



# CITY COUNCIL REGULAR MEETING

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

May 02, 2023 - 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/xAllQfSsmmO/vpfQhcsApYv\\_5?preview=1](https://c.streamhoster.com/embed/media/W6sdC9/xAllQfSsmmO/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 18, 2023 Minutes

4. Award 2023 Asphalt Maintenance Project

5. Approve FIBArk Contract

6. Approve Ark Valley Pride Celebration

### CITIZEN COMMENT—Three (3) Minute Time Limit

### PROCLAMATIONS

7. Arbor Day

8. Asian American Pacific Islander Heritage Month

### UNFINISHED BUSINESS / ACTION ITEMS

9. **Ordinance 2023-05** AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO, REGARDING SMALL CELL FACILITIES TO ESTABLISH A PROCEDURE FOR THE APPLICATION, REVIEW, AND SITING OF SMALL CELL FACILITIES, **FINAL READING AND PUBLIC HEARING**

### NEW BUSINESS / ACTION ITEMS

10. **Resolution 2023-22** A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING THE 2023 FEE SCHEDULES TO ADOPT THE PRESUMPTIVELY VALID SMALL CELL FACILITY FEE SCHEDULE

11. **Resolution 2023-23** A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA REAUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF F STREET AND PROVIDING FOR A REVISED PROCEDURE FOR LIQUOR LICENSEES TO OBTAIN PROPER AUTHORIZATION FOR OUTDOOR EXPANSION

*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.*

- [12.](#) **Resolution 2023-24** A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING THE 2023 FEE SCHEDULES REGARDING DEVELOPMENT SERVICES
- [13.](#) **Resolution 2023-25** A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO TO ALLOW OVERNIGHT CAMPING IN MARVIN PARK FROM JUNE 12 THROUGH JUNE 18, FOR THE FIBARK EVENT

**COUNCILORS, MAYOR AND CITY TREASURER REPORTS**

**Council Reports**

- Critelli, Kasper, Naccarato, Pappenfort, Pollock, Templeton

**Mayor Report**

**Treasurer Report**

**Attorney Report**

**Staff Reports**

**BOCC Report**

**ADJOURN**



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City Clerk | Deputy City Clerk

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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 18, 2023 - 6:00 PM

## MINUTES

### CALL TO ORDER

#### Pledge of Allegiance

#### Roll Call

#### PRESENT

- Council Member Justin Critelli
- Council Member Harald Kasper
- Council Member Dominique Naccarato
- Council Member Alisa Pappenfort
- Council Member Mike Pollock, arrived at 6:19 p.m.
- Council Member Jane Templeton
- Mayor Dan Shore

#### ABSENT

- Treasurer Merrell Bergin

#### Civility Invocation

### CONSENT AGENDA

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

Voting Yea: Council Member Critelli, Council Member Kasper, Council Member Naccarato, Council Member Pappenfort, Council Member Templeton

#### THE MOTION PASSED.

- Approve Agenda
- Approve April 4, 2023 Minutes
- Approve Ark Valley High Rollers Special Event
- Approve Longfellow Lion Mountain Run
- Approve Brewer's Rendezvous Special Event
- Approve ArtWalk Special Event
- Approve Heart of the Rockies Skateboarding Special Event
- Approve Crestone Mesa Street Closure Request
- Approve FIBArk Special Event

### CITIZEN COMMENT—Three (3) Minute Time Limit

"Chief" Winston and Alyssa Boland spoke during Public Comment.

*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.*

## PROCLAMATIONS

### **Lyme Lyme & Other Tick-Borne Diseases/Conditions Awareness Month**

Mayor Shore read the Proclamation and declared April as Lyme & Other Tick-Borne Diseases/Conditions Awareness Month

## AMPLIFIED SOUND

### Tres Litros Amplified Sound Permit Request, **PUBLIC HEARING**

Mayor Shore opened the Public Hearing. City Administrator Drew Nelson presented the permit request. Owner Nick Boyden asked Council to approve the sound permit.

Hearing no comment, Shore closed the Public Hearing.

Council Member Kasper moved to approve the Amplified Sound Permit, Seconded by Council Member Templeton.

Voting Yea: Council Member Critelli, Council Member Kasper, Council Member Naccarato, Council Member Pappenfort, Council Member Templeton

THE MOTION PASSED.

### High Side! Amplified Sound Permit Request, **PUBLIC HEARING**

Mayor Shore opened the Public Hearing. City Administrator Drew Nelson presented the permit request.

Hearing no comment, Shore closed the Public Hearing.

Council Member Critelli moved to approve the Amplified Sound Permit, Seconded by Council Member Kasper.

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

THE MOTION PASSED.

## LIQUOR LICENSING AUTHORITY

New Hotel and Restaurant Liquor License for Mexico Tradicional LLC dba Mexico Traditional at 509 E Highway 50, **PUBLIC HEARING**

Mayor Shore opened the Public Hearing. City Clerk Erin Kelley presented the liquor license request.

The applicant, Azael Casillas-Luquin, requested Council approve the new license request.

Hearing no comment, Shore closed the Public Hearing.

Council Member Critelli moved to approve the new Hotel and Restaurant Liquor License, Seconded by Council Member Naccarato.

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

THE MOTION PASSED.

## UNFINISHED BUSINESS / ACTION ITEMS

There was no Unfinished Business.

## NEW BUSINESS / ACTION ITEMS

### **Chaffee County Community Foundation Grants Request**

Council Member Critelli moved to dispense \$96,277 to the Chaffee County Community Foundation to provide funding for the City's Donor Advised Fund, Seconded by Council Member Pappenfort.

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

THE MOTION PASSED.

### **Resolution 2023-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING CITIZEN APPOINTMENTS TO THE PLANNING COMMISSION PURSUANT TO SECTION 2-7-10 OF THE SALIDA MUNICIPAL CODE**

Council Member Pappenfort moved to approve the Resolution and re-appoint Francie Bomer and Judith Dockery as a Regular Members, term to expire April 21, 2027, Seconded by Council Member Kasper.

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

THE MOTION PASSED.

### **Resolution 2023-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING CITIZEN APPOINTMENTS TO THE PARKS, RECREATION, OPEN SPACE AND TRAIL ADVISORY BOARD PURSUANT TO SECTION 2-14-10 OF THE SALIDA MUNICIPAL CODE**

Council Member Kasper moved to approve the Resolution and appoint Rob Simpson to the PROST Board, term to expire June 2025. Seconded by Council Member Pappenfort.

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

THE MOTION PASSED.

### **Resolution 2023-20 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO TO ALLOW OVERNIGHT CAMPING & DOGS IN MARVIN PARK FROM JULY 28 THROUGH JULY 30 FOR THE 2023 CANINE CULTURE, LLC. DOG AGILITY EVENT**

Council Member Naccarato moved to approve the Resolution, Seconded by Council Member Pappenfort.

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

THE MOTION PASSED.

## COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Reports were given.

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**EXECUTIVE SESSION**

For the purposes of a discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, and the following additional details are provided for identification purposes: **City Administrator annual performance evaluation**

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

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

THE MOTION PASSED.

Council entered Executive Session at 7:04 p.m. and returned to the Regular Meeting at 8:20 p.m.

**ADJOURN**

Adjourned at 8:21 p.m.



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\_\_\_\_\_

City Clerk | Deputy City Clerk

Mayor Dan Shore



# CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> Public Works	<b>PRESENTED BY</b> David Lady - Public Works Director	<b>DATE</b> May 2, 2023
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## ITEM

Council Action – Award 2023 Asphalt Maintenance Project

Consent Agenda

## BACKGROUND

The City of Salida roadways consist of asphalt paving. Asphalt maintenance is necessary to reduce life cycle costs and maintain a higher level of service. Asphalt maintenance generally consists of overlays, crack sealing, chip sealing, slurry seals, and other types of point repairs. The City periodically performs a geotechnical investigation to evaluate asphalt conditions. This information is used to prioritize rehabilitation and establish the appropriate maintenance activity based on the condition. Proposed work for this year consists of overlay and repaving of certain streets as shown in the attached exhibit.

The project was advertised and bids were received on April 25, 2023 as follows:

Bidder	Total	Business Location / Local Preference	Percent Above Low Bid
Pavement Maintenance Services, Inc.	\$518, 235.00	(In County) – 3%	Low Bid
Avalanche Excavating, Inc.	\$648,799.00	(In County) – 3%	25%

\*The total reflects the summation of the individual unit price line items for construction.

Pavement Maintenance Services, Inc. has previously worked for the City of Salida and performed similar scopes of work satisfactorily.

## FISCAL NOTE

The 2022 budget for asphalt maintenance is as follows:

\$300,000 (31-30-6012-3) Asphalt Maintenance

CONSTRUCTION CONTRACT (reduced, see note)	\$ 350,000.00
CONSTRUCTION MANAGEMENT	\$ In-House
QA MATERIALS TESTING (~2%)	\$ 7,000.00
<b>TOTAL PROJECT BUDGET</b>	<b>\$ 357,000.00</b>

The project can be scaled back to accommodate a scope of work closer to the budgeted amount. This has been discussed with the contractor and they indicated that they are able honor the bid unit prices. Staff will work with the contractor to prioritize work activities and identify if any value engineering can further maximum the amount of paving that can be





# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	May 2, 2023

completed this year. Remaining work areas will be budgeted for and completed in 2024. A budget amendment is not anticipated.

## STAFF RECOMMENDATION

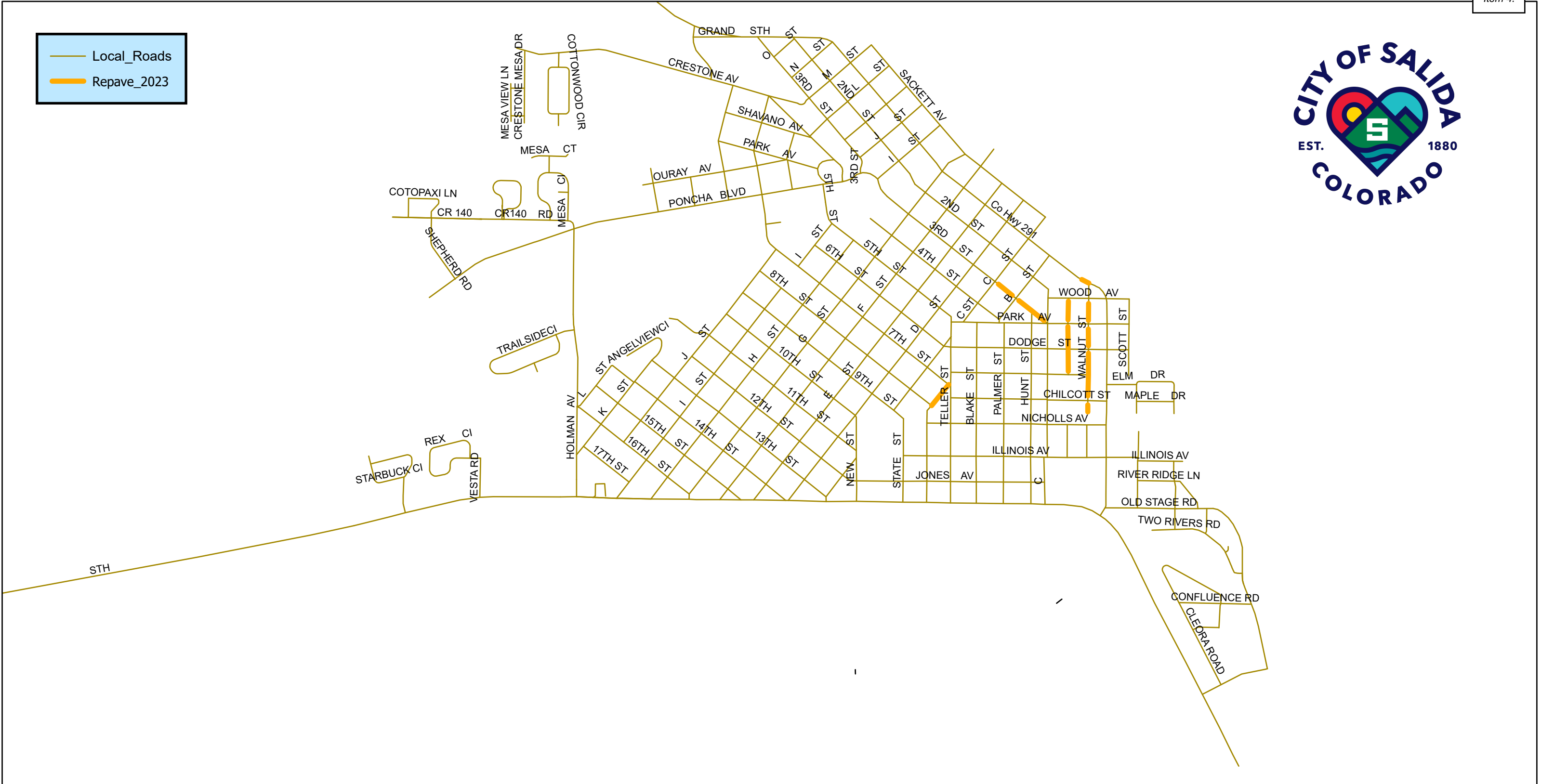
Award a construction contract for the 2023 Asphalt Maintenance Project and authorize the City Administrator to enter into a Construction Agreement between the City and Pavement Maintenance Services, Inc. in the amount of \$350,000.00 with a total project budget of \$357,000.00.

