



CITY COUNCIL REGULAR MEETING

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

April 02, 2024 - 6:00 PM

AGENDA

Please register for Regular City Council Meeting

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

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

To watch live meetings:

https://c.streamhoster.com/embed/media/W6sdC9/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 March 19, 2024 Minutes

4. Award 2024 Asphalt Maintenance Project

5. Award 2024 Sewer Reconstruction Project

6. Approve Professional Service Agreement for SH291 West Entry Streetscape Improvements

CITIZEN COMMENT—Three (3) Minute Time Limit

7. F Street Closure signatures submitted by Adam Martinez

8. Citizen Comment - Jerry Raski

PROCLAMATIONS

9. Arab American Heritage Month

UNFINISHED BUSINESS / ACTION ITEMS

NEW BUSINESS / ACTION ITEMS

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

11. Chaffee County Community Foundation Grants Recommendation

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

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

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Council Reports

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.

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

Mayor Report

Treasurer Report

Attorney Report

[14.](#) 1. Court of Appeals decision on amplified sound lawsuit brought against the City and High Side!

Staff Reports

EXECUTIVE SESSION

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

ADJOURN



City Clerk | Deputy City Clerk

Mayor Dan Shore



CIVILITY INVOCATION

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

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



CITY COUNCIL REGULAR MEETING

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

March 19, 2024 - 6:00 PM

MINUTES

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

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CALL TO ORDER

Pledge of Allegiance

Roll Call

PRESENT

Council Member Suzanne Fontana

Council Member Dominique Naccarato

Council Member Justin Critelli

Council Member Aaron Stephens

Council Member Alisa Pappenfort

Mayor Dan Shore

Treasurer Ben Gilling

Civility Invocation

CONSENT AGENDA

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

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

THE MOTION PASSED.

MOTION PASSED

CITIZEN COMMENT—Three (3) Minute Time Limit

Public Comment - Luke Parker

Public Comment - Vince Phillips

Public Comment - Susan Spohn

Public Comment - Ellen Maxfield

Public Comment - Janella Martinez

Public Comment - Carol Kellerman

Tom Wintson, Patrick Gentile, Jane Latimer, Steve O'Neill, Kay Duffy, Chris Nasca, Harry Hansen, Chris Eaton, Dave Earl, Carrie Mesch, Katy Blanton, Hannah Michaels, Serena Wickett, Vesper Gers, Stephanie Kuhn and Adam Martinez spoke during Public Comment.

UNFINISHED BUSINESS / ACTION ITEMS

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NEW BUSINESS / ACTION ITEMS

Resolution 2024-13 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO AUTHORIZING THE MAYOR TO SIGN AMENDED PRE-ANNEXATION AGREEMENT WITH SALIDA SCHOOL DISTRICT FOR 627 OAK STREET.

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

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

THE MOTION PASSED

Resolution 2024-24 A RESOLUTION OF THE CITY OF SALIDA, COLORADO DESIGNATING REPRESENTATIVES AUTHORIZED TO COORDINATE WITH COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY REGARDING FINANCIAL ASSISTANCE MATTERS.

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

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

THE MOTION PASSED

Resolution 2024-26 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA REAUTHORIZING THE TEMPORARY CLOSURE OF F STREET BETWEEN SACKETT AVENUE AND 2ND STREET AND PROVIDING FOR A REVISED PROCEDURE FOR LIQUOR LICENSEES TO OBTAIN PROPER AUTHORIZATION FOR OUTDOOR EXPANSION.

Council Member Critelli moved to approve the Resolution. The motion was not seconded.

THE MOTION FAILED

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

Council Member Pappenfort moved to approve the Ordinance on First Reading and set the Second Reading and Public Hearing for April 16, 2024, Seconded by Council Member Critelli.

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

THE MOTION PASSED

Resolution 2024-27 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA APPOINTING A NEW COUNCILMEMBER TO WARD 3 OF THE SALIDA CITY COUNCIL.

Council Member Pappenfort moved to approve the Resolution appointing Wayles Martin, Seconded by Council Member Fontana.

Voting Yea: Council Member Fontana, Council Member Stephens, Council Member Pappenfort

Voting Nay: Council Member Naccarato, Council Member Critelli

THE MOTION PASSED

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COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Reports were given.

ADJOURN

Adjourned at 8:13pm



City Clerk | Deputy City Clerk

Mayor Dan Shore



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY David Lady - Public Works Director	DATE April 2, 2024
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ITEM

Council Action – Award 2024 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 March 6, 2024 as follows:

Bidder	Total	Business Location / Local Preference	Percent Above Low Bid
Pavement Maintenance Services, Inc.	\$346,810.00	(In County) – 3%	Low Bid
Avalanche Excavating, Inc.	\$446,355.00	(In County) – 3%	28%

*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 2024 budget for asphalt maintenance is as follows:

\$350,000 (31-30-6012-3) Asphalt Maintenance

CONSTRUCTION CONTRACT	\$ 346,810.00
CONTINGENCY (10%)	\$ 35,000.00
CONSTRUCTION MANAGEMENT	\$ In-House
QA MATERIALS TESTING (~2%)	\$ 7,000.00
TOTAL PROJECT BUDGET	\$ 388,810.00

A budget amendment is not anticipated at this time. Several budgeted projects have yet to be bid out. Overall street fund budgetary impacts will be reviewed at a later date.



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY David Lady - Public Works Director	DATE April 2, 2024
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STAFF RECOMMENDATION

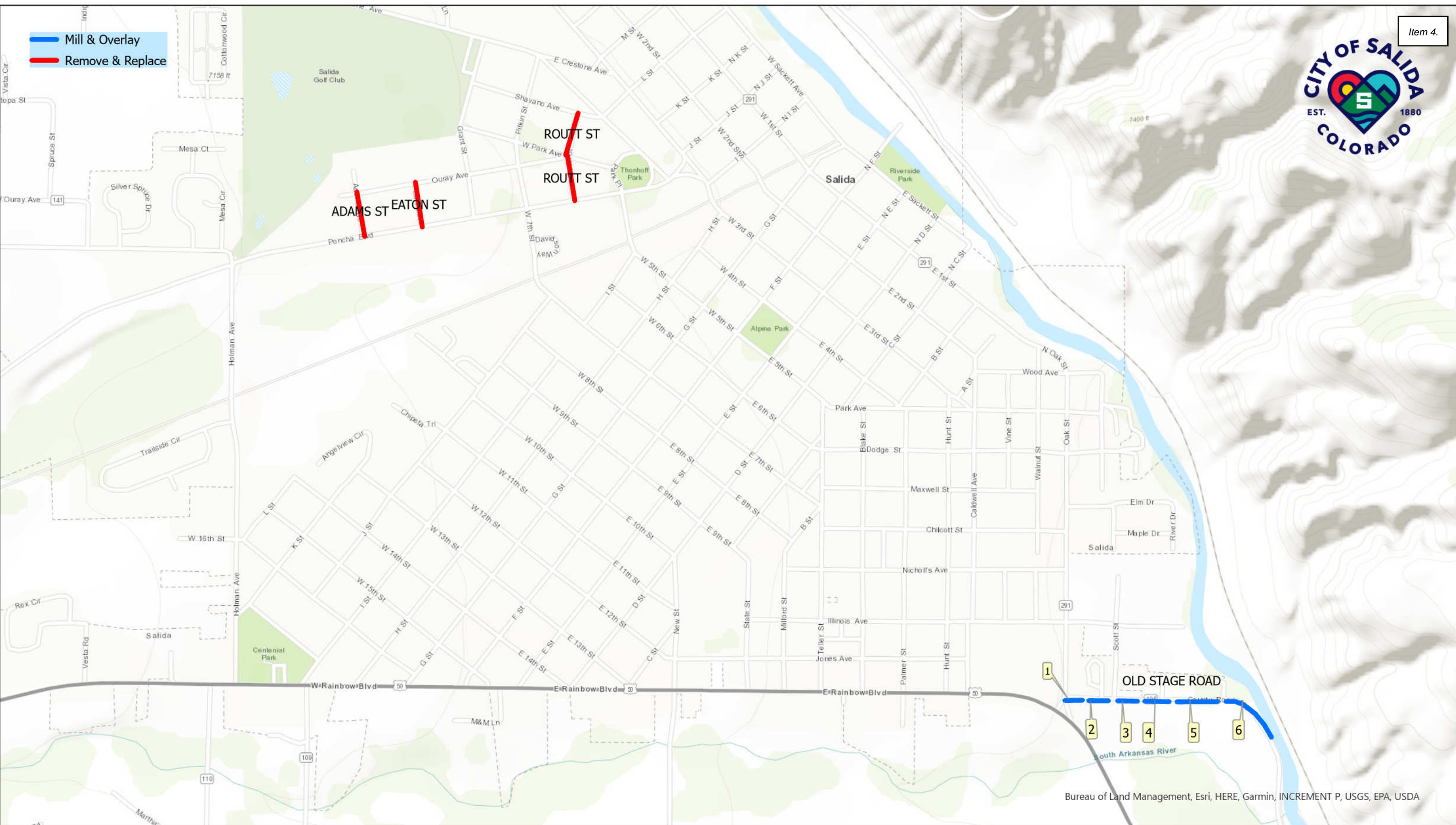
Award a construction contract for the 2024 Asphalt Maintenance Project and authorize the City Administrator to enter into a Construction Agreement between the City and Pavement Maintenance Services, Inc. in the amount of \$346,810.00 with a total project budget of \$388,810.00.

SUGGESTED MOTION

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



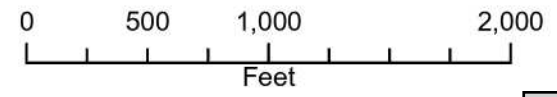
Mill & Overlay
Remove & Replace



Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



Proposed 2024 Asphalt Maintenance





CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY David Lady - Public Works Director	DATE April 2, 2024
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ITEM

Council Action – Award 2024 Sewer Reconstruction Project

Consent Agenda

BACKGROUND

The City of Salida owns and maintains the wastewater collection system within the service areas of Salida and Poncha Springs. The City has a maintenance program that includes scheduled line cleaning and inspection of mains. Capital improvement programs including line rehabilitation and replacement are necessary to address system deficiencies, ensure reliable service, and replace infrastructure that is nearing the end of its useful life. The useful life of a sewer main can depend on multiple factors such as structural issues/breaks, offset joints, and gaps in joints which can introduce water infiltration and roots.

Much of Salida’s collection system consists of clay pipe, whereas, newer piping consists of plastic PVC material. The standard minimum size for new construction is 8-inch diameter pipe. 8-inch diameter pipe can be rehabilitated at a later date by utilizing a liner product that does not require the main to be dug up. The proposed project generally consists of removal and replacement of deteriorated 6-inch mains at various locations as shown on the attached exhibit.

The project was advertised, and bids were received on March 6, 2024 as follows:

Bidder	Total	Business Location / Local Preference	Percent Above Low Bid
Avalanche Excavating, Inc.	\$632,893.00	Salida – 5%	Low Bid
Y&K Excavation, Inc.	\$745,227.00	(In County) – 3%	18%
K&K Concrete, Inc.	\$691,040.00	(Out of County) – 0%	9%

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

Avalanche Excavating, Inc. has previously worked for the City of Salida and performed similar work satisfactorily. Avalanche has indicated that they would honor unit prices with a reduced scope to complete work within the budget for 2024. This project is proposed to be phased over two years.

FISCAL NOTE

The 2024 budget for sewer reconstruction is as follows:

\$400,000 (21-30-6024-3) Infrastructure Improvements



CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY David Lady - Public Works Director	DATE April 2, 2024
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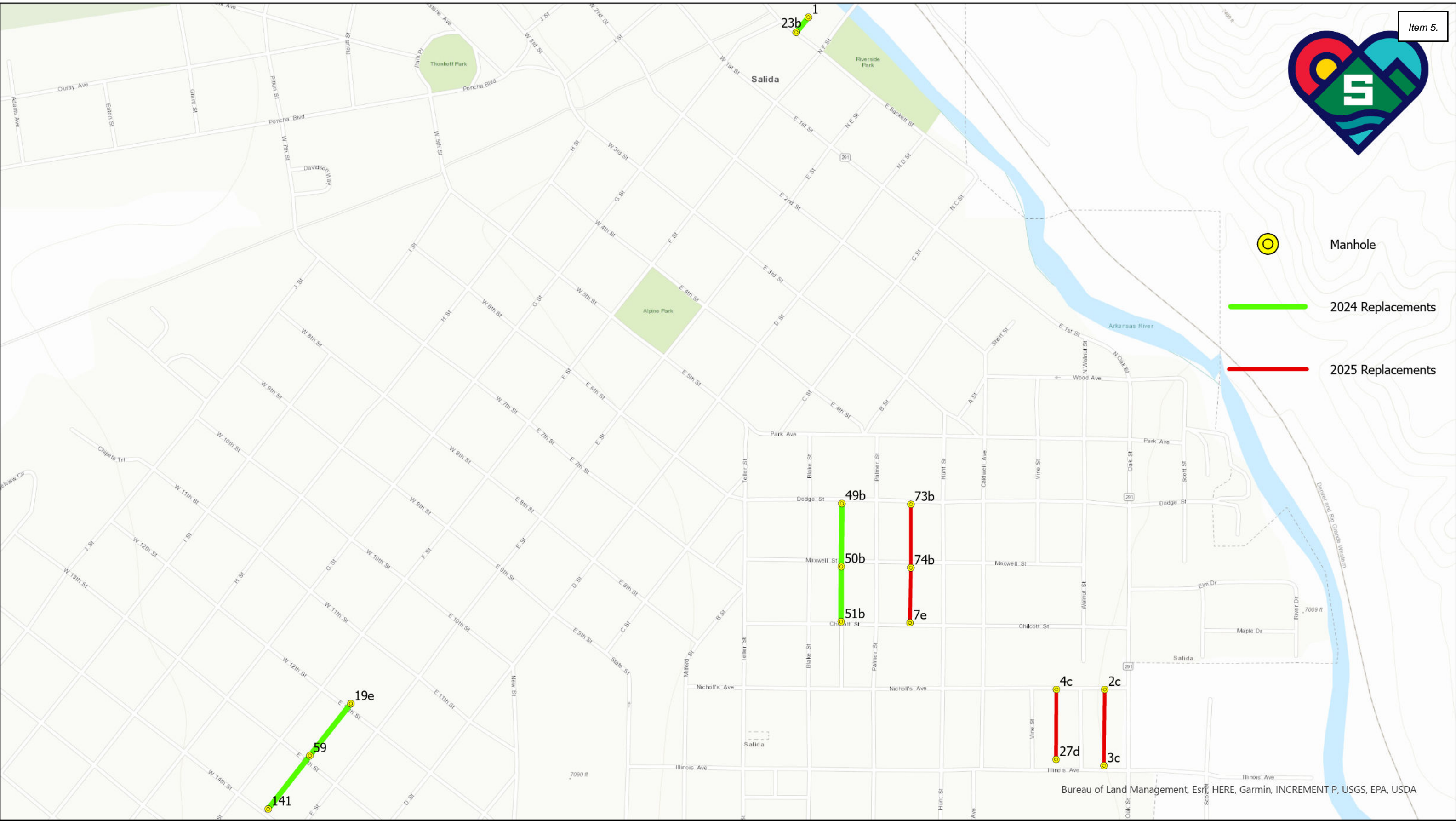
CONSTRUCTION CONTRACT (reduced scope)	\$	350,000.00
CONTINGENCY (10%)	\$	35,000.00
CONSTRUCTION MANAGEMENT	\$	In-House
QA MATERIALS TESTING (~2%)	\$	7,000.00
<u>TOTAL PROJECT BUDGET</u>	\$	<u>392,000.00</u>

STAFF RECOMMENDATION

Award a construction contract for the 2024 Sewer Reconstruction Project and authorizing the City Administrator to enter into a Construction Agreement between the City and Avalanche Excavating, Inc. in the amount of \$350,000.00 with a total project budget of \$392,000.00.

SUGGESTED MOTION

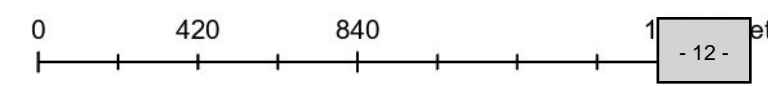
A Council person should make a motion to “combine and approve the items on the consent agenda.”



Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



Salida Sewer Line Reconstruction 2024-2025





CITY COUNCIL ACTION FORM

DEPARTMENT Public Works	PRESENTED BY David Lady - Public Works Director	DATE April 2, 2024
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ITEM

Council Action – Award Professional Service Agreement for SH291 West Entry Streetscape Improvements

Consent Agenda

BACKGROUND

The City of Salida was successful in receiving multiple grants totaling approximately \$2.1M to provide support for streetscape improvements to the west entry of SH291, beginning at Rush Drive (HRRMC entrance) and terminating at M Street, just east of Marvin Park. The project would develop a street section similar to what is planned and designed for the east entry (Oak Street) including:

- 1) Addition of bike lanes and sidewalks
- 2) Curb, gutter, storm sewer, and water quality enhancements
- 3) Cross-walk and intersection safety improvements
- 4) Traffic evaluation and safety analysis with recommendations for Mesa Lane
- 5) Landscaping and entryway monument conceptual planning

An engineering Request for Proposals was advertised for the work. A review team interviewed three consulting firms including Short Elliott Hendrickson Inc. (SEH), JR Engineering, and SGM Consulting Engineers. The fourth proposal had budgetary fees approximately double the other three and was not interviewed. The teams evaluated the applicants utilizing a scoring matrix which included:

- 1) Narrative and Project Approach
- 2) Firms Experience and References
- 3) Qualifications of Key Personnel
- 4) Project Costs
- 5) Project Schedule
- 6) Overall Responsiveness to RFP

All three firms had proposals generally aligned with estimated engineering fees for the scope of work. SEH scored the highest by the evaluators. They also identified several items such as collecting data points, evaluating other design concepts, and schedule modifications to ensure project success. The other takeaways supported long range traffic patterns and community needs. SEH has performed multiple projects satisfactorily for the City including the design for Poncha Boulevard, Oak Street Improvements, and Safe Routes to Schools federally funded projects.

FISCAL NOTE

The 2024 budget for street fund consulting services is as follows:

\$300,000 (31-30-5233) General Engineering



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	April 2, 2024

Additional budget amounts will be planned in 2025 as the design will be spread over two years.

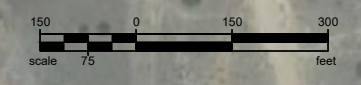
The total construction cost for the project was estimated two years ago at \$2,428,600 with \$2.1M being grant funded. This project is planned to be budgeted for construction in 2026 but will be subject to design schedules and CDOT clearances to perform the work.

