avenue, Poncha Springs, Colorado 81242, to determine if the proposed annexation complies with the applicable provisions of law.

Any person may appear at the hearing and present evidence and arguments to be considered by the Board of Trustees. The Resolution provides as follows:

TOWN OF PONCHA SPRINGS, COLORADO

RESOLUTION #2020-1

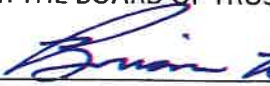
BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO AS FOLLOWS:

1. That annexation proceedings be initiated upon a Petition for Annexation of the following described property to the Town, which Petition appears to be in substantial compliance with the applicable provisions of Chapter 31, Article 12, Colorado Revised Statutes.
2. Description of property proposed for annexation: See, attached **Exhibit A**.
3. Therefore, 6:30 P.M. on March 23rd, 2020 is hereby established as the date and time, and the Poncha Springs Town Hall, 333 Burnett Avenue, in Poncha Springs, Colorado 81242, as the place, for a public hearing to be held to determine if the proposed annexation complies with Sections 31-12-104 and 31-12-105, C.R.S. or such parts thereof as may be required to establish eligibility under Part 1 of Chapter 31, Article 12 of said statutes.


PASSED, APPROVED AND ADOPTED this 27th day of January 2020, the vote upon roll call being as follows:

For: 5
 Against: 1
 Abstain: 0
 Absent: 1

FOR THE BOARD OF TRUSTEES OF THE TOWN OF PONCHA SPRINGS, COLORADO


 Brian Berger, Town Clerk



By: 
 Ben Scanga, Mayor

Published in the Mountain Mail

Publish Weekly: First Publication: February 3rd, 2020
 Second Publication: February 10th, 2020
 Third Publication: February 17th, 2020
 Fourth Publication: February 24th, 2020

EXHIBIT A

Legal Description of Proposed Annexation

The Land referred to herein below is situated in the County of Chaffee, State of Colorado, and is described as follows:

A tract of land located within the Southwest quarter of the northwest quarter (SW1/4 NW ¼) and the South east quarter of the Northwest quarter (SE1/4 NW1/4) of Section 11 Township 49 North Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado described as follows:

Beginning at a point on the Southerly right-of-way boundary of U.S. Highway No. 50 from whence the Southwest corner marked stone in place, of said Section 11 bears South 18° 14' 5" West, 4184.4 feet and from whence a brass capped right-of-way marker at Station 2082-00 bears South 79° 00' 1" West, 1299.1 feet to said right-of-way marker, thence leaving the Southerly high way right-of-way boundary South 00° 31.5' East along a fence 351.04 feet to a fence corner, thence South 80° 15.8' West along a fence, 155.95 feet to a fence corner on the West boundary of said Section 11 as fenced; thence South 00° 18.7' West along the Southerly boundary of said Southwest ¼ of the Northwest ¼ as fenced, 1211.69 feet to the centerline of the Harrington Ditch; thence North 61° 24' 53" East, 566.03 feet along the centerline of said ditch; thence North 01° 05.6' West, 25.04 feet; thence North 60° 46.1' East, 460.78 feet; thence North 01° 05' 36" West, 834.21 feet; thence North 89° 28.5' West, 664.02 feet to the point of beginning

Also known by street address as: TBD

And assessor's schedule or parcel no.: 380511200034

PETITION FOR ANNEXATION

TO: The Town Board of Trustees of the Town of Poncha Springs, Colorado

The undersigned ("Petitioners"), being the owners of more than fifty percent (50%) of property proposed to be annexed, exclusive of streets and alleys, which property is described in Exhibit "A" attached hereto and made a part hereof (the "Property"), hereby petitions the Town Council of the Town of Poncha Springs for annexation of the Property as the "Paul V. Moltz Parcel" (Assessor Parcel No. 380511200034) in accordance with the provisions of Part 1 of Article 12 of Title 31, C.R.S., as amended.