## SUGGESTED MOTION

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

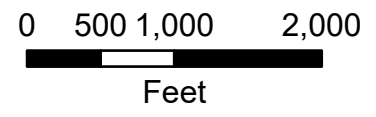
Local\_Roads

Repave\_2023



# Proposed 2023 Asphalt Maintenance

Date: 02/28/2023





# CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> Parks and Recreation	<b>PRESENTED BY</b> Diesel Post - Parks and Recreation Director	<b>DATE</b> 4/18/23
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## ITEM

New Business

Council Action - Approve the 2023 FIBArk special event and contract

## BACKGROUND

The City and the FIBArk Community Paddling Center have partnered to put in the FIBArk Festival in past years and will be doing so again. The attached contract explains the roles and responsibilities of each organization and if still open for slight adjustments with negotiations between the parties.

## FISCAL NOTE

See contract

## STAFF RECOMMENDATION

To approve the 2023 FIBArk special event and enter into a contract after final negotiations with FIBArk defining the relationship between the city and organization for the planning and running of the 2023 FIBArk festival and races.

## SUGGESTED MOTION

A Councilperson should move to “Approve the 2023 FIBArk festival and races and enter into a contract with the FIBArk Community Paddling Center to define the City’s and the organization’s roles and responsibilities for the 2023 festival”.

**CITY OF SALIDA  
RELATIONSHIP AGREEMENT**

**THIS AGREEMENT** entered into this 18 day of March, 2023, by and between the **CITY OF SALIDA, COLORADO**, a statutory city and municipal corporation, hereinafter referred to as “City”, and the **FIBArk Community Paddling Center (FCPC)**, [P.O. Box 699, 104 Crestone Avenue, Salida, Colorado 81201], hereinafter referred to as “Organization”.

**WHEREAS**, Organization is a community-based organization providing for the recreational or other positive benefits of the Salida community; and,

**WHEREAS**, the City owns and operates certain property and facilities and rights-of-way and regulates certain activities throughout the City of Salida; and,

**WHEREAS**, and Organization desires to hold the 75<sup>th</sup> Annual FIBArk Festival; and,

**WHEREAS**, the City and its Parks and Recreation Department wish to enter into this Agreement with Organization to memorialize the Parties’ collaborative relationship and understanding; and

**WHEREAS**, the City and Organization further wish to clarify within this Agreement the duties of each Party, as well as to set forth all terms and conditions between the Parties.

**NOW THEREFORE, BE IT HEREINAFTER AGREED BY THE PARTIES AS FOLLOWS:**

1. **Purpose and Description:** Organization plans to hold the 75<sup>th</sup> Annual FIBArk Festival. City agrees to allow Organization to hold the 75<sup>th</sup> Annual FIBArk Festival at The boat ramp, river slalom course, Riverside Park, F st., Sackett st., the river trail, and the Rotary Amphitheatre located at addresses near 38.538047, -105.991066 within the City of Salida, County of Chaffee, and State of Colorado. The location shall only be accessed by the Organization for the 75<sup>th</sup> FIBArk Festival scheduled and approved in advance with the City.
  
3. **Term:** The term of the Agreement shall be for one (1) year starting from the date of approval of this Agreement or until terminated by either Party. As long as Organization is in compliance with the terms and conditions of this Agreement, this Agreement shall be automatically renewed on an annual basis thereafter. Either Party may terminate this Agreement upon thirty (30) days written notice, with or without cause
  
2. **Rate:** City will charge Organization \$0
3. **Special Conditions:** The Parties have agreed to provide or facilitate the following components, and comply with the additional rules under this Agreement as follows:
  - A. **FIBArk Community Paddling Center** will:
    - i. FCPC will promote FIBArk events through social media and print media
    - ii. FCPC will plan and manage all river races.
    - iii. FCPC will provide the administration including timing and volunteer organization for river races.
    - iv. FCPC will provide event insurance for the river races.
    - v. FCPC will provide insurance for the Bicycle jumping event
    - vi. FCPC will provide insurance for the Festival in Riverside Park

1.

- vii. FCPC will provide medals for all river races, 10k, 5k, triple crown, and 10k trail run.
- viii. FCPC will contract with Diversion Designer to hold a zero-waste event and create a “Salida zero-waste event playbook” to be given to the City for use by other events.
- ix. FCPC agrees to place the City of Salida logo on all shirts, banners, and advertising for the festival.
- x. FCPC will be responsible for music booking, sound/stage equipment, ticket sales, security, MC, food vendor booking, beer tent, as well as any other requirements listed in the City’s park rental agreement.
- xi. FCPC will secure and contract with a carnival provider should a carnival be able to happen.
- xii. FCPC will attend all required meetings by the City for festival planning/permitting purposes.
- xiii. FCPC will donate a to-be-determined amount of funds raised during the festival to the Department of Parks and Recreation to facilitate the Youth Paddling program.
- xiv. FCPC will provide t-shirts for all participants of the 5k/10k road run and the 10k trail run/Mountain Bike Races. FCPC expects the city's t-shirt order to be submitted no later than June 1.

**B. The City will:**

- i. Coordinate the Tenderfoot Hill Climb on June 15th, 10k road race, 5k road race on June 17th, and 10k Trail run on June 18th. This will include all aspects of the event from permits, to professional timing and registration.
- ii. The City will promote FIBArk through social media and print media with the
  - 1. designs/graphics provided by FCPC.
- iii. The City will manage the following aspects of the land races: race timer management, course marking and signage, volunteer management, and day of race administration.
- iv. The City will provide the following for all land races: online registration (including registration to with in 30 minutes of the event), permitting, competitor t-shirts (possibly paid for by FIBArk).
- v. The City will provide number plates for all land races.
- vi. The City will provide appropriate amenities for race participants for all land races.
- vii. The City will create awards categories, pay for prizes, and present awards in cooperation with FCPC for all land races.
- viii. The City will provide insurance for all land races.
- ix. The City will plan, organize, oversee and run the Heart of the Rockies Rampage Skateboard competition in Centennial park
- x. The City will provide insurance for the Heart of the Rockies Rampage Skate board competition.
- xi. The City will provide 20 porta potties for Riverside Park, 8 porta potties for the Boat Ramp, and 4 porta potties for the F Street Lot to be sited in coordination with FCPC. Should plans for the festival change, the number of porta potties can be changed in coordination with FCPC.
- xii. The City will contribute \$5000 to the cost of zero-waste trash services.
- xiii. A city staff member will attend FCPC festival planning meetings.
- xiv. The City will allow use of all electrical outlets and water taps in Riverside Park consistent with FCPC’s park permit.
- xv. The Department of Parks and Recreation will use funds donated by FIBArk to facilitate the Youth Paddling Program.
  - 1. Programming geared towards local youth
  - 2. Includes ACA level 1, 2 and 3 instruction courses
  - 3. Level 1 at the SHSAC and marketed for local youth

4. If possible, facilitate The kids in Kayak's 4th grade program the week spring break at the Salida Hot Springs Aquatic Center. This will include Longfellow elementary school 4th graders.
5. Will work with staff or local companies to provide on river paddling instruction including rafting, kayaking, SUPing and River Safety
6. Providing open roll session, SUP sessions and possibly a raft session at the pool
7. Speaks on FIBArk's behalf, when appropriate, to community partners regarding involvement in other local programs

### C. **Funding**

- a. FCPC and the City agree to the following revenue split contingent upon the mutually agreed completion of the responsibilities described above.
    1. FCPC will retain all revenue earned from any river-based events.
    2. FCPC will retain 30% and the Department of Parks and Recreation will retain 70% of the gross revenue generated via the FIBArk land races.
    3. FCPC will retain all revenue earned from any alcohol sales hosted in Riverside Park.
    4. The City agrees to pay all permit fees owed for the rental of the park.
    5. FCPC will provide the Department of Parks and Recreation 10% of profits from ticket sales.
4. **Reporting:** The City will evaluate the effectiveness of this relationship after **June, 2023**. City will provide Organization any pertinent details regarding the programming and surveys taken after the fact. In **Sept., 2023**, Organization and City will have a meeting about the **FIBArk Festival** and what the roles for each party will look like in the subsequent years.
  5. **Surrender of Property:** Organization shall quit and surrender any designated or utilized properties, rights-of-way or facilities to the City at the end of the term of this Agreement in the same condition as at the date of the commencement of this Agreement, ordinary wear and tear excepted.
  6. **Rules and Regulations:** Organization, and all persons whom Organization allows at the event, activity or as a result of this relationship, shall abide by and conform to all Rules and Regulations concerning their event, activity or relationship, or the use of any City properties and City facilities and City rights-of-way, as amended or adopted by the City. City may cancel this Agreement at any time for failure to do so.
  7. **Maintenance:** City reserves the right to close any applicable properties or facilities or rights-of-way for maintenance at its sole discretion. City will attempt to give reasonable notice of closure.
  8. **Indemnification:** The City shall have no responsibility for the safety and or security of any person participating in any applicable events or activities by Organization, or in the use of any City properties or facilities or rights-of way. Organization expressly agrees to indemnify and hold harmless the City, its officers, employees, and agents, from all cost, loss and expense, including attorney's fees, arising out of any liability or claim of liability for injury or damage to person resulting directly or indirectly from their participation in Organization's use of any City property or facility or right-of-way, or in or at the Organization's event or activity, regardless of whether such use was authorized or not, and regardless of whether the liability or claim of liability arises out of the act or omission of Organization.

9. **Insurance:** Organization agrees to procure an insurance policy with a licensed company doing business in the State of Colorado to provide a minimum amount of \$1,000,000.00 per occurrence for bodily injury and property damage combined, naming the Organization, and with the City being listed as the Additional Insured on a primary and noncontributory basis. Organization shall provide a copy of the Certificate of Insurance to the City upon the execution of this Agreement.
10. **Compliance with Law:** Organization shall comply with all laws of the United States and of the State of Colorado, all ordinances of the City of Salida, all rules and requirements of the Police and Fire Departments or other municipal authorities of the City of Salida. Organization will not do or suffer to be done anything on any used or designated City property, facility or right-of-way during the term of this Agreement in violation of any such laws, ordinances, rules, or requirements. If Organization's attention is called to any such violation on their part or of any person employed by or admitted to the designated Property by Organization, they will immediately desist from and correct or cause to be corrected such violation.
11. **Damage to City Property:** If any designated property, facility or right-of-way, or any part of buildings on designated property, or any equipment located on the designated property during the term of this Agreement shall be damaged by the act, default, or negligence of the Organization or its agents, employees, patrons, guests, or any person admitted to the designated property by Organization, the Organization will pay to the City upon demand such sum as shall be necessary to restore the designated property or equipment contained in or on the designated property to their present condition. Organization assumes full responsibility for the character, acts and conduct of all persons admitted to the designated property with the consent of the Organization or by or with the consent of any person acting for or on behalf of Organization. Organization shall be responsible to maintain order and protect persons and property.
12. **Assignment:** Organization shall not assign this Agreement without the prior written consent of the City, nor use of the Property other than as specified in this Agreement.
13. **Release:** City shall not be responsible for any damage or injury that may happen to Organization or its agents, employees, or property from any cause whatsoever prior, during, or subsequent to the period covered by this Agreement. Organization hereby expressly releases the City from and agrees to indemnify the City against any and all claims for such loss, damage, or injury.
14. **Modification:** Any modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement shall be binding only if evidenced in writing signed by each Party or an authorized representative of each Party.
15. **Contact Information:** The current contact information of the Parties is as follows:

**City:** City of Salida Department of Recreation

**City representative:**

**Position:**

Address: 410 W Hwy 50, Salida, Colorado, 81201

Telephone: 719-539-6738

**E-mail:**

**Organization:**

**Organization representative:** [name of person]

Position:  
Address:  
Telephone:  
E-mail:

The undersigned hereby certifies that he/she is authorized to enter into and execute this Agreement on behalf of the Organization and the City, respectively, and that the Organization and the City acknowledge and accept the terms and conditions herein.



