



REGULAR MEETING OF THE CITY COUNCIL
448 E. 1st Street, Room 190
Salida, Colorado 81201
Tuesday, November 19, 2019 - 6:00 p.m.
AGENDA

**5:30 p.m. Get-Together to Show Appreciation for Mike Bowers
and Cheryl Brown-Kovacic**

1. Proclamations for Mike Bowers and Cheryl Brown-Kovacic
2. Swearing in of New Councilors, Mayor and Treasurer
3. Call to Order
 - a. Pledge of Allegiance – Led by Mayor Wood
 - b. Roll Call
4. Appointment of Mayor Pro Tem
5. Appointment of City Clerk
6. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Meeting Minutes – November 5, 2019
 - c. A Church - Special Event Permit
 - d. Approval of Mountain States Employer Council Salary Analysis Proposal
 - e. Approval of Personnel Manual Update
7. Citizen Comment – 3 minute time limit
8. Unfinished Business / Action Items
 - a. Resolution 2019-59 Approving the Findings of Fact for the Annexation of 6906 Vandaveer Ranch Road (Community Development)
 - b. Resolution 2019-60 Possible Approval of the Annexation Agreement for 6906 Vandaveer Ranch Road (Community Development)
 - c. Ordinance 2019-15 Second Reading and Possible Adoption to Annex 2.0 Acres at 6906 Vandaveer Ranch Road (Community Development)

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

- d. Ordinance 2019-16 Second Reading and Public Hearing Regarding the Proposed Rezoning of 2.0 Acres at 6906 Vandaveer Ranch Road to R-4 (Community Development)
- e. Resolution 2019-61 Approving the Development Plan for 6906 Vandaveer Ranch Road (Community Development)

9. New Business / Action Items

- a. Public Hearing for 2020 Budget (Finance Department)
- b. Ordinance 2019-17 First Reading and Setting a Public Hearing on a Proposed Ordinance Amending Chapter 16 of the Salida Municipal Code Regarding Multiple Principal Structures (Community Development)

10. Councilmembers, Mayor and City Treasurer Reports

- Councilors Pappenfort, Shore, Templeton, Critelli, Pollock, Kasper, Mayor Wood
- Treasurer Bergin
- Staff Reports
- Chaffee County Office of Housing Report
- Chaffee County Development Services Department Report

11. Executive Session

- a. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); regarding matters related to municipal court.
- b. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); for matters related to utility service.

12. Adjourn

[SEAL]

City Clerk/Deputy City Clerk

Mayor P.T. Wood



REGULAR MEETING OF THE CITY COUNCIL
& THE LOCAL LICENSING AUTHORITY

448 E. 1st Street, Room 190

Salida, Colorado 81201

Tuesday, November 5, 2019 - 6:00 p.m.

MINUTES

1. Call to Order
 - a. Pledge of Allegiance – Led by Mayor Wood
 - b. Roll Call – Bowers, Brown-Kovacic, Shore, Critelli, Kasper, Templeton, Mayor Wood
2. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Meeting Minutes – October 15, 2019
 - c. Special Event Permit Elks Club
 - i. November 16, 2019
 - ii. November 29, 2019
 - d. Special Event Permit GARNA
 - e. Approve Final Settlement for Multi-Use Facility Project
 - f. Approve Final Settlement for 2019 Asphalt Maintenance Project
 - g. Approve Final Settlement for Water Treatment Facility Disinfection Improvements Project
 - h. Approve Final Settlement for 2019 Concrete Maintenance Project

Brown-Kovacic made a motion to combine and approve the items of the consent agenda. Seconded by Bowers. With all in favor, THE MOTION PASSED.

3. Citizen Comment
 - Brent Wiescamp, pastor of First Christian Church, thanked Council for the upcoming donation to the Code Blue Shelter, which gets them past their fundraising goal. The shelter will open Friday, November 14th, with a staff of three.
4. Unfinished Business / Action Items
 - a. Ordinance 2019-14 Second Reading and Public Hearing Amending the Salida Municipal Code as it Relates to Code Violations and Penalties (City Attorney)

City Attorney Geoff Wilson gave Council background on the Ordinance. Mayor Wood opened the public hearing at which no one spoke. He then closed the public hearing. Shore and Bowers spoke in support of the ordinance as it provides the City with stronger enforcement abilities. Critelli also asked for clarification on Section 1-4-20, which was answered by Wilson. Kasper made a motion to approve Ordinance 2019-14. Seconded by Brown-Kovacic. With all in favor, THE MOTION PASSED.