STAFF RECOMMENDATION

Award a Professional Services Agreement with Short Elliott Hendrickson Inc. and authorizing the City Administrator to enter into a Professional Services Agreement in the amount of \$346,000.00 with a total project design budget of \$380,000.00.

SUGGESTED MOTION

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



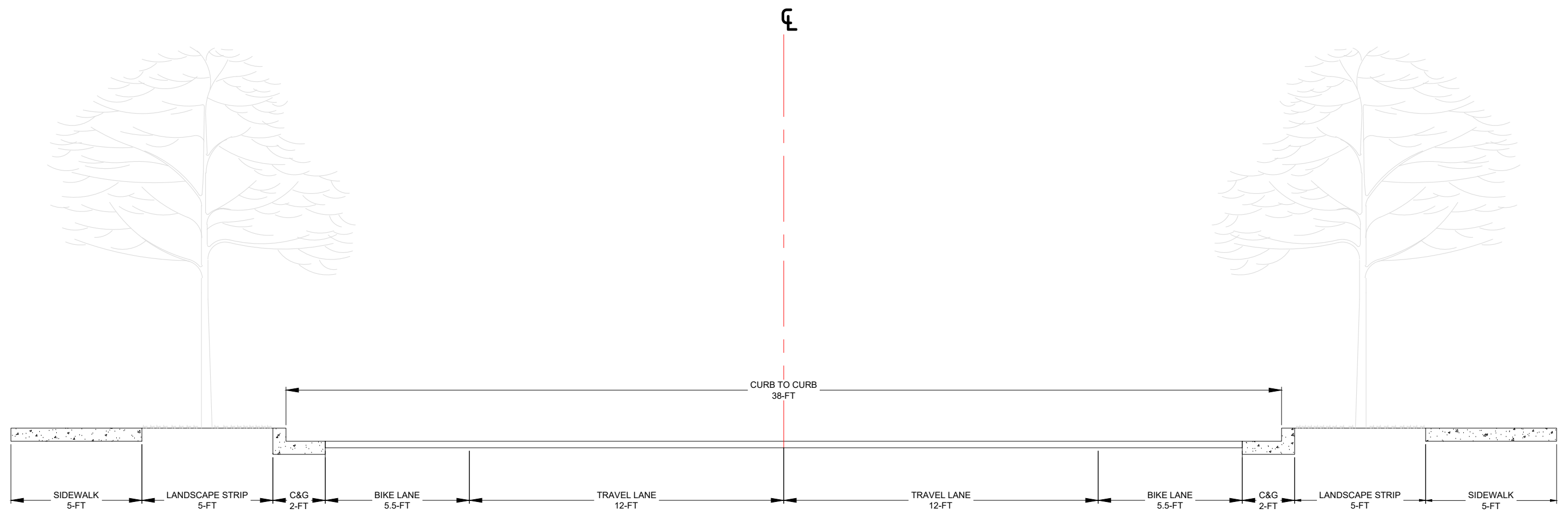
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SEH Project	158312	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
Drawn By	CO	.			.		
Designed By	CO	.			.		
Checked By	SW	.			.		



CITY OF SALIDA
CHAFFEE COUNTY, CO

STATE HIGHWAY 291 IMPROVEMENTS
SITE PLAN



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SEH Project	158312	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
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CITY OF SALIDA
CHAFFEE COUNTY, CO

STATE HIGHWAY 291 IMPROVEMENTS
TYPICAL SECTION



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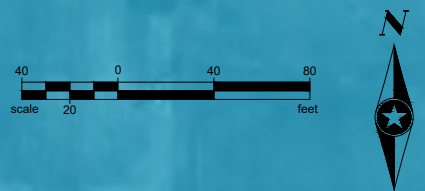
MATCHLINE: SEE NEXT SHEET

SEH Project	158312	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
Drawn By	CO	.			.		
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CITY OF SALIDA
CHAFFEE COUNTY, CO

STATE HIGHWAY 291 IMPROVEMENTS
STA: 0+00 TO STA: 10+00



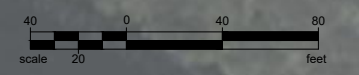
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SEH Project	158312	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
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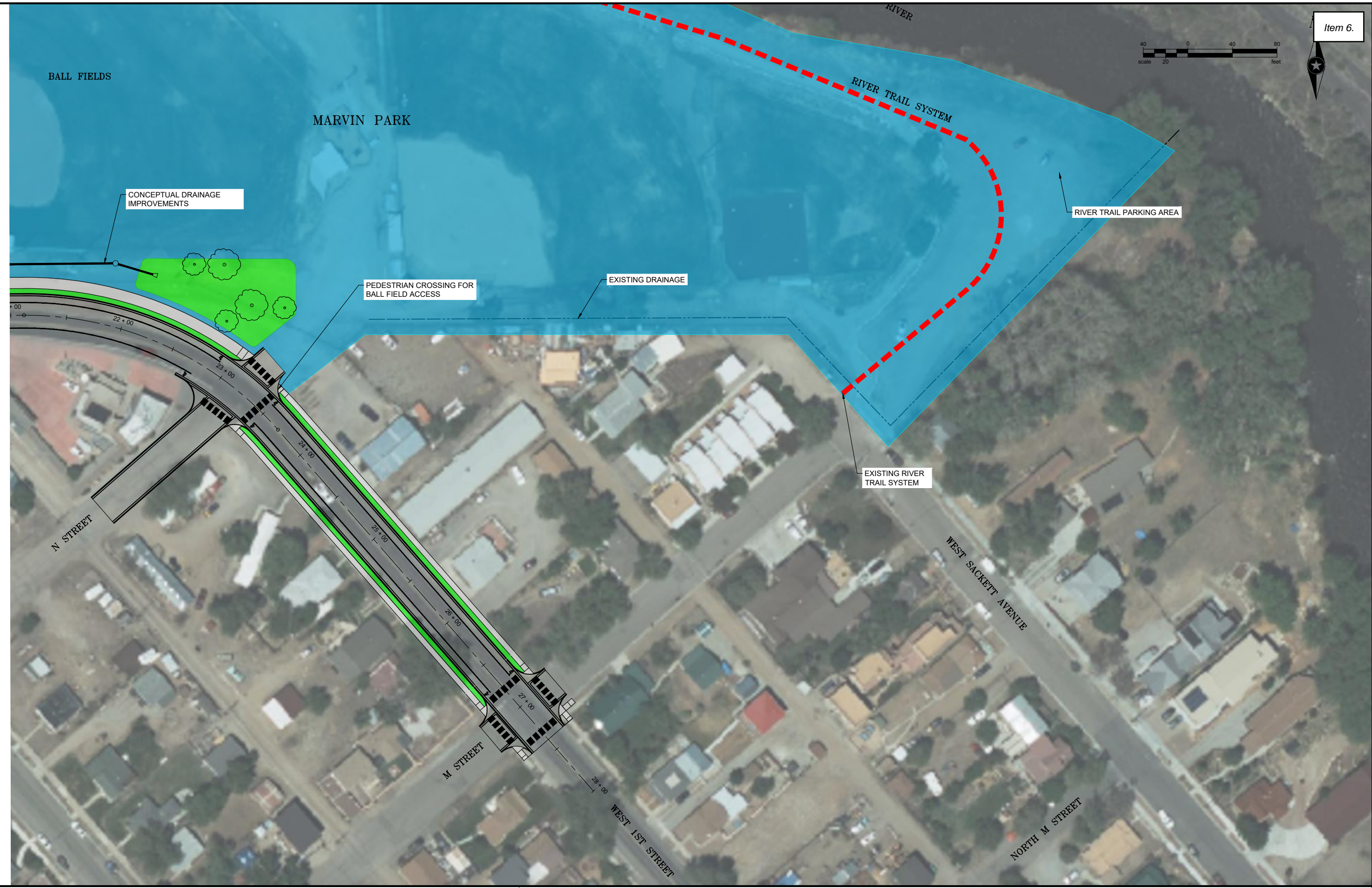


CITY OF SALIDA
CHAFFEE COUNTY, CO

STATE HIGHWAY 291 IMPROVEMENTS
STA: 10+00 TO STA: 21+00



MATCHLINE: SEE PREVIOUS SHEET



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SEH Project	158312	Rev.#	Revision Issue Description	Date	Rev.#	Revision Issue Description	Date
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Designed By	CO	.			.		
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CITY OF SALIDA
CHAFFEE COUNTY, CO

STATE HIGHWAY 291 IMPROVEMENTS
STA: 21+00 TO STA: 28+00

AGAINST
PUTTING A/F ST. CLOSURE
ON THE PLAZA AND WALK-IN MALL
Ballot

Item 7.

NAME	ADDRESS	PHONE/E-MAIL
Donna Sraatman	522 Selma St. Apt 8	719-539-6764
Sylvia Luna	705 H St	539-6840
Shirley Butala	815 Poncha Blvd	539-6378
Larry Sandoz	226 Scott Salida	207-2360
Robert Gutierrez	325 W 6th Street	719-207-5800
Julie Mills	214 Jones Ave ^{Salida} Salida	719-530-3100
FAY COLYSON	304 E. 2ND SALIDA	719-221-2995
Michael W. Sun	305 Wood Ave Salida, CO	719 530-1245
Pat Hampton	10325 W Cherokee	719-539-8300
Wendy	8515 Chaparral Way	719-207-3009
Kim Kastens		
Shy Baguel	7021 CR 156 C	719 839 0144
M. Sullivan	10060 US HWY 50	719 207 5205
Katie Weaver	413 maple drive Salida, CO	(719) 239-0616
Travis Payne	335 E Sackett Ave	970 975 8544
Brenda Miller	501 Chipata Tr Salida	970-389-5468
Laura Martinez	141 F Street, Salida, CO	719-539-6474
Adria martinez	617 walnut street Salida	719-539-6059
Denee Carrou	221 F street (Dragonfly Employee)	719-539-4448
Jan Belmont	148 F St.	719-539-2655
Paola Barclay	322 Park Ave Salida	505 231 8705
Peggy Everett	6820 Paradise Rd #33	719-539-2822
Elizabeth Farnsworth	128 F Street	970-485-5467
TAMAR MADRIGAL	217 1/2 F St #2	512-769-7997
Scott Lindbloom		928-242-7011

25

Alene Shwood	1124 DST Salida Co	719-539-3130
Jaclee Mills	1015 st Salida CO	970-400-8541
Zean Cree	522 Jellin St. Apt B	352-427-4930
Patricia	31 Rex Cir	719-239-1589
Josh Anderson	948 W 2nd st	904-678-6167
James Flatten	325 Maxwell St,	970-270-8370
Kalen Steeves	325 Maxwell st, Salida Co	719-221-9924
Sharon Phillips	910 J St Lot C4	719-207-4000
Bob Phillips	910 J St Lot C-4	719-207-4000
Catherine Greener	910 J St BS	719-210-9076
Wilmer Barricatos	502 Nicholls Ave	719-207-5111
Chad Armentz	561 Palmer st	719-221-5847
Jamie Perry	541 E. St	847-651-6072
John R. Rasmussen	705 H St	719-539-6840
Sherrill Miller	604 B	
Susan Jenkins	411 CHurst	720-255-5518
DARLENE ZELEZNIKAR	330 W 6th St.	719-239-0158
Carol G. Martinez	19773 Hurst W.	719-486-1622
THERESA MAZZA	Leadville, CO 80461 Salida Co 910 St. C16	719-530-0728
Madeline Bernoudy	2119 Emma Lane	801-702-3768
Kelly Stitzer-Angreski	11492 CR 256	719-539-2624
Zachariah Debra	126 Starbuck Cir.	(719) 871-3381
Denise Washburn	13800 CR 261B Galtway	719-293-5531
Melanie Gynansky	445 E 3rd	719-239-0743

24

J. W. Wilder 719-207-0489
 7100 Co. Rd. 111 SALIDA, CO 81201
 Jerry ~~Stuart~~ 1545 Holman Ave, Salida CO 81201
~~Mike~~ Rich Edgington 201 F St " " 719-221-0200
 James M McDonald 604 BLAKE ST. NO 5. 719-221-8090
 Dennis A Daley 501 BLAKE ST 719-221-9032
 Bernice Fied 605 G. St. Salida, 719-539-2464
 Cindy Stuard 408 F. Street Salida 719-539-2774
 Shirley Rose 209 Palmer Salida 843-277-5686
 Linda Eght 12433 E CR 190 Salida 719-221-1153
 Clarence + Donna Neppel 7390 CR 120 Salida 719-239-4315
 Jane Latimer 517 Teller St ~~apt 3~~ ^{Service} 719-207-4178
 Veronica 507 N. CHOLIS Salida 719-207-2113
 Kentiegs Kenneth W. Trip 10550 CR 190W SALIDA, CO 81201
 Ben Jaeger 614 Palmer St Salida, CO 81201
 Pruef 347-4729-265 Salida CO 81201
 Margie Mackenzie 1003 F St Salida CO 81201
 Allison Wilborn 940-306-4056 Salida CO 81201
 Colin Medved 719-530-3024 Salida, CO 81201
 Sarah Brian 719-530-3024 Salida, CO 81201
 Cyndi Holden 401-339-6126 Salida CO
 Hailey Macy 316-210-2197 Salida
 Jella. Greaf 303-994-5754 Salida, CO
 24 Jim Sells 824068515 Salida CO

wendy Huffman 900 maple Dr 719-221-1366
Johnny Medina 103 Nicholson Ave Forest Springs 719-221-116

Wendy Speaker CR 49 435-671-3529
Ric Speaker " "

Sadie Webb E-Street
Amy Kude CR 110 719-207-0419

[Handwritten initials]

[Handwritten signature] 970-412-4817

Josue Torres 428 1st St 970-478-8950
Ashley Ringer 943 ELM DR 719-565-95

Thomas Stojan 907 ELM DRIVE 720-284-2112
Wynne Dowdy 526 Teller St, Salida, CO (719) 539-5210

Jennifer L. Graham 105 OAK ST #1 SALIDA, CO 719-221-42
Tara Peeco 417 Palmer 539-651

Maura Huff 714 Dodge St 719-267-70
Ed Alley 517 Keller St 239-4004

[Handwritten signature] 247 Blake St, Salida, CO 719-532-8852

Tyler Mearns 519 E 3rd St Salida CO 603

SARA MEIER
Katie Layton 411 Palmer St 970-488-06

Eleanor De Jesus 943 Elm Dr 719-207-0234
Rebecca Trepper 710 Christy 81149 719-655-0212

[Handwritten initials]

[Handwritten mark]

TRACIE TAYLOR

525 W. 16th St. #22 - SALIDA, CO 81201

Holly Carpenter

904 Maple Drive Salida CO 81201 719-221-4324

Sharon Malette

522½ Duray Ave Salida, CO 81201

(719) 429-9694

Clark Rohrbaugh

522½ Duray Ave Salida, CO 81201

(719) 221-6834

Ellen Hoyt Salida 81201

719-207-2879 CO.

SHERYL ALEXANDER SALIDA CO 81201

719 764 1854

Carolyn Moetz 202 OR Stage Rd F
Salida, CO 81201 719 207 -315

Raeedle Kelly

Beth Morgan

549 Blake St.
Salida

Aaron J. Bystrom 845 Oak St Lt 59
Salida, CO (719) 207-1323

against closure

Rachel Rice 406 W. 7th 719-221-2978

~~Paula Dejesus~~

Phyllis Brooks

Katharine Ringer

Diana Hatfield 606 Maxwell St 719 207 218

Amy Zeist 13220 CR 140 719 221 5857

Javed Bradford 748 W 3rd

Robert Ward

DANIEL CHRIS ROBERTS 719-221-2233

28855 CR-331 BU

Wayne D Rice 526 Teller St 719 267 1984

William Ferguson 526 Teller ST #G 970 274-5252

Susan Gillespie 526 Teller St. 970-368-0900

~~Max Hoss~~


~~Eric Roberts~~

Ellen Hoyt 521 Teller St. Apt. H

Dave Herkus 521 521 719-207-2879

Wiana Brady 530 Teller Apt. 517 A

970 - 319 - 9703

 513 Maxwell ST
262-853-3169

Mr. James

DAN Wheeler 607 Maxwell St 720.2738357

Zimbabwe 612 Maxwell St 719-221-8859

Ruel Masuku

Ruth Harper 432 E 3rd St 720 883 5809

Morgan Walker 403 Walnut 719 239 0108

Alice Walker 403 Walnut St 719 221 2374

Alex Walker III 403 Walnut St 719 207 0397

Jesus Antonio 612 Maxwell St

Josue Mendoza 719 315 456.

Martyn Williams 719-221-3150
Warren Cook

[Faint, illegible handwriting on lined paper]

~~Henry Gonzalez~~ 515 Pancha Blvd, Salinas, CA 9539-539-16015
Nick Franz 303 Blake Street (815) 473-0612

Melodee Hallett 319 Hunt St. 719-539-4659

Brook Campbell 521 Hunt St 719-398-3467

DANNY TAYLOR 845 OAK ST 719-221-5836

Maryann Marie 6900 C PLO 719-539-2168

Lee Carter 639 DSL 719-539-2828

Wanda J. 542 Nicholls 719-221-5468

Terry Harrison 550 Palmer 719-937-8381

Carina Stavish 105 Nicholls Ave 303 916 3725

JODY MACKNIGHT 136 BLAKEST. 513-675-9236

Greg Youngblood 14491. Clackamas 971-645-3571

DAN BURDEN 909 MAPLE DR

STEVE HANSEN 719-338-6458 431 W 10TH ST

Robert H. Chisler 301 PALMER ST 719 232 4983

Carol Abbott 903 Elm Dr 719-207-5762

Matt Pardo 638 Illinois Ave 719-221-5181

Ashly Hill 638 Illinois Ave 719-406-3989

~~Ashly Gonzalez 224 W Lincoln Blvd 719-207-4422~~

ROD FARNEY 1115 J ST. 719-539-3988

Lauree Janny 1115 J St 719-539-3488

State of Colorado County of: Chaffee
Subscribed and sworn to (or affirmed) before me this
15th day of March, 2024
by: Adam Martinez
[Signature]
Notary Public

ASHLY GONZALEZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224020123
MY COMMISSION EXPIRES 05/19/2026

NOTARY PUBLIC
STATE OF CALIFORNIA
COMMISSION EXPIRES 03/31/2018
ASHLY BOWSER ES

NOTARY PUBLIC
STATE OF CALIFORNIA
COMMISSION EXPIRES 03/31/2018
ASHLY BOWSER ES

March 29, 2024

Subject: Concerns Regarding Angel View Development and Road Design

Dear Salida City Council Members,

I am writing to express significant concerns regarding the proposed Angel View development on the west side of our city, situated between County Roads 120 and 140. While the development plans include 115 new dwelling units along with 20 Auxiliary Dwelling Units (not accounted for in traffic calculations), there are several critical issues regarding road access and safety that must be addressed.