BY: \_\_\_\_\_  
Drew Nelson, City Administrator

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

**[NAME OF ORGANIZATION]** ("Organization")

BY: \_\_\_\_\_

\_\_\_\_\_

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



To our esteemed Council -

Thank you for reviewing our submission for this year's Ark Valley Pride celebration, happening June 2 - June 4, around Salida and Riverside Park.

From the beginning, our mission has been to create a community-driven, positivity-focused, healthy and alternative Pride experience for LGBTQIA+ families and our allies, while generating support and resources for the crucial, life-changing work we do in Chaffee County and throughout rural Colorado as the Partnership for Community Action (PfCA).

The first Ark Valley Pride celebration in 2017 began a flow of previously non-existent resources and funding for LGBTQIA+ youth and community members. Since then, we have seen a growing, positive impact in the community: multiple GSA (Gay/Straight Alliances) in area schools, more focused attention on our queer community's health issues, and more requests for LGBTQIA+ Cultural Fluency trainings.

This year's Pride will feature the Chaffee County Mobile Clinic as part of our new Health Fair, as well as resources and activities provided by local non-profits, and the inclusive and community-led Youth Pride events within Pride Village. Of course we'll have the always-amazing Purple People-Powered Pride Parade down F Street starting at 3 p.m., kicking off the evening events in the park, including local speakers and the 2023 Pride Awards. A show on the Riverside stage, featuring local and regional talent, will close out Saturday's fun.

With so much harmful, hateful legislation being directed at the queer community all across the country, this year's event carries a special urgency & importance for us. Now more than ever, our LGBTQIA+ family needs to be seen and heard...and loved.

Thanks again for your time. We hope to see you all there!

Yours in Pride & Community -

Jimmy Sellars and Mark Monroe  
Partnership for Community Action/Ark Valley Pride

## View results

Respondent

6

Anonymous

17:43

Time to complete

### 1. Event Name \*

2023 Ark Valley Pride Celebration

### 2. Event Contact Name \*

Jimmy Dale Sellars & Mark Monroe

### 3. Event Contact Email Address \*

mark@gopfca.com

### 4. Event Contact Phone Number \*

719-221-9893

5. If you are requesting on behalf of an organization, is it a nonprofit (501c3)? \*

Item 6.

Yes

No

N/A

6. If you have rented a park or registered for a program with Salida Parks & Rec, please indicate the name of the account in our software system (SmartRec/Amilia). \*

Ark Valley Pride

7. Event Location \*

Riverside Park, Downtown Salida, various venues around the city

8. Event Start Date \*

6/3/2023



9. Event Start Time \*

10 a.m.

10. Event End Date \*

6/3/2023



11. Event End Time \*

10 p.m.

12. Estimated Number of People in Attendance \*

500+

13. Please provide a short description of the event \*

Ark Valley Pride is an annual celebration of our local LGBTQIA+ community and our allies. While there are small events around town that weekend, our main event is Saturday; there will be a health fair, kids area, and awards during the day, with the Parade down F Street in the afternoon and a possible drag performance that evening in Riverside Park.

14. Will food or merchandise be available from any vendor? \*

- Yes
- No
- Maybe

15. If yes, then food and sale tax licenses must be obtained and possibly a multi-vendor permit. Contact the Colorado Department of Revenue for sales tax licenses at 303-232-2416, and the Chaffee County Public Health Department for Food Licenses at 719-539-2124. Vendors must have a fire extinguisher on site. Vendor booths are subject to inspection by the Salida Police and Fire Departments.

Multiple Vendor Permit Application:

[https://www.cityofsalida.com/sites/default/files/fileattachments/parks\\_and\\_recreation/page/10061/4\\_multiple\\_vendor\\_event\\_permit\\_application.pdf](https://www.cityofsalida.com/sites/default/files/fileattachments/parks_and_recreation/page/10061/4_multiple_vendor_event_permit_application.pdf)

Chaffee County Public Health form:

<https://www.chaffeecounty.org/EndUserFiles/57096.pdf>

16. Will alcohol be sold or distributed at your event? \*

- Yes
- No
- Maybe

17. If yes, please fill out the Application for Special Events Liquor License (available at the link below) and submit it along with the necessary fees. A State of Colorado Special Event Liquor License permit is ONLY issued to incorporated nonprofit organizations. EVENTS REQUIRING ALCOHOL LICENSES MUST SUBMIT THEIR APPLICATION AT LEAST 90 DAYS IN ADVANCE OF THE EVENT.

[https://www.cityofsalida.com/sites/default/files/fileattachments/parks\\_and\\_recreation/page/10061/5\\_special\\_events\\_liquor\\_license\\_application.pdf](https://www.cityofsalida.com/sites/default/files/fileattachments/parks_and_recreation/page/10061/5_special_events_liquor_license_application.pdf)

18. Will there be amplified sound at your event \*

- Yes
- No
- Maybe

19. If yes, complete the Amplified Sound Permit Application available at the following link:

[https://www.cityofsalida.com/sites/default/files/fileattachments/parks\\_and\\_recreation/page/10061/noise\\_permit\\_application\\_-\\_salida\\_02-15-2022\\_2.pdf](https://www.cityofsalida.com/sites/default/files/fileattachments/parks_and_recreation/page/10061/noise_permit_application_-_salida_02-15-2022_2.pdf)

Yes

20. Are any streets, sidewalks, or other right-of-way closures required for your event? \*

- Yes
- No
- Maybe

21. If yes, it is your responsibility to circulate and submit a petition signed by abutting residents/merchants as to their support or non-support of the closure. Click on the following link to access the petition form:

[https://www.cityofsalida.com/sites/default/files/fileattachments/parks\\_and\\_recreation/page/10061/6\\_street\\_closure\\_petition.pdf](https://www.cityofsalida.com/sites/default/files/fileattachments/parks_and_recreation/page/10061/6_street_closure_petition.pdf)

If yes, please describe the closure request.

We are requesting that F Street be made available to our parade from 3-4 p.m. on Saturday, June 3. In past years, we've done a rolling parade, which seems to work great for all involved.

22. Will you require any security or law enforcement services specific to your event? \*

- Yes
- No
- Maybe

23. If yes, for what purpose (security, traffic, parking, public control, Salida Trail System crossings, etc.)?

Rolling parade down F Street (escort & traffic control).

24. If additional City of Salida Police Officers are requested, they must be requested directly through the Salida Police Department (719-539-6880).

25. Where will people park for your event? \*

Community parking around Salida

26. How many additional trash cans are needed for your event? \*

0

27. Is a quote from a trash service included in your application packet? \*

- Yes
- No



28. Is the Emergency Action Plan included in your application packet? \*

Yes

No

29. Have you obtained insurance for your event that lists the City of Salida as additionally insured? \*

Yes

No

30. Please check that you understand and will adhere to the following requirements: \*

- Any violation of the City of Salida Municipal Code or agreements made in the application process are grounds for denial of the Special Events permit in the future.
- You will be required to have insurance and name the City of Salida as an additionally insured party. Because this is often a lengthy process, the City will accept and approve applications pending receipt of proof of insurance.
- Applicants are also responsible for meeting any other agency requirements. For example, if you are serving food, you must meet all Health Department requirements.
- Chaffee County Department of Health requires at least one restroom for every fifty people attending the event.
- 1 trash can per 50 people is required.
- The event is responsible for emptying ALL trash within the event, including pre-existing city trash cans.
- All clean up must be completed within 24 hours after the event concludes. If the City of Salida staff has to clean up after the event, a fee will be billed to the organizer.

31. Digital Signature: \*

Item 6.

Mark A. Monroe



# City of Salida

## Special Event Emergency Action Plan

I, the undersigned, agree to comply with the following Emergency Action Plan to the best of my ability. The first person on this list will be the designated Emergency Manager and will take responsibility for public addresses and instruction to the event participants.

Emergency Manager: JIMMY SELLARS

Phone: 719.239.0248 Email: jimmy@gopfca.com

Signature: *Jimmy D. Sellars*

Emergency Alternate 1: MARK MONROE

Phone: 719.221.9893 Email: mark@gopfca.com

Signature: *Mark Monroe*

Emergency Alternate 2: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Please complete the following template according to your Events plan and location. The following procedures should be followed in the event of an emergency.

### Communications

1. The Emergency Manager or an alternate will communicate the designated evacuation space to participants at the beginning of the event.
2. This will be communicated to the event participants in an emergency with a:
  - Bull Horn
  - PA System
  - Emergency level voice

### Fire

1. Call 911.
2. Assist injured or disabled personnel.
3. Evacuate the building. Activate emergency shutoffs if available.
4. Attempt to use a fire extinguisher only if you have been trained.
5. Evacuate participants to: \_\_\_\_\_

Medical Emergency

1. Identify the medical emergency.
2. If life threatening, call 911.
3. Administer first aid if properly trained.
4. Evacuate the injured person to: \_\_\_\_\_

Violent Incident

1. Call 911
2. Attempt to avoid the situation – move participants away.
3. Try to deny contact and evacuate to: \_\_\_\_\_  
lock/block doors, turn off lights, silence phones.
4. If necessary, defend – distract, attack, subdue.

Severe Weather

1. Move participants away from threat if possible.
2. Evacuate to:
3. Call 911.

Urgent Situation (suspicious person, package, activity, or bomb threat)

1. Call 911.
2. State who, what, where, when, why, and how the situation occurred.
3. If bomb threat, turn off all electronics.



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](mailto: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: JIMMY SELLARS + MARK MONROE

Applicant Business/Organization: ARK VALLEY PRIDE / PECA

Applicant Phone: 719 221 9893

Applicant Email: hello@gopeca.com / mark@gopeca.com

Applicant Address: 129 W. Sackett Unit A  
Salida CO 81201

Sound Supervisor<sup>1</sup>: JIMMY SELLARS

Sound Supervisor Phone: 719 239 0284

II. Event Information.

Description of Event: Park event Saturday: amplified  
announcements and music throughout the day.  
Performances Saturday night 7:30-9±

Estimated Attendance: 500 +

Date(s): Saturday June 3

Hours of Event: 10 a - 10 p

Location of Event: Riverside Park

<sup>1</sup> 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):

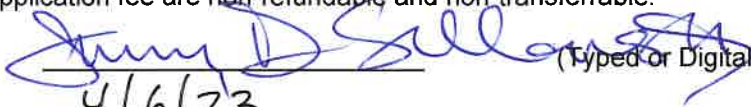
DJ and/or awards/announcements

Type of Sound Amplification Equipment:

mobile sound system provided

**IV. Agreement.**

As the applicant for this noise permit, I, JIMMY SELLARS, 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: 4/6/23

**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, 4<sup>th</sup> 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:

- \_\_\_\_\_  
N/A
- \_\_\_\_\_
- \_\_\_\_\_

**III. Expiration.**

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

Date(s): June 3rd

Expiration: June 4th (24hrs)

**For use by the City Administrator only:**

Application granted: [ ] Yes [ ] No

Signature: \_\_\_\_\_

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



# CERTIFICATE OF LIABILITY INSURANCE

Item 6.

DATE (MM/DD/YYYY)  
4/3/2023

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> R.V. Nuccio & Associates Insurance Brokers, Inc. 10148 Riverside Drive Toluca Lake, CA 91602	<b>CONTACT NAME:</b> Robert V. Nuccio <b>PHONE (A/C, No, Ext):</b> (800) 364-2433 <b>E-MAIL ADDRESS:</b> support@rvnuccio.com		<b>FAX (A/C, No):</b> (818) 980-1595
	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A : The American Insurance Company		<b>NAIC #</b> 21857
<b>INSURED</b> Mark Monroe 705 W 2nd St. Salida , CO 81201	<b>INSURER B :</b>		
	<b>INSURER C :</b>		
	<b>INSURER D :</b>		
	<b>INSURER E :</b>		
	<b>INSURER F :</b>		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>Host Liquor Liability</b>  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	<input checked="" type="checkbox"/>		UST022072220	6/3/2023	6/4/2023	EACH OCCURRENCE	\$ 1,000,000	
				NAEP108175			DAMAGE TO RENTED PREMISES	\$ 50,000	
							MEDICAL EXPENSE	\$	
							PERSONAL & ADV INJURY	\$ 1,000,000	
							GENERAL AGGREGATE	\$ 2,000,000	
							PRODUCTS - COMP/OP AGG	\$ 1,000,000	
A	<input type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT	\$	
								BODILY INJURY (Per person)	\$
								BODILY INJURY (Per accident)	\$
								PROPERTY DAMAGE (Per accident)	\$
									\$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$	
								AGGREGATE	\$
	<input type="checkbox"/> <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/>		N/A			PER STATUTE	OTHE-R	
							E.L. EACH ACCIDENT	\$	
							E.L. DISEASE - EA EMPLOYEE	\$	
							E.L. DISEASE - POLICY LIMIT	\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: Riverside Park

## CERTIFICATE HOLDER

Riverside Park  
146-198 Sackett Ave  
Salida , CO 81201

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robert V. Nuccio

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/20/2023  
Item 6.