In support of this petition, Petitioners state:

1. It is desirable and necessary that the Property be annexed to the Town of Poncha Springs, Colorado.
2. The requirements of the applicable provisions of Sections 31-12-104 and 31-12-105, C.R.S. exist or have been met.
3. Not less than one-sixth of the perimeter of the Property is contiguous with the Town of Poncha Springs.
4. A community of interest exists between the Property and the Town of Poncha Springs.
5. The Property is urban or will be urbanized in the near future.
6. The Property is integrated with or capable of being integrated with the Town of Poncha Springs.
7. In establishing the boundaries of the Property, no land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowner unless separated by a dedicated street, road or other public way.
8. No land held in identical ownership comprising twenty (20) acres or more which has a valuation for assessment in excess of Two Hundred Thousand Dollars (\$200,000.00) for the preceding tax year has been included in the boundary of the Property without the written consent of the landowner.
9. The boundaries of the Property to be annexed includes the full width of any county road abutting any of the property to be annexed.
10. No annexation proceedings have been commenced for the annexation of all or part of the Property to another municipality.

11. Annexation of the Property will not result in the detachment of area from any school district or attachment of area to another school district.

12. Prior to the hearing before the Town Board of Trustees on whether to annex the Property, the Petitioners and the Town shall have entered into an annexation agreement which shall govern and control the development of the Property within the Town (the "Annexation Agreement"). Annexation of the Property shall be conditioned upon the Town Board of Trustees' approval of the Annexation Agreement. Upon the effective date of the ordinance annexing the Property and approving the Annexation Agreement ("Annexation Ordinance"), the Property shall be subject to all of the terms and provisions of the Annexation Agreement.

13. Except as modified by the terms and provisions of the Annexation Agreement, upon the effective date of the Annexation Ordinance, all lands within the Property shall become subject to all ordinances, resolutions, rules and regulations of the Town of Poncha Springs, except for general property taxes of the Town of Poncha Springs, if any, which shall become effective on January 1st of the next succeeding year following the effective date of the Annexation Ordinance.

14. Petitioners are the owners of more than fifty percent (50%) of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and comprise more than fifty percent (50%) of the landowners of such area, exclusive of streets and alleys and said owners attesting to the facts and agreeing to the conditions herein will negate the necessity of an annexation election.

15. The legal description of the land owned by each signer of this Petition for Annexation is set forth on Exhibit "B" attached hereto and incorporated herein by this reference;

16. Accompanying this petition are four copies of an annexation map showing the seal of a registered engineer or land surveyor, containing:

- a. A written legal description of the boundaries of the Property proposed to be annexed;
- b. The boundary of the Property and the boundary of the Property contiguous with the Town of Poncha Springs and any other municipality abutting the Property;
- c. The location of each ownership tract of un-platted land, there being no platted land on the Property;
- d. The total acreage, more or less, of the Property;
- e. The total length of the perimeter of the boundary of the Property and the length of the boundary of the Property contiguous with the Town of Poncha Springs;
- f. The width of any county roads abutting the Property.

17. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will become effective.

18. The area proposed to be annexed is located within: Chaffee County, Salida R32J School District, Chaffee County Fire Protection District, the Health District of Heart of the Rockies Regional Medical Center, the Upper Arkansas Water Conservancy District, Salida Regional Library District, and the Chaffee County Pest Control District.

19. The mailing address of each Petitioner and the date of signing of each Petitioners' signature are shown on this Petition.

20. The Property is not presently a part of any incorporated town, city and county, or city.

21. Petitioners agree that provision of water service to the Property shall take place as provided in the Annexation Agreement. Petitioners understand that the Town of Poncha Springs does not provide municipal sewer services. Failure to provide such services to the Property shall not be cause for disconnection of the Property at any future time.

22. No vested rights to use or develop the Property in any particular way, as defined in Section 24-68-101, et seq., C.R.S. have been requested by Petitioners from any governmental entity, other than those requested and included in the Annexation Agreement.

23. The Petitioners shall pay all fees and costs incurred by the Town in processing this Petition for Annexation through the annexation hearing before the Town Board of Trustees.