Primary access for the proposed lots will be via CR120 and CR140, with two new access points slated for construction along CR120, on the southern boundary of the development. However, concerns have been raised about the potential increase in traffic generated by this development.

According to the developer's traffic study, once both Angel View developments are complete, they will generate an estimated 1,296 daily trips. This estimate is based on the Institute of Traffic Engineers (ITE) trip generation manual, a national standard for such calculations. However, during discussions at the Salida Planning Commission, when concerns were raised by citizens regarding the amount of traffic generated, they were dismissed by the Commission. Commissioner Kriebel suggested that the ITE estimates did not apply to Salida, while Commissioner Bush dismissed the entire traffic study.

The Planning Commission's skepticism about the ITE estimates could be construed as negligence on the part of the City, particularly considering the absence of governmental immunity for poor road design. Should accidents occur on CR120 and CR140 due to increased traffic volume, the City may face legal action.

Data from the County indicates that CR120 already experiences 2,078 trips per day. If the developer's predictions hold true and 80% of Angel View trips utilize CR120, this would represent a nearly 50% increase in traffic on that road. Such a significant increase would typically trigger a detailed traffic analysis according to Chaffee County standards including traffic volume measurements, yet the City remains reluctant to require this of the Angel View developer.

Furthermore, concerns have been raised about the adequacy of road design within the Angel View development itself.

1. The existing intersection at Dezi and CR140 in Angel View is an issue due to its narrowness.
2. The proposed alley way between Emma Lane and Tenderfoot Drive is a narrow 12.5 feet wide and 800 feet long. There are 37 garages and 10 ADU's that empty onto that alley raises concerns about traffic obstruction and safety.
3. The proposal to implement parallel parking on CR120 raises additional concerns about traffic obstruction and safety.

Regarding the need for turn lanes on CR120, the developer's revised traffic study suggests they are unnecessary based on CDOT standards for Non-Rural Arterial roads. However, it's crucial to note that CR120 does not fit this classification. Instead, it more closely resembles a Rural Highway, which would, according to CDOT standards, requires left and right turn lanes at the Tenderfoot and Shepard intersections with CR120 to ensure safety.

In conclusion, it is imperative that the City of Salida takes these concerns seriously and conducts a thorough review of the Angel View development plans, particularly regarding their impact on road design and traffic safety. Neglecting these issues could expose the City to significant legal and safety risks. I urge the City Council to prioritize the safety and well-being of our community in all decision-making processes.

Sincerely,
Jerry Raski
10158 Starlight Lane
Salida, CO 81201
719-626-4020

Proclamation

Celebrating April 2024 as Arab American Heritage Month

Whereas, for over a century, Arab Americans have been making valuable contributions to virtually every aspect of American society: in medicine law, businesss, education, technology, government, military service, culture; and

Whereas, since migrating to America, individuals of Arab descent have shared their rich culture and traditions with neighbors and friends, while also setting fine examples of model citizens and public servants; and

Whereas they brought with them to America their resilient family values, strong work ethic, dedication to education, and diversity in faith and creed that have added strength to our great democracy; and

Whereas, Arab Americans have also enriched our society by sharing in the entrepreneurial American spirit that makes our nation free and prosperous; and

Whereas, the contributions of Arab Americans in the US often can be neglected or defaced by misconceptions, bigotry, and anti-Arab hate in the forms of crimes and speech; and

Whereas, Arab American issues, such as civil rights abuses, harmful stereotyping, and bullying mst be combated in the forms of education and awareness; and

Whereas, they join all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe; and

Whereas, the incredible contribution and heritage of Arab Americans have helped us build a better nation.

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

Date: April 2, 2024

Mayor Dan Shore



CITY OF SALIDA

OVERVIEW OF LOCAL NOISE REGULATIONS & PERMITTING

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

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

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

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



CITY OF SALIDA

NOISE PERMIT APPLICATION

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

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

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

I. Applicant Information.

Applicant Name: Angela Winston

Applicant Business/Organization: High Side! Bar & Grill

Applicant Phone: 9709807359

Applicant Email: highsidesalida@gmail.com

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

Sound Supervisor¹: Angela or Chief Winston

Sound Supervisor Phone: 9709807359

II. Event Information.

Description of Event: Joe Stones birthday party

Estimated Attendance: 75

Date(s): 4/7/24

Hours of Event: 4-7pm

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

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



III. Noise Information.

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

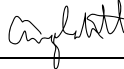
Live Outdoor Music

Type of Sound Amplification Equipment:

PA System

IV. Agreement.

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

Signature: 

(Typed or Digital signature accepted)

Date: 3/17/24

For use by the City Clerk only:

Application fee received: Yes No N/A

Signature: _____

Date: _____



**CITY OF SALIDA
NOISE PERMIT**

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

I. Conditions and Limitations Applicable to All Permits.

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

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

II. Conditions and Limitations Applicable to this Permit.

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

- _____
- _____
- _____

III. Expiration.

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

Date(s): _____

Expiration: _____

For use by the City Administrator only:

Application granted: [] Yes [] No

Signature: _____

Date: _____

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

NOTICE: that on April 2, 2024 at or about the hour of 6:00 p.m. a public hearing will be conducted by the City of Salida City Council at City Council Chambers, 448 East First Street, Suite 190, Salida, Colorado and online at the following link: <https://attendee.gotowebinar.com/register/6382995264411204366>. The hearing concerns a Noise Permit Application filed by Angela Winston of High Side! Bar & Grill, located at 300 W Sackett Ave, Salida, CO, 81201.

The applicant is requesting to provide amplified sound outdoors from 4-7pm on April 7th which cannot be administratively approved since it is out of season. As such, it must go to a Council public hearing.

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

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



CITY COUNCIL ACTION FORM

DEPARTMENT Administration	PRESENTED BY Kristi Jefferson –City Clerk	DATE April 2, 2024
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ITEM

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

BACKGROUND

Per City Council direction, certain amplified Noise Permits are subject to public hearings as they relate to dates, hours of operation, and decibel levels. The City has received an application from High Side! Bar and Grill, located at 300 West Sackett Avenue, to host Joe Stone’s Birthday Party on April 7th, 2024 from 4-7pm. Amplified Noise Permits are allowed to be approved administratively by the City Administrator between the dates of May 1 and November 1 annually; as the proposed date is outside of that window, a public hearing shall be held to receive feedback from the public.

Public notice was posted on the property and on the City’s website. The permit application is also attached for review.

FISCAL NOTE

None.

STAFF RECOMMENDATION

Staff recommends approval of the amplified Noise Permit for High Side! Bar and Grill for Joe Stone’s birthday party to be held on April 7, 2024, between the hours of 4:00 p.m. and 7:00 p.m.

SUGGESTED MOTION

Following a public hearing, a City Councilmember should state, “I move to approve an amplified Noise Permit for High Side! Bar and Grill, located at 300 West Sackett Avenue, for Joe Stone’s Birthday Party to be held on April 7, 2024, between the hours of 4:00 p.m. and 7:00 p.m.”, followed by a second and a roll call vote.



COUNCIL ACTION FORM

DEPARTMENT Administration	PRESENTED BY Christy Doon - City Administrator	DATE April 2, 2024
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ITEM

Community Grants Recommendation – 2024 Municipal Community Grants– Chaffee County Community Foundation (CCCF)

BACKGROUND

The City of Salida entered into an agreement with the CCCF to administer a Donor Advised Fund on the City's behalf. The donor Advised Fund allows the City to provide charitable funding to local non-profit groups that provide community services in line with the City's mission and goals. CCCF accepted applications in January and utilized their Grant Review Committee Process to review applications and make the attached funding recommendation.

FISCAL NOTE

The City, through the budget process, allocated 1% of the General Fund Sales Tax budget (City and County) for charitable giving in 2024, equating to \$93,798. As noted in the attached memo, CCCF has allocated \$90,046 to 31 applicants.

STAFF RECOMMENDATION

Staff recommends Council approve the 2024 Municipal Community Grants Funding Recommendation.

SUGGESTED MOTION

A City Councilmember should state, "I move to approve an expenditure of \$90,046 to the Chaffee County Community Foundation to provide funding for the 2024 Municipal Community Grants" followed by a second and a roll call vote.

2024 Municipal Community Grants Funding Recommendations

City of Salida

Summary

The 2024 Grant Process received 46 applications for funding. Two applicants were ineligible due to political affiliation and an incomplete application. 11 applicants were not recommended for funding. 33 Applicants (72%) recommended for funding with an average award size of \$4,445. The funding minimum award is \$1,200 and the maximum is \$17,500.

In comparison to the 2023 process, 77% of applicants were recommended for funding with an average award of \$3,950. The minimum award was \$1,000 and a maximum of \$12,000.

31 applicants were allocated funding from the Salida Community Grants Fund totaling \$90,046. The average award size from the City of Salida fund was \$2,905. Twenty-eight of the applicants were also awarded funding by the Town of Buena Vista with a total of \$146,686 invested in the community.

Organizations were evaluated on their total impact - not on the impact of a particular project. The exception to this organization other than 501c3's and faith-based organizations which applied for a specific charitable activity. The review consisted of a scoring process in which an application was scored based on the merits of its own application in comparison to the rubric. During the scoring process and during a follow up meeting, the committee identified questions to ask the applicant to clarify information from their application. Following the interviews, the committee compared the applicants and awarded funds based on the impact of the organizations. This process was incredibly competitive, with many applicants submitting high quality applications. The committee sought to fund high impact projects through meaningful grants. Unfortunately not all applicants could be funded due to budget considerations, however we would like to commend the dedication of the grants committee to reviewing and evaluating all applicants carefully and thoroughly.

The Grant Review Committee consisted of 8 volunteers who contributed at least 25 hours of their time to review applicants and make funding recommendations. CCCF is incredibly grateful for these dedicated volunteers who made it possible to have a balanced and in-depth review of the applicants.

Application	Committee Reviews	Interviews
Complete 501c3 or tax-exempt status All required documents uploaded <input checked="" type="checkbox"/>	Score (% to 100) Direct benefit Avg. \$\$ recommendation <input checked="" type="checkbox"/>	Follow-up Questions Additional documentation New information or changes <input checked="" type="checkbox"/>

Application Summaries

Due to the large number of applications, these summaries only include organizational mission statements, reviewer ranking average, amount requested and amount funded. Full applications, individual evaluations, and other documentation are available on request.

Attached at the end is a summary spreadsheet showing all awards, average score, and the allocation of funding.

Example of the summary:

Organization Name – Program/Project/Org Support Name

Mission Statement of Organization goes here.

Committee Review Rank:
%

Site Visit Conducted:
Yes/No

Requested Amount:
\$.00

Avg. Committee Recommendation:
\$.00

Final Recommendation:
\$0.00

Funding:

Amount funded by Town of Buena Vista

Amount funded by City of Salida

Attachments:

Summary Narrative

Summary Spreadsheet

2024 COMMUNITY GRANT PROCESS - FINAL RECOMMENDATIONS												
Organization Name	Amount Requested	Type of Organization	BV Residents	BV Funds	Salida Residents	Salida Funds	Other Entity Residents	Score FINAL	FINAL AWARD RECOMMENDATION	AVE: Yes to Funding	TOTAL AVE SCORE	TOTAL Yes/No
Honesty in Chaffee County under Protest	\$3,000	Nonprofit Organization	50	\$0	50	\$0	0	2.54	\$0	2	3.63	2.00
BV Made	\$9,000	Nonprofit Organization	68	\$0	14	\$0	18	2.67	\$0	2	3.67	2.33
Collegiate Peaks Chorale	\$3,000	Nonprofit Organization	70	\$0	25	\$0	5	2.81	\$0	2	3.42	3.00
Buena Vista Event Cooperative	\$3,500	Nonprofit Organization	70	\$0	15	\$0	15	2.86	\$0	2	3.92	2.67
Truth Has a Voice Foundation	\$9,685	Nonprofit Organization	30	\$0	60	\$0	10	3.22	\$0	4	4.00	1.67
Blue Elements	\$5,000	Nonprofit Organization	33	\$0	33	\$0	33	3.25	\$0	3	4.42	2.33
Peak to Peak Pickleball Club	\$5,000	Nonprofit Organization	28	\$0	54	\$0	18	3.47	\$0	2	4.42	4.00
Gore Valley Soccer Club	\$2,500	Regional Org	100	\$0	0	\$0	0	3.61	\$0	3	4.17	3.67
Chaffee Cares	\$5,000	Nonprofit Organization	40	\$0	60	\$0	0	2.93	\$0	4	3.21	1.67
Articipate	\$5,000	Nonprofit Organization	10	\$0	80	\$0	10	3.75	\$0	3	3.54	3.33
Buena Vista Middle School/Buena Vista School I	\$6,000	501c4, 501c6 or Governm	94	0	0	\$0	6	3.83	\$0	4	4.17	3.33
Justis Theater Works	\$2,220	Nonprofit Organization	15	\$300	80	\$900	5	3.26	\$1,200	4	3.79	2.00
High Country Fine Arts Association	\$1,500	Nonprofit Organization	90	\$1,200	4	\$0	6	3.35	\$1,200	4	3.92	2.67
The Noteables	\$2,500	Nonprofit Organization	16	\$360	52	\$840	32	3.46	\$1,200	4	3.71	2.67
Salida Council for the Arts	\$4,000	Nonprofit Organization	0	\$0	100	\$1,400	0	3.56	\$1,400	4	4.67	2.00
Buena Vista Singletrack Coalition	\$5,000	Nonprofit Organization	75	\$1,500	15	\$250	10	3.6	\$1,750	3	3.83	1.33
Mini-Blessings	\$3,000	Nonprofit Organization	70	\$1,050	25	\$350	5	3.63	\$1,400	3	4.13	3.67
Neighbor to Neighbor Volunteers/Mountain Valley	\$10,000	Nonprofit Organization	20	\$1,060	73	\$2,440	7	3.74	\$3,500	4	4.21	3.00
Salida Concerts Inc (Salida Aspen Concerts)	\$2,750	Nonprofit Organization	14	\$280	62	\$1,120	24	3.74	\$1,400	4	3.88	3.33
Heart of the Rockies Rampage	\$2,500	Nonprofit Organization	10	\$240	70	\$960	20	4	\$1,200	4	3.92	2.67
Alpine Orchestra, Inc.	\$1,500	Nonprofit Organization	40	\$600	40	\$600	20	4.11	\$1,200	4	4.17	2.67
Foodshed Alliance	\$10,000	501c4, 501c6 or Governm	30	\$720	70	\$1,680	0	4.15	\$2,400	4	4.46	4.00
Chaffee County Public Health	\$5,000	501c4, 501c6 or Governm	45	\$1,600	45	\$1,600	10	4.17	\$3,200	4	4.63	4.00
Colorado Farm To Table Inc	\$5,000	Statewide or Regional Org	10	\$1,600	10	\$1,600	80	4.18	\$3,200	4	4.88	3.33
Places to Age	\$6,000	Nonprofit Organization	40	\$2,000	40	\$2,000	20	4.2	\$4,000	4	4.38	3.33
The Alliance dba The Alliance Against Domestic	\$2,500	Nonprofit Organization	22	\$600	67	\$1,400	11	4.2	\$2,000	4	4.88	3.33
KHEN 106.9fm Community Radio	\$5,000	Nonprofit Organization	10	\$640	88	\$2,560	2	4.21	\$3,200	4	4.63	4.00
Chaffee County Early Childhood Council	\$12,000	Nonprofit Organization	50	\$3,500	50	\$3,500	0	4.22	\$7,000	4	4.58	4.00
elevateHER	\$10,000	Nonprofit Organization	50	\$2,000	50	\$2,000	0	4.24	\$4,000	4	4.71	4.00
Ark-Valley Humane Society	\$3,000	Nonprofit Organization	48	\$1,000	48	\$1,000	4	4.25	\$2,000	3	4.50	4.00
Salida Cyclones Swim team	\$5,000	Nonprofit Organization	10	\$800	80	\$3,200	10	4.25	\$4,000	4	4.75	3.00
Chaffee County Hospitality Inc.	\$30,000	Nonprofit Organization	20	\$4,300	60	\$13,200	20	4.25	\$17,500	4	4.38	3.67
Buena Vista Heritage	\$5,869	Statewide or Regional Org	40	\$3,200	10	\$800	50	4.3	\$4,000	4	4.29	4.00
Salida Mountain Trails	\$12,000	Nonprofit Organization	15	\$1,500	70	\$6,000	15	4.3	\$7,500	4	4.92	3.67
Shining Mountains Montessori School	\$4,000	Nonprofit Organization	90	\$4,000	5	\$0	5	4.32	\$4,000	4	4.96	4.00
Chaffee Housing Trust	\$20,000	Nonprofit Organization	25	\$4,570	55	\$6,834	20	4.5	\$11,404	3	4.83	3.67
Chaffee County Amateur Hockey Association	\$11,329	Nonprofit Organization	20	\$1,395	70	\$4,187	10	4.5	\$5,582	3	4.46	2.33
Conservation Legacy	\$5,000	Statewide or Regional Org	0	\$0	10	\$3,000	90	4.5	\$3,000	3	4.67	3.00
Full Circle Restorative Justice	\$10,000	Nonprofit Organization	33	\$4,250	47	\$4,250	20	4.5	\$8,500	4	4.38	4.00
Boys & Girls Clubs of Chaffee County	\$18,000	Nonprofit Organization	49	\$7,875	49	\$7,875	2	4.5	\$15,750	4	4.75	3.67
Greater Arkansas River Nature Association	\$6,000	Nonprofit Organization	20	\$1,500	50	\$3,500	30	4.5	\$5,000	4	4.71	4.00
Achieve, Inc.	\$5,000	Nonprofit Organization	38	\$2,000	43	\$2,000	19	4.75	\$4,000	4	4.67	3.67
Guidestone Colorado	\$5,000	Nonprofit Organization	15	\$1,000	70	\$4,000	15	4.75	\$5,000	4	4.96	4.00
Chaffee Childcare Initiative	\$5,000	Statewide or Regional Org	0	\$0	40	\$5,000	60	4.85	\$5,000	4	4.83	4.00
TOTAL REQUESTED	\$251,668		BV FUNDS	\$56,640	SAL FUNDS	\$90,046	TOTAL FUNDS	\$146,686				

Organization Name – Program/Project/Org Support Name: Alpine Orchestra, Inc.