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**COVERAGES**                                      **CERTIFICATE NUMBER:**                                      **REVISION NUMBER:**

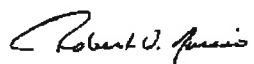
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							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional Insured: City of Salida

**CERTIFICATE HOLDER**                                      **CANCELLATION**

City of Salida 146-198 Sackett Ave Salida , CO 81201	<b>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</b>
	<b>AUTHORIZED REPRESENTATIVE</b> Robert V. Nuccio 

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## Proclamation

### DECLARING MAY 13<sup>TH</sup> AS ARBOR DAY

**Whereas**, in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees; and

**Whereas**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**Whereas**, Arbor Day is now observed throughout the nation and the world; and

**Whereas**, trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-saving oxygen, and providing habitat for wildlife; and

**Whereas**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

**Whereas**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**Whereas**, trees – wherever they are planted – are a source of joy and spiritual renewal.

**Now, therefore, the City of Salida does hereby proclaim** May 13, 2022, as ARBOR DAY in the City of Salida, and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**Further**, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

\_\_\_\_\_  
Dan Shore, Mayor

\_\_\_\_\_  
Date

Proclamation

Celebrating May 2023 as Asian American Pacific Islander Heritage Month

**Whereas**, Asian and Pacific Americans have played important and essential roles throughout American and Colorado history; and

**Whereas**, Salida is committed to being a welcoming and inclusive place where all residents and visitors are safe to live, work, and play; and

**Whereas** Asian and Pacific Americans have endured and overcome hardship and heartache, contributing in great and significant ways to all aspects of society by creating works of literature and art, thriving as American athletes, prospering in the worlds of academia and entertainment, and contributing to American civil rights movements; and

**Whereas**, Asian and Pacific Americans have played a vital role in our Nation’s economic and technological growth by establishing successful enterprises and pushing the limits of science and healthcare, and along with all of our great service men and women, have defended the United State from threats at home and abroad, serving our Nation with valor; and

**Whereas**, during Asian and Pacific American Heritage Month, we remember the challenges and celebrate the achievements that define our history; and

**Now, therefore, the Salida City County does hereby proclaim and declare** the month of May as Asian American Pacific Islander Heritage Month in Salida, Colorado and further encourages all Salidans to observe this month with appropriate programs, ceremonies and activities.

---

Dan Shore, Mayor

---

Date



# CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> City Attorney	<b>PRESENTED BY</b> Nina P. Williams - City Attorney	<b>DATE</b> May 2, 2023
------------------------------------	---	----------------------------

## **ITEM**

Ordinance 2023-05, Amending Chapter 16 of the Salida Municipal Code (“the Code”) regarding small cell facilities to establish a procedure for the application, review, and siting of small cell facilities.

## **BACKGROUND**

In September of 2018 the Federal Communications Commission (FCC) adopted a declaratory ruling and order (“Small Cell Order”) that limited the ability of local governments to regulate the siting and placement of Small Cell Facilities. In addition to limiting local governments’ ability to regulate the actual siting and placement, the Small Cell Order also limited the recovery of fees and costs and went on to establish a presumptively valid fee schedule.

The Small Cell Order is slightly in conflict with the state statutes, so to create clarity for the City, the amendments are proposed.

Within the attached Ordinance are the proposed amendments to Chapter 16 of the Code, as it relates to creating a procedure for the application, review and siting of small cell facilities and the variance approval criteria.

This Ordinance was originally introduced to Council on First Reading on February 21, 2023. The public hearing was subsequently continued to give Planning Commission an opportunity to review. At a public hearing on April 24, 2023, Planning Commission unanimously recommended approval.

## **FISCAL NOTE:**

There is no fiscal impact associated with Ordinance No. 2023-05.

**STAFF RECOMMENDATION** The City Attorney recommends approval of Ordinance No. 2023-05, Amending Chapter 16 of the Salida Municipal Code regarding small cell facilities to establish a procedure for the application, review, and siting of small cell facilities.

## **SUGGESTED MOTION**

A City Councilmember should state, “I move to approve Ordinance 2023-05 on second reading.”

**CITY OF SALIDA, COLORADO**  
**ORDINANCE NO. 05**  
**(Series of 2023)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,  
COLORADO AMENDING CHAPTER 16 OF THE SALIDA MUNICIPAL CODE,  
REGARDING SMALL CELL FACILITIES, TO ESTABLISH A PROCEDURE FOR  
THE APPLICATION, REVIEW, AND SITING OF SMALL CELL FACILITIES**

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

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

**WHEREAS**, pursuant to C.R.S. § 31-23-301, the City possesses the authority to regulate and restrict the height, size, location, and uses of buildings and other structures in furtherance of the public health, safety, and welfare;

**WHEREAS**, the City Council finds it desirable and prudent to regulate the siting of Small Cell Facilities to provide for managed development, installation, maintenance, modification, and removal of Small Cell Facilities that is consistent with the City’s mountain town character and to protect the health, safety, and welfare of the public;

**WHEREAS**, at the same time, the City Council recognizes the importance of modern, reliable wireless connectivity for its residents and endeavors to not unreasonably or materially inhibit the development of a competitive wireless communications marketplace in the City;

**WHEREAS**, Small Cell Facilities, which are necessary for the delivery of new and evolving wireless technologies, provide network coverage to a smaller area than previous wireless technologies and, as such, must be deployed in greater numbers, often within the public right-of-way;

**WHEREAS**, pursuant to C.R.S. § 29-27-404(3), the siting, construction, and operation of Small Cell Facilities is a permitted use by right in any zone, subject to the exercise of local police powers;

**WHEREAS**, on September 26, 2018, the Federal Communications Commission (the “FCC”) adopted a Declaratory Ruling and Order (“Small Cell Order”) limiting the ability of local governments to regulate the siting and placement of Small Cell Facilities;

**WHEREAS**, the FCC Small Cell Order provided that local governments cannot “materially inhibit” the deployment of Small Cell Facilities;

**WHEREAS**, the FCC Small Cell Order provided that aesthetic standards adopted by local governments applicable to Small Cell Facilities must be reasonable and published in advance;

**WHEREAS**, the FCC Small Cell Order established “shot clocks” limiting the amount of time that local governments have to respond to Small Cell Facility applications, which in some respects conflict with the shot clocks for Small Cell Facilities established under C.R.S. § 29-27-403;

**WHEREAS**, the FCC Small Cell Order provided that local fees associated with the deployment of Small Cell Facilities must be limited to recovery of a regulatory entity’s actual costs, and established a presumptively valid fee schedule;

**WHEREAS**, pursuant to the Middle Class Tax Relief and Job Creation Act of 2012, the FCC, in an Order dated May 19, 2020 (“6409 Order”), promulgated specific regulations for applications for Wireless Communications Facilities that qualify as Eligible Facilities Requests, as that term is defined in the 6409 Order;

**WHEREAS**, some applications for Small Cell Facilities may qualify as Eligible Facilities Requests;

**WHEREAS**, pursuant to 47 U.S.C. 332(c)(7)(B)(i), local governments cannot regulate the placement, construction, or modification of any Wireless Communications Facility, including Small Cell Facilities, on the basis of the environmental effects of radio frequency emissions;

**WHEREAS**, at a public hearing held on April 24, 2023, the City Planning Commission reviewed all related issues and unanimously recommended that City Council approve this Ordinance; and

**WHEREAS**, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 16 of the Salida Municipal Code (the “Code”), by creating a new Article XIV, as it relates to the establishment of procedures for the application, review, and siting of Small Cell Facilities.

**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.** Section 16-1-80 of the Code, concerning definitions for the Land Use Code, is hereby amended by the addition of the following definitions to read as follows:

This Article defines words, terms and phrases contained within this Land Use Code. The following terms shall have the following meanings when used in this Land Use Code:

...  
*Base Station* means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

- a. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services

such as microwave backhaul that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

*Camouflage or Camouflage Design Techniques* means measures used in the design and siting of Wireless Communications Facilities (WCFs) with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure, or (ii) is integrated in an outdoor fixture such as a flagpole, while still appearing to some extent as a WCF. This definition does not include Concealment Design Techniques where a facility is designed to look like something other than a WCF.

*Concealment or Concealment Design Techniques* means utilization of elements of stealth design in a facility such that the facility looks like something other than a WCF. Concealment can further include a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree), is incorporated into existing permitted facilities (such as being attached to the exterior of such facility and painted to match it), or replaces existing permitted facilities (such as traffic signs or freestanding light standards) so that the presence of the WCF is not apparent. This definition does not include conditions that merely minimize visual impact but do not incorporate Concealment Design Techniques such that the facility looks like something other than a WCF.

*Eligible Facilities Request* means any request for modification of an existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station involving:

- a. Collocation of new Transmission Equipment;
- b. Removal of Transmission Equipment; or
- c. Replacement of Transmission Equipment.

A request for modification of an Existing Tower or Base Station that does not comply with the generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or does not comply with any relevant federal requirements, is not an Eligible Facilities Request.

*Eligible Support Structure* means any Tower or Base Station as defined herein, provided that it is existing at the time the relevant application is filed with the City.

*Small cell facility* means a wireless service facility that meets both of the following qualifications:

- a. Each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and
- b. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume as measured on the exterior surface of the enclosure. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

*Substantial Change* means a modification substantially changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

- a. For Towers, other than Towers in the right-of-way, it increases the height of the Tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna; for other Eligible Support Structures, including Towers in the right-of-way, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater, as measured from the top of an existing antenna to the bottom of a proposed new antenna;
- b. For Towers, it involves adding an appurtenance to the body of the Tower that would protrude from the edge of the Tower more than twenty (20) feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- c. For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, as determined on a case-by-case basis based on the location of the Eligible Support Structure but not to exceed four (4) cabinets per application; or for Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
- d. For any Eligible Support Structure, it entails any excavation or deployment outside the current site;
- e. For any Eligible Support Structure, it would defeat the Concealment elements of the Eligible Support Structure by causing a reasonable person to view the structure's intended stealth design as no longer effective;



f. For any Eligible Support Structure, it does not comply with the conditions associated with the siting approval of the construction or modification of the Eligible Support Structure or Base Station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (a), (b), and (c) of this definition.

For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height are measured from the dimensions of the Tower or Base Station.

*Tower* means any structure that is designed and built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes radio and television transmission towers, self-supporting lattice towers, guy towers, monopoles, microwave towers, common carrier towers, cellular telephone towers, and other similar facilities. Small Cell Facilities in rights-of-way are not Towers.

*Transmission Equipment* means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Wireless Communications Facility or WCF* means a facility used to provide personal wireless services as defined in 47 U.S.C. 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building used for serving that building only. A WCF includes antennas (including without limitation, directions, omni-directions, and parabolic antennas), Base Stations, Transmission Equipment, Small Cell Facilities, Towers, and support equipment. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios and their associated transmitting antennas.

**Section 3.** Table 16-D of Section 16-4-150 of the Code, concerning the schedule of uses and review process, is hereby amended in-part, to read as follows:

**TABLE 16-D  
Schedule of Uses**

<b>N = Not Permitted</b> <b>P = Permitted</b> <b>AC = Administrative Conditional Use</b> <b>C = Conditional Use</b> <b>AR = Administrative Review</b> <b>LR = Limited Impact Review</b> <b>MR = Major Impact Review</b>									
<b>Industrial Uses</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>RMU</b>	<b>C-2</b>	<b>C-1</b>	<b>I</b>	<b>Standards</b>
...									
Communication facility, <u>excluding small cell facilities</u>	N	N	N	N	N	N	MR	LR	Sec. 16-4-190(o)
<u>Small cell facilities</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	Chap. 16, Art. XIV

**Section 4.** Subsection 16-4-190(o) of the Code, concerning communication facilities, is amended to read as follows:

**Sec. 16-4-190. – Review standards applicable to particular uses.**

- ...
- (o) Communication Facilities, excluding small cell facilities
- ...

**Section 5.** Chapter 16, Article XIV of the Code, concerning small cell facilities, is hereby created to read as follows:

**ARTICLE XIV. - SMALL CELL FACILITIES**

**Sec. 16-14-10. - Purpose.**

The purpose of this Article is to regulate the placement, construction, and modification of Small Cell Facilities to protect the health, safety, and welfare of the public and to provide for managed development, installation, maintenance, modification, and removal of Small Cell Facilities that is consistent with the City’s mountain town character, while at the same time not unreasonably interfering with or materially inhibiting the development of a competitive wireless communications marketplace in the City.

