



CITY COUNCIL REGULAR MEETING

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

February 02, 2021 - 6:00 PM

AGENDA

Please register for Regular City Council Meeting

<https://attendee.gotowebinar.com/register/6382995264411204366>

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/xAllQfSsmm0/vpfQhcsApYv_5?preview=1

CALL TO ORDER

Pledge of Allegiance

Roll Call

Civility Invocation

1. Civility Invocation

CONSENT AGENDA

2. Approve Agenda

3. Approve January 19, 2021 Meeting Minutes

4. Approve Memorandum of Understanding with Salida Mountain Trails

5. Award 2021 Street Reconstruction Project

6. Approve Final Settlement for 2020 Centennial Park and Holman Avenue Improvement Project

CITIZEN COMMENT—Three (3) Minute Time Limit

UNFINISHED BUSINESS / ACTION ITEMS

NEW BUSINESS / ACTION ITEMS

7. **ORDINANCE 2021-01** AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, AMENDING ITS ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL BUILDING CODE; THE 2015 INTERNATIONAL RESIDENTIAL CODE; THE 2015 INTERNATIONAL FIRE CODE; THE 2015 INTERNATIONAL EXISTING BUILDING CODE; THE 2015 INTERNATIONAL PLUMBING CODE; THE 2015 INTERNATIONAL MECHANICAL CODE; THE 2015 INTERNATIONAL FUEL GAS CODE; THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE MOST CURRENT VERSION OF THE NATIONAL ELECTRIC CODE; AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF

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DANGEROUS BUILDINGS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND MAKING CONFORMING AMENDMENTS TO
CHAPTER 18 OF THE SALIDA MUNICIPAL CODE

8. Declaration of Extension of State of Local Emergency – COVID-19 Action Plan Implementation

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Council Reports

- Critelli, Kasper, Pappenfort, Pollock, Shore, Templeton

Mayor Report

Treasurer Report

Attorney Report

ADJOURN



City Clerk | Deputy City Clerk

Mayor P.T. Wood

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 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

January 19, 2021 - 6:00 PM

MINUTES

CALL TO ORDER

Pledge of Allegiance

Roll Call

PRESENT

Council Member Alisa Pappenfort

Council Member Dan Shore

Council Member Harald Kasper

Council Member Jane Templeton

Council Member Justin Critelli

Council Member Mike Pollock

Mayor PT Wood

Treasurer Merrell Bergin

Civility Invocation

CONSENT AGENDA

Council Member Critelli moved to combine and approve the items on the Consent Agenda, Seconded by Council Member Shore.

Voting Yeas: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

2. Approve Agenda
3. Approve January 5, 2020 Meeting Minutes
4. Approve Final Settlement for the 2020 Concrete Maintenance Project
5. Approve 2021 Sewer Reconstruction Project

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CITIZEN COMMENT—Three (3) Minute Time Limit

Sue Ann Hum spoke on behalf of the Public Art Commission requesting that the 2020 Budget be added to their 2021 Budget.

UNFINISHED BUSINESS / ACTION ITEMS**6. RESOLUTION 2020-44** APPROVING A PUBLIC ACCESS AGREEMENT WITH KITSON HOLDINGS, LLC

Council Member Critelli moved to approve Resolution 2020-44, Seconded by Council Member Kasper.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE MOTION PASSED.

NEW BUSINESS / ACTION ITEMS**7. Citizen Appointments to the Chaffee Housing Authority Pursuant to the Chaffee Housing Authority Intergovernmental Agreement**

Council Member Kasper moved to appoint Patrick Post and Monica Haskell to the Chaffee Housing Authority Board of Directors, Seconded by Council Member Pollock.

Council Member Shore moved to amend the motion and recommend that the County and Buena Vista review adding an Alternate, recommending Emily Marquis to fill the position, Seconded by Council Member Kasper.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

THE AMENDED MOTION PASSED.

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Critelli expressed horror at watching the insurrection at the nation's Capitol. He wanted to sign a petition denouncing Congressman Doug Lamborn for statements saying there was election fraud, without providing any proof. Critelli wanted the petition to ask Lamborn to resign. He also felt that the City's Civility Invocation raised the bar locally for discourse and wished the nation's leaders would act accordingly.

Kasper shared that he enjoyed seeing that Christmas Mountain and Christmas lights throughout town had stayed up longer. He felt it brought extended joy to the community. He also asked the public to show compassion to those with differing view points. He felt

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81201, Ph.719-530-2630 at least 48 hours in advance.

Congressional leaders, expressing their view of election fraud without any evidence, were dividing the nation further and led to the insurrection at the nation's Capitol. He hoped the public would vote out leaders that have no baseline for accepting truth.

Pappenfort had nothing to report.

Shore asked that the community act with compassion, stating that these were challenging times on the national level, referencing the insurrection. He wanted the community to come together, be compassionate towards others, and listen to people and not engage in arguments, but to hear other's perspectives.

Pollock stated he was working on a 2021 Wish List for Council action and hoped there would be a different tone nationally after the inauguration.

Templeton said the Sustainability Council was finishing their first draft of the Climate Action Plan and looked forward to presenting to Council soon. She recommended using power monitoring meters to look at home energy efficiency and believed they were available at the local library. Finally, she said she greatly appreciated Staff Reports being included in the packets.

Wood concurred with Critelli, believing the insurrection was caused by leaders sharing false election claims. He stated he thought Lamborn had done little to represent the City's part of the district. He believed that local officials should set the tone for Congress to follow. He also thought it was important to support the Public Art Commission's request for additional funding.

Bergin reported that 2020 had 11 months of solid tax performance. November's sales tax was up 20.4%, roughly \$104,000 from 2019. County sales tax was up and the City's share was a 15% increase from 2019. Marijuana sales were up a couple thousand dollars in November. He expected the first quarter of 2021 to remain positive and hoped after more of the community was vaccinated the economy would open further and provide additional tax dollars. Finally, he thanked Aimee Tihonovich for her work with the bank transition.

ADJOURN

Adjourned at 6:39 p.m.