5. New Business / Action Items

- a. Approve Donor Advised Fund Agreement with Chaffee County Community Foundation (CCCF) (City Administration)

City Administrator Drew Nelson opened the discussion regarding the fund agreement. Joseph Teipel, Executive Director of CCCF gave Council background of how the funding agreement works. Brown-Kovacic asked about CCCF's application form; Teipel said that CCCF will be using a template based on that which the City has been using in prior years, as well as requiring information about the nonprofit's budget and funding information. Brown-Kovacic expressed gratitude for the Foundation stepping in to help the City with funding. Templeton asked about setting limits for non-competitive grants and whether Council could have input in a grant review committee. Teipel affirmed that type of committee will be formed. City Clerk and Treasurer Pappenfort asked about the management rate. Shore made a motion to approve a donor advised fund agreement with CCCF. Seconded by Templeton. With all in favor, THE MOTION PASSED.

- b. Public Hearing for Resolution 2019-55 Approving a Budget Amendment for 2019 (Finance Department)

Finance Director Aimee Tihonovich presented information on the budget amendment. Mayor Wood opened the public hearing at which no one spoke. Mayor Wood then closed the public hearing. Brown-Kovacic thanked Tihonovich for the thorough work she is doing with the budget. Bowers made a motion to approve Resolution 2019-55. Seconded by Brown-Kovacic. With all in favor, THE MOTION PASSED.

- c. Resolution 2019-56 Public Hearing and Proposed Adoption of the Downtown Salida Parking Study (Community Development)

Community Development Director Glen Van Nimwegen gave background on Resolution 2019-56. Kasper asked how the process moves forward, and Brown-Kovacic asked for regular updates. Mayor Wood opened the public hearing at which no one spoke. Mayor Wood closed the public hearing. Malorie Baker from Walker and Associates also answered Council questions. Critelli made a motion to approve Resolution 2019-56. Seconded by Bowers. With all in favor, THE MOTION PASSED.

- d. Resolution 2019-57 Supporting Applications for State and Federal Grant Funds to Assist in the Implementation of Projects of the Future 50 Planning Process and Other Related Transportation Plans and Committing Local Matching Funds (Community Development)

City Planner Bill Almquist provided information on the grant application process. Brown-Kovacic made a motion to approve Resolution 2019-57. Seconded by Templeton. With all in favor, THE MOTION PASSED.

- e. Resolution 2019-58 Possible Citizen Appointment to the Planning Commission (Community Development)

Shore made a motion to continue Resolution 2019-58 to the November 19, 2019 meeting. Seconded by Templeton. Brown-Kovacic, Critelli, Kasper and Bowers opposed the motion; Shore and Templeton supported it. With less than a majority, THE MOTION FAILED. Kasper made a motion to approve Resolution 2019-58. Seconded by Brown-Kovacic. Brown-Kovacic, Critelli, Kasper and Bowers supported the motion; Shore and Templeton opposed it. With a majority, THE MOTION PASSED.

- f. Public Hearing Regarding Review of Ordinance 2018-14, Inclusionary Housing (Community Development)

Van Nimwegen refreshed Council's memories regarding inclusionary housing. Brown-Kovacic suggested more incentives. Mayor Wood opened the public hearing. Douglas Mendelson stated that he feels like the Ordinance does not do enough to create affordable housing, nor are the builders wanting to create affordable housing. He suggests that the affordable housing units have to be built at the same time as regular housing; also to increase fees in lieu. Mayor Wood closed the public hearing. Brown-Kovacic directed staff to look at increasing fees in lieu or having a sliding scale; changing the AMI requirements for developments dependent on size. Council directed staff to get the community guidelines finished so that it can inform this conversation.

- g. Ordinance 2019-15 Public Hearing and First Reading of Proposed Ordinance to Annex 2.0 Acres at 6906 Vandaveer Ranch Road (Community Development)

Van Nimwegen gave information on the Ordinance. Shore went on record to state that he had conversation with the applicant and that he informed the applicant due to the quasi-judicial nature of the annexation he cannot have contact until after the November 19, 2019 meeting. Mayor Wood opened the public hearing; Joe DeLuca spoke for the applicant. Mayor Wood then closed the public hearing. Brown-Kovacic made a motion to approve Ordinance 2019-15 and setting a second reading and public hearing for November 19,

2019. Seconded by Kasper. With Bowers in opposition, THE MOTION PASSED.

- h. Ordinance 2019-16 First Reading and Setting a Public Hearing on the Proposed Rezoning of 2.0 Acres at 6906 Vandaveer Ranch Road to R-4 (Community Development)

Templeton made a motion to approve Ordinance 2019-16 and setting a second reading and public hearing for November 19, 2019. Seconded by Shore. With all in favor, THE MOTION PASSED.