Mission Statement: The Alpine Orchestra's musicians of all backgrounds and all ages contribute, through orchestral music, cultural, educational, and student music scholarship opportunities for the communities of Colorado's Upper Arkansas Valley.

Committee Review Rank: Site Visit Conducted: Yes
%4.11

Requested Amount: \$1,500
Avg. Committee Recommendation: \$1,250
Final Recommendation: \$1,250

Funding:
Amount funded by Town of Buena Vista: \$600
Amount funded by City of Salida: \$600

Organization Name – Program/Project/Org Support Name: Heart of the Rockies Rampage

Mission Statement: Promote fitness and community by highlighting by putting on the Salida Skatepark - raising awareness about the park and the benefits it can have on the community. We are committed to bringing a professional level event to Salida. This event will offer a rare opportunity for skaters of all ages to participate in a World Cup Event, while also skating with and learning from some of the best skateboarders in the world.

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Committee Review Rank: Site Visit Conducted: Yes
%4

Requested Amount: \$2,500
Avg. Committee Recommendation: \$1,500
Final Recommendation: \$1,500

Funding:
Amount funded by Town of Buena Vista: \$240
Amount funded by City of Salida: \$960

Organization Name – Program/Project/Org Support Name: High Country Fine Arts Association

Mission Statement: The mission of HCFAA is to provide live theater and film experiences for any interested person in Chaffee County, either as a participant or as a viewer. We strive to educate adults and children in all aspects of theater and film, both in performance and production and experience the joy of collaboratively and creatively working together to produce shows and films for all in the community to enjoy. We believe that Theatre and Cinematic Arts Education opens minds, encourages empathy, inspires imagination, builds self-confidence, promotes cooperation, and teaches respect, all which vitalize and build a stronger community.

Committee Review Rank: Site Visit Conducted: Yes
%3.35

Requested Amount: \$1,500
Avg. Committee Recommendation: \$1,375
Final Recommendation: \$1,375

Funding:
Amount funded by Town of Buena Vista: \$1,200
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Justis Theater Works

Mission Statement: Justis Theater Works, originally founded as a dance collective in 1984 called Grant Street Gathering was renamed Jan Justis Dance Company in 2016 and again renamed as Justis Theater Works in 2022, because we had been doing more Theater-based projects and classes. The Company mission is to further the quality and diversity of Theater and Dance to serve people, including older people, to promote physical and mental wellness through arts and wellness-based projects for people in Chaffee and surrounding Counties in Colorado.

Committee Review Rank: Site Visit Conducted: Yes
%3.26

Requested Amount: \$2,220
Avg. Committee Recommendation: \$1,680
Final Recommendation: \$1,500

Funding:
Amount funded by Town of Buena Vista: \$300
Amount funded by City of Salida: \$900

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Organization Name – Program/Project/Org Support Name: The Noteables

Mission Statement: The mission of The Noteables is to provide its adult choir members with superior choral experiences that educate, inspire and enrich their lives, and to provide affordable professional quality choral concerts that uplift, inspire and enrich the community of Chaffee County and the surrounding area. This shall be accomplished by regularly scheduled rehearsals and public performances.

Committee Review Rank: Site Visit Conducted: Yes
%3.46

Requested Amount: \$2,500
Avg. Committee Recommendation: \$2,000
Final Recommendation: \$1,500

Funding:
Amount funded by Town of Buena Vista: \$360
Amount funded by City of Salida: \$840

Organization Name – Program/Project/Org Support Name: Mini-Blessings

Mission Statement: Mini-Blessings' mission is to provide equine guided interactions and equine assisted learning to anyone in the Central Colorado region who can benefit from the healing power of a horse. Our vision is to become an equine facility that is a safe place for connection, growth, healing, and joy. Our desire is to make our services available to as many people in the community as possible, so all of our services are provided at no cost

Committee Review Rank: Site Visit Conducted: Yes
%3.63

Requested Amount: \$3,000
Avg. Committee Recommendation: \$2,000
Final Recommendation: \$2,000

Funding:
Amount funded by Town of Buena Vista: \$1,050
Amount funded by City of Salida: \$350

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Organization Name – Program/Project/Org Support Name: Salida Concerts Inc (Salida Aspen Concerts)

Mission Statement: Our mission is to enrich the life of our community by providing high quality, professional musical experiences for interested individuals of all ages, abilities and incomes.

Our vision is for all members of our community to have affordable access to a wide variety of skilled musical experiences in all roles: performer, student, teacher and listener.

Committee Review Rank: Site Visit Conducted: Yes
%3.74

Requested Amount: \$2,750
Avg. Committee Recommendation: \$2,000
Final Recommendation: \$2,000

Funding:
Amount funded by Town of Buena Vista: \$280
Amount funded by City of Salida: \$1,120

Organization Name – Program/Project/Org Support Name: Salida Council for the Arts

Mission Statement: Our mission is to enrich the cultural life of our community by nurturing and supporting excellence in the arts; to increase the community's awareness of and appreciation for the arts; to promote and encourage arts education; and to serve as liaison between the arts, businesses, government and educational institutions.

Committee Review Rank: Site Visit Conducted: Yes
%3.56

Requested Amount: \$4,000
Avg. Committee Recommendation: \$2,500
Final Recommendation: \$2,000

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$1,400

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Organization Name – Program/Project/Org Support Name: Buena Vista Singletrack Coalition

Mission Statement: The Buena Vista Singletrack Coalition is a non-profit trail advocacy organization committed to collaborating with agencies, businesses, & locals in order to build, maintain, & steward sustainable trails for muscle-powered users. We promote responsible trail use in the greater Buena Vista, Colorado area.

Committee Review Rank: Site Visit Conducted: Yes
%3.6

Requested Amount: \$5,000
Avg. Committee Recommendation: \$1,875
Final Recommendation: \$2,500

Funding:
Amount funded by Town of Buena Vista: \$1,500
Amount funded by City of Salida: \$250

Organization Name – Program/Project/Org Support Name: Ark-Valley Humane Society

Mission Statement: Ensuring the welfare of companion animals through care and

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Committee Review Rank: Site Visit Conducted: Yes
%4.25

Requested Amount: \$3,000
Avg. Committee Recommendation: \$1,500
Final Recommendation: \$1,500

Funding:
Amount funded by Town of Buena Vista: \$1,000
Amount funded by City of Salida: \$1,000

Organization Name – Program/Project/Org Support Name: The Alliance dba The Alliance Against Domestic Abuse

Mission Statement: The Alliance empowers individuals beyond domestic and sexual violence through services, education and social change.

Committee Review Rank: Site Visit Conducted: Yes
%4.2

Requested Amount: \$2,500
Avg. Committee Recommendation: \$2,500
Final Recommendation: \$2,500

Funding:
Amount funded by Town of Buena Vista: \$600
Amount funded by City of Salida: \$1,400

Organization Name – Program/Project/Org Support Name: Foodshed Alliance

Mission Statement: The Foodshed Alliance mission is to facilitate a thriving local food economy by organizing and promoting Farmers Markets and Vendors. We [Item 11] the Farmers Markets in Buena Vista and Salida, Colorado and host ShedFest [Item 11] local, end-of-the-season celebration of the region’s talents and bounty. Through the core values of access, stewardship, community, partnership, local, and leadership, Foodshed Alliance aims to support access to healthy fresh food for all residents in the Chaffee County community. In line with our mission, we launched Farmers Feed Chaffee in 2020 in response to the Covid-19 pandemic in order to help Chaffee County community members in need receive quality whole foods and to simultaneously support our local agricultural producers.

Committee Review Rank: Site Visit Conducted: Yes
%4.15

Requested Amount: \$10,000
Avg. Committee Recommendation: \$3,500
Final Recommendation: \$3,000

Funding:
Amount funded by Town of Buena Vista: \$720
Amount funded by City of Salida: \$1,680

Organization Name – Program/Project/Org Support Name: Conservation Legacy

Mission Statement: Southwest Conservation Corps Los Valles (SCCLV) is a program of Conservation Legacy, an environmental organization that has supported local conservation service programs since 1998. Southwest Conservation Corps Los Valles would like to request \$5,000 in support of SCCLV's mission to empower individuals to positively impact their lives, their communities, and the environment through conservation-based projects. The \$5,000 would be used to purchase gear for our Chaffee County Youth Crew to use during their season, reducing the barriers to entry for low-income members and/or members that are new to outdoor work and recreation. Partial requests are welcome.

Committee Review Rank: Site Visit Conducted: Yes
%4.5

Requested Amount: \$5,000
Avg. Committee Recommendation: \$4,000
Final Recommendation: \$3,000

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$3,000

Organization Name – Program/Project/Org Support Name: Chaffee County Public Health

Mission Statement: In partnership with the communities we serve, Chaffee County Public Health strives to promote the physical, mental, social and environmental health of the people of Chaffee County.

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Committee Review Rank: Site Visit Conducted: Yes
%4.17

Requested Amount: \$5,000
Avg. Committee Recommendation: \$4,500
Final Recommendation: \$4,000

Funding:
Amount funded by Town of Buena Vista: \$1,600
Amount funded by City of Salida: \$1,600

Organization Name – Program/Project/Org Support Name: Colorado Farm To Table Inc

Mission Statement: Colorado Farm To Table’s vision is to sustain a mission farm rooted in stewardship, community and compassion for the hungry, where every Coloradan in need has equitable access to fresh, nutritious Colorado grown produce. Our mission is to sustainably grow nutritious vegetables for donation to those in need of healthy food throughout Colorado. Our values are to: 1) Practice stewardship and embody the values of place, community and service through caring for and sharing our natural agricultural resources, 2) Collaborate with local, state and national partners to advance hunger relief, agricultural education and sustainability, and 3) Engage youth and people of all ages in volunteer farming experiences to grow high quality, nutritious produce for hungry families in Colorado.

The specific purpose of the project we are proposing for funding is to provide as much fresh produce as possible to feed food-insecure residents of Salida and Buena Vista.

Committee Review Rank: Site Visit Conducted: Yes
%4.18

Requested Amount: \$5,000
Avg. Committee Recommendation: \$5,000
Final Recommendation: \$4,000

Funding:
Amount funded by Town of Buena Vista: \$1,600
Amount funded by City of Salida: \$1,600

Organization Name – Program/Project/Org Support Name: KHEN 106.9fm Community Radio

Mission Statement: KHEN is a volunteer-supported community radio station on a non-commercial platform committed to building community through programming, education and outreach.

Committee Review Rank: Site Visit Conducted: Yes
%4.21

Requested Amount: \$5,000
Avg. Committee Recommendation: \$4,000
Final Recommendation: \$4,000

Funding:
Amount funded by Town of Buena Vista: \$640
Amount funded by City of Salida: \$2,560

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Organization Name – Program/Project/Org Support Name: Neighbor to Neighbor Volunteers/Mountain Valley Transit

Mission Statement: Neighbor to Neighbor Volunteers dba Mountain Valley Transit, formerly the Chaffee Shuttle, is a nonprofit organization with a mission to assist individuals to be independent and engaged members of the community. Transportation is deemed vital for rural communities to maintain independence and improve overall quality of life. Mountain Valley Transit is actively involved in providing free public transportation to everyone, providing mobility, choice and a sense of self-sufficiency to the general public, not limited to but including older adults, people with disabilities, low-income or zero-car households, and visitors to our region.

Committee Review Rank: Site Visit Conducted: Yes
%3.74

Requested Amount: \$10,000
Avg. Committee Recommendation: \$8,750
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$1,060
Amount funded by City of Salida: \$2,440

Organization Name – Program/Project/Org Support Name: Achieve, Inc.

Mission Statement: Since 2017, Achieve, Inc. provides paid work experience and job training for people with neurodivergencies (namely people with learning disabilities such as autism spectrum and ADD) and mental health challenges in Chaffee County. Participants have the potential to live independently, provided they receive the right resources and training.

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The vast majority of adults on the autism spectrum are either unemployed or underemployed, with estimates ranging to as high as 90%. Achieve offers hands-on, practical experience under the tutelage of trained mentors empowering program participants to develop marketable job and life skills and maintain long-term employment in the area, becoming contributing community members less reliant on government services. Programming develops self-confidence and a sense of self-worth, reducing tendencies towards anxiety and depression while exposing the general public to the abilities of the neurodivergent community, promoting acceptance and tolerance.

Committee Review Rank: Site Visit Conducted: Yes
%4.75

Requested Amount: \$5,000
Avg. Committee Recommendation: \$4,000
Final Recommendation: \$4,000

Funding:
Amount funded by Town of Buena Vista: \$2,000
Amount funded by City of Salida: \$2,000

Organization Name – Program/Project/Org Support Name: Buena Vista Heritage
Mission Statement: Buena Vista Heritage is a 501(c)(3) Nonprofit organization that cultivates lifelong learning by preserving and sharing the stories of Buena Vista and Chaffee County. Our goal is to ignite curiosity and foster understanding by presenting diverse stories of our past to current and future generations. We strive to preserve and protect historical sites, buildings, and artifacts pertaining to central Colorado. Through education, conservation, and community involvement, we endeavor to increase awareness and protect our past.

Committee Review Rank: Site Visit Conducted: Yes
%4.3

Requested Amount: \$5,869
Avg. Committee Recommendation: \$2,750
Final Recommendation: \$3,300

Funding:
Amount funded by Town of Buena Vista: \$3,200
Amount funded by City of Salida: \$800

Organization Name – Program/Project/Org Support Name: elevateHER
Mission Statement: elevateHER's mission is to foster self-worth and grit in young women through mentoring, outdoor adventure and holistic wellness programs. Our goal is to build a strong and connected community for and by women, inspiring empowerment, leadership and environmental stewardship in young women. We have been serving young womxn in Chaffee County through this mission since 2017.

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Committee Review Rank: Site Visit Conducted: Yes
%4.24

Requested Amount: \$10,000
Avg. Committee Recommendation: \$6,250
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$2,000
Amount funded by City of Salida: \$2,000

Organization Name – Program/Project/Org Support Name: Places to Age

Mission Statement: Places to Age is a grassroots non-profit focused on bringing Assisted Living and Memory Care to Chaffee County. Currently, there is no continuum of care facilities for the county's large and growing elderly population. We want to change this so people don't have to move out of the county to receive needed services.

Our goal is to fundamentally improve the well-being of Chaffee County community members 65+ by providing alternative living opportunities that more fully support their social and healthcare needs. Providing Assisted Living and Memory Care facilities will also provide significant relief for families in Chaffee County by providing needed care for their older family members.

Committee Review Rank: Site Visit Conducted: Yes
%4.2

Requested Amount: \$6,000
Avg. Committee Recommendation: \$5,000
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$2,000
Amount funded by City of Salida: \$2,000

Organization Name – Program/Project/Org Support Name: Salida Cyclones Swim team

Mission Statement: The mission of the Salida Cyclones Swim Team is to provide a safe and supportive environment for Chaffee County youth to grow and develop their skills both in and out of the water aiding in overall water safety. We welcome swimmers of all skill levels, ability, gender, race, and socio economic status and are dedicated to fostering a love of swimming that will last a lifetime, with a hope that Cyclones will be recognized as leaders and role models in the swimming world and beyond.

Committed to providing this opportunity to include all Chaffee County youth, we strive to keep the cost of participation as low as possible for families by pursuing community support through fundraisers, donations, and grants and offering financial assistance for those who need it. We believe there should be no barrier to participation - all Chaffee County youth should have the opportunity to learn and be a skilled and proficient swimmer.

Committee Review Rank: Site Visit Conducted: Yes
%4.25

Requested Amount: \$5,000
Avg. Committee Recommendation: \$5,000
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$800
Amount funded by City of Salida: \$3,200

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Organization Name – Program/Project/Org Support Name: Shining Mountains Montessori School

Mission Statement: Shining Mountains Montessori School provides safe, nurturing, peaceful, and exploratory environments for children’s developmental needs and successes.

Montessori, place-based, and outdoor approaches to learning connect our micro-community school setting with the wonders of their home, the Arkansas River Valley.

Committee Review Rank: Site Visit Conducted: Yes
%4.32

Requested Amount: \$4,000
Avg. Committee Recommendation: \$4,000
Final Recommendation: \$4,000

Funding:
Amount funded by Town of Buena Vista: \$4,000
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Chaffee Childcare Initiative

Mission Statement: Ark Valley Preschool is committed to providing an enr Item 11. *are developmentally appropriate and calm learning environment for young chi*
are committed to developing the whole child, fostering a life-long love of education and independent thinking. Our programs will integrate the arts, imagination, multisensory teaching, and creative expression through play. Children will be exposed to nature daily, as well as books, storytelling, music, and movement.

Committee Review Rank: Site Visit Conducted: Yes
%4.85

Requested Amount: \$5,000
Avg. Committee Recommendation: \$5,000
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$5,000

Organization Name – Program/Project/Org Support Name: Greater Arkansas River Nature Association

Mission Statement: GARNA, through community collaboration, inspires a conservation ethic by providing educational opportunities and experiences so that those who live, work and play in the Upper Arkansas Valley are motivated to take care of the natural resources and leave a legacy of responsible use of the natural environment. GARNA is nature centered and community driven, and is a 501(c)(3) nonprofit environmental organization based in Salida in the Upper Arkansas Valley of Colorado.

Committee Review Rank: Site Visit Conducted: Yes
%4.5

Requested Amount: \$6,000
Avg. Committee Recommendation: \$5,000
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$1,500
Amount funded by City of Salida: \$3,500

Organization Name – Program/Project/Org Support Name: Guidestone Colorado

Mission Statement: Guidestone Colorado is a 501(c)3 non-profit organization dedicated to growing a vibrant agricultural future through education, community build

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partnerships. Guidestone’s strategies and programming are founded upon the belief that if individuals are exposed to experiences on local farms and ranches, that exposure results in a growing appreciation for where our food comes from and the commitment and resources needed to produce food locally. As a result of that appreciation, those individuals will then make choices that support and increase the capacity of the local food system. The result of these choices will be resilient local food systems, healthier communities, and a vibrant future for local agriculture.

Committee Review Rank: Site Visit Conducted: Yes
%4.75

Requested Amount: \$5,000
Avg. Committee Recommendation: \$5,000
Final Recommendation: \$5,000

Funding:
Amount funded by Town of Buena Vista: \$1,000
Amount funded by City of Salida: \$4,000

Organization Name – Program/Project/Org Support Name: Chaffee County Amateur Hockey Association

Mission Statement: Our Mission: Ice Rink for Chaffee County is dedicated to promoting ice skating and hockey while expanding indoor ice rink access for Chaffee County and neighboring communities

Our Vision: To provide the opportunity for area youth to be challenged and work as a team, in both hockey and figure skating, while enjoying the magic of these winter time activities. We are actively pursuing vital assets for rink construction and collaborating with local government entities to establish a permanent ice facility in Chaffee County, Colorado.