City Clerk | Deputy City Clerk

Mayor P.T. Wood



REQUEST FOR COUNCIL ACTION

Meeting Date: 2/2/21

ORIGINATING DEPARTMENT: Parks & Recreation		PRESENTED BY: Mike 'Diesel' Post
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ITEM:

MOU with Salida Mountain Trails 2021

BACKGROUND:

Salida Mountain Trails (SMT) is an all-volunteer 501c3 not for profit organization committed to building and maintaining sustainable, non-motorized, multi-user trails on public lands near the city of Salida. Over the past 15 years, SMT has established/created both the Arkansas Hills Trail System and the Methodist Mountain Trail System. To date, SMT has built and/or maintains over 40 miles of trails on these 2 trail systems, mostly on BLM and Forest Service lands, but also including city of Salida open space - in order to connect the 2 trail systems directly to Salida city limits. SMT has cooperative management agreements and/or MOU's in place with the BLM, Forest Service, and Chaffee County.

FISCAL NOTE:

The 2021 City of Salida budget commits \$10,000 to SMT for "trail projects".

STAFF RECOMMENDATION:

Staff recommends that Council approve entering into an MOU with SMT in the consent agenda.

SUGGESTED MOTION:

Content agenda item

ATTACHMENTS:

City of Salida and Salida Mountain Trails MOU

MEMORANDUM OF UNDERSTANDING (MOU) between Salida Mountain Trails and City of Salida

I. BACKGROUND

Salida Mountain Trails (SMT) is an all-volunteer 501c3 not for profit organization committed to building and maintaining sustainable, non-motorized, multi-user trails on public lands near the city of Salida. Over the past 15 years, SMT has established/created both the Arkansas Hills Trail System and the Methodist Mountain Trail System. To date, SMT has built and/or maintains over 40 miles of trails on these 2 trail systems, mostly on BLM and Forest Service lands, but also including city of Salida open space - in order to connect the 2 trail systems directly to Salida city limits. SMT has cooperative management agreements and/or MOU's in place with the BLM, Forest Service, and Chaffee County.

II. PURPOSE & SCOPE

The purpose of this MOU is to establish a general framework for cooperation between the City of Salida and SMT, and to more formally identify the roles and responsibilities of each party. The 2 parties propose to work together to achieve a common goal of creating and maintaining trails and trailheads that are on City of Salida property and that border adjoining BLM and Forest Service public lands. The 2 parties also propose to also enhance these valuable community assets as opportunities allow.

The partnership between the City of Salida and SMT has existed since 2005 when the first "Arkansas Hills Trails" were built. The purpose of this MOU is to further strengthen this relationship to continue to provide high quality recreation opportunities directly from town for our local community and visitors alike.

III. SMT RESPONSIBILITIES UNDER THIS MOU

1. **Trail Maintenance** - Continue to maintain the trails that are on city property using best practice as set forth by IMBA connecting to BLM and Forest Service lands. These trails currently include Frontside, Burnpile, Lil'Rattler, Tenderfoot – as well as portions of Lower Sand Dunes, The Peppers and Dream On.
2. **Signage** - Continue to provide effective trail signage for trails on city property while working with the City as it develops its own brand and updated signage.
3. **Trailhead Kiosks** - Continue to provide and maintain trailhead kiosks along with providing current effective trail maps, trail etiquette information and other trail information/signage.
4. **Fst Kiosk** - Consult with the City for any information that is placed on the Fst Kiosk and provide space for City news or announcements.
5. **Coordination/Planning/Approval with Salida Parks and Recreation and the PROST Board**- On all projects on City Property including trail maintenance projects as well as new trail proposals.
 - a. New trail proposal process
 - i. Project proposal including GPS line, length, potential cost/timeline
 - ii. Reviewed by PROST & P&R

- iii. Site visit by staff and/or board – must see a flag line on the ground
- iv. Possible public comment opportunity
- v. Approve the trail corridor and the “mission” of the trail.

- 6. **Collaboration with Salida Parks and Recreation and the PROST Board** – on long term planning efforts – master planning, new trails and/or additional connectivity efforts, and other infrastructure.
- 7. **Sign MOU and Volunteer insurance paperwork annually** - All members of SMT that work on City property need to sign volunteer paperwork that adds them as additionally insured on the City’s insurance for that related work. The Board and/or President must annually approve and sign an MOU with The City of Salida

IV. City of Salida RESPONSIBILITIES UNDER THIS MOU

- 1. **Coordination/Planning/Approval with SMT** - On significant projects including significant trail maintenance projects as well as new trail proposals.
- 2. **Review Contracts and agreements** - City Staff will review contracts and agreements made between SMT and contractors for work done on City Property.
- 3. **Secure funding** - The City will make best efforts to secure funding to support SMT’s work on City owned property.
- 4. **Provide insurance** - Volunteers that complete the City of Salida Volunteer paperwork will be covered under the City’s policy for work done on City Property.

V. FUNDING

SMT will fund the professional construction of any new approved trails on city open space as well the costs for effective signage. SMT will supply volunteer labor, tools, planning/organization for all maintenance and other necessary tasks.

VI. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of SMT and City of Salida authorized officials. Both parties indicate agreement with this MOU by their signatures.

Signatures and dates

Salida Mountain Trails
[Mike Smith - Salida Mountain Trails Board President](#)

01/19/2021 Date

City of Salida

_____ Date



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 2, 2021:

ORIGINATING DEPARTMENT: Public Works	PRESENTED BY: David Lady
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ITEM:

Council Action - Approve 2021 Street Reconstruction Project

Consent Agenda

Project No 2021-001

BACKGROUND:

Street reconstruction projects planned for 2021 consists of the following improvements:

Crestone and 3rd Street improvements adjacent to the CHT proposed project site – This work includes the relocation of the sewer main, water main, and reconstruction of the intersection. Crestone Ave. will be reconstructed to tee into 3rd Street, in alignment with M Street, with an adjustment to slope at the intersection. This will provide safety improvements from the existing configuration.

Poncha Blvd and 3rd Street intersection improvements – This work includes a realignment of 3rd Street and Crestone Ave. at the intersections as a safety improvement. Work also includes sidewalk, drainage, curb & gutter, retaining wall, bike lane, and asphalt improvements. A shared use sidewalk will provide pedestrian access from the mesa area to the downtown as it meanders through Mack Witty and Thonhoff Parks. This project will provide additional green space and areas for proposed tree plantings. These improvements were also reviewed with Council during the July 7, 2020 work session.