24. The Petitioners acknowledge that upon the effective date of the Annexation Ordinance, subject to the terms and provisions of the Annexation Agreement, the Property, the owners thereof, and uses thereon will be subject to all taxes and fees imposed by the Town. The Property, the owners thereof, and the uses thereon are also bound by any taxes imposed and voter authorization under Article X, Section 20 adopted prior to annexation of the Property. The Petitioner waives any claims it may have under Article X, Section 20 of the Colorado Constitution related to such taxes and fees.

25. The Petitioners shall have the right in their sole and absolute discretion to withdraw this Petition for Annexation at any time subsequent to the second reading approval of the ordinance annexing the Property to the Town, but prior to the effective date of such ordinance.

WHEREFORE, the undersigned Petitioners request that the Town of Poncha Springs approve the annexation of the Property.

Petitioners:

Paul V. Moltz

By: 
Paul V. Moltz

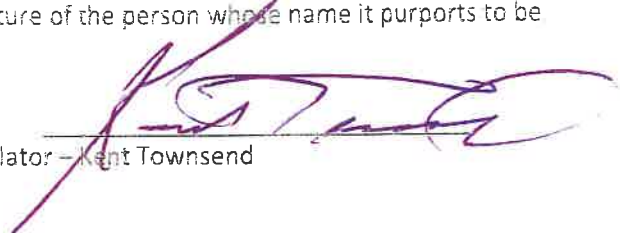
Dated: 12-4-19

Address: PO Box 1914,
Buena Vista, CO 81211-1914

AFFIDAVIT OF CIRCULATOR

The undersigned, being of lawful age, who being first duly sworn upon oath, deposes and says:

That (he or she) was the circulator of the foregoing Petition for Annexation of lands to the Town of Poncha Springs, Colorado, and that the signature thereon of Paul V. Moltz was witnessed by affiant and is the signature of the person whose name it purports to be



Circulator - Kent Townsend

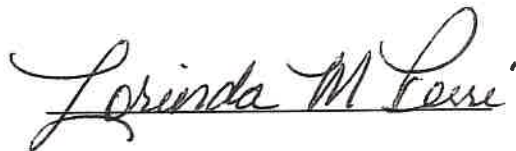
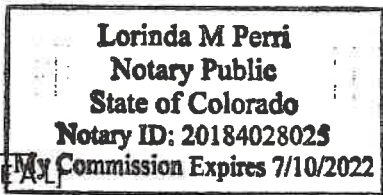
STATE OF COLORADO)

COUNTY OF Chaffee) ss.

On the 9th of Dec, 2019, before me personally came Kent Townsend to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and who acknowledged to me that he or she executed the same.

Witness my hand and official seal.

My Commission expires: 7/10/2022



Notary Public

Exhibit "A"
to Petition for Annexation

Legal Description of the Property

The Land referred to herein below is situated in the County of Chaffee, State of Colorado, and is described as follows:

A tract of land located within the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) and the Southeast quarter of the Northwest quarter (SE1/4 NW1/4) of Section 11, Township 49 North, Range 8 East of the New Mexico Principal Meridian, Chaffee County, Colorado, described as follows:

Beginning at a point on the Southerly right-of-way boundary of U.S. Highway No. 50 from whence the Southwest corner (marked stone in place) of said Section 11 bears South 18° 14.5 West, 4184.4 feet, and from whence a brass capped right-of-way marker at Station 2082+00 bears South 79° 00.1 West, 1299.7 feet; thence proceeding around the tract herein described, South 79° 00.1 West, 1299.1 feet to said right-of-way marker; thence leaving the Southerly highway right-of-way boundary, South 00° 31.5' East along a fence, 351.04 feet to a fence corner; thence South 80° 15.8' West along a fence, 155.95 feet to a fence corner on the West boundary of said Section 11 as fenced; thence South 00° 18.7' West along the Southerly boundary of said Southwest 1/4 of the Northwest 1/4 as fenced, 1211.69 feet to the centerline of the Harrington Ditch; thence North 61° 24' 53" East, 566.03 feet along the centerline of said ditch; thence North 01° 05.6' West, 25.04 feet; thence North 60° 46.1' East, 460.78 feet; thence North 01° 05' 36" West, 834.21 feet; thence North 89° 28.5' West, 664.02 feet to the point of beginning.