Committee Review Rank: Site Visit Conducted: Yes
%4.5

Requested Amount: \$11,329
Avg. Committee Recommendation: \$5,582
Final Recommendation: \$5,582

Funding:
Amount funded by Town of Buena Vista: \$1,395
Amount funded by City of Salida: \$4,187

Organization Name – Program/Project/Org Support Name: Chaffee County Early Childhood Council

Mission Statement: Chaffee County Early Childhood Council's (CCECC) mission is to establish a cost-effective sustainable system of services ensuring all Chaffee County children have the support they need to start school ready to learn. The council's work covers health, mental health, early care and learning, parent information, and family support. CCECC tackles issues too complex for any one agency or area of expertise. Council members include parents, medical professionals, mental health providers, childcare providers, superintendents and staff from school districts, other early childhood professionals, public health, human services, staff from local home visiting programs, and both local pregnancy centers. Our work focuses on community needs. CCECC has 4 strategic priorities: Ensure families have adequate access to quality childcare, prevent and mitigate Chaffee's prioritized school readiness gaps, support the early childhood workforce, and connect families with resources.

Committee Review Rank: Site Visit Conducted: Yes
%4.22

Requested Amount: \$12,000
Avg. Committee Recommendation: \$8,750
Final Recommendation: \$8,750

Funding:
Amount funded by Town of Buena Vista: \$3,500
Amount funded by City of Salida: \$3,500

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Organization Name – Program/Project/Org Support Name: Salida Mountain Trails

Mission Statement: Founded in 2004, Salida Mountain Trails (SMT) is a nonprofit that plans, builds, and maintains trails in Chaffee County, Colorado.

SMT’s mission is to steward a world-class trail network that supports a high quality of life and a strong local economy. We envision a sustainable, accessible and enjoyable trail network that offers an array of outdoor recreation opportunities and delivers myriad mental and physical health benefits to residents and visitors alike. As a public land steward, SMT strives to minimize recreation’s impacts to land, water, wildlife, and the rural character that makes Chaffee County so special. We also educate users about responsible recreation, and train volunteers to share responsibility for, and take pride in, trail stewardship.

Today, SMT stewards 65 miles of singletrack—and counting.

Committee Review Rank: Site Visit Conducted: Yes
%4.3

Requested Amount: \$12,000
Avg. Committee Recommendation: \$7,500
Final Recommendation: \$7,500

Funding:
Amount funded by Town of Buena Vista: \$1,500
Amount funded by City of Salida: \$6,000

Organization Name – Program/Project/Org Support Name: Full Circle Restorative Justice

*Mission Statement: Mission
Repairing, rebuilding and strengthening the communities of Central Colorado through restorative practices that build hope, healing and connection.*

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Committee Review Rank: Site Visit Conducted: Yes
%4.5

Requested Amount: \$10,000
Avg. Committee Recommendation: \$7,500
Final Recommendation: \$8,500

Funding:
Amount funded by Town of Buena Vista: \$4,250
Amount funded by City of Salida: \$4,250

Organization Name – Program/Project/Org Support Name: Chaffee Housing Trust

Mission Statement: MISSION: To promote responsible community development by providing affordable and sustainable home ownership and rentals to qualifying residents.

VISION: All Chaffee County Residents and essential workers can choose to live in homes they own, and work in the community with full benefits and responsibilities of participation in the social fabric.

VALUES: When full equity in home ownership can't be realized, shared equity should be attainable in an affordable and sustainable manner, providing additional rungs at the bottom end of the ladder to the American Dream. If residents are not ready for homeownership, then rentals should be made available to provide safe, secure, affordable housing to provide families and individuals with the security they need to fully participate in the community and the local economy.

Committee Review Rank: Site Visit Conducted: Yes
%4.5

Requested Amount: \$20,000
Avg. Committee Recommendation: \$10,000
Final Recommendation: \$10,000

Funding:
Amount funded by Town of Buena Vista: \$4,570
Amount funded by City of Salida: \$6,834

Organization Name – Program/Project/Org Support Name: Boys & Girls Clubs of Chaffee County

Mission Statement: The Boys & Girls Clubs of Chaffee County's (BGCCC) is to inspire and enable all youth, especially those who need us the most, to realize their full potential as productive, caring, responsible citizens. BGCCC implements evidence-based, youth development programming for youth in Chaffee County, Colorado with emphasis on Priority Outcomes of: Increased academic success; Improved good character and citizenship; and Increased healthy lifestyles.

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Committee Review Rank: Site Visit Conducted: Yes
%4.5

Requested Amount: \$18,000
Avg. Committee Recommendation: \$15,750
Final Recommendation: \$15,750

Funding:
Amount funded by Town of Buena Vista: \$7,875
Amount funded by City of Salida: \$7,875

Organization Name – Program/Project/Org Support Name: Chaffee County Hospitality Inc.

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Mission Statement: Providing Hospitality to our neighbors experiencing homelessness, and walking aside people as they work to exit homelessness.

Living unsheltered happens. The reasons people live unsheltered are as varied as our lives; but all experience trauma, become illegal, and live in fear of losing ALL of their belongings, their car, or their lives. That reality dramatically impacts mental and physical health. It is hard to imagine the stress, anxiety, fear, and trauma of becoming and living as an unsheltered person. While it is exciting to know that every entity in the county is working to address the housing crisis, the solutions cannot happen overnight. Therefore, the need for emergency shelter for unsheltered people keeps increasing while we work together to overcome the housing crisis.

Committee Review Rank: Site Visit Conducted: Yes
%4.25

Requested Amount: \$30,000
Avg. Committee Recommendation: \$17,500
Final Recommendation: \$17,500

Funding:
Amount funded by Town of Buena Vista: \$4,300
Amount funded by City of Salida: \$13,200

Organization Name – Program/Project/Org Support Name: Articipate

Mission Statement: Since our inception in 2009, Articipate has received assistance from the City of Salida every year in cash amounts of up to \$5000. We have offered classes to youth in the Full Circle Restorative Justice program and the Family Youth Initiative. We rent the basement of the City's 305 F St. property now known as the Salida Community Center which allows us to offer our services to all community members. The Salida SteamPlant offers us reduced rates to produce our annual, winter kids' showcase, SnowFest which just had its 12th annual event. We are fiscal sponsors of Salida's Next Last Waltz program which is holding 5 concerts at the Salida SteamPlant this month. Articipate also sponsors several kids in Rok Skool which has sold out all of its winter showcases at the SteamPlant and showcases its groups at SunFest. We have partnered with the City's Park & Recreation Dept. on their Camp Friday Program and Thursday @ 6 Concert Series.

Committee Review Rank: Site Visit Conducted: Yes
%3.75

Requested Amount: \$5,000
Avg. Committee Recommendation: \$1,000
Final Recommendation: \$0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Blue Elements

Mission Statement: Blue Elements mission is to cultivate watershed stewardship and connect communities to the power of their water resources.

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Committee Review Rank: Site Visit Conducted: No
%3.25

Requested Amount: \$5,000
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Buena Vista Event Cooperative

Mission Statement: The Buena Vista Event Cooperative (BVEC) is a 501(c)(3) dedicated to providing free, live music and performing arts to the residents of Chaffee County. BVEC was a leader in the inception and funding of the Buena Vista Legacy Stage in McPhelemy Park, a stage dedicated to performing arts in the community. We believe in providing free live music to the community while paying our artists to encourage and foster the growth of all artists in Buena Vista. In addition, we seek to raise funds and partner with other organizations for the creation and support of musical performance and visual art venues to serve the people of Central Colorado. We believe in live music made by people, not by machines.

Committee Review Rank: Site Visit Conducted: No
%2.86

Requested Amount: \$3,500
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Buena Vista Middle School/Buena Vista School District

Mission Statement: The mission of the Gaga Pit Project for the Buena Vista School is to enhance the daily recess experience for all students by providing equipment for an inclusive, lively, engaging dodgeball game, called Gaga, that will encourage healthy movement and provide a focus and designated location for middle school recess. Increased physical activity and engagement during recess will have positive impacts on students, and having a designated area for middle school recess will increase student pride and sense of belonging at their school.

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Committee Review Rank: Site Visit Conducted: Yes
%3.83

Requested Amount: \$6,000
Avg. Committee Recommendation: \$3,000
Final Recommendation: \$0

Funding:
Amount funded by Town of Buena Vista: 0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: BV Made

Mission Statement: BV Made is a space for creative collaboration and innovation bringing together people from different backgrounds to share knowledge, work together and build community.

Committee Review Rank: Site Visit Conducted: No
%2.67

Requested Amount: \$9,000
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Chaffee Cares

Mission Statement: We are a small local nonprofit in Salida that is committed to helping our neighbors in need by filling in the gaps.

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Committee Review Rank: Site Visit Conducted: Yes
%2.93

Requested Amount: \$5,000
Avg. Committee Recommendation: \$2,125
Final Recommendation: \$0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Collegiate Peaks Chorale

Mission Statement: The Collegiate Peaks Chorale is a community chorus composed of members from the greater Arkansas Valley region in Colorado. Our goal is to share quality choral music with the Arkansas Valley region. Our desire is to touch people's hearts with hope and bring the community closer together.

Committee Review Rank: Site Visit Conducted: No
%2.81

Requested Amount: \$3,000
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Gore Valley Soccer Club

Mission Statement: We are a newly established competitive youth girls soccer team from the Buena Vista area, strongly in support of the development of the girls' sports, encouraging positive involvement in society and building strong, hardworking, compassionate young women. Our goal is to provide an instructive environment for our local girls, as well as fielding a competitive team of girls who enjoy success locally and regionally, making this opportunity a rewarding experience for the girls, and a benefit for the community.

Item 11.

Committee Review Rank: Site Visit Conducted: No
%3.61

Requested Amount: \$2,500
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Honesty in Chaffee County under Protest

Mission Statement: At HICCUP, we have a big goal: making sure elections are fair and clear. We promise to be fair and follow the rules, so people in Chaffee County can trust that their votes really count. We want everyone to feel confident in our democratic system and live in a lively, strong, and successful community.

Committee Review Rank: Site Visit Conducted: No
%2.54

Requested Amount: \$3,000
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Peak to Peak Pickleball Club

*Mission Statement: Mission Statement
Peak to Peak Pickleball Club, as a volunteer and non-profit organization, promoting and facilitating the sport of Pickball in Chaffee County and the surrounding area, thereby:*

Item 11.

- *Providing collegial, social interaction with people of all ages and abilities.*
- *Encouraging the physical, mental, and social benefits of an active lifestyle.*
- *Providing opportunities for the continued development of all players in a collegial and sportsmanlike environment.*
- *Working to expand facilities as needed.*

Committee Review Rank: Site Visit Conducted: No
%3.47

Requested Amount: \$5,000
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Organization Name – Program/Project/Org Support Name: Truth Has a Voice Foundation

Mission Statement: Truth Has A Voice Foundation dba Ark Valley Voice is a nonprofit corporation organized under the laws of Colorado. It is registered in Colorado as a charity and trade-named as a program of its 501(c)(3) fiscal sponsor, the Institute for Nonprofit News. Goals of the Truth Has A Voice Foundation dba Ark Valley Voice include: Providing a tax deductible option for the community, supporting quality, independent community journalism, advocating for the development of first amendment and democracy-supportive, diverse educational community programming, mentoring career journalists, and providing journalism experience paths for students and graduates. A key focus area continuing in 2024 is to expand coverage of diversity, equity and inclusiveness, providing opportunities so those who are without a voice may be heard. The need for this is great in our rural area where media choices are limited, cost barriers to access news and information exist, as well as language barriers.

Committee Review Rank: Site Visit Conducted: No
%3.22

Requested Amount: \$9,685
Avg. Committee Recommendation:
Final Recommendation: 0

Funding:
Amount funded by Town of Buena Vista: \$0
Amount funded by City of Salida: \$0

Item 11.



CITY COUNCIL ACTION FORM

DEPARTMENT Parks and Recreation	PRESENTED BY Diesel Post - Parks and Recreation Director	DATE 4/2/24
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ITEM

First reading of Ordinance 2024-05, an update to the City of Salida code, Chapter 11 Parks and Recreation.

BACKGROUND

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

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

FISCAL NOTE

There may be financial implications to the parks and recreation budget for increased dog poop bags if dogs are allowed in parks. Potential increases in service calls to violations.

STAFF RECOMMENDATION

Staff recommends Council approve Ordinance 2024-05 upon first reading and to set a second reading and public hearing for April 16, 2024.

SUGGESTED MOTION

A Council person should make a motion to "approve Ordinance 2024-05 on first reading and set the second reading and public hearing for April 16, 2024", followed by a second and a roll call vote.

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

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO, AMENDING THE CITY CODE TO REPEAL AND REENACT
CHAPTER 11, ARTICLE VI ENTITLED PARKS, RECREATION, OPEN SPACE
AND TRAILS OF THE SALIDA MUNICIPAL CODE AND AMEND SECTION 7-5-
220 ENTITLED ANIMAL NUISANCES**

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

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

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

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

WHEREAS, the Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Chapter 11, Article VI of the Code and amend Section 7-5-220 to harmonize the Code with current enforcement.

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

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

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

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

Sec. 11-6-10. – Park defined.

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

runs along the abandoned railroad right-of-way (Denver & Rio Grande Western Railroad, Monarch Branch) and the Arkansas River Whitewater Park.

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

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

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

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

Types of use:

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

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

- (1) Has an expected attendance of 50 or more people; and/or
- (2) Has more than one vendor; and/or

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

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

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

Regulations:

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

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

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

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

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

(f) Alcoholic Beverages: It is unlawful for any person to possess, distribute, use or consume any alcoholic beverages or a 3.2 beer in parks or community buildings, except by special permit issued by and at the discretion of the city council, and then only in conformance with the statutes of the state of Colorado and ordinances of the city regarding the sale or consumption of alcoholic beverages or 3.2 beer

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

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

(b) It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor-vehicular traffic.

(c) It is unlawful to leave or park a vehicle in any park between the hours of 10:00 p.m.

and 6:00 a.m. of the following day, except when done by City employees in the course of their employment or when an exemption has been made pursuant to Section 11-6-20(a) above.

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

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

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

- (a) To camp or lodge in any park without first having obtained a permit from the director of parks and recreation;
- (b) To drive or hit golf balls, excepting at such place as is set apart for that purpose;
- (c) To wash dishes, empty waste liquids, or in any other manner pollute the ground or water of any fountain, pond, lake, drainage ditch, street gutter, or stream;
- (d) To sell, offer for sale, or distribute at no charge any merchandise, article, goods, services, or thing, without the express written permission of the City Administrator;
- (e) To build or place any tent, building, booth, stand, or other structure in or upon any of the parks or other recreational facilities, without first having obtained a permit to do so through the Special Event/Park Rental application process;
- (f) To build, start, or maintain, or cause to be started or maintained, any fire in or on any park unless said fire is contained in a grill provided by the City;
- (g) To take or carry or cause to be taken or carried into any park any explosive, dangerous, or inflammable powder, or any explosive, dangerous, inflammable, or combustible substance;
- (h) To smoke/vape or carry lighted tobacco products;
- (i) To dispose of any trash or recycling in any City trash or recycling receptacles that was not generated on or in any City park;
- (j) To climb, affix any item to, or remove any item from any tree within any park;
- (k) To affix any sign, poster, or placard to any City structure or other object within any City park;
- (l) To implant in the ground of any park any sign or other objects;
- (m) To discharge, fire, or shoot any firearm or archery equipment, including but not limited to bows, longbows, crossbows, arrows, darts, and bolts;

- (n) To not leave an area that has been rented for exclusive use by other user;
- (o) To litter or leave any trash within any City park; and
- (p) To not follow any of the rules posted in any City park or facility.

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

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

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

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

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

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

Section 3. Code Section 7-5-220(b) entitled Animal nuisances is hereby amended as follows:

Sec. 7-5-220. – Animal nuisances.

- (b) Any animal that unreasonably annoys humans, endangers the life or health or persons or other animals or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property is hereby declared a public nuisance. For purposes of this Article, public nuisance animal shall include the following:

- (1) Any animal that is repeatedly found running at large.
- (2) Any animal that is not on a leash, cord, or chain, held by a human, while on public property except in designated off-leash dog parks. No leash, cord, or chain shall be longer than ten (10) feet in length.
- (3) Any animal that damages, soils, defiles or defecates on any property other than that of its owner.
- (4) Any animal that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (5) Any unneutered animal that is not confined so as to prevent unwanted mating and/or pregnancy.
- (6) Any animal, whether or not on the property of its owner, that, without provocation, molests, attacks or otherwise interferes with the freedom of movement of person in a public right-of-way.
- (7) Any animal that chases motor vehicles in a public right-of-way.
- (8) Any animal that attacks domestic animals.
- (9) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
- (10) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
- (11) Any animal, including an animal restrained by a leash, that disturbs the public's enjoyment of or participation in a public festival.
- (12) Any animal found inside an area barricaded or otherwise cordoned off for a public festival. For purposes of this provision, a public festival is any event sponsored or supported by the City and conducted at least in part on City property.

Section 4. **Severability.** The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

**INTRODUCED ON FIRST READING on this ____ day of _____, 2024,
ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation**

by the City Council on this __ day of _____, 2024, and set for second reading and public hearing on the __ day of _____, 2024.

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

CITY OF SALIDA

By: _____
Mayor Dan Shore

ATTEST: (SEAL)

By: _____
City Clerk Kristi Jefferson



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	April 2, 2024

ITEM

Ordinance 2024-06: An Emergency Ordinance of the City Council for the City of Salida, Colorado Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Certain Land Use Applications, and Declaring an Emergency

BACKGROUND

Staff is requesting that Council impose a temporary (6-month) moratorium on certain land use application types in order to complete the ongoing land use code (LUC) rewrite, comprehensive zoning conversion process, relevant public engagement, and other related administrative measures. This code rewrite is imperative to address outdated regulations, and difficult to navigate and sometimes confusing and potentially conflicting text that serves as the instruction manual to development in the community.

The LUC rewrite process was begun in 2019 but was soon paused due to a variety of factors including, but not limited to: the COVID pandemic, department personnel changes, and the large influx of development activity seen city-wide in recent years. As an example, the number of processed land use application types covered by this proposed temporary moratorium approximately tripled between the years 2019 – 2022, and the annual number of building permits are 20% - 25% higher today than they were in 2019. Such growth and activity have had significant impacts on the ability of a 3- to 4-person department to focus on a project of this magnitude (and we are currently in the process of hiring a Senior Planner to replace Kristi Jefferson who recently moved into the City Clerk position). Though we employ a consultant to assist with the rewrite, the process is actually administered by staff and requires literally thousands of hours to ensure that hundreds of pages of code are as clear as possible and reflect the intent of the comprehensive plan and the will of the community, Planning Commission, and City Council.