B St. (1st Street to Park Avenue) – This work includes rehabilitation of the existing street section which includes pavement, curb & gutter, and sidewalks.

I Street – This work includes rehabilitation of the existing street section which includes pavement, curb & gutter, and sidewalks. These improvements will improve the on-street parking which is utilized during busier downtown days.

Bids were received on January 26, 2021 as follows:

Bidder	Total	Business Location / Local Preference	Percent Above Low Bid
Avalanche Excavation, Inc.	\$1,296,718.26	Salida – 5.0%	1.7
Pavement Maintenance Services, Inc	\$1,274,507.25	Chaffee County – 3.0%	
RMS Utilities, Inc.	\$2,222,086.80	Alamosa (Out of County) – 0%	74.0
Y&K Excavating, Inc.	\$1,278,151.25	Salida – 5.0%	0.2



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 2, 2021:

ORIGINATING DEPARTMENT: Public Works	PRESENTED BY: David Lady
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The City purchasing policy identifies local preference for the award of bidders as follows:

Local Vendor Preference – Bids by vendors with their primary operations located within the City of Salida will receive preference within a 5% price difference. Bids by vendors with their primary operations located within Chaffee County will receive preference within 3% price difference.

In accordance with the above noted policy, Y&K Excavating, Inc. is the recommended contractor. Additionally, Y&K has performed multiple projects for the City with excellent quality and service for this type of work.

Total Budget Calculation (Low Bidder)

	2020 Street Reconstruction (1)	Soft Costs (2)	Project Total Budget (1+2)
STREET CONSTRUCTION	\$1,195,393.24	\$83,677.53	\$1,279,070.77
WATER CONSTRUCTION	\$33,578.01	\$2,350.46	\$35,928.47
SEWER CONSTRUCTION	\$49,180.00	\$3,442.60	\$52,622.60
TOTAL	(BASE BID) \$1,278,151.25	\$89,470.59	\$1,367,621.84

(2) Soft costs ~ 2.0% QA/QC and +/- 5% Minor Contract Revisions

FISCAL NOTE:

2021 Capital Budget line items are as follows:

- \$950,000 Street Rehabilitation (31-30-6020-3)
- \$300,000 Streets – Asphalt Maintenance (31-30-6012-3)
- \$100,000 Water Line Replacements (20-30-6019-3)
- \$75,000 Infrastructure Upgrades and Replacements (21-30-6019-3)

The street portion of the project is slightly above the itemized budget due to final design components that incorporated the Crestone Ave. project and the I Street project. CDOT is planning reconstruction of the ADA ramps at I Street and 1st Street this year and it is cost effective and limits neighborhood impact by completing the City portion concurrently. A budget amendment is not anticipated at this time.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 2, 2021:

ORIGINATING DEPARTMENT: Public Works	PRESENTED BY: David Lady
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*Note: A cost recovery of the sewer relocation for the Crestone Avenue improvements is in the amount of \$49,180.00. Sewer reimbursement will occur prior to transfer of property (Ord 2020-13 Sec. 4).

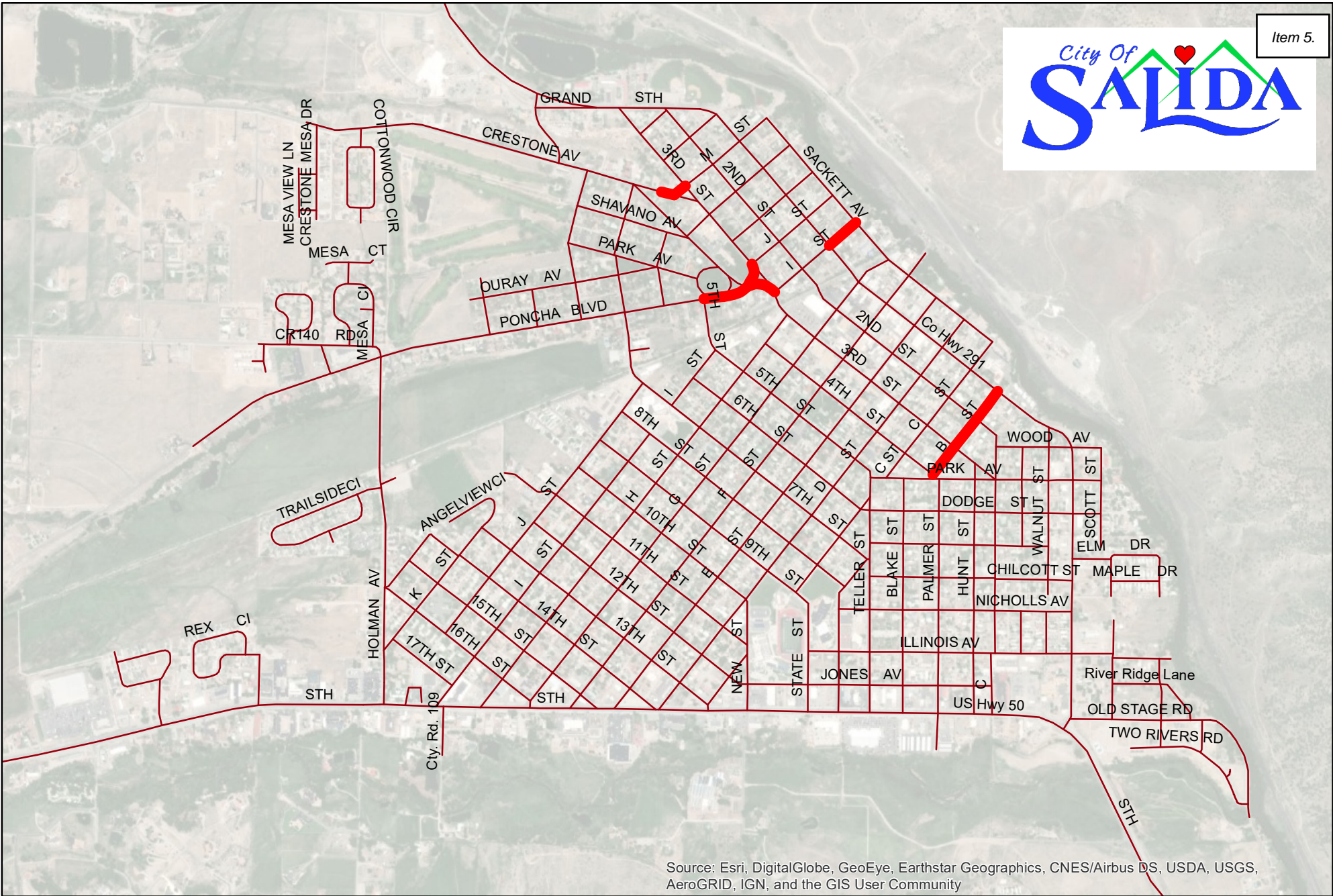
STAFF RECOMMENDATION:

Award a construction contract for the 2021 Street Reconstruction Project and authorizing the City Administrator to enter into a Construction Agreement between the City and Y&K Excavation, Inc. in the amount of \$1,278,151.25 with a total project budget of \$1,367,621.84.