STAFF REPORTS

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	April 16, 2024

Administration and Human Resources

- The Sustainability Committee helped fully fund a Water Bottle Fill Station at ScoutHut. Through their work and support, we were able to get the \$11,000 project fully funded through donations.
- The Sustainability Committee is working on their Strategic Planning and Budgeting for 2025-2026
- Thanks to the Tree Board and the work of Marilyn Moore and Zach Ryerson, the City was awarded Tree City USA for the 37th year and received the Growth Award.
- The City is putting on an Earth Day Recycling Event on April 22nd and two Arbor Day events, one open to the public on May 11th and one for the 4th grade Elementary class on May 16th.
- Completed transition to ADP Comprehensive Services.

Arts and Culture

- An exhibit was hung in the Paquette Gallery featuring the works from artist, Joceyln Catterson. The artist was recognized at the reception held during the monthly Creative Mixer, which was attended by (45) people. Additionally, local musician David Tipton entertained the attendees.
- The annual March Movie Madness hit the big screen at the SteamPlant with eight (8) screenings of films that garnered either Oscar nominations or other festival-circuit accolades with a total of (617) people attending.
- The performance highlights of the month came from the Sventastik Productions presentation of “Bugsy Malone,” a poetry reading event by Poetry Live, and Colorado TINTS with their original production of “Chasing Grace,” a celebration of stories performed by local actors for international women’s month. All total these performances were attended by (530) people.
- The SteamPlant and Scout Hut played host venues to many municipal, county, educational, business and non-profit groups, including City of Salida, Chaffee County Economic Development Corporation, Central Colorado Humanists, United States Air Force, Longfellow Parents Assoc., GARNA, Chaffee County Public Health and Guidestone. All total the LISTED events/meetings were attended throughout the month by (606).
- TOTAL GUESTS Attending (60) Events/Meetings for March = 3,108
 - Number of free arts and culture events/no admission = 8
 - Number of attendees at free events = 213
 - Number of events paying rental fees = 25
 - Number of entities using the facilities = 29

City Clerk

- Training continues with all aspects of the Clerk’s Office and Municipal Court
- Recently processed 3 CORA requests. So far in 2024 the Clerk’s Office has processed 22 CORA requests.
- Working on several new Liquor Licenses and Liquor License renewals.
- Processed 5 Arborist License renewals.
- Processing 2024-2025 Tobacco License renewals.
- The April Municipal Court had 62 cases.
- Advertised for the Deputy City Clerk/Court Clerk position.
- Gearing up for the Short-term license renewals in June.

Community Development

- Building Permits: Thus far through 4/11/24, we have seen 55 total building permits, including 102 new residential units (2 mixed-use building permits alone accounted for 75 units within Salida Crossings). At this time in 2023, we



STAFF REPORTS

DEPARTMENT	PRESENTED BY	DATE
Administration	Christy Doon - City Administrator	April 16, 2024

had seen 52 total building permits, inc. 16 new residential units. In 2022, we had seen 47 total building permits, inc. 17 new residential units. In 2021, we had seen 80 total building permits, inc. 95 new residential units.