6. Councilmembers, Mayor and City Treasurer Reports

- Bowers spoke highly of David Lady and staff at the Public Works as well as the Recreation Department and Diesel Post. He also directed the council to cherish Salida.
- Shore stated that he had contact from a citizen as to why they cannot ski on the golf course. He directed staff to look into what it would take to enable that to happen. Complemented David Lady on helping a citizen with a bridge over a median. Praised Bowers' and Brown-Kovacic's dedication.
- Templeton seconded the request to allow access to the golf course. Attended the CAST meeting and thanked Administrator Nelson for introducing the organization to Council. Suggested Council host a table at the farmers market. Thanked Public Works for the work done with last snow fall.
- Critelli thanked Bowers and Brown-Kovacic for mentoring him as he learned the ropes of Council. He also attended the CAST meeting and is reassured that there are other towns taking steps to ensure our future.
- Brown-Kovacic also mentioned the golf course. Stated she feels as if she is leaving when the City is moving in a very positive direction, with good staff. Asks that Council and staff preserve the community character.
- Kasper seconded Council's appreciation of Brown-Kovacic and Bowers. The CAST meeting provided fodder for the sustainability committee.
- Mayor Wood thanked P.J. Bergin for her article about town hall meetings. Mentioned about skiing on the golf course, and thanked Bowers and Brown-Kovacic for their years of service.
- Treasurer Pappenfort thanked Bowers and Brown-Kovacic for stepping up and serving.

7. Adjourn at 8:09pm.

[SEAL]

City Clerk/Deputy City Clerk

Mayor P.T. Wood

Application for a Special Events Permit

In order to qualify for a Special Events Permit, You Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following (See back for details.)

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Social | <input type="checkbox"/> Athletic | <input type="checkbox"/> Philanthropic Institution |
| <input type="checkbox"/> Fraternal | <input type="checkbox"/> Chartered Branch, Lodge or Chapter | <input type="checkbox"/> Political Candidate |
| <input type="checkbox"/> Patriotic | <input type="checkbox"/> National Organization or Society | <input type="checkbox"/> Municipality Owned Arts Facilities |
| <input type="checkbox"/> Political | <input type="checkbox"/> Religious Institution | |

LIAB Type of Special Event Applicant is Applying for:	DO NOT WRITE IN THIS SPACE
2110 <input type="checkbox"/> Malt, Vinous And Spirituous Liquor \$25.00 Per Day	Liquor Permit Number
2170 <input type="checkbox"/> Fermented Malt Beverage \$10.00 Per Day	

1. Name of Applicant Organization or Political Candidate <p style="text-align: center;">A Church</p>	State Sales Tax Number (Required)
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2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP) 419 D Street Salida, CO 81201	3. Address of Place to Have Special Event (include street, city/town and ZIP) 419 D Street Salida, CO 81201
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4. Authorized Representative of Qualifying Organization or Political Candidate <p style="text-align: center;">Sheree Beddingfield</p>	Date of Birth <p style="text-align: center;">10/18/73</p>	Phone Number <p style="text-align: center;">719-530-1295</p>
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Authorized Representative's Mailing Address (if different than address provided in Question 2.)
 248 E 1st street Salida, CO 81201

5. Event Manager <p style="text-align: center;">Andrea Mossman</p>	Date of Birth <p style="text-align: center;">04/11/77</p>	Phone Number <p style="text-align: center;">312-607-6916</p>
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Event Manager Home Address (Street, City, State, ZIP) <p style="text-align: center;">738 G Street Salida, CO 81201</p>	Email Address of Event Manager <p style="text-align: center;">andreamossman77@gmail.com</p>
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6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes How many days? <u>1</u>	7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes License Number _____
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8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? Yes No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
12/13/19		5:00p	10:00p												

Oath of Applicant

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

Signature <i>Andrea Mossman</i>	Title <i>Manager</i>	Date <i>10-14-19</i>
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Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	<input type="checkbox"/> City <input type="checkbox"/> County	Telephone Number of City/County Clerk
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Signature	Title	Date
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DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY			
Liability Information			
License Account Number	Liability Date	State	Total
		-750 (999)	\$.