SUGGESTED MOTIONS:

A Council person should make a motion to “combine and approve the items on the consent agenda.”

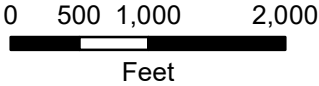
Followed by a second and then a voice vote.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



2021 Street Reconstruction Locations





REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 2, 2021

ORIGINATING DEPARTMENT: Public Works	PRESENTED BY: David Lady
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ITEM:

Council Action - Approve Final Payment for the 2020 Centennial Park and Holman Avenue Improvements Project

Consent Agenda

Project No 2020-014

BACKGROUND:

The City of Salida has numerous projects in the planning and construction stages within Centennial Park. Completing on-street and off-street parking expansion, stormwater improvements, and access improvements will reduce congestion associated with the construction and opening of the skate park and other future park projects. Additionally, the project provided safety improvements to the K St. and Holman Avenue intersection as well as access to Centennial Park facilities.

A sidewalk through Centennial Park was originally proposed as part of this project. The sidewalk would connect the hot springs facility entrance to the skate park, playground, and Holman Avenue. Staff determined it would be best to complete this work later this year to prevent conflicts with skate park construction. This will be completed under a separate construction agreement. The contractor has agreed to work within the existing budget and at the bid contract prices.

Bids for the project were received on September 8th, 2020.

FISCAL NOTE:

City Council awarded a Construction Contract to Avalanche Excavating, Inc. on September 15th, 2020. The total project budget is \$487,090.98. All work was completed within budget and was accepted by Public Works and the Park and Recreation Department with the exception of the sidewalk through Centennial Park. The final project construction cost was \$468,432.99. The 10% retainage in the amount of \$46,843.30 has been withheld pending approval of final settlement by council. Public Notice of Final Settlement was advertised on January 28th, 2021.

Avalanche Excavating, Inc provided excellent quality of work and coordination with the City throughout the project.

STAFF RECOMMENDATION:

To approve final settlement to Avalanche Excavating in the amount of \$46,843.30 for the 2020 Centennial Park and Holman Avenue Improvements Project.

SUGGESTED MOTIONS:

A Council person should make a motion to “combine and approve the items on the consent agenda.”

Followed by a second and then a voice vote.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: February 2, 2021

ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Nina Williams, City Attorney
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ITEM:

Ordinance 2021-01, Amending its Adoption by Reference of Various Technical International Codes, Providing Penalties for the Violation of Same, and Making Conforming Amendments to Chapter 18 of the Salida Municipal Code

BACKGROUND:

Council has identified certain property maintenance issues as a priority. Through the City's enforcement of particularly egregious cases, staff has noticed some room for improvement in our current options under our Municipal Code.

This Ordinance seeks to streamline the appeal process, as it relates to violations of the International building-related technical Codes, expanding the City's viable legal options, where necessary. This Ordinance also amends an error in the Property Maintenance Code section, to now designate the City's Building Code Official as the Chaffee County Building Department, rather than the City's Chief of Police. This resolves a contradiction and inconsistency between the Salida Municipal Code and the City's existing Intergovernmental Agreement (IGA) with the Chaffee County Building Department.

Additionally, amendments to Chapter 18, or any adoption or amendment of standard Codes by reference, require special notice provisions under state statute. Therefore, while the City is considering amending this Chapter, it made sense to also update other provisions that have been on your attorney's "to-do list" for a while, pursuant to previous Council and staff direction. This includes increasing maximum fines to \$2,650, from the previous \$1,000, thereby making it consistent with all other Municipal Code violations, and current state statute. It also includes "de-criminalizing" the rest of the applicable provisions in our code, by removing imprisonment as a penalty for violation.

Finally, early last year, the Historic Preservation Commission recommended (and Council subsequently directed) that the City "double" the building permit application fee as a fine, should someone begin work on their property without a permit.

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 2021-01 on first reading

SUGGESTED MOTIONS:

"I move to approve Ordinance 2021-01, on first reading, and to set a public hearing and second reading for February 16, 2021."

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 01
SERIES OF 2021**

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, AMENDING ITS ADOPTION BY REFERENCE OF THE 2015 INTERNATIONAL BUILDING CODE; THE 2015 INTERNATIONAL RESIDENTIAL CODE; THE 2015 INTERNATIONAL FIRE CODE; THE 2015 INTERNATIONAL EXISTING BUILDING CODE; THE 2015 INTERNATIONAL PLUMBING CODE; THE 2015 INTERNATIONAL MECHANICAL CODE; THE 2015 INTERNATIONAL FUEL GAS CODE; THE 2006 INTERNATIONAL ENERGY CONSERVATION CODE; THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE, THE MOST CURRENT VERSION OF THE NATIONAL ELECTRIC CODE; AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND MAKING CONFORMING AMENDMENTS TO CHAPTER 18 OF THE SALIDA MUNICIPAL CODE

WHEREAS, Colorado Revised Statutes 31-15-103 authorizes the City Council (“Council”) of the City of Salida (“City”) to adopt ordinances necessary to provide for the health, safety and welfare of the City; and

WHEREAS, pursuant to Part 2 of Article 16 of Title 31 of the Colorado Revised Statutes, the City possesses the authority to adopt and amend standard codes by reference; and

WHEREAS, pursuant to this authority, the City previously adopted by reference and made local amendments to the editions of several technical International and National Codes and codified such Codes and amendments within Chapter 18 of the Salida Municipal Code (“Code”); and

WHEREAS, the City still recognizes the value of the various International and National Codes as providing commonly-adopted uniform standards for public health, safety and welfare issues relating to the subject matter of each and as the standards recommended by staff; and

WHEREAS, after due and proper notice and in accordance with C.R.S. § 31-16-203, the Council conducted a public hearing at second reading, on the amendments to the City’s adoption of said technical codes, as set forth in this ordinance; and

WHEREAS, penalties for violating said technical International and National Codes adopted hereby are set forth in full in this Ordinance in accordance with § 31-16-204; and

WHEREAS, the Salida City Council now therefore desires to amend the City’s adoption the aforementioned International and National Codes, provide penalties for violating the same, and make conforming amendments to Chapter 18 of the Salida Municipal Code, as further set forth herein.