- South Ark Neighborhood Phase I Infrastructure: Over the last few weeks, we have received notice of award of a total of \$4 million in funding for initial infrastructure in the South Ark Neighborhood, including a \$2 million award from the More Housing Now Initiative and a \$2 million award from the Strong Communities Program, both within DOLA. Combined with other financial commitments from the City, Chaffee County, and Colorado Mountain College, these grants will allow us to move forward with an RFP for design and engineering of Phase I infrastructure, which will be followed by procurement of a developer.
- 1st and D Apartments Project: With public input from the October open house and additional staff and developer input, the architects and engineers for the project developed a concept layout with two separate architectural concepts for the site. These designs were unveiled at an open house on March 6th at the Scout Hut. Following the presentation, an online survey requesting input on the design was made publicly available through March 22nd. Results from that survey are in and the more "traditionally historic" concept design was preferred 3-to-1 over the "modern" design. Artspace and the architects will be reviewing additional input and making certain changes to the design to bring to Council at a work session in the near future with hopes of consensus prior to going under contract with a general contractor, establishing real cost estimates, and pursuing funding for the project.
- Land Use Code update: Staff is finishing up final review of Installment 3 of the Land Use Code update (development and design standards). There have been recent work sessions regarding this installment with the Land Use Code Advisory Committee and Planning Commission. This new installment is expected to be made public for review and feedback in the next couple of months prior to a consolidated draft code being created. A final product is anticipated by late summer to be offered for adoption, along with a comprehensive zoning conversion map to align with the new code.
- Eastside Senior Living Apartments and Park Project: Staff is finalizing a sales agreement with the owner of the 2.6-acre property where we hope to locate a 36-40 unit low-income senior living development, along with an approximately 1.5-acre park directly behind the school district administration buildings and Crest Academy. We would use the \$750,000 awarded via the CHFA land banking grant along with additional housing funds to acquire the property. The plan is to bring a LIHTC developer on board who would be able to design and build the project at little-to-no additional cost to the City, via the use of Low-Income Housing Tax Credits. Applications for funding for that type of project is Feb. 1, 2025.
- Local Planning Capacity Grant: We were recently awarded \$88,000 to help fund a position to help with affordable housing-related work and specifically to help meet the requirements of Proposition 123 commitments. This will pay 55% of the salary for our current planner, Kathryn Dunleavy, over the next two years and allow us to hire a new Assistant/Associate Planner position to help backfill her work and carry out other duties (see below). The revised position is anticipated to officially being in mid-late April.
- Hiring New Senior Planner: With the departure of Kristi Jefferson to become City Clerk (sad face), we advertised for a new Senior Planner. An offer has been made and accepted by Carolyn Poissant, who has over 3 decades of planning experience with a diverse array of specialization. She will join our team in Community Development on June 3rd.
- New Assistant/Associate Planner Position: Staff are recruiting for a new Assistant or Associate Planner position to assist with land use applications, building permits, public education, and a wide variety of other duties. Applications were due March 22, and we will be conducting interviews in mid/late-April with the hope of having someone on board by June, as well.
- Housing Fair: Staff is working with the Housing Authority (and others) to plan a Housing Fair sometime this summer. The goal of such a "fair" is to gather names of individuals interested in any of the dozens of affordable housing units (rental and for-sale) that are anticipated to come online in the next year or so, plus to provide



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education regarding eligibility for such units. Many people/households may not know that they would actually qualify for one of these units—because they think they make too much money. With AMI's as high as they are (and market prices), that may not be the case—some households making over \$100,000 may even qualify for a deed-restricted unit. Date is tentatively set for August 24th (location TBD).

Finance

- Our independent auditors successfully completed their fieldwork.
- Staff will work on completing the Annual Comprehensive Financial Report (ACFR) with the auditors and the auditors will present to Council at their June 4th meeting.
- Work has started on an update to the long-term capital plan.
- Staff are striving to get more water and wastewater customers to pay their water bills online versus mailing in payments or coming into the office. Currently, 33% pay using our online portal, up from just 10% in 2019. The rate is still low but we're making progress.