The land use application types proposed to be covered by this temporary moratorium (mostly limited impact reviews and major impact reviews) are some of the most time-intensive and include the following (as defined in Chapter 16 of the Municipal Code):

- Nonresidential or mixed-use with over twenty thousand square feet (not already approved via a planned development)
- Large alterations
- Any and all Planned Developments and substantial modifications to Planned Developments
- Major subdivisions



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	April 2, 2024

(cont.)

- Minor subdivisions that include dedication of land to the City
- Conditional use permits
- Multi-family residential with twenty or more units in project
- Rezoning not connected with an annexation petition or a City-initiated comprehensive rezone application
- Right-of-way vacations
- Amendments to the City’s Official Zoning Map or text of Code not initiated by the City;
- Designation of historic districts or landmarks;

For context, the proposed temporary moratorium does *not* include the following land use application types:

- Permitted-by-right construction permits
- Administrative reviews
- Subdivision exemptions
- Other minor application types
- Annexation requests (these are statutorily required to be processed within a certain timeline)
- Applications that have already begun their official review processes in front of Planning Commission and/or Council, including those that have had their conceptual reviews in the last six months

This temporary moratorium is slated to last through October 1 and is not anticipated to impede the construction of sorely needed housing (and especially affordable housing), or general commerce. Between the larger development projects processed over the last few years and those already in the review process or being initiated by the City, there are around 1100 housing units that have already been approved but have yet to begin construction or are in the process of completion. And over one-third of those units will be legally-restricted as affordable housing. The moratorium should have no bearing on those units.

It is also worth noting that we have approximately \$20,000 of grant funding/work from DOLA that must be expensed towards the LUC rewrite process by this summer. Barring unforeseen circumstances, staff believes that 6 months should be an adequate timeframe to complete the process. For additional context, Chaffee County has been under a similar moratorium since June of 2022—however, that began at the beginning of their rewrite process. City staff, attorney, and



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Planning	Bill Almquist - Community Development Director	April 2, 2024

consultants, by comparison, are approximately two-thirds through the LUC rewrite process. Over the next six months, staff will be focused on a variety of public engagement opportunities, code refinement, and eventual hearings to review the proposed new code. Staff will also be advising and overseeing a recommended comprehensive zoning conversion process to make sure that the new zoning map lines up with the intent of the future land use map (approved in 2023) and the new zoning districts being proposed for approval via the new code. Any processing of additional large land use applications would only further delay that timeframe— possibly up to another year or more.

SUGGESTED MOTION

A council person should make the motion to “approve Ordinance 2024-06: An Emergency Ordinance of the City Council for the City of Salida, Colorado Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Certain Land Use Applications, and Declaring an Emergency.”

Attachments:

Ordinance 2024-06

CITY OF SALIDA, COLORADO
ORDINANCE NO. 2024-06
 (Series of 2024)

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF
 SALIDA, COLORADO IMPOSING A TEMPORARY MORATORIUM ON THE
 SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF
 CERTAIN LAND USE APPLICATIONS, AND DECLARING AN EMERGENCY**

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

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

WHEREAS, pursuant to C.R.S. § 31-16-105, the City has the authority to make and publish emergency ordinances; and

WHEREAS, C.R.S. § 29-20-101, *et seq.*, provides the City with the broad authority to plan for and regulate the use of land to best protect and promote the health, safety, and general welfare of the present and future inhabitants of the City and to guide future growth, development, and distribution of land uses within the City and to issue a temporary moratorium when necessary on the acceptance of land use applications while engaging in a comprehensive rewrite of its Land Use Code; and

WHEREAS, pursuant to C.R.S. § 31-23-101, *et seq.*, C.R.S. § 29-20-101, *et seq.*, C.R.S. § 31-12-101, *et seq.*, and C.R.S. § 24-65-101, *et seq.*, as amended, the City has previously adopted certain regulations and enforcement measures within Chapter 16 of the Salida Municipal Code (“Municipal Code”) concerning Land Use and Development; and

WHEREAS, pursuant to the authority set forth above, the City is currently engaging in a review and comprehensive rewrite of Chapter 16 of its Municipal Code regarding Land Use and Development, its impacts, availability, solutions, and options that will lead to modifications regarding Land Use and Development, staffing, and other regulatory measures; and

WHEREAS, the City finds and determines that imposing a temporary moratorium on certain land use applications received for the next six months is both urgent and necessary to preserve the status quo in order to allow the City the time and ability to continue to engage in a thorough review, analysis, and comprehensive rewrite of Chapter 16 of its Municipal Code, to ensure appropriate time for public engagement regarding the same, and to implement the amended Land Use Code, as well as engage in a comprehensive rezoning process and the implementation of a possible online permitting system and other GIS-based upgrades; and

WHEREAS, a temporary moratorium on certain land use applications will also ensure consistency in enforcement of regulations during the time of a comprehensive rewrite and

implementation that will preserve the status quo to promote the public health, safety, and welfare by allowing a deliberate and well-reasoned decision-making process; and

WHEREAS, the City finds that the ongoing comprehensive rewrite of the Land Use Code risks being significantly delayed or altered in scope should the City continue to accept land development and use applications that materially change the physical, natural, and economic fabric of the City; and

WHEREAS, the following types of land use applications are subject to the temporary moratorium on submission, acceptance, review, processing, and approval by the City under Chapter 16 of the Salida Municipal Code: nonresidential or mixed-use with over twenty thousand square feet not already approved by a planned development; large alterations; minor subdivision that include dedication of land to the City; conditional use permits; multi-family residential with twenty or more units in project; any and all planned developments and substantial modifications to planned developments; rezonings not connected with an annexation petition or a city-initiated comprehensive rezone application; right-of-way vacations; major subdivisions; amendments to the City’s Official Zoning Map or text of Code not initiated by the City; and designation of historic districts or landmarks; and

WHEREAS, the City finds that the impact of a temporary moratorium on certain land use applications will not unduly prejudice the interests of individuals and/or entities subject to Chapter 16 of the Municipal Code including, but not limited to, landowners, users, tenants, and customers as these individuals will continue to be able to engage in lawful practices and activities on their land and to continue developing previously approved applications for land use to the extent they are not completed prior to the date of the moratorium set forth herein; and

WHEREAS, the City finds that the imposition of this moratorium will not significantly disrupt most residential construction, including around 1100 residential housing units which have been already entitled but have not begun or finished construction, and this moratorium does not apply to most administrative land use approvals or to building permit applications; and

WHEREAS, a temporary moratorium for six months is a reasonable length of time and no longer than necessary for the City to properly review, research, develop, ensure appropriate time for public engagement, adopt, and implement any applicable recommendations, amendments, and regulations regarding Chapter 16 of the Municipal Code regarding Land Use; and

WHEREAS, the City also finds and determines that the subject regulations concerning Land Use is necessary to the immediate preservation of the public health, safety, and welfare and that this Ordinance should therefore become effective upon adoption, as authorized by C.R.S. § 31-16-105.

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

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

Section 2. Imposition of Temporary Moratorium. Effective immediately, upon the effective date of this Ordinance, a moratorium is imposed upon the submission, acceptance, review, processing, public hearing, and approval of the following applications by the City under Chapter 16 of the Salida Municipal Code: nonresidential or mixed-use over twenty thousand square feet not already approved by a planned development; large alterations; minor subdivisions that include dedication of land to the City; conditional use permits; multi-family residential with twenty or more units in project; any and all planned developments; rezonings not connected with an annexation petition or a city-initiated comprehensive rezone application; right-of-way vacations; major subdivisions; amendments to the City’s Official Zoning Map or text of Code not initiated by the City; and designation of historic districts or landmarks No such applications shall be submitted or accepted by the City and no such applications shall be reviewed, processed, or approved during the period of the temporary moratorium set forth herein. City Staff and City Council are directed to develop and amend regulations appropriate to Chapter 16 and the Land Use Code prior to the expiration of this moratorium period. This temporary moratorium does not apply to complete applications submitted to and accepted by the City before the effective date of this Ordinance. This temporary moratorium also does not apply to projects which have had a conceptual review with Planning Commission and City Council six months prior to the effective date of this Ordinance.

Section 3. Effective Date; Expiration. The moratorium imposed by this Ordinance shall commence as of the effective date of this Ordinance and shall expire on October 1, 2024, unless repealed prior to that date or extended to a later date.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 5. Emergency Declaration. Pursuant to C.R.S. § 31-16-105, the City Council hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare and the financial well-being of the City because a analysis must be conducted on the impact on City residents, property owners, workforce, visitors and customers concerning the Land Use Code re-write, and land use, zoning and planning regulations must be clear and consistently applied among all residents and property owners without any gaps in enforcement or implementation and, therefore, this Ordinance must be passed as an emergency ordinance.

INTRODUCED, READ, PASSED, FINAL ADOPTED, AND ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida, Colorado upon the affirmative vote of not less than three-fourths (3/4) of the members of the City Council on the 2nd day of April, 2024.

CITY OF SALIDA, COLORADO

By: _____

Dan Shore, Mayor

[SEAL]

ATTEST

City Clerk Kristi Jefferson

The summaries of the Colorado Court of Appeals published opinions constitute no part of the opinion of the division but have been prepared by the division for the convenience of the reader. The summaries may not be cited or relied upon as they are not the official language of the division. Any discrepancy between the language in the summary and in the opinion should be resolved in favor of the language in the opinion.

SUMMARY
March 7, 2024

2024COA25

No. 23CA0073, *Hobbs v. City of Salida* — Public Health and Environment — Noise Abatement — Maximum Permissible Noise Levels — Preemption; Municipal Law — Noise Ordinances

The division addresses, for the first time in a published opinion, the interplay between the general noise standards set by Colorado’s Noise Abatement Act (Act), *see* §§ 25-12-101 to -110, C.R.S. 2023, and noise standards authorized through amplified noise permits issued by local governmental entities. The majority concludes that the plain language of section 25-12-103(11) provides municipal entities, such as the City of Salida, with the authority to issue amplified noise permits to private entities to hold cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts and music festivals on the permittee’s property.

The dissent argues that the plain text of section 25-12-103(11), considered in context, and, alternatively, the legislative history of that section, mandate a conclusion that the exemption only authorizes a political subdivision of the state, such as a municipality, to issue amplified noise permits to entities which will use property that is used by that municipality.

COLORADO COURT OF APPEALS

2024COA25

Court of Appeals No. 23CA0073
Chaffee County District Court No. 22CV30020
Honorable Dayna Vise, Magistrate

Matthew K. Hobbs,

Plaintiff-Appellant and Cross-Appellee,

v.

City of Salida and Drew Nelson, in his official capacity as City of Salida
Administrator,

Defendants-Appellees,

and

Giant Hornet LLC, d/b/a HighSide! Bar and Grill,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE SCHUTZ
Hawthorne*, J., concurs
J. Jones, J., dissents

Announced March 7, 2024

Mathew K. Hobbs, Salida, Colorado, for Plaintiff-Appellant and Cross-Appellee

Wilson Williams LLP, Geoffrey T. Wilson, Erica Romberg, Louisville, Colorado,
for Defendants-Appellees City of Salida and Drew Nelson

Anderson Law Group, Thomas H. Wagner, Salida, Colorado, for Defendant-
Appellee and Cross-Appellant

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2023.

¶ 1 Plaintiff, Matthew K. Hobbs, appeals the district court’s order entering judgment as a matter of law in favor of the defendants, Giant Hornet LLC, d/b/a High Side! Bar and Grill (High Side), and the City of Salida and its administrator, Drew Nelson (collectively, Salida). In resolving the parties’ contentions, we address for the first time in a published opinion the interplay between general noise standards set by Colorado’s Noise Abatement Act (Act), *see* §§ 25-12-101 to -110, C.R.S. 2023, and noise standards authorized through permits issued by local governmental entities.

¶ 2 We conclude that the amplified noise permits that Salida issued to High Side do not conflict with the Act. Accordingly, we conclude that the district court correctly entered judgment as a matter of law in favor of Salida and High Side and against Hobbs.

I. Background

¶ 3 Salida is a statutory city located along the Arkansas River. It was the first municipality in Colorado to form a creative arts district, which supports vibrant art and live music venues downtown. *See generally* § 24-48.5-314(1)(a)(I), C.R.S. 2023 (“A creative district is a well-recognized, designated mixed-use area of a community in which a high concentration of cultural facilities,

creative businesses, or arts-related businesses serve as the anchor of attraction.”).

¶ 4 Hobbs owns a home just north of the Arkansas River across from downtown Salida. His southern property line is approximately 570 feet from High Side’s outdoor patio. Between High Side and Hobbs’s home, which is located in an industrial zone, are a developed walking path, the Arkansas River, a railroad line, and a county road. Hobbs is an attorney and often works from home in the evenings.

¶ 5 High Side opened in August 2020, during the COVID-19 pandemic. The bar and restaurant routinely featured a variety of live musicians. During the summer, it sponsored outdoor concerts on its patio, which abuts the edge of the walking path located along the southwestern bank of the Arkansas River.

¶ 6 Salida adopted an ordinance authorizing it to issue amplified noise permits, which allow local businesses to hold “special events or activities, including, without limitation, musical performances or other entertainment events, fireworks displays, parades and seasonal commercial activities.” Salida Mun. Code § 10-90-80(a). Pursuant to the ordinance, no noise is permitted in excess of 85

db(A)¹ and the authorized activity must end at 10 p.m. absent prior special approval from the city.

¶ 7 Salida's amplified sound permits allow the permittee to hold musical events between May 2 and October 31. Absent circumstances not present here, Salida may issue no more than sixty permits per season to the same permittee. Thus, during a typical season, a permittee could hold approximately three outdoor musical events per week. In 2022, Salida issued amplified sound permits to a total of thirty-nine applicants within the community.

¶ 8 The Act generally limits the sound level for residential neighborhoods to 50 db(A) between 7 p.m. and 7 a.m. § 25-12-103(1), C.R.S. 2023. But Salida and High Side contend that the Act also authorizes cities to issue amplified sound permits. See § 25-12-103(11).

¹ A db(A) is a weighted scale that is measured with a sound meter using the A-Weighting network. § 25-12-102(2), C.R.S. 2023. The Centers for Disease Control and Prevention state that sounds that are 85 db(A) require an individual to raise their voice to be heard by someone who is three feet away. Ctrs. for Disease Control & Prevention, Nat'l Inst. for Occupational Safety & Health, *Noise and Occupational Hearing Loss*, <https://perma.cc/PT34-5X9U>. For example, printing presses, lawn mowers, and power tools produce noise levels between 85 and 90 db(A). *Id.*

¶ 9 On August 17, 2021, Hobbs filed a noise complaint with Salida, asserting that the decibel level emanating from concerts on High Side’s patio exceeded the statewide limit. He alleged that High Side had held multiple events throughout the summer that were excessively loud. Shortly before contacting Salida, Hobbs monitored noise levels coming from High Side with a smart phone application. According to Hobbs, he measured noise levels on his property in the range of 51-78 db(A) between 7 and 9:30 p.m.

¶ 10 Over the next several months, Hobbs, High Side, and Salida worked informally to address Hobbs’s concerns. The parties did not reach a mutually acceptable resolution.

¶ 11 In February 2022, Salida considered revisions to its amplified noise ordinance. Salida received comments from Hobbs and numerous other citizens. After considering the public’s input and staff recommendations, Salida amended its ordinance to increase the available number of amplified sound permits from eighteen to sixty events per location.

¶ 12 That summer, Hobbs filed a complaint naming Salida and High Side as defendants. Hobbs requested the entry of a declaratory judgment that the Act preempts Salida’s sound

amplification ordinance and, therefore, the sound amplification permits issued to High Side were null and void. The complaint also sought injunctive relief prohibiting Salida from issuing permits pursuant to the amplified sound ordinance and prohibiting High Side from hosting concerts that exceed the general limits set by the Act.

¶ 13 In response to Hobbs's complaint, Salida and High Side filed separate, but nearly identical, combined motions to dismiss for failure to join indispensable parties and for judgment as a matter of law on Hobbs's claim for declaratory relief. The district court denied the motions to dismiss for failure to join necessary parties. But the court granted Salida's and High Side's motions for judgment on the pleadings, concluding that Hobbs's claims fail as a matter of law.

¶ 14 Hobbs appeals the district court's entry of judgment on the pleadings. High Side cross-appeals the district court's denial of its motion to dismiss for failure to join necessary parties. Because we determine it is dispositive, we first address the district court's entry of judgment on the pleadings in favor of Salida and High Side.

II. The Act Does Not Preempt Salida's Ordinance

¶ 15 Hobbs contends that the district court incorrectly concluded that section 25-12-103(11) allows Salida to issue amplified noise permits and instead argues that section 25-12-108, C.R.S. 2023, preempts Salida's ability to issue any sound permits that exceed the limitations set forth in the Act.

A. Applicable Law and Standard of Review

¶ 16 The district court determined that the entry of judgment in the defendants' favor was appropriate because Hobbs's claims failed as a matter of law but noted that dismissal was also appropriate under C.R.C.P. 12(b)(5) for the same reasons. *See Hess v. Hobart*, 2020 COA 139M2, ¶ 33 n.5 (noting that supreme court precedent states that the entry of judgment is appropriate when a declaratory judgment claim fails as a matter of law, but affirming dismissal of such claims against the plaintiff because the effect was the same).

¶ 17 We conclude that "in a declaratory judgment action in which the court rules against the position of the plaintiff, it should enter a declaratory judgment and not sustain a motion to dismiss." *Karsh v. City & Cnty. of Denver*, 176 Colo. 406, 409-10, 490 P.2d 936, 938

(1971). Thus, we review the district court's order to determine whether the entry of judgment against Hobbs was appropriate.

¶ 18 A district court may enter judgment in the defending party's favor if the material facts are not in dispute and the plaintiff's claim fails as a matter of law. *See Tomar Dev., Inc. v. Friend*, 2015 COA 73, ¶ 24 (approving dismissal of declaratory judgment claims that fail as a matter of law). No party is contending that any of the facts relevant to the district court's judgment were disputed. Thus, the sole question before us is a question of law: whether the Act preempts Salida's ordinances and therefore renders void the permits Salida issued to High Side. *See* §§ 25-12-101 to -110.