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

Section 1. The aforementioned recitals are hereby fully incorporated herein.

Section 2. Code Section 18-1-30, adopting certain amendments to the International Building Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-1-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(5) Section 113 is amended to read in its entirety:

113 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 3. Code Section 18-1-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-1-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IBC. Violations of this Section and/or the IBC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 4. Code Section 18-2-30, adopting certain amendments to the International Residential Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-2-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section R112 is amended to read in its entirety:

R112 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be

based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 5. Code Section 18-2-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-2-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IRC. Violations of this Section and/or the IRC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~**1,000.00**) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 6. Code Section 18-3-30(5), adopting amendments to the International Fire Code regarding Appeals, is hereby amended as follows:

Sec. 18-3-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(5) ~~Section 108.1 is amended as follows:~~

~~**108.1 Board of appeals established.** Add "The Board of Appeals shall be the City of Salida Board of Appeals for all matters relating to Fire Codes."~~

Section 108 is amended to read in its entirety:

108 Board of Appeals. Appeals of decisions and determinations made by the Building Official or the fire code official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process.

Section 7. Code Section 18-3-50, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-3-50. - Violations, penalties.

The municipal court shall have jurisdiction to hear all violations of this Article and, in the event that a violation is of a continuing nature, each day during which such violation continues shall be deemed a separate offense, subject to fine **not to exceed one two thousand six hundred fifty dollars (\$2,650)** ~~and/or imprisonment~~ for each such separate offense pursuant to Section 109.3 of the IFC.

Section 8. Code Section 18-4-30, adopting certain amendments to the International Existing Building Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-4-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 112 is amended to read in its entirety:

112 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 9. Code Section 18-4-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-4-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IEBC. Violations of this Section and/or the IEBC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~**1,000.00**) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 10. Code Section 18-5-30, adopting certain amendments to the International Plumbing Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-5-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 109 is amended to read in its entirety:

109 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 11. Code Section 18-5-40, concerning Violations, Penalties, is hereby

amended to read as follows:

Sec. 18-5-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IPC. Violations of this Section and/or the IPC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 12. Code Section 18-6-30, adopting certain amendments to the International Mechanical Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-6-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 109 is amended to read in its entirety:

109 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 13. Code Section 18-6-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-6-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IMC. Violations of this Section and/or the IMC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 14. Code Section 18-7-30, concerning Violations, Penalties, of the National Electric Code is hereby amended to read as follows:

Sec. 18-7-30. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the NEC. Violations of this Section and/or the NEC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 15. Code Section 18-8-10, concerning Appeals, is hereby amended to read as follows:

Sec. 18-8-10. - Appeal.

An order, decision or interpretation based upon any of the codes adopted by this Chapter may be appealed to the Board of Appeals, **to a Hearing Officer selected and engaged by the City Administrator as needed on the basis of experience and/or training in building construction matters, or, if permitted, to a nearby jurisdiction's Board of Review or Building Board of Appeals, at decision and discretion of the Community Development Director.**

Section 16. Code Section 18-8-20, concerning Appeal contents, is hereby amended to read as follows:

Sec. 18-8-20. - Appeal contents.

The appeal shall be in the form of a written letter of appeal submitted to the Community Development Director within ~~forty-five~~ **ten** (45**10**) days of the date of the order, decision or interpretation. Such notice shall identify the date and nature of the order, decision or interpretation at issue and set forth in plain and concise language the:

- (1) Facts and reasons. The facts and reasons for the appeal, including any relevant citations to any rule, regulation or code section relied upon.
- (2) Copy. A copy of the order, decision or interpretation being appealed if the same was issued in writing.

Section 17. Code Section 18-8-30, concerning Actions following receipt of appeal, is hereby amended to read as follows:

Sec. 18-8-30. - Actions following receipt of appeal.

Upon receipt of the appeal, the Community Development Director shall notify the Building Official **and the appellant,** and schedule the appeal **hearing in front of either** ~~for~~ a regular or special meeting before the Board of Appeals, **or a Hearing Officer selected and engaged by the City Administrator as needed on the basis of experience and/or training in building construction matters, or, if permitted, a nearby jurisdiction's Board of Review or Building Board of Appeals,** within a maximum time frame of thirty-one (31) days.

Section 18. Code Section 18-8-40, concerning Notice, is hereby amended to read as follows:

Sec. 18-8-40. - Notice.

Written notice of the time, date and location of the hearing shall be delivered not less than ~~one~~ five (15) days prior to the hearing to the appellant and the Building Official.

Section 19. Code Section 18-8-50, concerning Decision by appeal body, is hereby amended to read as follows:

Sec. 18-8-50. – Decision of appeal ~~by appeal body~~.

All decisions on appeal shall be reduced to writing, contain a concise listing of facts and reasons supporting the same and be promptly mailed by regular mail to the applicant. The burden of persuasion on appeal shall rest with the appellant; and the unexcused absence of the appellant from the appeal hearing, absent good and just cause at the discretion of the appeal body or hearing officer, shall result in the dismissal of the appeal, and no further action shall be taken thereon. All decisions on appeal shall be final and may be appealed to the District Court as provided for in Colorado Rules of Civil Procedure.