Address number posted
minimum 4" w/contrasting
background

Occupant Load Posted

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

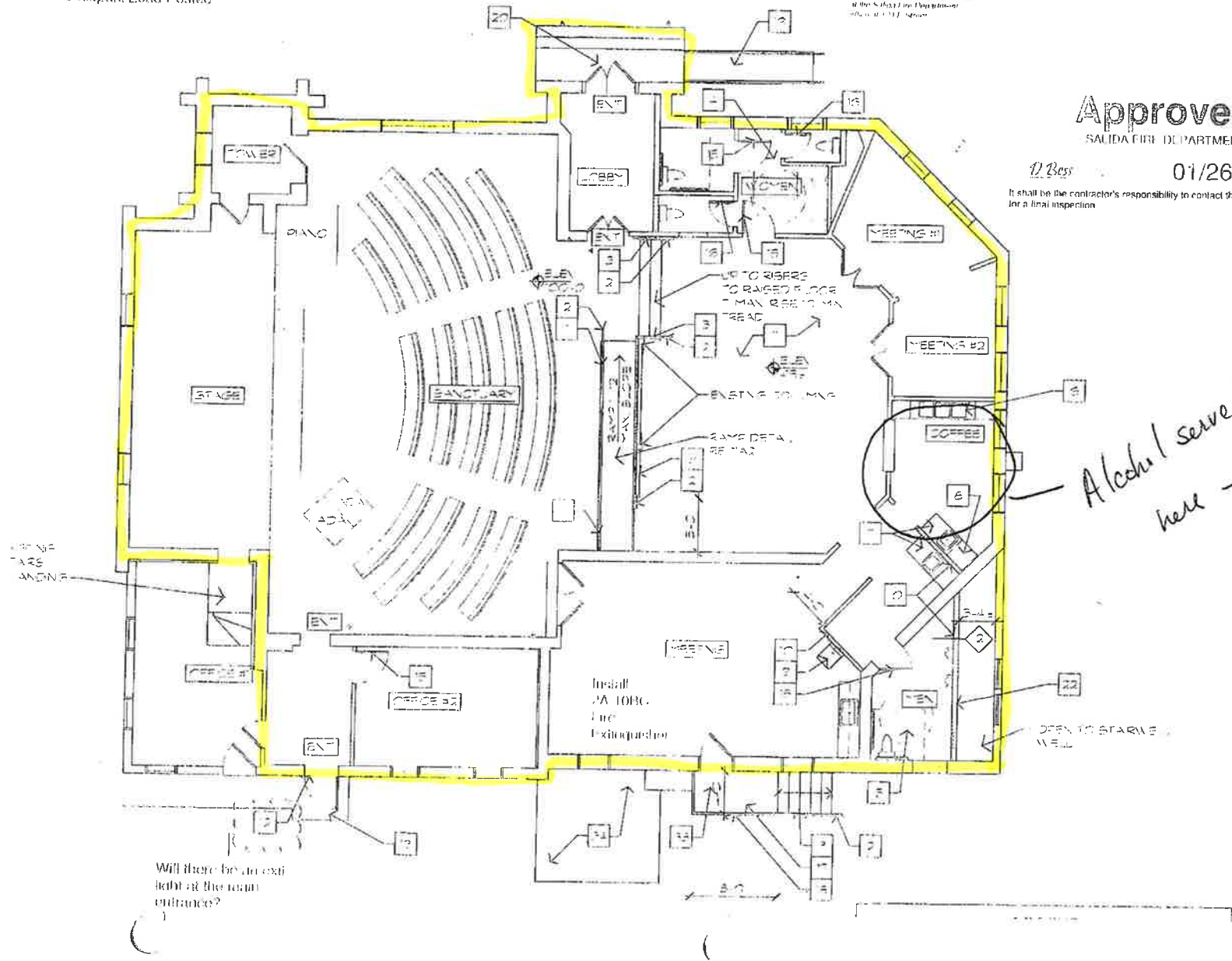
Must have keys to Knox Box placed
in the Safety Department
within 24 HRS.

Approved
SALIDA FIRE DEPARTMENT

D. Bess

01/26/2018

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



Alcohol served here -

Will there be an exit light at the main entrance?