**Sec. 16-14-20. - Scope and applicability.**

No person shall construct a Small Cell Facility in the City except in compliance with the

provisions of this Article. Wireless communications providers shall request permission to locate Small Cell Facilities or modify existing Small Cell Facilities pursuant to the requirements of this Article. The siting, mounting, placement, construction, and operation of Small Cell Facilities is a permitted use by right in any zone, provided that the conditions of this Article are satisfied.

**Sec. 16-14-30. - Procedures for review.**

(a) Small Cell Facilities - Generally. No new Small Cell Facility shall be constructed except after a written request from an applicant, reviewed and approved by the City in accordance with the procedures set forth in this subsection (a), unless eligible for review as an Eligible Facilities Request as set forth in subsection (b).

(1) Within ten (10) business days of receipt of an application for a new Small Cell Facility, the Administrator shall provide written comments to the applicant determining completeness of the application and setting forth any modifications required to complete the application to bring the proposal into full compliance with the requirements of this Article.

a. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within ten (10) business days of receipt of the application, specifically delineating all missing documents or information required in the application.

b. The timeframe for review resets to zero (0) when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

c. Following a supplemental submission, the City will notify the applicant within ten (10) business days whether the supplemental submission provided the information identified in the original notice delineating missing information. If the application remains incomplete, the timeframe is tolled pursuant to the procedures identified in the foregoing paragraphs. In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.

(2) Subject to tolling, the City shall approve or deny an application for a new Small Cell Facility within ninety (90) calendar days of the date on which the City receives such an application.

(b) Small Cell Facilities - Eligible Facilities Requests. No collocation of a Small Cell Facility nor modification to any existing Small Cell Facility shall occur except after a written request from an applicant, reviewed and approved by the City in accordance with the procedures for Eligible Facilities Requests set forth in this subsection (b).

(1) Upon receipt of an application for an Eligible Facilities Request, the City shall review such application to determine whether the application so qualifies. An application for an Eligible Facilities Request does not qualify as such if the modification would result in a Substantial Change to an Eligible Support Structure or would violate a generally applicable building, structural, electrical, or safety code or other law codifying objective standards reasonably related to public health and safety.

(2) Subject to tolling, the City shall approve an Eligible Facilities Request within sixty (60)

calendar days of the date on which the City receives such an application, unless it determines that the request is not properly classified as an Eligible Facilities Request. The sixty (60) calendar day review period begins to run when the application is filed with the City, and may be tolled by mutual agreement of the City and the applicant or where the City determines that the application is incomplete, as follows:

- a. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) calendar days of receipt of the application, specifically delineating all missing documents or information required in the application;
- b. Upon notice of incompleteness to the applicant, the timeframe for review pauses. The timeframe for review begins running again, but does not reset to zero (0), when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
- c. Following a supplemental submission, the City will notify the applicant within ten (10) calendar days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in the foregoing paragraphs. In the case of a second or subsequent notice of incompleteness, the City may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(3) In the event the City fails to act on an Eligible Facilities Request within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant of approval becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(c) The Administrator shall be the final approval authority for all Small Cell Facilities and Eligible Facilities Requests and, upon approval, shall issue a permit to the applicant to deploy or modify a Small Cell Facility.

(d) Where an applicant seeks approval for more than one (1) Small Cell Facility, the City shall allow the applicant, at the applicant's discretion, to file a consolidated application for Small Cell Facilities and receive a single approval for multiple Small Cell Facilities in a consolidated application. For a consolidated application, each Small Cell Facility within the consolidated application remains subject to review for compliance with the requirements of this Article. The denial of any individual Small Cell Facility is not a basis to deny the consolidated application as a whole or any other Small Cell Facility incorporated within the consolidated application.

(e) The Administrator may apply reasonable conditions to the approval of a Small Cell Facility application or an Eligible Facilities Request to ensure conformance with applicable design criteria or to advance a legitimate City interest related to health, safety, or welfare, except where the City's authority is limited with respect to Eligible Facilities Requests.

(f) The approval under this Article for any Small Cell Facility expires if the Small Cell Facility is not established within one (1) year of the approval or if it is abandoned or unused for a period of six (6) months.

**Sec. 16-14-40. - Application contents; fees.**

(a) An application for a Small Cell Facility or an Eligible Facilities Request shall include the following information and materials:

- (1) The applicant's name, address, and telephone number and the name, address, and telephone number of any representative authorized to act on behalf of the applicant.
- (2) A description of the property on which the Small Cell Facility is proposed for development, including a visual plan illustrating the proposed location of the Small Cell Facility.
- (3) A disclosure of the ownership of the property on which the Small Cell Facility is proposed for development, and a demonstration of the applicant's right to install a Small Cell Facility on such property.
- (4) An eight and one-half (8½) inches by eleven (11) inches vicinity map locating the subject property within the City.
- (5) A written description of the proposal and a written explanation of how the proposed Small Cell Facility complies with the requirements for Small Cell Facilities or, if applicable, Eligible Facilities Requests.
- (6) A signed statement from a qualified radio frequency engineer, certifying that a technical evaluation of proposed Small Cell Facility indicates no potential interference problems and that the site will comply with all applicable regulations for radio frequency emissions promulgated by the FCC.
- (7) A signed statement from the applicant certifying the accuracy of the information contained in the application.

(b) An applicant for a Small Cell Facility or Eligible Facilities Request shall pay the required fees as set forth in the City's fee schedule. An application submitted without the required fees shall be deemed incomplete.

(c) All applications are public records and the information contained therein is subject to disclosure, except such information that is protected from public disclosure by applicable law.

**Sec. 16-14-50. - Design standards.**

Small Cell Facilities shall conform to the following design standards:

- (1) Trees. Existing trees shall be preserved to the maximum extent possible.
- (2) Height limitation. The maximum height of any Small Cell Facility shall either not exceed the maximum structure height established for the zoning district in which the facility is to be located or not extend beyond five (5) feet taller than any other utility poles or traffic signals within five hundred (500) feet of the proposed Small Cell Facility located within the same zone

district.

(3) Camouflage/concealment required. Small Cell Facilities shall, to the maximum extent possible, use Concealment Design Techniques, such as incorporating the facility into the built environment, using a pole painted a color consistent with other utility poles in the vicinity (with all antennas and related equipment located within the pole structure), or replacing existing permitted facilities with Small Cell Facilities located within the replaced poles, so that the presence of the Small Cell Facility is not apparent. Where Concealment Design Techniques are not possible, Small Cell Facilities shall utilize Camouflage Design Techniques. Camouflage Design Techniques include, but are not limited to using materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the site to the surrounding natural setting and built environment.

(4) Non-reflective materials. The visible exterior surfaces of Small Cell Facilities, such as poles, antennas, vaults, and equipment enclosure structures shall be constructed out of or finished with non-reflective materials and shall be painted to match as closely as possible the color and texture of the vertical infrastructure on which it is mounted.

(5) Equipment vaults below grade. Except for equipment that is expressly permitted above grade for a Small Cell Facility, equipment vaults and other Transmission Equipment shall be placed below grade when located within the right-of-way. Such equipment may be placed above grade outside of the right-of-way, provided Concealment/Camouflage Design Techniques are utilized.

(6) Multiple users. To the extent practicable, all Small Cell Facilities shall be designed and constructed to permit such facilities to accommodate at least two (2) wireless service providers on the same facility.

(7) Separation. All stand-alone Small Cell Facilities located within the right-of-way shall be separated from other stand-alone Small Cell Facilities by a distance of at least six hundred (600) feet. In determining compliance with this separation requirement, the Administrator may consider approved and pending applications for other Small Cell Facilities.

(8) Residential property. When located adjacent to a residential property, a Small Cell Facility must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, a Small Cell Facility must be placed in front of the common side yard property line adjoining residential properties or on the corner formed by two intersecting streets.

(9) Historic preservation. Any Small Cell Facility that is proposed for construction in a historic district shall be required to receive a certificate of approval pursuant to Chapter 16, Article XII, unless exempt pursuant to Section 16-12-100.

(10) Any other administratively approved Small Cell Facility design standards adopted by the Administrator.

**Sec. 16-14-60. - Operational standards.**

(a) Federal requirements. All Small Cell Facilities shall meet the current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate Small Cell Facilities. If such standards and regulations are changed, then the owners of the Small Cell Facility shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the Small Cell Facility at the applicant's expense.

(b) Radio frequency standards. All Small Cell Facilities shall comply with federal standards for radio frequency emissions.

(c) Signal interference. All Small Cell Facilities shall be designed and sited, consistent with applicable federal regulations, so as not to cause interference with the normal operation of radio, television, telephone, public safety communications, and other services utilized by adjacent residential and non-residential properties.

(d) Operation and maintenance. All Small Cell Facilities shall be maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a Small Cell Facility fails to comply with such codes and constitutes a danger to persons or property, then the City may take any action with respect to such violation as provided by applicable law, including removal of the Small Cell Facility at the applicant's expense.

(e) Abandonment and removal. Any Small Cell Facility that is not used for a period of six (6) months or more shall be deemed to be abandoned. No applicant shall fail to remove a Small Cell Facility that is abandoned. If a Small Cell Facility applicant fails to remove an abandoned facility at the request of the Administrator, the City may remove the Small Cell Facility at the applicant's expense.

(f) Hazardous materials. No hazardous materials shall be permitted in association with Small Cell Facilities, except those necessary for the operation of Small Cell Facilities and only in accordance with all applicable laws governing such materials.

(g) Collocation. No Small Cell Facility applicant shall unreasonably exclude a communications competitor from using the same facility or location. Upon request by the Administrator, the applicant shall provide evidence explaining why collocation is not possible at a particular facility or location.

(h) Compliance with other laws. All Small Cell Facilities shall meet the requirements of the City design and construction standards, the requirements of Chapter 11, "Streets, Sidewalks and Public Property," and all other applicable local, state, and federal laws.

#### **Sec. 16-14-70. - Indemnification.**

As a condition of its permit, the applicant for any Small Cell Facility shall, at its sole cost and expense, indemnify, hold harmless and faithfully defend the City, its officials, boards, commissions, commissioners, agents, and employees against any claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its equipment authorized by this Article. This indemnification

requirement will apply whether the act or omission complained of is authorized, allowed, or prohibited by applicable law, except in cases where liability is solely caused by the negligence of the person or persons covered by the indemnity.

**Sec. 16-14-80. - Waiver.**

The Administrator shall have the authority to waive any requirement or standard set forth in this Article if the Administrator makes a determination that the specific requirement or standard is preempted by federal or state law. Prior to applying the waiver to any pending application, the Administrator shall, in consultation with the City Attorney, make a written preemption determination which written determination shall identify the specific requirement or standard that is being waived and cite to the specific federal or state law provision that preempts the specific City requirement or standard set forth in this Article.

**Section 6.** *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 21st day of February, 2023, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2023, and set for second reading and public hearing on the 2nd day of May, 2023.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on this 2nd day of May, 2023.

City of Salida

\_\_\_\_\_  
Mayor Dan Shore

ATTEST:

\_\_\_\_\_  
City Clerk





## CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> City Attorney	<b>PRESENTED BY</b> Nina P. Williams - City Attorney	<b>DATE</b> May 2, 2023
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**ITEM**

Resolution 2023-22, Amending the 2023 Fee Schedules to Adopt the Presumptively Valid Small Cell Facility Fee Schedule

**BACKGROUND**

This Resolution is associated with the City’s approval of Ordinance 2023-05, which established procedures for the application, review, and siting of small cell facilities, which, in part, requires the payment of an application fee.

On September 26, 2018, the Federal Communications Commission (the “FCC”) adopted a Declaratory Ruling and Order (“Small Cell Order”) limiting the ability of local governments to regulate the siting and placement of small cell facilities. This Small Cell Order established a presumptively valid fee schedule.

Resolution 2023-22 adopts the FCC’s presumptively valid fee schedule for small cell facilities.

**STAFF RECOMMENDATION** Staff and the City Attorney recommends approval of Resolution 2023-22, in order to collect presumptively valid fees related to costs associated with staff processing small cell facility applications.

**SUGGESTED MOTION**

A City Councilmember should state, “I move to approve Resolution 2023-22, amending the 2023 fee schedules to adopt the presumptively valid small cell facility fee schedule.”