Section 20. Code Section 18-12-30, adopting certain amendments to the International Fuel Gas Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-12-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 109 is amended to read in its entirety:

109 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 21. Code Section 18-12-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-12-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IFGC. Violations of this Section and/or the IFGC shall be punishable by a fine not to exceed ~~one~~ two thousand six hundred fifty dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 22. Code Section 18-13-30, adopting certain amendments to the International Energy Conservation Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-13-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section C109 is amended to read in its entirety:

C109 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 23. Code Section 18-13-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-13-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the IECC. Violations of this Section and/or the IECC shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 24. Subsections (4), (5), (8), and (9) of Code Section 18-14-30, adopting certain amendments to the International Property Maintenance Code, are hereby amended to read as follows, and Section 18-14-30 is renumbered accordingly:

Sec. 18-14-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(4) Section 103.1 is amended to read:

"103.1 General. The Department of Property Maintenance Inspection is hereby created ~~within the Salida Police Department., and The Chief of Police~~ **the Chaffee County Building Department Official shall serve as** is the **building** code official."

(5) Section 103.3 is amended to read:

"103.3 Deputies. The ~~Building Official~~ **Chief of Poice**, Fire Chief and Code Enforcement Officer shall be deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have

the authority to appoint other deputy code officials, other related technical officers, inspectors and other employees."

(8) Section 111 is amended to read in its entirety:

111 Means of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

~~(8) Section 111.2 is amended to read:~~

~~"111.2. All appeals to this code shall be made to the City of Salida Board of Appeals. The appeals process is described in Section 18-8-10 of the Salida Municipal Code."~~

~~(9) Sections 111.2.1 through 111.2.5, 111.3, 111.4, 111.5 and 111.6 are deleted in their entirety.~~

Section 25. Code Section 18-14-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-14-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant, or contractor to erect, construct, enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Article and the IPMC. Violations of this Article and/or the IPMC may be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (~~\$2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Article occurs or continues unabated. As an alternate remedy, after complying with the Notice and Order provisions of IPMC Section 107, the City shall have the right, but not the obligation, to enter the violating property and conduct repairs and/or maintenance necessary to abate a non-emergency violation. The City Administrator shall prepare a statement enumerating the actual costs of abatement and collection plus a surcharge of ten percent (10%) of the abatement costs to cover inspection and other administrative costs. Such charge shall be payable by the owners at the time of the assessment, personally, and also shall be a perpetual lien upon the respective lots or parcels served relating back to the date upon which the abatement actions were performed. Any such lien may be foreclosed in the same manner as provided by the laws of this state for the foreclosure of mechanics' liens.

Section 26. Code Section 18-15-30, adopting certain amendments to the 1997 Uniform Code for the Abatement of Dangerous Buildings, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-15-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 205 is amended to read in its entirety:

205 Board of Appeals. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 27. A new Code Section 18-15-40, concerning Violations, Penalties, is hereby created to read as follows:

Sec. 18-15-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert, demolish, use, occupy, equip or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this Section and the Uniform Code for the Abatement of Dangerous Buildings. Violations of this Section and/or the Uniform Code for the Abatement of Dangerous Buildings shall be punishable by a fine not to exceed two thousand six hundred fifty dollars (\$2,650). A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 28. Code Section 18-16-30, adopting certain amendments to the International Swimming Pool and Spa Code, is hereby amended by the addition of the following amendment, and renumbered accordingly:

Sec. 18-16-30. - Amendments.

The code adopted herein is hereby modified by the following amendments:

...

(2) Section 108 is amended to read in its entirety:

108 Means of Appeal. Appeals of decisions and determinations made by the Building Official shall comply with the process and procedures set forth in the City of Salida Municipal Code Chapter 18, Article VIII, entitled Appeals Process. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, including fines, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed.

Section 29. Code Section 18-13-40, concerning Violations, Penalties, is hereby amended to read as follows:

Sec. 18-13-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct enlarge, alter, repair, move, improve, remove, rehabilitate, convert or equip any swimming pool or spa in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this

Section. Violations of this Section shall be punishable by a fine not to exceed ~~one~~ **two** thousand **six hundred fifty** dollars (\$~~2,650~~1,000.00) ~~or a term of imprisonment not to exceed ninety (90) days, or both such fine and imprisonment.~~ A separate offense shall be deemed committed for each day, or portion of a day, that a violation of this Section occurs or continues unabated.

Section 30. Code Section 18-17-60, concerning Appeals, Building Permit Administration, is hereby amended to read as follows:

Sec. 18-17-60. - Appeals.

An appeal ~~to the Board of Appeals~~ **in compliance with the process and procedures set forth in Chapter 18, Article VIII of this Code** may be taken by any person aggrieved by his or her inability to obtain a building permit or certificate or by the Building Official or any City department or representative affected by the grant or refusal of a building permit or certificate. An appeal may be made ~~to the Board of Appeals~~ **in compliance with the process and procedures set forth in Chapter 18, Article VIII of this Code** from any decision of the Building Official based upon or made in the course of the administration or enforcement of the building code, including without limitation a failure of an inspection or a claim that the provisions of the City's building codes do not apply or the true intent and meaning of the City's building codes have been misconstrued or wrongly interpreted.

Section 21. A new Code Section 18-17-70, concerning Violations, Penalties, Building Permit Administration is hereby created to read as follows:

Sec. 18-15-40. - Violations, penalties.

It shall be unlawful for any person, owner, occupant or contractor to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City, or cause the same to be done, without obtaining a building permit from the City. Violations of this Section shall be required to pay double the building permit application fee, as a fine for violating this Section.

Section 32. **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 February 2, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2020 and set for second reading and public hearing on the 16th day of February, 2021.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on this 16th day of February, 2021.

City of Salida

Mayor P.T. Wood

ATTEST:

City Clerk/Deputy City Clerk



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date February 2, 2021
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ITEM

Declaration of Extension of State of Emergency – Covid-19 Action Plan Implementation

BACKGROUND

As we are all quite aware, the worldwide COVID-19 pandemic has created an environment where federal, state and local governments Article XVII, Section 2-17-10 of the Salida Municipal Code states that when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency by proclamation. After conferring with the Chaffee County Public Health, on Friday, March 13th, 2020, such an emergency declaration was approved by Mayor Wood to approve the City of Salida COVID-19 Action Plan. The City Council ratified the emergency declaration on March 17th, 2020, extending until April 25th, 2020. Ten extensions have been granted for the Declaration, with the most recent one ending on February 3rd, 2021. Staff continues to work with Chaffee County Public Health to revise the City of Salida COVID-19 Action Plan to reflect changes to the State of Colorado’s COVID-19 Dial, identifying rates of infection, positivity rate, and hospitalizations as data points for moving up or down on the City’s Tiered response (a copy of the Action Plan is attached hereto for your review). Currently, the City is at Tier III in the Action Plan, with Chaffee County identified in the Orange Level of the State’s COVID-19 Dial.