A CHURCH SPECIAL EVENT AGREEMENT

This Agreement is made effective as of 10-14-19, by and between A Church and A Church (Client(s)).

The Clients represent that they desire to hold a special event at A Church (Venue) on December 13, 2019 (date).

with the arrival time at 5:00 pm on the date of 10-13-19 and a check out time of 10:00 pm on the date of 10-13-19.

1) VENUE RENTAL FEE(S):

(a) The Venue Rental Fee is \$ _____. The Clients or Representative for the Client(s), agree to pay an initial nonrefundable deposit of 50% of the venue rental fee upon reservation. This payment serves to hold the venue for the specified date of event or wedding and is payable at the time of contract signature. The balance of the Venue Rental Fee shall be paid 2 weeks prior to the arrival time and date.

(b) A \$500.00 refundable security deposit shall be paid 2 weeks prior to the arrival time and date and will be returnable to the client (s) up to fourteen days after the event has been held once property has been inspected for any additional cleaning or potential damage from the event or wedding.

(c) A \$500.00 refundable nuisance deposit shall be paid prior to the arrival time and date and will be returnable to the client(s) up to fourteen days after the event has been held once the Manager has determined that Law Enforcement did not respond to a complaint of noise or other complaint.

(c) Payments may be made via cash or check.

2) DATE CHANGES:

In the event the Client (s) is forced to change the date of the event or wedding a \$40 change fee will apply. Every effort will be made by A Church to transfer reservations to support the new date. The Client(s) agrees that in the event of a date change any expenses including but not limited to deposits and fees that are non-refundable and non-transferable are the sole responsibility of the Client(s). The Client(s) further understands that last minute changes can impact the quality of the event and that A Church is not responsible for these compromises in quality.

3) CANCELLATIONS:

In the event of a cancellation of a special event or wedding, all payments made to date are non-refundable and all outstanding payments will be due immediately. We understand that sometimes it is necessary to change or cancel a reservation.

All cancellations or reservation changes must be made in writing. The guest is responsible for verifying that A Church, and Director Kurt Beddingfield have received their cancellation letter. We cannot refund any advance payment for a canceled reservation unless the Venue is re-rented for the entire period and

prepayment has cleared. We will make every effort to re-book the Venue; however, if it is not re-booked, you forfeit all monies paid. If a cancellation is successfully re-rented, all of the rent, taxes and damage/security deposit will be refunded, less a \$100 cancellation fee.

4) RULES AND REGULATIONS:

The following is a list of rules and regulations to be upheld by Client(s), which includes all EVENTS PLANNERS, WEDDING COORDINATORS, VENDORS, and GUESTS who are involved in the planning and execution of the special event on the premises of A Church.

(a) Parking: All vehicles associated in any way with the event or wedding must be parked within the designated parking area, or along the roadway.

(b) Cleaning: The Venue must be cleaned prior to checkout to include floors, surfaces, furniture and any spills cleaned up and trash taken out. It shall be cleaned to substantially the same condition as it was when the Client(s) checked in. There is a cleaning list will need to be completed for checkout. There is a \$400 cleaning fee that will apply if the venue is not cleaned by the renters.

(c) Surrender of Premises: The Venue must be vacated and surrendered by 12pm on the checkout date. If the Client(s) fail to vacate the Venue by that time, they forfeit the security deposit.

5) EVENT ENDING TIMES:

All events must end by 11pm on Friday and Saturday evenings, 9pm on Sunday-Thursday evenings to comply with sound ordinances. The Venue must be cleaned and vacated by 12pm on the day of checkout.

6) DECORATIONS:

Decorations may not be hung with tape, wire, nails or screws which will damage the Venue. All decorations must be removed without leaving damages by check out time. Any hanging decorations must be approved by the owners and must be removed by check out time.

Note: The use of birdseed and blowing bubbles is permitted only outside for wedding and reception farewells. Rice, confetti, flower petals, balloons, glitter, pyrotechnics, and sparklers are not permitted inside or outside the facility.

7) INDEMNIFICATION:

Client(s) agree to indemnify and hold A Church, its officers, representatives, employees, agents and assigns harmless against all claims, causes of action, damages, liability loss or costs including reasonable attorney's fees, of every kind and nature whatsoever, that directly or proximately result from or are caused by any act or omission of the Client(s) or any of its officers, agents, employees, representatives, assigns, guests, patrons or invitees, or by their use or occupation of A Church pursuant to this Agreement.