¶ 19 We review issues of statutory interpretation de novo. *Nieto v. Clark's Mkt., Inc.*, 2021 CO 48, ¶ 12. In interpreting a statute, our primary goal is to ascertain and give effect to the General Assembly's intent. *See Elder v. Williams*, 2020 CO 88, ¶ 18. First, we look at the statute's plain language, reading words and phrases in context and construing them according to the rules of grammar, syntax, and common usage. *Broomfield Senior Living Owner, LLC v. R.G. Brinkmann Co.*, 2017 COA 31, ¶ 17. If the statute's meaning is clear from the language alone, our analysis is complete, and we

apply the statute as written. *See OXY USA Inc. v. Mesa Cnty. Bd. of Comm'rs*, 2017 CO 104, ¶ 16.

¶ 20 When interpreting a statute, we generally avoid a construction “that would render any words or phrases superfluous or lead to illogical or absurd results.” *Cowen v. People*, 2018 CO 96, ¶ 31 (quoting *Am. Fam. Mut. Ins. Co. v. Barriga*, 2018 CO 42, ¶ 8). But these canons do not enable us to rewrite a statute to achieve a different result than that dictated by the legislature’s selected language. *People v. Bice*, 2023 COA 98, ¶ 32. Thus, “courts must approach rejecting a statute’s plain language to avoid creating an absurd result very cautiously.” *Oracle Corp. v. Dep’t of Revenue*, 2017 COA 152, ¶ 41 (“[T]he absurd results ‘rule’ of construction typically is merely ‘an invitation to judicial lawmaking.’” (quoting *Barrow v. City of Detroit Election Comm’n*, 836 N.W.2d 498, 506 (Mich. Ct. App. 2013))), *aff’d*, 2019 CO 42.

¶ 21 The absence of a statutory definition does not create ambiguity if the undefined phrase is one of common usage and the court can discern its usual and ordinary meaning. *Dillabaugh v. Ellerton*, 259 P.3d 550, 552 (Colo. App. 2011). When assessing whether a word or phrase has more than one reasonable meaning and is therefore

ambiguous, we must also consider the meaning of the word or phrase in the context of the statutory language. *Dep't of Transp. v. Amerco Real Est. Co.*, 2016 CO 62, ¶ 12. Words and phrases cannot be separated from the broader context and the way they are used in the sentence in which they appear. *Id.*

¶ 22 Under the doctrine of *noscitur a sociis*, a word or phrase is known by the company it keeps. *St. Vrain Valley Sch. Dist. RE-1J v. A.R.L.*, 2014 CO 33, ¶ 22; *see also Gustafson v. Alloyd Co.*, 513 U.S. 561, 575 (1995). We rely on this rule to avoid ascribing a meaning to one word that is inconsistent with its accompanying words. *Gustafson*, 513 U.S. at 575.

B. The Act

¶ 23 In 1971, the General Assembly adopted the Act to establish standards regulating the degree of noise pollution in Colorado:

The general assembly finds and declares that noise is a major source of environmental pollution which represents a threat to the serenity and quality of life in the state of Colorado. Excess noise often has an adverse physiological and psychological effect on human beings, thus contributing to an economic loss to the community. Accordingly, it is the policy of the general assembly to establish statewide standards for noise level limits for various time periods and areas.

Noise in excess of the limits provided in this article constitutes a public nuisance.

§ 25-12-101. Section 25-12-103(1) sets forth Colorado’s general noise abatement standards:

Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

Zone	7:00 a.m. to next 7:00 p.m.	7:00 p.m. to next 7:00 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

§ 25-12-103(1). Hobbs points to this section to support his claim that Salida’s noise amplification ordinance, and the related permits Salida issued to High Side, conflict with state law. Hobbs argues that the conflicting noise ordinance is preempted by section 25-12-108, which provides that “this article shall not be construed to

preempt or limit the authority of any municipality or county to adopt standards that are no less restrictive than the provisions of this article.”

¶ 24 In contrast, Salida and High Side argue that Salida’s ordinance and the subject permits are exempted from the Act’s general standards based on the following language, which the General Assembly added to the Act through an amendment in 1987:

This article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays. This subsection (11) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.

§ 25-12-103(11).

¶ 25 Generally, a local ordinance that conflicts with a state statute is void; however, contrary provisions in an ordinance and a state statute do not necessarily indicate a conflict. *Minch v. Town of*

Mead, 957 P.2d 1054, 1056 (Colo. App. 1998). If possible, ordinances and statutes must be reconciled, and effect should be given to both. *Id.*

¶ 26 In entering judgment against Hobbs, the district court reconciled the Act with Salida’s ordinance and resulting permits, reasoning that the Act unambiguously exempts Salida’s actions: “[T]he plain language of section 25-12-103(11) clearly states the legislative intent that the noise level limits established in the statute do not apply to political subdivisions or their permittees when holding music and cultural events.”

C. Analysis

¶ 27 Hobbs does not dispute, and we agree, that Salida is a political subdivision of the state. *See, e.g.*, § 29-1-202(2), C.R.S. 2023 (defining “political subdivision” to mean “a county, city and county, city, town, service authority, school district, local improvement district, . . . or any other kind of municipal, quasi-municipal, or public corporation organized pursuant to law”). Nor does he dispute that High Side is a permittee of Salida, or that musical concerts are one of the activities contemplated by the statutory exception. But Hobbs argues that the exemption language of

section 25-12-103(11) applies only to concerts that occur, as relevant here, on property used by a city, or a city's permittees using property owned by the City. Therefore, Hobbs argues, section 25-12-103(11) does not authorize Salida to issue amplified sound permits to for-profit entities such as High Side to hold concerts on private property.

¶ 28 In response, High Side and Salida argue that the exemption contemplated by section 25-12-103(11) is not limited to concerts performed on property Salida owns, but rather applies to all property for which a permit is issued. Additionally, High Side and Salida argue that the ordinance is not limited to concerts or musical festivals performed by nonprofit entities, but rather extends to Salida's permittees, whether they conduct business for profit or otherwise. Based on these premises, Salida and High Side argue that the ordinance and resulting permits are authorized by the Act and that Hobbs's preemption argument fails as a matter of law.

¶ 29 We address the parties' differing interpretations in turn.

1. The Exemption Is Not Limited to Concerts Performed on Land Owned by Salida

¶ 30 We agree with Salida and High Side that section 25-12-103(11) is not ambiguous. We also agree that its clear language authorized Salida to issue the disputed permits to High Side.

¶ 31 Hobbs points to the following language: “This article is not applicable to the *use of property by . . . any political subdivision of this state, . . . or any of [its] . . . permittees, for the purpose of . . . holding . . . concerts.*” § 25-12-103(11) (emphasis added). Hobbs seizes on the “use of property by . . . any political subdivision” language to argue that permits may only authorize concerts on property Salida owns. But the statute contains no such limitation.

¶ 32 The statute does not contain any limitation, express or implied, that a political subdivision may only authorize permits for performances on land it owns. Rather, the statute refers broadly to the “use of property” without any restriction with respect to who owns the property. And the permitted property users include the political subdivision’s permittees. Surely, if the legislature had intended for the exemption to only apply to events held on land owned by the state, its political subdivisions, or nonprofit entities, it

knew how to say that. *See, e.g., People v. Griffin*, 397 P.3d 1086, 1089 (Colo. App. 2011) (“If the legislature had wanted offenders to register where they merely intend to reside, it certainly knew how to say so.”). But it did not.

¶ 33 We presume the General Assembly acts intentionally when selecting the words used in a statute. *See, e.g., People v. O’Neal*, 228 P.3d 211, 213 (Colo. App. 2009) (we presume the General Assembly did not use language idly). We do not add to, or subtract from, the words chosen by the General Assembly. *Nieto*, ¶ 12. And if the statutory language is clear, we must apply it as written. *Denver Post Corp. v. Ritter*, 255 P.3d 1083, 1089 (Colo. 2011). Section 25-12-103(11) has no words restricting the issued permits use to the issuing political subdivision’s property. Thus, we conclude the district court did not err by rejecting Hobbs’s argument that the authorized permits are restricted to property owned by Salida.

2. Section 25-12-103 Does Not Preclude Issuing Permits to For-Profit Entities.

¶ 34 Hobbs also argues that section 25-12-103(11) only authorizes Salida to issue permits to nonprofit entities. Specifically, he argues

that by not applying such a restriction, the district court failed to give effect to the statute's nonprofit language. We disagree.

¶ 35 As Hobbs correctly notes, just as we may not add words to a statute, neither may we ignore the words selected by the General Assembly. *Nieto*, ¶ 12. Relying on this principle, Hobbs argues that the district court ignored the phrase “or any other entity not organized for profit, including, but not limited to, nonprofit corporations.” § 25-12-103(11). Hobbs contends that this language dictates a conclusion that a political subdivision may only issue amplified sound permits to nonprofit entities, but not for-profit entities like High Side. But that is not what the statute's plain language says.

¶ 36 The statute applies broadly to the state, its political subdivisions, and nonprofit entities. But the statute also applies to “any of their lessees, licensees, or permittees.” § 25-12-103(11). The statute does not limit or define what type of entities fall within the permittee's status. More specifically, it does not provide that only nonprofit entities may be issued permits. And for the reasons previously stated, we may not add such words. *See Nieto*, ¶ 12.

¶ 37 Contrary to Hobbs’s argument, this construction of the statute does not ignore or fail to give effect to the phrase “or any other entity not organized for profit, including, but not limited to, nonprofit corporations.” That language exempts nonprofit entities from the Act’s noise standards.

¶ 38 Though not clearly expressed by Hobbs, we also reject any implicit argument that the phrase “any of their lessees, licensees, or permittees” modifies only the immediately preceding phrase referring to nonprofit entities. Permits are defined as “a written warrant or license granted by one having authority.” Merriam-Webster Dictionary, <https://perma.cc/56QE-RDR6>; *see also* Black’s Law Dictionary 1376 (11th ed. 2019) (defining permittee as “[s]omeone who has permission to do something”). Permits are commonly issued by governmental entities, such as the state or its political subdivisions. Licenses are also frequently issued by the state or its political subdivisions. A licensee is defined as “[o]ne to whom a license is granted: someone who has official permission to do something.” Black’s Law Dictionary at 1105.

¶ 39 Applying *noscitur a sociis*, which gives phrases meaning by looking at the words and phrases that surround them, and by

utilizing traditional grammatical conventions and syntax, we conclude that the phrase “any of their lessees, licensees, or permittees” modifies each of the preceding entities: the state, political subdivisions of the state, and nonprofit entities. *See St. Vrain*, ¶ 22; *see also Est. of David v. Snelson*, 776 P.2d 813, 818 (Colo. 1989) (“When a referential or qualifying clause follows several words or phrases and is applicable as much to the first word or phrase as to the others in the list, . . . the clause should be applied to all of the words or phrases that preceded it.”).

¶ 40 The primary definition of both licensee and permittee is someone who has been granted permission to do something. Although both terms are also sometimes used in the real estate context, their primary definition relates to the receipt of official permission to engage in some type of activity. *See, e.g.*, § 44-4-103(2), C.R.S. 2023 (“‘License’ means a grant to a licensee to sell fermented malt beverages or fermented malt beverages and wine at retail”); § 24-21-602(25), C.R.S. 2023 (“‘License’ means any license or certification issued by the licensing authority” to operate bingo or raffle games.); § 13-51.5-102(1), C.R.S. 2023 (“‘Development permit’ means any zoning permit, subdivision

approval, certification, special exception, variance, or any other similar action of a governmental entity that has the effect of authorizing the development of real property.”); § 42-1-232(1)(c), C.R.S. 2023 (“‘Permit’ means authority for an organization to employ people to verify information . . . that may be required to register a commercial vehicle”).

¶ 41 Particularly in the regulation of noise emissions, the term “permit” is frequently used to refer to the authority a local entity grants to exceed a particular noise limit. *See, e.g.,* Salida Mun. Code § 10-9-80(a) (“A permit to vary or temporarily waive the maximum allowable noise levels as specified in this Article may be applied for and obtained from the City”); City of Wheat Ridge, *Amplified Sound Event Permit Application*, <https://perma.cc/B67F-8M58> (“No outdoor amplified sound event permit may be issued for an event outside of the hours of 9:00 a.m. and 9:00 p.m. Sunday through Thursday, and 9:00 a.m. and 10:00 p.m. Friday and Saturday. Within this time range, outdoor amplified sound events may be limited in duration as determined by the approving authority.”); Colo. Springs Mun. Code § 9.8.109 (“Applications for a permit, for other than vehicular traffic, for relief from the noise level

designated in this part on the basis of undue hardship may be made to the Mayor. Any permit granted by the Mayor shall contain all conditions upon which the permit has been granted and shall specify a reasonable time for which the permit shall be effective.”).

¶ 42 We acknowledge that the word “lessee” typically refers to a leasehold interest in real estate. But that does not limit or qualify the typical meaning of licensees or permittees. The use of the word lessees nevertheless serves an important function under 25-12-103(11). It extends the exemption to those who lease property from a state, its political subdivisions, and other nonprofit entities, provided the lessees comply with the applicable permitting process of the local jurisdiction in which the property is located.

3. The Act Does Not Preempt Salida’s Sound Amplification Ordinance

¶ 43 Hobbs’s reliance on the preemption language of section 25-12-108 is also misplaced. Section 25-12-103(11) expressly states that the Act is “not applicable to the use of property by . . . any political subdivision of this state, . . . or any of [its] . . . permittees.” Thus, the Act’s noise standards are not applicable to Salida or its

permittee — High Side. Accordingly, the preemption language of section 25-12-108 also does not apply to the present dispute.

4. Legislative History

¶ 44 Finally, we acknowledge that Hobbs argues the district court’s statutory construction is inconsistent with the Act’s legislative history or the amendment that created section 25-12-103(11). But where, as here, the statute’s language is clear and unambiguous, it is neither necessary nor appropriate to resort to legislative history to interpret the statute.² See, e.g., *Smith v. Exec. Custom Homes, Inc.*, 230 P.3d 1186, 1189 (Colo. 2010). Rather, we apply the statute as written. *Id.*

² Similarly, the amendment’s title is irrelevant absent a statutory ambiguity. As the supreme court recently explained,

[A] title cannot limit the plain meaning of a more specific provision within a statute. See *Whitman v. Am. Trucking Ass’ns*, 531 U.S. 457, 483 (2001). Instead, the title is useful for purposes of statutory interpretation only when it “shed[s] light on some ambiguous word or phrase in the statute itself.” *Id.* (alteration omitted) (quoting *Carter v. United States*, 530 U.S. 255, 267 (2000)).

Arvada Vill. Gardens LP v. Garate, 2023 CO 24, ¶ 14.

¶ 45 Even if we were to conclude that the amendment is ambiguous, the legislative history does not support Hobbs's contention that the statutory exemption for permittees should be limited to events occurring on property owned by the state, its political subdivisions, or nonprofit entities. As the dissent notes, the legislative history supports the conclusion that the amendment was prompted by a desire to ensure that the Act would not prohibit the development and use of Fiddler's Green Amphitheatre in Arapahoe County. And it is also true that at various legislative hearings, there were references to performances held at other public venues, such as Folsom Field and the State Fair.

¶ 46 But the hearings contain no statements by any person that the amendment was intended to apply to permittees only if the permittees were using property owned by the state, its political subdivisions, or nonprofit entities. Rather, Representative Schauer — the amendment's sponsor — stated unequivocally that “what [the amendment] does is provide the opportunity for that, on public or private property, . . . for cultural, entertainment, athletic, or patriotic events.” Hearing on H.B. 1340 before the H. Fin. Comm., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 1, 1987). Obviously,

private property does not include property owned by the state or its political subdivisions. And Representative Schauer’s reference to private property was not restricted to property owned by nonprofit entities. To the contrary, this statement reflected the legislative intent that the amendment would apply to duly permitted uses on all public or private property.

¶ 47 We also reject Hobbs’s contention that the district court’s interpretation of the statute leads to an absurd result because it renders the Act completely ineffectual. We disagree. The Act applies to all areas of Colorado except those that the General Assembly has expressly excluded from its application. And, of course, the exception created by section 25-12-103(11) is limited to “cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays” that are duly permitted by the local jurisdiction. Thus, the Act continues to serve its laudatory purposes across the bulk of the state.

¶ 48 The legislative history makes clear that the amendment was intended to provide local governments with the flexibility and control to apply local standards to regulate cultural, entertainment,

athletic, or patriotic events, rather than subject these events to a statewide, unbending mandate. Indeed, local control was a central theme in the legislative hearings. When various legislators expressed concerns about the potential impact on adjacent landowners, Representative Groff stated that all the amendment does “is allow the local government to issue the permits and to issue what those noise standards would have to be in those particular open air concerts.” 2d Reading on H.B. 1340 before the H., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 13, 1987). As Representative Groff recognized, the final sentence of 25-12-103(11) maintains and reiterates the authority of counties, cities, and towns to regulate noise issues within their jurisdictions: “This subsection shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.”

¶ 49 The legislature’s foresight also alleviates the parade of absurdities envisioned by Hobbs and the dissent. Our interpretation of the statute does not enable nonprofit entities to issue noise permits that exceed the statewide limit. This argument conflates the limited exemption granted by section 25-12-103(11)

with a grant of authority to issue amplified noise permits. Political subdivisions of the state — counties, cities, and towns — control the issuance of amplified noise permits, a reality that section 25-12-103(11) recognizes.

¶ 50 Thus, the forecasted absurdities are not legally possible because notwithstanding the exemption created by section 25-12-103(11), the amendment does not allow doctors, lawyers, or those who hold a driver's license to exceed the applicable noise limits. To the contrary, the last sentence of the amendment preserves "the authority of any political subdivision having jurisdiction to regulate noise abatement." § 25-12-103(11).

¶ 51 Finally, the General Assembly's decision to defer to the discretion of local governmental entities in setting noise levels does not leave the public without a remedy. Concerned residents, such as Hobbs and other interested parties, were allowed to participate in the amendment process. Based on their concerns, Salida's elected officials modified the sound amplification ordinances in a manner that they thought best met the needs of Salida's residents. The fact that such a remedy does not always lead to the particular

result desired by a particular party does not mean that the statute, or the political process that it contemplates, is absurd.

¶ 52 We perceive no error in the district court's conclusion that Hobbs's claims failed as a matter of law.

III. Necessary Parties

¶ 53 High Side argued, in the alternative, that the district court erred by denying its motion to dismiss for failure to join necessary parties. Because we have concluded that the district court correctly entered judgment in High Side's and Salida's favor under section 25-12-103(11), we do not need to address High Side's alternative argument. Thus, we express no opinion whether other parties holding noise permits were necessary parties to Hobbs's claims.

IV. Attorney Fees

¶ 54 Both Salida and High Side request an award of attorney fees against Hobbs. Neither of them, however, cites any legal authority or develops any argument in support of its requests. We therefore decline to further address their claims. See C.A.R. 39; *Foster v. Plock*, 2016 COA 41, ¶ 63.