Section 2-17-30 establishes a term of no more than ten (10) days of for any emergency declaration. It also provides that the City Council may extend any proclamation issued by the Mayor for a period not to exceed forty (40) days by a two-thirds (2/3) vote. As issues related to COVID-19 continue, it is imperative that the City continues to follow the protocols established in the Action Plan.

FISCAL NOTE

No direct costs immediately; however, costs may be incurred as this ever-evolving situation goes forward.



CITY COUNCIL ACTION FORM

Department Administration	Presented by Drew Nelson - City Administrator	Date February 2, 2021
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STAFF RECOMMENDATION

Staff recommends approval by the City Council of a Declaration of Extension of Local State of Emergency to implement the City of Salida’s COVID-19 Action Plan, as currently established, until March 3rd, 2021, which is one day after the first regular City Council meeting in March.

SUGGESTED MOTION

A City Councilmember should make a motion to approve a Declaration of extension of Local State of Emergency to implement the City of Salida’s COVID-19 Action Plan, extending until March 3rd, 2021, followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
EXTENDING A LOCAL STATE OF EMERGENCY
REGARDING COVID-19 (CORONAVIRUS DISEASE 2019)**

FINDINGS AND CONCLUSIONS:

WHEREAS, COVID-19 is a highly contagious virus that has spread to numerous countries throughout the world, including the United States; and

WHEREAS, the virus may cause serious illness or death in certain cases, particularly for elderly and persons with underlying health conditions; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “global pandemic”, pushing the threat beyond the “global health emergency” it had announced in January; and

WHEREAS, on March 11, 2020, the Governor of the State of Colorado declared a state of emergency due to the presence of COVID-19 in Colorado; and

WHEREAS, on March 13, 2020, the Board of County Commissioners of Chaffee County declared a Local Disaster Emergency as authorized under C.R.S. § 24-33.5-703(3) to assist local governments in responding to and recovering from emergency events, including emergency epidemics and pandemics; and

WHEREAS, on March 17, 2020, the Salida City Council unanimously approved an initial Local State of Emergency regarding COVID-19, extending until April 25, 2020; and

WHEREAS, on April 21, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until May 6, 2020; and

WHEREAS, on May 5, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until June 3, 2020; and

WHEREAS, on June 2, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until July 8, 2020; and

WHEREAS, on July 7, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until August 4, 2020; and

WHEREAS, on August 4, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until September 2, 2020; and

WHEREAS, on September 1, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until October 7, 2020; and

WHEREAS, on October 6, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until November 4, 2020; and

WHEREAS, on November 2, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until December 2, 2020; and

WHEREAS, on December 1, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until January 6, 2021; and

WHEREAS, on January 5, 2021, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until February 3, 2021; and

WHEREAS, the Chaffee County Public Health Department anticipates that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the County, Chaffee County will see cases of the virus and its transmission within the community; and

WHEREAS, Article XVII, Section 2-17-10 of the Salida Municipal Code authorizes the Mayor to declare a State of Emergency via proclamation when it appears that the general health, safety and welfare of the inhabitants of the City are threatened by general public unrest or riot, or by attack upon the State; and

WHEREAS, Article XVII, Section 2-17-30 allows for the City Council to extend any proclamation issued by the Mayor under Section 2-17-10 to be extended for a period not to exceed forty (40) days by a two-thirds (2/3) vote; and

WHEREAS, the City's current State of Local Emergency proclamation will expire on December 2, 2020, which does not coincide with the Governor of the State of Colorado's Safer-At-Home and in the Vast, Great Outdoors order, which is anticipated to be extended; and

WHEREAS, the cost and magnitude of responding to and recovering from the impact of the COVID-19 virus on local emergency services providers and medical services is anticipated to be far in excess of the community's available resources; and

WHEREAS, in response to the outbreak of COVID-19 in Chaffee County and the Salida community, and in light of the ongoing risk to public health and safety, at this time it is necessary to extend the existing Local State of Emergency.

NOW THEREFORE, IT IS HEREBY DECLARED BY THE SALIDA CITY COUNCIL:

Section 1. The confirmed presence of COVID-19 in Chaffee County constitutes a Local State of Emergency, as defined in Article XVII, Section 2-17-10 of the Salida Municipal Code, not to exceed a term of forty (40) days.

Section 2. The effect of this declaration of Local State of Emergency shall continue the City's COVID-19 Action Plan, revised and effective as of December 1, 2020, attached hereto as Exhibit A, authorizing a tiered approach to proactively respond to changes in the COVID-19 situation as well as reflect the recommendations of our Federal, State, and Local Health Departments.

Section 3. This declaration shall be made effective immediately on February 2, 2021, and shall be in effect until March 3, 2021.

APPROVED, DECLARED AND ADOPTED on this 2nd day of February, 2021.

CITY OF SALIDA, COLORADO

[SEAL]

ATTEST:

P.T. Wood, Mayor
City of Salida, Colorado

City Clerk



CITY OF SALIDA – COVID-19 ACTION PLAN

Purpose: To provide a comprehensive and tiered Action Plan to City of Salida officials in response to the ongoing COVID-19 pandemic. This Action Plan is intended to slowly escalate to proactively respond to changes in the situation as well as reflect the recommendations of our State and local Public Health Departments. This Action Plan is effective December 1, 2020, until further notice.

Authority: Per Sections 2-17-10 and 2-17-20 of the Salida Municipal Code, when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency proclamation. The proclamation may impose a curfew within the City, may prohibit public or private assemblies, may impose restrictions on movement within the City and may contain other regulations necessary and proper to the maintenance of public peace, order and safety.

Tier I – Level Green/Blue

Heightened Awareness. The Colorado Department of Public Health and Environment (CDPHE) or Chaffee County Public Health Department (CCPH) have indicated that COVID-19 is in the state and are encouraging citizens to be aware and to focus on sanitization and hygiene. CDPHE and/or CCPH has placed Chaffee County in either Level Green or Level Blue on the State’s COVID-19 Dial, with Incidence Rates of up to 75 cases per 100,000 residents (or more than 15 cases in Chaffee County per two-week period), or when the percentage of positive tests is below 1.5%.