Fire

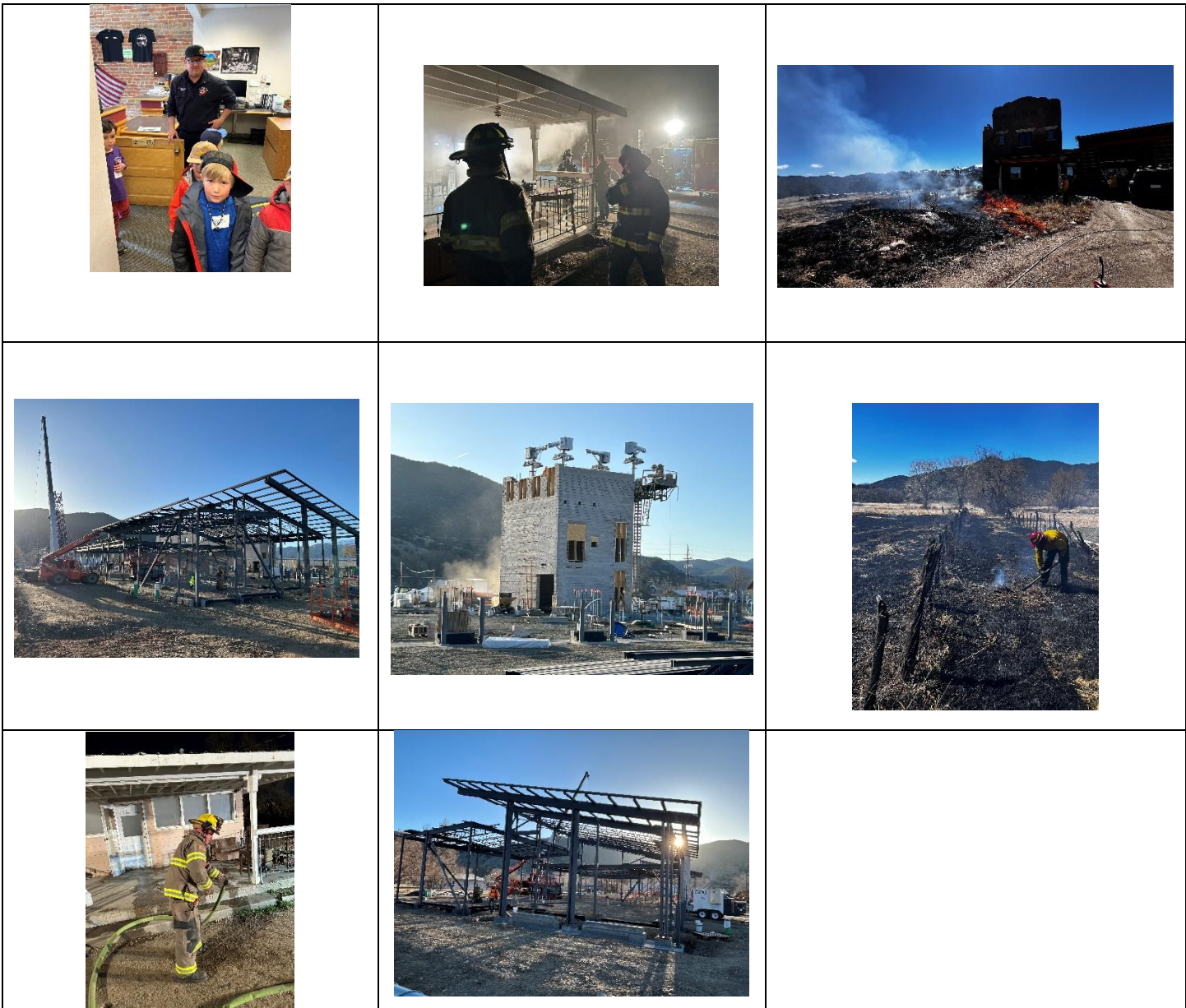
- Operations
 - Responded to 100 emergency calls.
 - increase in call volume of 13% from 2024.
- Fire Prevention
 - Conducted 13 fire inspections to identify and mitigate potential hazards in our community.
 - Performed plans reviews to ensure compliance with fire code.
 - Conducted evacuation drills.
- Community Risk Reduction
 - Hosted Community event featuring the Easter Bunny at the park for children and families.
 - Provided station tours for seven groups of children, sparking their interest in fire safety and prevention.
 - Assisted residents with replacing smoke detector batteries, ensuring they have early warning of fire hazards.
 - Delivered a buyer safety presentation to 1st graders at the local school, educating them on fire prevention and escape plans.
- New Firehouse
 - The main load bearing wall was completed early in the month. After that the steel this erected and the north side of the Firehouse that houses the offices and the firefighters living quarters is being completed.
 - Concrete will be poured in the very near future.
 - Percentage of work completed is 41%.
 - There will be a BBQ and walk through May 10th. At this point the concrete should be poured, and everyone should be able to get a very good concept of the layout of the new Firehouse. This is an important investment in safety infrastructure.
- Training
 - The fire department is working with local businesses to secure vacant properties under the “acquired structure program” for training. This is an incredibly useful tool for firefighter training, especially considering that we do not have training grounds until the new Firehouse is built.
 - Training has been occurring at 505 Oak St.
 - Crews are being trained on the new Type 3 Engine. The unit is expected to be deployed very soon.