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 22  
(Series 2023)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA,  
COLORADO AMENDING THE 2023 FEE SCHEDULES TO ADOPT THE  
PRESUMPTIVELY VALID SMALL CELL FACILITY FEE SCHEDULE**

**WHEREAS**, the Salida Municipal Code (the “Code”) establishes rules and regulations for the operations of the City of Salida (the “City”) and provides for the establishment of fees for various City services throughout the Code;

**WHEREAS**, the City recently adopted an ordinance establishing procedures for the application, review, and siting of Small Cell Facilities, which, in part, requires the payment of an application fee;

**WHEREAS**, on September 26, 2018, the Federal Communications Commission (the “FCC”) adopted a Declaratory Ruling and Order (“Small Cell Order”) limiting the ability of local governments to regulate the siting and placement of Small Cell Facilities;

**WHEREAS**, the FCC Small Cell Order provided that local governments cannot “materially inhibit” the deployment of Small Cell Facilities and that local fees must be limited to recovery of the regulatory entity’s costs;

**WHEREAS**, the FCC Small Cell Order acknowledged that, in certain circumstances, local fees can have the effect of materially inhibiting the deployment of wireless communication facilities and, as such, established a presumptively valid fee schedule; and

**WHEREAS**, the City Council finds it desirable, prudent, and in the best interest of the residents of the City to adopt the FCC’s presumptively valid fee schedule for Small Cell Facilities.

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

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

**Section 2.** The 2023 Fee Schedules are hereby amended by adding the following fees under “Fees and Charges for Development Services 2023:”

<u>Small Cell Facility—Eligible Facilities Request (i.e., collocated with an existing facility)</u>	<u>\$500.00 per application for up to five (5) facilities, plus \$100.00 for each additional facility beyond five (5)</u>
<u>Small Cell Facility—Stand Alone Facilities (i.e., not a collocation)</u>	<u>\$1,000.00 per facility</u>

**Section 3.** This resolution and the updated 2023 Fee Schedules are intended to supersede all previous fee schedules adopted by the City Council.

**Section 4.** Effective upon approval, the City hereby adopts the amended 2023 Fee Schedules.

**RESOLVED, APPROVED, AND ADOPTED THIS 2<sup>nd</sup> OF May, 2023.**

City of Salida

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Dan Shore, Mayor

ATTEST:

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City Clerk/Deputy City Clerk



# CITY COUNCIL ACTION FORM

<b>DEPARTMENT</b> Administration	<b>PRESENTED BY</b> Drew Nelson - City Administrator	<b>DATE</b> May 2, 2023
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## **ITEM**

Resolution 2023-23 – A Resolution of the City Council for the City of Salida Reauthorizing the Temporary Closure of a Portion of F Street and Providing for a Revised Procedure for Liquor Licensees to Obtain Proper Authorization for Outdoor Expansion

## **BACKGROUND**

During the summer months of the past three years, the City of Salida has facilitated the temporary closure of certain portions of F Street to assist businesses in dealing with the Covid-19 pandemic. This was done previously through the emergency provisions authorized by the City Council monthly during the pandemic; however, said emergency declaration expired over the 2021/2022 winter and is no longer in effect. As such, a separate process must be approved by the City Council by resolution in order to create the pedestrian plaza that received significant support in the City’s 2022 Community Survey.

The State’s liquor laws were relaxed during the Covid-19 pandemic to allow for the expansion of its Modification of Premises (MOP) guidelines. The expansion of MOP guidelines continue to receive refinement by the State’s Liquor Enforcement Division (LED), and City staff is currently reviewing our MOP guidelines to ensure compliance with State law. The LED released guidance regarding “sidewalk service area” in Regulation 47-302 (attached), which creates the ability to utilize streets and sidewalks for liquor service as long as license holders are authorized to utilize the public space; the City has also created and updated Requirements and Policies for Expanding Business Activities, also attached.

As done in 2022, the current proposal includes the plaza being in the same place prior to Memorial Day (put in place on May 24<sup>th</sup>) and removed following Labor Day (removed on September 5, 2023). The City will work with FIBArk promoters to open up the half-block closure between 2<sup>nd</sup> and 3<sup>rd</sup> Streets for the FIBArk Parade, as was done in 2022. Other parades generally including walking parades, which can navigate the barriers that are in place to prevent vehicular traffic.

## **FISCAL NOTE**

Costs for creating the F Street plaza would be less than \$10,000, mostly for labor costs. Pergolas, trash cans, and chairs were purchased last year and would be used again in 2023.

## **STAFF RECOMMENDATION**

Staff recommends approval of Resolution 2023-23, which includes closure from May 24<sup>th</sup> until September 5, and includes the closure of the half block between 2<sup>nd</sup> and 3<sup>rd</sup> Streets.

## **SUGGESTED MOTION**

A City Councilmember should state, “I move to approve Resolution 2023-23”, followed by a second and a roll call vote.

**RESOLUTION NO. 2023-23**  
**(Series 2023)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA  
REAUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF F STREET  
AND PROVIDING FOR A REVISED PROCEDURE FOR LIQUOR LICENSEES TO  
OBTAIN PROPER AUTHORIZATION FOR OUTDOOR EXPANSION**

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

**WHEREAS**, as part of an effort to mitigate the negative health effects of the COVID-19 pandemic and to support the local business community, the City previously closed the portion of F Street between Sackett Avenue and 2<sup>nd</sup> Street to allow for outdoor dining and retail spaces during the warmer months of 2020, 2021, and 2022;

**WHEREAS**, these previous closures of F Street were received positively by both residents of the City and members of the local business community alike;

**WHEREAS**, pursuant to C.R.S. § 31-15-401(1)(b), the governing body of each municipality has the power “[t]o do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease;”

**WHEREAS**, while case numbers fluctuate, the COVID-19 respiratory virus remains a prevalent public health concern and continuing to take action to mitigate its spread remains a prudent course of action for the City;

**WHEREAS**, allowing for additional outdoor dining and retail spaces will help mitigate the spread of COVID-19 by reducing the need for individuals to congregate in enclosed, indoor spaces;

**WHEREAS**, Section 10-7-30 of the Salida Municipal Code (the “Code”) generally prohibits the possession and consumption of alcoholic beverages in public places, but provides an exemption for places duly licensed for sale of alcoholic beverages;

**WHEREAS**, on September 28, 2021, the Colorado Liquor Enforcement Division (the “LED”) published Bulletin 21-05, which provides guidance regarding the service area premises extension options available to liquor licenses in municipalities which permit such an expansion;

**WHEREAS**, the LED’s COVID-19 temporary modification of premises option, initially permitted by emergency rules promulgated in response to the COVID-19 pandemic and previously utilized by the City to facilitate these expansions, expires on May 31, 2022;

**WHEREAS**, the LED’s guidance identifies a sidewalk service area, as authorized by Regulation 47-302(A)(4), 1 CCR 203-2, as a more permanent alternative to the expiring COVID-19 temporary expansion option;

**WHEREAS**, like the COVID-19 temporary expansion option, authorization from the LED for a sidewalk service area requires that the licensee have the right of possession for the space from the governing body of the municipality;

**WHEREAS**, the City will continue to utilize its temporary outdoor expansion application form and issue, in the City’s discretion, revocable licenses for the use of public rights-of-way and public places to provide liquor licensees the legal right to use these spaces;

**WHEREAS**, pursuant to C.R.S. § 31-15-702(1)(a)(I), the governing body of each municipality has the power “[t]o lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, parks, and public grounds and vacate the same and... to regulate the use of the same;”

**WHEREAS**, the “Requirements and Policies for Expanding Business Activity Parking Lots, Parking Spaces and Streets,” previously adopted in conjunction with Resolution 2021-14, functioned effectively and applicable portions of said document ought to be continued with this closure of F Street; and

**WHEREAS**, the City Council finds it desirable and prudent, and in the best interest of the general health, safety, and welfare of its residents to reauthorize the temporary closure of a portion of F Street and to provide for a revised procedure for liquor licensees to obtain proper authorization for outdoor expansion.

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

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

**Section 2.** The City Council hereby reauthorizes the temporary closure of the streets, alleys, and sidewalks on F Street between Sackett Avenue and 2<sup>nd</sup> Street, effective May 24, 2023 through September 5, 2023.

**Section 3.** City Council hereby adopts the updated “Requirements and Policies for Expanding Business Activity into Parking Lots, Parking Spaces and Streets,” annexed hereto as **Exhibit A**.

**Section 4.** The City Administrator or his designee is hereby authorized to take any further action reasonably necessary or prudent to carry out the effect of this Resolution.

**RESOLVED, APPROVED, AND ADOPTED this 2<sup>nd</sup> of May, 2023.**

City of Salida

\_\_\_\_\_  
Dan Shore, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk/Deputy City Clerk



## REQUIREMENTS AND POLICIES FOR EXPANDING BUSINESS ACTIVITY INTO PARKING LOTS, PARKING SPACES AND STREETS

The City of Salida desires to work with businesses throughout our community to provide unique outdoor experiences for our residents and guests. On Tuesday, April 19, 2022, the Salida City Council approved Resolution 2022-14, which directed City staff to facilitate the expansion of outdoor dining and retail spaces into parking lots, parking spaces, and even public streets.

In order to proceed with expansion, there are a few rules that businesses must apply as part of an application process:

### **For Restaurants and Bars with a Liquor License**

Any bar or restaurant wishing to expand their existing licensed premise into parking lots or streets must apply for a Temporary Modification of Premise (MOP) with the City of Salida. The City will review, and if approved, will send the application, signed lease, the applicant's drafted map of the expansion (including barriers and access points) and the check to the Colorado Liquor Enforcement Division (LED) for final approval. The application form, DR 8442, can be found at:

[www.sbg.colorado.gov/liquor-forms-by-number](http://www.sbg.colorado.gov/liquor-forms-by-number)

Applicants will fill out Section C. Instructions are on page 2 (Section C) for more information. There is a \$150 processing fee payable to the State of Colorado (written to the Department of Revenue) for the Temporary Modification and the form will need to be filled out again, submitted, and remitted to the City with a \$150 check (written to the Department of Revenue) to end the Temporary Modification. There is no fee for the City of Salida.

### **Private Parking Lots**

A maximum of fifty percent (50%) or half of existing private parking lots may be utilized for a restaurant patio extension for a currently-permitted restaurant, subject to the written approval of the owner of the parking lot.

### **Public Sidewalks**

A clear travel path of five feet (5') in width and meeting Americans with Disabilities Act (ADA) accessible path requirements must be maintained and is subject to a revocable license agreement approved by the City. The business owner must provide the City an ADA plan if they wish to close or alter a sidewalk space.

### **Public Streets**

Expansion into public streets and rights-of-way shall be at the sole discretion of the City, subject to any additional terms deemed necessary. Use of public streets shall only occur where streets are restricted to pedestrian traffic only for an entire block. The City will pre-determine four (4) areas, two (2) on each block, as sites for a City-installed pergola with seating. The City will work with adjacent business owners to minimize encroachment into outdoor space being utilized by that business.

A clear travel path of six feet (6') in width must be maintained along the center of the street, three feet (3') on each side of the street centerline. The City will put up metal fencing or other temporary means to

delineate between the business expansion space and the six-foot clear travel path. Bicycles, skateboards, scooters and similar devices must be walked or carried in any area where vehicle traffic is not allowed. In addition to no physical objects, no performance will be allowed to encroach into this travel path.

The remaining area, extending from the curb to within three feet (3') from the centerline of the public street, at a width equal to the street frontage of the individual physical business, shall be available for expansion by that individual business. A business must have a plan for security (including overnight), trash maintenance and removal, and rehabilitation for any damage or mess that may occur.

#### Public Parking Spaces

For businesses in the Downtown C-2 district on streets that are not closed to vehicle traffic, the use of the existing public parking spaces adjacent to and in front of the business may be used with the exception of State Highway right-of-way (similar to the City's existing program for patio spaces). In order to use public parking spaces, the business must complete the TOE application with required attachments. In addition, the business must provide a safety plan for patrons utilizing this space, including barriers and fencing, protection from vehicles by physical means, security (including overnight), trash maintenance and removal, and rehabilitation for any damage or mess that may occur due to business activity. The City may have barriers and fencing available for the business if needed.

#### Temporary Structures and Fences

Any proposed structure or fence shall be secured utilizing weights. Anchors involving drilling or fastening to the roadway infrastructure shall be reviewed on a case-by-case basis.

- Small Tents (<400 s.f.): Small tents of 400 square feet or less are permitted on a temporary basis. Where tents are proposed, the City encourages the use of tents having a total area of 400 square feet or less to streamline review and approval.
- Large Tents (>400 s.f.): Tents that are larger than 400 square feet are subject to additional building and fire code requirements, greater submittal requirements, and a review process that is more extensive than that used for small tents less than 400 square feet in area.
- Temporary Fences: Fences of a temporary nature with a maximum height of six feet (6') may be installed in connection with a patio extension, subject to the written approval of the property owner. All fencing, if installed, shall meet building and fire code access requirements, including for egress.

#### Temporary Lighting

Lighting of a temporary nature may be permitted in connection with a patio extension, subject to City approval and in compliance with the Salida Municipal Code's dark sky provisions.

#### Hours of Operation

Temporary patio extensions and all activities authorized under this Resolution are required to close or cease by 10:00 p.m.