- Encourage employees to stay home if sick or to go home if exhibiting symptoms while at work. Employees will continue to use sick leave.
- Identify work spaces where employees can temporarily isolate if they are awaiting transportation to their home or medical care.
- Wash hands often, also use hand sanitizer often.
- Face coverings are required in indoor public settings.
- Heightened amount of environmental sanitation – Lysol, wipes, environmental germicide sprays, etc.
- Employees should refrain from traveling to conferences and/or meetings in other parts of the Country where cases of COVID-19 are expanding.
- Acquire/Inspect/Issue Personal Protective Equipment (PPE) to selected City Staff (gloves, masks, etc.).

- Meetings of the City Council, and of official City Boards and Commissions, will offer the option for remote attendance and participation.

Tier II – Level Yellow

Statewide Concern. CDPHE and/or CCPH have indicated multiple cases of COVID-19 within the Chaffee County. CDPHE and/or CCPH has placed Chaffee County in Level Yellow on the State’s COVID-19 Dial. Incidence Rates are between 75 and 175 cases per 100,000 residents (or between 15 and 35 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 1.5% and 3%. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier II which, in addition to Phase I steps, include:

- Teleworking and staggered shifts authorized. Departments should utilize telework options for a limited number of employees to lessen the impact on Tech Services.
- Meetings of the City Council, and of official City Boards and Commissions, will offer the option to attend and participate remotely, and may take place in person following all physical separation requirements. Attendance by members of the public may occur based on room size/capacity and maintaining 6’ of distance between attendees.
- Employees should refrain of physical contact with each other and with members of the public. CDPHE and CCPH recommends a 6’ distance of separation.
- Employees should limit or eliminate any outside agency meeting attendance, unless able to be done remotely.
- City Departments should begin to limit internal meetings. Face coverings are required when meeting in person with other employees or while away from one’s office or desk.
- Employees who self-identify as high risk (having compromised immune systems, for example) should work from home.
- The City will take direction from CDPHE and CCPH.

Tier III – Level Orange/Red

Chaffee County Concern. Chaffee County Health has indicated multiple rising cases of COVID-19 within Chaffee County, with an Incidence Rate between 175 and 350 per 100,000 residents (or between 35 and 70 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 3% and 5%. CDPHE and/or CCPH has placed Chaffee County in either Level Orange or Level Red of the State’s COVID-19 Dial. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier III which, in addition to Phase II steps, include:

- Employees will be directed to stay home (or go home) if they or any family member they live with is exhibiting any symptoms, or if they are high risk.
- Meetings of the City Council, and of official City Boards and Commissions, may take place in person following all physical separation requirements, and with the following limited

restrictions: in-person attendance of the public is limited to only applicants or appellants for quasi-judicial hearings. Remote attendance and participation by all parties, including City Councilmembers and staff, is strongly encouraged.

- Recreation programs shut down, including very limited access to, or closure of, the Salida Hot Springs Aquatic Center, the SteamPlant Event Center, and the Rotary Scout Hut. Specific closure dates shall be established by Department Heads and announced via press release.
- Teleworking and staggered shifts authorized. Departments will continue to roll out additional measures or plans to allow employees to work remotely, when feasible.
- Departments must take additional steps they have identified to limit exposure between employees and between employees and members of the public.
- Reduced staffing in City buildings authorized. Departments will take steps to ensure City buildings are minimally staffed, and public access is very limited. Employees are encouraged to perform all tasks remotely, if possible. Face coverings must be worn at all times, including while in one's office or at one's desk.
- Heightened level of sanitization of spaces including additional germicide spraying.
- Selected City Staff have PPE on hand and begin utilization, as appropriate.
- Public events (other than official meetings of the City Council, or of official City Boards or Commissions) scheduled to take place in City-owned facilities are suspended until further notice. The Salida community is strongly encouraged to engage in social distancing and to postpone or cancel any gatherings where people will congregate in large numbers and/or in close contact with one another.
- Other steps as directed by CDPHE and CCPH.

Tier IV – Level Red/Purple

Full implementation of Response Plan. Tier IV may occur at such time as CDPHE and/or CCPH places Chaffee County in either Level Red or Level Purple on the State's COVID-19 Dial, with Incidence Rates in excess of 350 cases per 100,000 residents in Chaffee County (or more than 70 cases in Chaffee County per two-week period), or when the percentage of positive tests exceeds 5%, or schools are shut down, or hospitalizations exceed bed capacity at health facilities in Chaffee County, or at such other time as Salida deems it to be in the best interest of the organization and/or community. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier IV which, in addition to Phase III steps, include:

- City Buildings minimally staffed, no public access. Public will be directed to conduct business online, if feasible, or by phone. Non-essential services (City Hall Administration, City Hall Finance, Fire Station Administration, Police Station Administration, and Public Works Administration) are closed to the public. Public is encouraged to use digital and telephone communication, website access, online payments, and other ways of communication to conduct business with the City. Masks required at all times.

- In-Person attendance of meetings of the City Council, and of official City Boards and Commissions, shall be heavily restricted to only staff and select Elected or Appointed Officials who are necessary to be present to effectively run meetings. Any attendance and participation by the public, including applicants and appellants for quasi-judicial hearings, shall be conducted remotely only.
- Departments will fully enact Departmental plans. Teleworking options and staggered shift work maximized. Only essential services ongoing, unless able to be provided through employees working remotely.
- Incident Command may be set up locally or in coordination with County Authorities.
- Selected City Staff mandatory use of PPE.
- Other steps as directed by State and Local Health authorities, including support of their efforts.

Mayor P.T. Wood asks that the community remain vigilant during these challenging times. “Chaffee County Public Health has worked very hard to get our community through a tumultuous period while keeping our business community intact. It is critically important that we increase our efforts to limit the spread of the disease to the greatest extent possible as we head into the upcoming winter months. Remember that Chaffee’s Got Heart:

- **Hang at Home if Sick**
- **Excel at Handwashing**
- **Always Wear a Mask in Public**
- **Respect Social Distancing**
- **Test if You Have Symptoms**