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- Wildland teams will be conducting the annual refresher April 17th.





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Parks and Recreation

- Aquatics
 - Longfellow swim lesson are the dominant program running at the pool during March and April
- Recreation
 - Youth Kayaking level 1 lessons
 - Starts 4/9 and registration is full
 - Field Trip Fridays return!
 - Registration is full for *all* sessions!
 - Skateboard Lessons
 - Offering Private and group lessons at Centennial Park Skate Park Beginning 3/18
 - Youth Baseball League
 - Registration is open and closes on May 12
 - Looking for coaches!
 - Youth Softball League-Girls
 - Registration is open and closes May 12
 - Looking for coaches!
 - Adult Softball Leagues
 - Team registration is open and closes May 12
 - FIBArk Running Race Registration
 - Opens April 14.
 - 10k-a-day
 - Moved to November.
 - Touch-a-Truck – Sept. 21
 - We are looking for exhibitors! Do you know where we can get cool trucks for kids to check out?
 - Pickleball/Tennis
 - Working on offering tennis lessons
 - Also working on coming out with the summer schedule starting in May
- Facilities
 - Soaking Pool Project Mechanical Equipment and Modular Building Numbers
 - Amenities Pump Re-build. (back in service!)
 - Aqua bike storeroom electrical work
 - Hot Spring Main Pipeline Replacement management
 - Coordinating Hazardous Materials Testing for the Old Marvin Park Concessions stand/restrooms.
- Parks
 - Scoutwave Landscaping Installation
 - Poncha Blvd Irrigation Installation
 - Lynn's Retirement
 - Exploring Marvin Park potential facility upgrades
 - Scout Hut Restroom Tile Completed, Plumbers Scheduled



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Police

- We had 851 Calls for service in March. This is a 7% increase over March of last year. We are still seeing a rise in calls and are on pace to eclipse 11,000 this year.
- We were able to hire another officer and complete his hiring process in March. James Knight will be starting on the 17th of April. He has been a police officer for a few years so hopefully he will pick things up quickly and be on the road by the middle of August.
- We received our two new patrol cars from the dealer. You will notice we have changed the graphics on newer cars and are moving away from the block "POLICE" decals. We are switching to a more professional, nicer-looking design with our badge on the side.

Public Works

- Planning/Engineering/Construction
 - Planning and Construction
 - Streets
 - Oak Street Reconstruction is currently out to bid
 - SRTS Hwy 50/Holman sidewalk and crossings – plans are being finalized along with CDOT clearances.
 - CDOT W-291 entrance – Design is now underway.
 - Poncha Blvd
 - CR140 concrete is near complete, and paving is scheduled for the 3rd week in April for this leg. Construction will then move/impact Poncha Blvd west of the Holman intersection.
 - Utilities
 - Rate Study – The rate analysis for SDF's is near complete with the first draft. A second presentation to Council will be scheduled soon.
 - Poncha Trunk line and Harrington Pipeline: Design complete, landowner, and other logistics in progress.
 - Meeting occurred with the State District Water Engineer to understand upcoming administrative changes and make internal water accounting updates.
 - Other CIP Items:
 - Caboose restoration complete and delivery anticipated in May (see pic).
 - Site work including landscaping and upgraded fencing planned this next month.
 - Multi-use office space addition complete. Fleet move planned after Fire Station completion.
 - Operations
 - Streets
 - Completed MUF office addition this past month.
 - Fencing improvements for caboose and along golf course underway.
 - Sign maintenance and replacements are underway.
 - Utilities



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- Smart meter upgrades underway.
- SCADA communications upgrades are underway at both treatment facilities.
- WTP staff completed considerable piping repair at WTP with Moltz.
- WTP staff performing ditch maintenance and development of an operation and maintenance plan with other water users on supply ditch.



Figure 1 - Completed Caboose