#### Music, Performance Art, and Outdoor Entertainment

Businesses may host live performances including but not limited to musicians, artists, buskers, and speakers as well as outdoor games and entertainment outside of their business. A business must obtain an amplified sound permit from the City for any amplified sound over 65 dB. In no case can the activity or performance area, or audience, encroach upon the six-foot (6') clear travel path down the center of the street, the five-foot (5') clear travel path required on the sidewalks, or any ADA designated paths or appurtenances.

#### Required Approval and Permits:

In order to take advantage of this program, the business owner will have to use the Administrative Review of Temporary Outdoor Expansion application form and provide the City with the following:

- Applicants must file a signed Revocable License for Use of Public Right Of Way or Public Place.



- A conceptual site plan of the proposed expansion area showing existing and proposed features, such as buildings, fences, roads, alleys, sidewalks and parking lots which are relevant to the application. The business must provide the City an ADA accessibility plan for their space.
- For Businesses with an Approved Liquor License: In addition to the conceptual site plan, the plan must include information related to access to and egress from the patio by both patrons and staff; a layout of tables, chairs, and serving stations; spacing required for social distancing; and sanitation plans and programs.

*For Food Trucks and Mobile Vendors*

Businesses along the F Street closure may have a food truck or mobile food vending operation in their allocated outdoor area. However the business owner or property owner must own and operate the food truck or mobile food vending operation. The business must provide a plan for their food truck, cart, etc. which would include hook-ups for power and water as well as whether the food truck, cart, etc. would be able to remain in place for the duration of the F Street closure. Only smaller equipment that can be moved by hand will be allowed to be removed on a regular basis. Generators will not be allowed. Power must be sourced from the adjacent business, and power cords must have appropriate ADA compliant coverings. All food vendors must have required Health Department permits.

***These measures are subject to change at the sole discretion of the City of Salida and may be terminated at any time.***



**Regulation 47-302. Changing, Altering, or Modifying Licensed Premises.**

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-202(1)(b), 44- 3-202(2)(a)(I)(A), and 44-3-202(2)(a)(I)(D), C.R.S. The purpose of this regulation is to establish procedures for a licensee seeking to make material or substantial alterations to the licensed premises, and provide factors the licensing authority must consider when evaluating such alterations for approval or rejection.

- A. After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the latest approved plans and specifications on file with the state and local licensing authorities without application to, and the approval of, the respective licensing authorities.

For purposes of this regulation, physical changes, alterations or modifications of the licensed premises, or in the usage of the premises requiring prior approval, shall include, but not be limited to, the following:

1. Any increase or decrease in the total size or capacity of the licensed premises.
2. The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, when such common entryway, doorway or passage alters or changes the sale or distribution of alcohol beverages within the licensed premises.
3. Any substantial or material enlargement of a bar, relocation of a bar, or addition of a separate bar. However, the temporary addition of bars or service areas to accommodate seasonal operations shall not require prior approval unless the additional service areas are accompanied by an enlargement of the licensed premises.
4. A temporary outside service area located on a sidewalk owned by a municipality, and that the licensee possesses in accordance with subsection (B)(2) of this regulation, may be approved by the state and local licensing authorities upon the annual filing of a temporary modification of premises application, due at the time of initial application or at the time of renewal, on a form approved by the State Licensing Authority, and payment of the associated fee as set forth in Regulation 47-506, provided that:
  - a. the proposed temporary outside service area located on a sidewalk is immediately adjacent to the licensed premises;
  - b. The licensed premises, as temporarily modified, will comprise a definite contiguous area; and
  - c. Plans and specifications identifying the temporary outside service area located on a sidewalk accompany the form and fee.

5. Any material change in the interior of the premises that would affect the basic character of the premises or the physical structure detailed in the latest approved plans and specifications on file with the state and local licensing authorities. However, the following types of modifications will not require prior approval, even if a local building permit is required: painting and redecorating of premises; the installation or replacement of electric fixtures or equipment, plumbing, refrigeration, air conditioning or heating fixtures and equipment; the lowering of ceilings; the installation and replacement of floor coverings; the replacement of furniture and equipment; and any non-structural remodeling where the remodel does not expand or reduce the existing area designed for the display or sale of alcohol beverage products.
  6. The destruction or demolition, and subsequent reconstruction, of a building that contained the retailer's licensed premises shall require the filing of new building plans with the local licensing authority, or in the case of manufacturers and wholesalers, with the state licensing authority. However, reconstruction shall not require an application to modify the premises unless the proposed plan for the newly-constructed premises materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications detailed in the latest approved plans and specifications on file with the state and local licensing authorities.
  7. Nothing herein shall prohibit a licensee, who is otherwise not eligible for an optional premises permit or optional premises license, from modifying its licensed premises to include in the licensed premises a public thoroughfare, if the following conditions are met:
    - a. The licensee has been granted an easement for the public thoroughfare for the purpose of transporting alcohol beverages.
    - b. The public thoroughfare is authorized solely for pedestrian and non-motorized traffic.
    - c. The inclusion of the public thoroughfare is solely for the purpose of transporting alcohol beverages between licensed areas, and no sale or consumption will occur on or within the public thoroughfare.
    - d. Any other conditions as established by the local licensing authority.
  8. The addition of a noncontiguous location to the licensed premises of a winery licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S.
  9. Modification of the licensed premises to include a communal outdoor dining area, subject to the requirements of section 44-3-912, C.R.S., and Regulation 47-1103.
- B. In making its decision with respect to any proposed changes, alterations or modifications, the licensing authority must consider whether the premises, as changed, altered or modified, will meet all of the pertinent requirements of the Colorado Liquor or Beer Codes and related regulations. Factors to be taken into account by the licensing authority shall include, but not be limited to, the following:
1. The reasonable requirements of the neighborhood and the desires of the adult inhabitants.
  2. The possession, by the licensee, of the changed premises by ownership, lease, rental or other arrangement.
  3. Compliance with the applicable zoning laws of the municipality, city and county or county.

4. Compliance with the distance prohibition in regard to any public or parochial school or the principal campus of any college, university, or seminary.
  5. The legislative declaration that the Colorado Liquor and Beer Codes are an exercise of the police powers of the state for the protection of the economic and social welfare and the health, peace, and morals of the people of this state.
- C. If permission to change, alter or modify the licensed premises is denied, the licensing authority shall give notice in writing and shall state grounds upon which the application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the licensing authority within fifteen (15) days after the date of notice.
- D. This regulation shall be applicable to the holder of a manufacturer's license as specifically defined in Section 44-3-402, C.R.S., or a limited winery defined in section 44-3-403, C.R.S., only if the physical change, alteration, or modification involves any increase or decrease in the total size of the licensed premises, including the addition of a noncontiguous location to the licensed premises of a winery licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S. Except, any change, alteration, or modification of a sales room, shall be reported in accordance with subsection (A).
- E. The state licensing authority shall not impose any additional fees for the processing or review of an application for a modification of premises for the holder of a manufacturer's license, except for applications to modify the premises through the addition of a noncontiguous location to the licensed premises of a winery licensed pursuant to sections 44-3-402 or 44-3-403, C.R.S.
- F. Due to public health concerns raised by the presence COVID-19 in Colorado, a licensee may apply to temporarily modify its licensed premises to facilitate social distancing by employees and customers and to facilitate compliance with the requirements of applicable public health orders (See Regulation 47-1102).
1. If permitted by the relevant local licensing authority, the temporary premises modification may include expansion of the licensed premises into outside areas that the licensee possesses in accordance with subsection (B)(2) of this regulation, provided that:
    - a. Any outside area proposed to be included in the licensed premises, as temporarily modified, is contiguous or adjacent to the licensed premises and appropriately monitored by the licensee;
    - b. The licensed premises, as temporarily modified, will comprise a definite contiguous area;
    - c. The licensee will designate the boundaries of the licensed premises, as temporarily modified, using barriers approved by the local licensing authority and state licensing authority and post warning signs in areas visible to the public, including all points of ingress and egress, regarding laws against public consumption of alcohol beverages;
    - d. The licensed premises, as temporarily modified, will not encroach upon or overlap with the licensed premises of any other licensee;
    - e. The licensed premises, as temporarily modified, complies with local building and zoning laws; and
    - f. The licensed premises, as temporarily modified, complies with all other restrictions and requirements imposed by the Colorado Liquor Code and Rules.

2. A temporary modification of a licensed premises pursuant to this paragraph (F) may be approved by the state and local licensing authorities after the filing of a temporary modification of premises application on a form approved by the State Licensing Authority, including plans and specifications of the licensed premises, as temporarily modified, and a one-time payment of the modification of licensed premises fee set forth in Regulation 47-506.
3. Any temporary modification approved pursuant to this paragraph (F) shall expire on May 31, 2022, unless the relevant local licensing authority imposes an earlier expiration date. A licensee is not required to pay an additional modification of licensed premises fee or obtain approval to remove a temporary modification to the licensed premises upon expiration of this paragraph (F).
4. Nothing in this regulation requires a local licensing authority to allow temporary premises modifications in response to COVID-19. A local licensing authority that allows temporary premises modifications may establish an earlier expiration date for any temporary modifications issued in the relevant jurisdiction and may establish additional requirements for temporary modifications that are at least as restrictive as the requirements in this paragraph (F).
5. This subsection (F) is effective until May 31, 2022 and is repealed effective June 1, 2022.

**Regulation 47-303. License Renewal.**

Basis and Purpose. The statutory authority for this regulation includes, but is not limited to, subsections 44-3-202(1)(b), 44-3-202(2)(a)(I)(C), 44-3-202(2)(a)(I)(D), 44-3-202(2)(a)(I)(R), 44-3-302, 44-3-501, and 44-4-105, C.R.S. The purpose of this regulation is to clarify and establish procedures and deadlines for a licensee that is applying to renew its license in accordance with section 44-3-302, C.R.S.

- A. No one other than the license holder, or their duly-authorized representative, may file an application to renew the license with local and state licensing authorities.
- B. At least ninety (90) days before the expiration date of an existing license, the State Licensing Authority shall notify the licensee of the expiration date by sending notice to the most recently provided email address and/or mailing address for the licensee.
- C. A complete renewal application shall include evidence that the licensee remains in possession of the licensed premises by ownership, lease, rental, or other arrangement at the time of application. An agreement that may lapse within the new license year neither automatically disqualifies the licensee from renewing, nor automatically invalidates the license. However, this provision does not preclude the state or local licensing authority from initiating any action as provided by law to suspend or revoke a license for loss of possession of the licensed premises.
- D. Nothing herein authorizes a licensee to purchase, sell, or serve alcohol beverages with an expired license, except as authorized in subparagraphs E, F(2), and G(3) of this regulation. Licensed privileges are not restored until and unless the applicable requirements of subparagraph F(2) and/or G(3) of this regulation are met.
- E. Application for the renewal of an existing license shall be made to the local licensing authority not less than forty-five (45) days prior to the date of expiration and to the state licensing authority not less than thirty (30) days prior to the date of expiration. The state or local licensing authority may waive these requirements for good cause. Once an application for renewal has been filed with the local licensing authority, or the state licensing authority for state only licenses, the licensee may continue to operate until final agency action.



## CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Franco Palumbo - Planning Technician	May 2, 2023

### ITEM

Resolution No. 2023-24 – A Resolution of the City Council for the City of Salida, Colorado Amending the 2023 Fee Schedules Regarding Development Services.

### BACKGROUND

With this Resolution, staff is proposing to update fees, addressing missing services, and modifying language regarding Inclusionary Housing In-Lieu fees on the 2023 Adopted Fee Schedule.

- 1) The first amendment is updating fees to adjust with the current cost to provide such services. Some fees have not been significantly updated since Resolution No. 2019-64. Most fees will not be adjusted from the current fee schedule.
- 2) The second amendment is the addition of applications and services not specifically called out in the existing fee schedule. Some services were removed. Staff added consultation time for applications that involve pre-application conferences and conceptual reviews.
- 3) The third amendment is the clarification of language for the inclusionary housing in-lieu fees. The addition of a formula for fractional units in an inclusionary housing development.

### FISCAL NOTE

An adjustment to applications and fees will be a minimal increase enough to cover staff's time, services, and materials. Periodic updates to the fee schedule occurred through the recent years.

### STAFF RECOMMENDATION

Staff recommends that the updated City of Salida fee schedule for Development Services be approved by City Council.

### SUGGESTED MOTION

A Council person should move to "Approve Resolution No. 2023-24 amending the 2023 Fee Schedules Regarding Development Services."



# CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Franco Palumbo - Planning Technician	May 2, 2023

Attachments:

Resolution No. 2023-24

2023 Fee Schedule for Development Services as amended.

Diagram for Fractional Inclusionary Housing Development



**RESOLUTION NO. 24**  
**(Series 2023)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO**  
**AMENDING THE 2023 FEE SCHEDULES REGARDING DEVELOPMENT SERVICES**

**WHEREAS**, the Salida Municipal Code (“Code”) establishes rules and regulations for the operations of the City of Salida (“City”) and provides for the establishment of fees for various City services throughout the Code; and,

**WHEREAS**, the City relies upon fees to provide many services to its customers and citizens; and,

**WHEREAS**, fees associated with the services provided by the City require adjustment from time to time to account for the increase in the costs to provide such services, as well as for the implementation of new services and regulations, or applicable amendments to the Code; and,

**WHEREAS**, on December 20, 2022, the City Council adopted the 2023 Fee Schedules via City Resolution No. 2022-60; and,

**WHEREAS**, it was determined that fees being charged for Community Development services staff time were not aligning with comparable metrics or current staff time and compensation costs to provide such services; and,

**WHEREAS**, in 2019, Walker Consultants performed a Downtown Salida Parking Study, recommending a gradual increase of Parking Occupier Fee in the CBEO, reflecting construction cost at time of development; and,

**WHEREAS**, city staff additionally found applications and services not specifically called out along with staff consultation time; and,

**WHEREAS**, to clarify language within Inclusionary Housing Fee Schedule, grammatical adjustments are recommended for applicable developments and land uses; and,

**WHEREAS**, a formula illustrating fractional in-lieu fees calculations for development is recommended to be added to the Inclusionary Housing Fee Schedule; and,

**WHEREAS**, Council has determined the amended and additional fees regarding development services, as included in Exhibit A, attached hereto and incorporated herein, are appropriate, desirable, prudent, and in the best interest of the residents, customers, businesses, and taxpayers of the City.

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

1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.
2. This resolution and accompanying amended Fee Schedules are intended to supersede all previous fee schedules adopted by the City Council.
3. Effective upon approval, the City hereby adopts the amended 2023 Fee Schedules (applicable updated portions are attached hereto as Exhibit A).

**RESOLVED, APPROVED, AND ADOPTED this 2nd day of May, 2023.**

CITY OF SALIDA

By: \_\_\_\_\_  
Dan Shore, Mayor

[SEAL]

ATTEST: \_\_\_\_\_  
City Clerk/Deputy City Clerk

**Exhibit A**  
**Fees and Charges for Development Services 2023**



# Fees and Charges for Development Services 2023

Item 12.

TYPE OF APPLICATION	FEE	
<b>Administrative Review</b> (unless specified below)	\$200.00	
Accessory Dwelling Unit (ADU)	\$200.00 to be applied toward subsequent building permit	
<b><u>Insubstantial Modification PD</u></b>	<b><u>\$250.00</u></b>	
Administrative variance	\$250.00	
Amended plat	\$250.00	
Lot line adjustment/ Elimination/ Duplex Conversion/ Condo Plat	\$300.00	
Small Cell Facility—Eligible Facilities Request (i.e., collocated with an existing facility)	\$500.00 per application for up to five (5) facilities, plus \$100.00 for each additional facility beyond five (5)	
Small Cell Facility—Stand Alone Facilities (i.e., not a collocation)	\$1,000.00 per facility	
<b>Limited Impact Review</b> (unless specified below)	\$500.00	
Variance (reviewed by Board of Adjustment)	\$500.00	
Nonresidential or mixed-use 20,001 s.f.–50,000 s.f. gross floor area	\$500.00	
Large alteration	\$500.00	
Minor subdivision	\$550.00 + \$50.00 per lot	
Conditional use permit	\$500.00	
<b>Major Impact Review</b> (unless specified below)	\$1,250.00	
Multi-family, 20 or more units in project, without regard to phasing <sup>2</sup>	\$1,250.00	
Nonresidential or mixed-use, 50,001 sq. ft. > greater gross floor area <sup>2</sup>	\$1,250.00	
Planned development <sup>2</sup>	\$1,250.00	
Rezoning <sup>2</sup>	\$500.00	
Right-of-way vacation <sup>2</sup>	\$500.00	
Plat vacation <sup>2</sup>	\$500.00	
Major subdivision <sup>2</sup>	\$1250.00 + \$50.00 per lot	
<b>Other types of applications</b>		
Building Permit (Commercial & Multi-family)	20% of Building Dept or \$100.00 Minimum	
Building Permit (Residential)	20% of Building Dept or \$50.00 Minimum	
<b><u>Building Permit Plan Change (Building Footprint, Additional s.f., Change of Use)</u></b>	<b><u>Commercial \$100.00 / Residential \$50.00</u></b>	
<b><u>Sign Permit Review/Comprehensive Sign Plan Review</u></b>	<b><u>\$50.00 each</u></b>	
<b><u>Comprehensive Sign Plan Review</u></b>	<b><u>\$50.00</u></b>	
Creative Sign	<b><u>\$150.00</u></b> <del>\$100.00</del>	
<b><u>Flood Plain Review</u></b>	<b><u>\$100.00</u></b>	
Annexation <sup>2</sup>	\$1,000.00	
Pre-Annexation agreement <sup>2</sup>	\$500.00	
Appeal-decision of Commission or Board or Interpretation <sup>2</sup>	<b><u>\$250.00</u></b> <del>\$150.00</del>	
<b><u>Substantial Modification PD<sup>2</sup></u></b>	<b><u>\$750.00</u></b>	
License to encroach <sup>2</sup>	\$150.00	
Certificate of Approval	Minor \$50.00/Major <b><u>\$200.00</u></b> <del>\$100.00</del>	
Designation of a Historic Landmark, District or Site	<b><u>\$500.00</u></b> <del>\$150.00</del>	
Developer or Business Parking Occupier Fee for Central Business Economic Overlay ( <b><u>CBEO</u></b> ) per Section 16-5-90	<b><u>\$5000 per space or \$750 a space per year for 10 years</u></b> <del>\$250 per space per year for 10 years; or \$2,500 per space</del>	
Fee in lieu of open space fees (residential subdivisions)	\$3,000.00 per residential	
Fee in lieu of open space fees (Condominiums with 5 or more)	\$2,000.00 per condo unit	
<b>Recording of Plats</b>	<b>Per Chaffee County Clerk &amp; Recorder fee schedule</b>	
Fee in lieu of Fair Contributions to public School sites	Single-Family Detached	\$569
	Single-Family Attached	\$480
	Multi-Family Unit / ADU	\$212
<b><u>Can and Will Serve Letter<sup>2</sup></u></b>	<b><u>\$200.00</u></b>	
<b><u>Title 32 Special District Service Plan<sup>2</sup></u></b>	<b><u>\$1,000.00</u></b>	
<b><u>Conceptual Review Application</u></b>	<b><u>\$100.00</u></b>	
<b><u>Pre-Application Meeting: Planning Staff Only</u></b>	<b><u>\$75.00 per hour</u></b>	
<b><u>Pre-Application Meeting: Multidepartment</u></b>	<b><u>\$150.00 per hour</u></b>	
<b><u>Tree Deposit</u></b>	<b><u>\$300.00</u></b>	
<b><u>Zoning Verification Letter</u></b>	<b><u>\$50.00</u></b>	



1. Any application may incur the cost of one or more of the above listed items.
2. In the event the City must retain professional services to process or evaluate an application, the applicant shall bear the costs for review, including consultants and attorney review time. A deposit of 2x the application fee to cover the reasonable anticipated costs for publication of notice and outside professional services shall be required from the applicant at the time of the application. Any balance of the deposit remaining after completion of the review shall be refunded. If the deposit is insufficient for the costs incurred, the Applicant shall pay the additional amounts within fifteen (15) days of invoice.

## Inclusionary Housing In-Lieu Fees:

Inclusionary housing requirements apply to Annexations, Planned Developments, Minor and Major Subdivisions, Condominium Plats, Duplex Conversion Subdivisions, and Multi-Family rental projects of five (5) or more units. The in-lieu fee option is only available for the fractional portion above the number of inclusionary housing units required to be built and deed-restricted in a development and where the total number of proposed lots or built primary units in a development is five (5) or less.

If an applicant opts to pay an in-lieu fee to satisfy the inclusionary housing requirement as permitted by Sec. 16-13-30 of the Salida Municipal Code, the fees shall be calculated as described here, ~~based upon the date of building permit application submittal~~, and shall be due ~~no later than~~ prior to issuance of the certificate of occupancy for each unit or based on Article 13 of the Salida Land Use code:

(a) The in-lieu fee for each for-sale unit within the applicable development shall be:

\$19.97 per square foot of the principal unit (excluding garages)

(b) The in-lieu fee for each unit within a multi-family rental project of five (5) or more units under single ownership and on the same lot (whether attached or not) shall be:

\$3.00 per square foot of the rental unit (excluding garages)\*

\*Should such a unit be converted to a saleable unit (via subdivision, condominiumization, etc.), the applicant shall be responsible for paying the difference between the rental unit in-lieu fee originally paid and the for-sale unit in-lieu fee applicable at the time of such conversion, unless the requisite number of inclusionary housing units are then deed-restricted.

**\*When calculating in-lieu fee for fractional units the following formula will be used:**

(psf rate) x (sq. ft.) x (# of MR units not "covered" by built IH units / total # MR units)

**Example: a 14-unit development builds 2 IH units and 12 Market rate units, and pays the In-lieu fee for the remaining two-sixths of a built IH unit:**

**(\$19.97) x (1500 s.f.) x (2/12) = \$4992.50 paid by all 12 market rate units**

psf rate = Per Square Foot Rate

MR = Market Rate

IH = Inclusionary Housing Unit

One (1) out of every six (6) units must meet inclusionary housing (IH) requirements. Therefore, a 14-unit development requires  $14/6 = 2\frac{2}{3}$  IH units. The whole-number units must be built.

Item 12.



MR MR MR MR MR IH



MR MR MR MR MR IH



MR MR

This formula calculates the IH fee for any remaining units (i.e. not "covered" by built IH units), and spreads that fee across all the market rate (MR) units in the development.

$$\begin{aligned}
 & \text{(IH fee per square foot)} \\
 & \times \text{ (# of square feet)} \\
 & \times \left( \frac{\text{\# of MR units not "covered" by built IH units}}{\text{total \# MR units}} \right) \\
 & = \$ \text{ Amount owed prior to C.O. for that MR unit}
 \end{aligned}$$



**CITY COUNCIL ACTION FORM**

Department Parks and Recreation	Presented by Diesel Post - Parks and Recreation Director	Date 5/2/23
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**ITEM**

Resolution 2023-25 A resolution to allow overnight camping for competitors in Marvin Park from June 12th through June 18th, for the 2023 FIBArk event.

**BACKGROUND**

A part of the 2023 FIBArk event proposal included a request for overnight camping at Marvin Park. City of Salida Municipal code 11-6-20 prohibits overnight camping in City of Salida Parks. The code also states:

*Permission to camp by resolution, the City Council may grant an individual or group of individuals permission to camp within a City park. The resolution shall specify the group, park and days during which the camping is allowed.*

Resolution 2023-25 would allow for overnight camping for this event.

**FISCAL NOTE**

N/A

**STAFF RECOMMENDATION**

All department heads discussed and approved this event and therefore resolution a previous Special Events meeting.

**SUGGESTED MOTION**

A Council member should move to “approve resolution 2023-25, to allow overnight camping and dogs in Marvin Park from June 12th through June 18th, for the 2023 FIBArk event. ”.

**CITY OF SALIDA, COLORADO  
RESOLUTION NO. 25  
(Series 2023)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO  
TO ALLOW OVERNIGHT CAMPING IN MARVIN PARK FROM JUNE 12  
THROUGH JUNE 18, FOR THE FIBARK EVENT.**

**WHEREAS**, City of Salida Municipal Code 11-6-20 and 11-6-70 prohibit overnight camping and dogs in city parks; and

**WHEREAS**, the City of Salida desires to collaboratively work with the FIBArk Community Paddling Center to hold the 2023 FIBArk Festival; and

**WHEREAS**, the City of Salida Municipal Code 11-6-20 section “b” states: *Permission to camp by resolution, the City Council may grant an individual or group of individuals permission to camp within a City park. The resolution shall specify the group, park and days during which the camping is allowed.*

**WHEREAS**, event applications, assurances and paperwork is in order.

**WHEREAS**, the event application materials have been reviewed by City staff and presented to City Council on 05/02/23.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Salida that:

Section 1. The competitors in the FIBArk event on June12th through June 18th, 2023 are allowed to overnight camp in tthe parking lot at Marvin Park.

**RESOLVED, APPROVED, AND ADOPTED on this 2ND day of MAY, 2023.**

CITY OF SALIDA, COLORADO

\_\_\_\_\_  
Mayor Dan Shore

(SEAL)

ATTEST:

\_\_\_\_\_  
Deputy City Clerk/City Clerk