¶ 55 Hobbs requests an award of attorney fees against Salida and High Side, asserting that their arguments for declaratory relief

based on section 25-12-103(11) were frivolous and groundless, and that High Side’s argument for dismissal based on the failure to join indispensable parties was also frivolous and groundless. Because Hobbs develops this request with citations to authority and argument, we address it on the merits.

A. Applicable Law

¶ 56 Section 13-17-102, C.R.S. 2023, provides that a court shall award attorney fees against any party who has defended a civil action, in whole or in part, that lacked substantial justification. § 13-17-102(2), (4). As used in the statute, the phrase “lacked substantial justification’ means substantially frivolous, substantially groundless, or substantially vexatious.” *Id.*

¶ 57 A defense is substantially frivolous if “the proponent can present no rational argument based on the evidence or law in support of [it].” *Mulberry Frontage Metro. Dist. v. Sunstate Equip. Co.*, 2023 COA 66, ¶ 42 (alteration in original) (quoting *City of Aurora v. Colo. State Eng’r*, 105 P.3d 595, 620 (Colo. 2005)). A defense is substantially groundless if it is not supported by any credible evidence. *Id.* (citing *City of Aurora*, 105 P.3d at 618). A

defense is substantially vexatious if it is brought or maintained in bad faith or to annoy or harass another. *Id.*

B. Application

¶ 58 Contrary to Hobbs's assertion, Salida's and High Side's motions to dismiss were not substantially frivolous, groundless, or vexatious. Indeed, we have affirmed the district court's conclusion that Salida and High Side are entitled to judgment as a matter of law on all of Hobbs's claims. And although we did not need to resolve the merits of High Side's necessary parties defense, we are satisfied that the defense did not lack substantial justification.

¶ 59 Accordingly, we reject Hobbs's request for an award of attorney fees against Salida and High Side.

V. Disposition

¶ 60 The district court's judgment is affirmed.

JUDGE HAWTHORNE concurs.

JUDGE J. JONES dissents.

JUDGE J. JONES, dissenting.

¶ 61 The City of Salida gave High Side! Bar and Grill (High Side), a privately owned, for-profit food and beverage establishment, permits to exceed noise limits established by section 25-12-103, C.R.S. 2023, despite the fact Salida doesn't have any property interest in the property on which High Side operates. The majority concludes that Salida has the authority to issue such permits under section 25-12-103(11). Because I disagree with that conclusion, and because I conclude that the district court didn't err by declining to dismiss Matthew Hobbs' complaint for failure to join indispensable parties (an issue High Side raises on cross-appeal), I respectfully dissent.

I. Background

¶ 62 The General Assembly has declared that "noise is a major source of environmental pollution which represents a threat to the serenity and quality of life in the state of Colorado." § 25-12-101, C.R.S. 2023. So it established "statewide standards," *id.*, for noise limits, which can be found in section 25-12-103. The highest such

noise limit is 80 db(A).³ That limit applies only to “[i]ndustrial” zones, and only then between the hours of 7 a.m. and 7 p.m. § 25-12-103(1).⁴

¶ 63 The permits Salida issued to High Side allowed noise up to 85db(A) at nighttime, when the limit at High Side, a commercial establishment, would otherwise be 55 db(A). *See id.*⁵ This would seem to run afoul of sections 25-12-101, 25-12-103(1), and 25-12-108, C.R.S. 2023, the latter of which says that nothing in title 25, article 12 shall “be construed to preempt or limit the authority of any municipality or county to adopt standards that are *no less restrictive* than the provisions of [title 25, article 12].” (Emphasis added.) In other words, a municipality like Salida may adopt noise-level standards that are more restrictive than the state standards, but not standards that are less restrictive than the state standards: the state statutory standards for noise levels are the ceilings.

³ Section 25-12-102(3), C.R.S. 2023, describes this “decibel” unit of noise measurement.

⁴ During the hours between 7 a.m. and 7 p.m., noise may exceed the usual limit by 10 db(A) for no more than fifteen minutes of each hour. § 25-12-103(2), C.R.S. 2023.

⁵ As discussed in section 25-12-102(3), such a 30 db(A) difference is, to put it mildly, substantial.

¶ 64 But that brings us to section 25-12-103(11), which exempts some entities from the statewide standards. It provides as follows:

This article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays. This subsection (11) shall not be construed to preempt or limit the authority of any political subdivision having jurisdiction to regulate noise abatement.

¶ 65 The majority concludes that High Side qualifies as a “permittee” of a “political subdivision of this state” under this exemption simply because Salida gave High Side permits to exceed the statewide statutory noise limits. With respect, that construction of section 25-12-103(11) fails to account for that section’s language as a whole and that of the related statutory scheme, renders language in that section superfluous, leads to illogical and absurd results, and is inconsistent with the statute’s legislative history.

II. Hobbs' Appeal

A. Standard of Review and Applicable Law

¶ 66 We review questions of statutory interpretation de novo.

Edwards v. New Century Hospice, Inc., 2023 CO 49, ¶ 14.

¶ 67 Our primary task in interpreting a statute is to give effect to the General Assembly's intent. *Id.* To determine that intent, we first look to the plain and ordinary meanings of the words and phrases used in the statute. *Krol v. CF & I Steel*, 2013 COA 32, ¶ 15. But we do so considering those words and phrases "in the dual contexts of the statute as a whole and the comprehensive statutory scheme, giving consistent, harmonious, and sensible effect to all of the statute's language." *Id.* And "[w]e must avoid any constructions that would render any words or phrases superfluous or that would lead to illogical or absurd results." *Dep't of Revenue v. Agilent Techs., Inc.*, 2019 CO 41, ¶ 16.

¶ 68 If, after applying these principles, we conclude that the language is susceptible of but one reasonable interpretation, we stop there and enforce the statute as written. *Antero Res. Corp. v. Airport Land Partners, Ltd.*, 2023 CO 13, ¶ 13. But if we conclude that the statute is susceptible of multiple reasonable interpretations

— that is, it is ambiguous — then we may look to other indicators of legislative intent, such as the object sought to be obtained, the legislative history, the consequences of a particular construction, and the legislative declaration of purpose. § 2-4-203, C.R.S. 2023; *see State v. Nieto*, 993 P.2d 493, 501 (Colo. 2000).

B. Analysis

¶ 69 As I see it, the majority’s reasoning falters most fundamentally by failing to read the statutory language as a whole. The majority construes the term “permittees” in isolation, without considering the language preceding it. *See Lewis v. Taylor*, 2016 CO 48, ¶ 20 (we don’t read statutory words in isolation, but in context).

Subsection (11) begins by saying article 12 isn’t applicable to “the use of property” by three types of entities — the state, political subdivisions of the state, and “any other entity not organized for profit.” It then identifies three subcategories of property users — “their lessees, licensees, and permittees” — for each of the three categories of not-for-profit property users.⁶ § 25-12-103(11). But

⁶ The subsection’s use of the term “their” clearly refers to the state, political subdivisions of the state, and other entities not organized for profit.

under the majority’s construction of subsection (11), even though lessors, licensees, and permittees are *subcategories* of the state, political subdivisions of the state, and other entities not organized for profit (a proposition even High Side concedes),⁷ the property they may use for the purposes identified in subsection (11) isn’t limited to “property used by” the entities in the primary categories. In other words, the majority deems the statutory limitation to the “use of property” by entities in the three primary categories inapplicable to entities in the three subcategories. If that is what the General Assembly intended, it had a strange way of saying so. Indeed, that construction leads to absurd results.

¶ 70 The majority’s construction would allow Salida to issue a “permit” to anyone — without limitation — to violate the statewide noise standards, without any limitation as to noise level, duration, or frequency, as long as the noise is caused by one of the statutorily

⁷ “When a referential or qualifying clause follows several words or phrases and is applicable as much to the first word or phrase as to the others in the list, . . . the clause should be applied to all of the words or phrases that preceded it.” *Est. of David v. Snelson*, 776 P.2d 813, 818 (Colo. 1989); see § 2-4-214, C.R.S. 2023 (abrogating the “last antecedent” rule, whereby qualifying phrases were deemed to apply only to the last antecedent to which they were closely connected).

identified events. That result can't be squared with the purpose of the statute as expressed in section 25-12-101 and emphasized by the preemption provision, section 25-12-108. And, more absurdly, that power would apply not only to the state and political subdivisions of the state — like Salida — but to “any other entity not organized for profit”: any nonprofit entity, “including, but not limited to, nonprofit corporations,” § 25-12-103(11), could issue a permit to anyone anywhere in the state to violate the statewide noise standards for the statutorily identified events — again, without any limitation as to noise level, duration, or frequency.

¶ 71 The majority's construction also fails to consider and give effect to all three subcategories of property users, in various ways.

¶ 72 First, no entity would give a *lease* to someone to exceed the statewide standards. Yet, one subcategory of property users is “lessees” of the state, political subdivisions of the state, and any other entities not organized for profit. The term obviously applies to those who lease property from one of those three categories of entities. So any such lessee isn't subject to the statewide standards, and without any need for a license or permit; otherwise, “lessees” is redundant. See § 2-4-201(1)(b), C.R.S. 2023 (we must

presume that “[t]he entire statute is intended to be effective”); *Wolford v. Pinnacol Assurance*, 107 P.3d 947, 951 (Colo. 2005) (we must avoid a statutory interpretation that renders any provision redundant or superfluous).

¶ 73 Second, the ramifications of the majority’s interpretation of the term “permittees” on the adjacent term “licensees” are profound. If “licensees” is construed without regard to context — like the majority construes “permittees” — only two results, both seemingly impermissible, are possible: (1) anyone to whom the state or any of its political subdivisions has issued a license of any kind isn’t subject to the statewide standards or (2) the state or any of its political subdivisions (and any other entity not organized for profit) may issue a license to anyone to exceed the statewide standards. The first result is absurd. Think of all the licenses issued by the state — licenses to practice law or medicine, for example, *or to drive*. The legislature could not have intended such licensees to be allowed to hold events excluded from the noise limitations. The second result renders “licensees” redundant of “permittees.” After all, what would be the difference between a license to exceed the statewide standards and a permit to do so? This result, which the

majority adopts, *see supra* ¶ 40, violates the well-established canon of statutory construction that we presume the legislature means different things when it uses different words. *See Colo. Med. Bd. v. Off. of Admin. Cts.*, 2014 CO 51, ¶ 19 (“[T]he use of different terms signals the General Assembly’s intent to afford those terms different meanings.”); *Wolford*, 107 P.3d at 951.

¶ 74 The only way, then, to read the exception in subsection (11) in a sensible way that gives effect to all of its parts is to construe it as limited to property used by the state, political subdivisions of the state, and any other entity not organized for profit, and any other entity that uses property used by those three primary categories of entities — whether by lease, license, or permit.⁸

⁸ A common definition of a “licensee” was, when section 25-12-103(11) was enacted, “a person who has a privilege to enter upon land arising from permission or consent, express or implied, of the possessor of land but who goes on the land for his own purpose rather than for any purpose or interest of the possessor.” Black’s Law Dictionary 830 (5th ed. 1979); *see also* § 13-21-115(5)(b), C.R.S. 1990 (defining “licensee” for purposes of the Premises Liability Act as “a person who enters or remains on the land of another for the licensee’s own convenience or to advance his own interests, pursuant to the landowner’s permission or consent”). This definition of licensee sensibly applies to the real property-focused exemption of section 25-12-103(11), particularly in light of the alternative meaning (e.g., a driver’s license), which would be extraordinarily (indeed, absurdly) broad.

¶ 75 This interpretation is strongly — I would say conclusively — supported by the legislative history of subsection (11).⁹ That exception was added to section 25-12-103 in 1987. The title of the bill adding the exception was “AN ACT CONCERNING THE EXEMPTION OF PROPERTY USED BY NOT FOR PROFIT ENTITIES FOR PUBLIC EVENTS FROM STATUTORY MAXIMUM PERMISSIBLE NOISE LEVELS.” Ch. 212, 1987 Colo. Sess. Laws 1154.¹⁰ This indicates that the exception was intended to apply only to property used by not-for-profit entities. *See City of Ouray v. Olin*, 761 P.2d 784, 789 (Colo. 1988) (court may consider the title of legislation in resolving uncertainties concerning legislative intent; holding the title of the legislation there at issue — “[A]n act concerning compensation of county employees” — indicated that it was intended to apply only to county employees).

⁹ If the statutory language doesn’t clearly support my interpretation, it is at least ambiguous, justifying consideration of legislative history. *See* § 2-4-203, C.R.S. 2023.

¹⁰ All three categories of primary entities in subsection (11) are not-for-profit entities. Recall, subsection (11) identifies those entities as “this state, any political subdivision of this state, or any *other* entity not organized for profit.” § 25-12-103(11) (emphasis added).

¶ 76 At hearings before House and Senate committees and in readings of the bill before the House and Senate, the bill’s sponsors, Representative Schauer and Senator Bird, and other legislators, indicated the following:

- Representative Schauer told the House Finance Committee that the bill would apply to concerts at, for example, Washington Park in Denver and Fiddler’s Green Amphitheatre. Immediately after Representative Schauer explained that the bill would “provide the opportunity for, on public or private property, for cultural, entertainment, athletic, or patriotic events,” Representative Groff, in a moment of levity, asked facetiously whether H.B. 1340 was “the Fiddler’s Green Bill.” Everyone laughed. Representative Schauer confirmed that Fiddler’s Green, which was in his district, was the impetus for the bill, and referred to Fiddler’s Green as being owned by a “*private, nonprofit facility.*” (Emphasis added.) Another representative mentioned fireworks at the State Fair Grounds in Pueblo. Representative Thiebaut said it would allow the Air Force Academy Band to perform at

Memorial Park in Colorado Springs. Representative Schauer confirmed that the city could issue a “permit” for such a performance. Hearing on H.B. 1340 before the H. Fin. Comm., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 1, 1987).

- During second reading of the bill in the House, Representative Schauer said the bill was intended to deal with “open air concerts that would be performed at any property, *whether that be state, city or county, or a nonprofit facility.*” 2d Reading on H.B. 1340 before the H., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 13, 1987) (emphasis added).¹¹ The impetus for the bill was anticipated development at Fiddler’s Green Amphitheatre in Arapahoe County (which, as noted, was owned by a private, nonprofit entity). Representative Schauer also mentioned Washington Park in Denver as a covered venue. Representative Groff also spoke about concerts at

¹¹ The majority opinion doesn’t acknowledge this statement, which contradicts the majority’s assertion that Representative Schauer didn’t limit his references to private property to such property used by not-for-profit entities.

Washington Park, such as those given by the “Denver Symphony Orchestra,” and said the bill would allow the city to “issue the permits” to allow performances at such places for “those particular open-air concerts.” *Id.*¹²

- During a hearing before the Senate State Affairs Committee, Senator Bird said the bill would apply to venues such as Washington Park, Folsom Field at the University of Colorado in Boulder, and Fiddler’s Green Amphitheatre. In response to a question by a committee member, Senator Bird said that the bill would allow for a for-profit rock concert at Folsom Field *because* Folsom Field is owned by a nonprofit entity (the state). Hearing on H.B. 1340 before the S. State Affairs Comm., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 27, 1987).¹³

¹² Though the majority opinion relies on the statement by Representative Groff, it omits the first part of her statement, which was about “Denver Symphony Orchestra” concerts at Washington Park, a city-owned property. It was those concerts Representative Groff was clearly referring to when she mentioned “*those particular open-air concerts.*” 2d Reading on H.B. 1340 before the H., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 13, 1987) (emphasis added).

¹³ The majority opinion does not acknowledge this statement.

- Senator Bird said at a reading of the bill in the Senate that it would apply to venues such as Fiddler’s Green Amphitheatre and the State Fair Grounds in Pueblo (to allow for a concert by, for example, Willie Nelson). 2d Reading of H.B. 1340 before the S., 56th Gen. Assemb., 1st Reg. Sess. (Apr. 30, 1987).

¶ 77 To me, all of these statements indicate that the real property subject to the bill is limited to that real property used by the state, a political subdivision of the state, or any other not-for-profit entity. There was nary a mention during any hearing on or reading of the bill of potential applicability to private property not owned by a not-for-profit entity, such as High Side.

Therefore, I respectfully dissent from the majority’s interpretation of section 25-12-103(11).

III. High Side’s Cross-Appeal

¶ 78 High Side cross-appeals the district court’s denial of its motion to dismiss for failure to join indispensable parties — specifically, thirty-eight other entities to which Salida has issued permits to exceed statewide noise standards. I would affirm that aspect of the district court’s judgment.

¶ 79 *Accetta v. Brooks Towers Residences Condominium Ass'n*, 2019 CO 11, is the Colorado Supreme Court's most recent pronouncement on how courts should determine whether a nonparty is indispensable and must be joined. That case, like this one, was a declaratory judgment action. The court held that joinder isn't required when a present party adequately represents the interests of an absent party. In this case, Salida and High Side's interests are aligned with those of any other permittees such that they can be expected to have made the absent party's arguments, Salida and High Side are capable of and willing to make those arguments, and any absent permittee wouldn't offer any necessary element to the proceedings that Salida and High Side would neglect. *See id.* at ¶ 19. Therefore, the district court didn't err by refusing to dismiss Hobbs' complaint for failure to join indispensable parties.¹⁴

IV. Conclusion

¶ 80 In sum, I would reverse the judgment and remand for entry of appropriate declaratory and injunctive relief.

¹⁴ I also observe that Salida issues its permits for very short periods of time. Those holding permits on a particular day change frequently, perhaps daily. This would make joinder as advocated by High Side a practical impossibility.

Court of Appeals

STATE OF COLORADO
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PAULINE BROCK
CLERK OF THE COURT

NOTICE CONCERNING ISSUANCE OF THE MANDATE

Pursuant to C.A.R. 41(b), the mandate of the Court of Appeals may issue forty-three days after entry of the judgment. In worker's compensation and unemployment insurance cases, the mandate of the Court of Appeals may issue thirty-one days after entry of the judgment. Pursuant to C.A.R. 3.4(m), the mandate of the Court of Appeals may issue twenty-nine days after the entry of the judgment in appeals from proceedings in dependency or neglect.

Filing of a Petition for Rehearing, within the time permitted by C.A.R. 40, will stay the mandate until the court has ruled on the petition. Filing a Petition for Writ of Certiorari with the Supreme Court, within the time permitted by C.A.R. 52(b), will also stay the mandate until the Supreme Court has ruled on the Petition.

BY THE COURT: Gilbert M. Román,
Chief Judge

DATED: January 6, 2022

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