8) LIQUOR/BEVERAGES/ILLEGAL SUBSTANCES:

All alcohol must be served in compliance with State and local regulations. The Client(s) represent that they have taken all necessary steps and secured any necessary or required permitting if they are serving any alcoholic beverages at the Venue. Drunken/Violent disturbances are prohibited and subject to immediate removal from the premise, possible termination of event without refund and forfeiture of some or all of the nuisance deposit.

9) SECURITY DEPOSIT:

A \$500.00 security deposit will be returned 14 days after the event as long as there is no damage and Venue policies have been followed. If any damages that exceed the amount of the security deposit shall be the responsibility of the person financially responsible for the event. If the venue has not been cleaned, then the charge for cleaning will be deducted from the security deposit.

10) NUISANCE DEPOSIT:

A \$500.00 nuisance deposit will be returned 14 days after the event as long as law enforcement has not been called due to excessive noise or other activities occurring during the term of the special event.

11) MUSIC:

All music must end by 9pm during weekdays and 11pm on weekends to comply with sound ordinances.

12) SMOKING:

A Church is a non-smoking venue. Smoking will be permitted only in designated areas outside.

14) FAILURE TO COMPLY WITH VENUE POLICIES WILL FORFEIT SECURITY DEPOSIT.

SIGNATURES:

Clients:

By: A Church

By: _____

Signature: Andrea Mossman
Date: 10-14-19

Signature: _____
Date: _____

A Church Representative:

By: Andrea Mossman

By: _____

Signature: Andrea Mossman
Date: 10-14-19

Signature: _____
Date: _____

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

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

A Church Inc

is a

Nonprofit Corporation

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

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

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



A handwritten signature in cursive script that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

*****End of Certificate*****
Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



REQUEST FOR CITY COUNCIL ACTION

Meeting Date:

AGENDA ITEM NO. 3.d.	ORIGINATING DEPARTMENT: Finance	PRESENTED BY: Aimee Tihonovich
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ITEM: Mountain States Employer Council Salary Analysis

BACKGROUND:

As discussed in budget work sessions, the City is long overdue for a 3rd party salary market study and salary pay plan analysis. Hiring a 3rd party will ensure unbiased results. Mountain States Employers Council has significant experience performing these type of studies for municipalities.

STAFF RECOMMENDATION:

Since employees are accustomed to receiving a pay adjustment on January 1, it is recommended that Mountain States perform their work in phases. The first phase will be to perform a market study with the goal of having pay recommendations based on market data ready for review by mid to late January in hope that pay can be adjusted by February 1.

The 2nd phase will be to develop a base compensation program that is financially prudent and flexible. It is anticipated this will be brought to Council by June 2020.

SUGGESTED MOTION:

Direct the City Administrator to accept the attached quote.

Attachments

Quote from Mountain States
Employers Council

Hi Aimee,

Here is your quote for reviewing and updating your pay plan for 40 unique positions.

Here is a more detailed overview of the compensation analysis process.

I have included estimated costs based on the 40 jobs to be evaluated.

Please let me know if you have any questions,



Compensation Consulting Services

Services Quotation Details

Who we are

At Employers Council, our total compensation consultants work with members in order to align the organization's vision and business strategy with their reward systems. We believe our non-profit outlook, emphasis on quality, determination to provide excellent long-term service, and scope of expertise in legal, human resources, and data reporting set us apart from other consulting firms.

Scope of Work

The City of Salida has asked Employers Council's consulting group to submit a proposal for conducting a base compensation market update analysis for their positions. This includes an evaluation of the organization's level of competitive pay in relation to other employers in the industry and community.

Outcomes

- Develop a base compensation program that is financially prudent and maintains flexibility.
- Review and document a total rewards strategy/philosophy to guide decision making.
- Market price (match your jobs to appropriate salary survey positions) up to 30 positions using Employers Council survey reports and other resources.
- Design a salary range structure based on the results of the study, taking into account organizational resources, mission, culture, and norms.
- Review current pay rates and prepare a cost analysis of plan implementation, identify pay anomalies, and provide recommendations.
- Design and implement a communication system for rollout of the program if desired.
- Provide a narrative report outlining the methodology used to develop the plan following accepted compensation theory and practices.
- Prepare and present a final report of findings to your organization, if desired.

Suggested Approach

Review of Current Materials

Employers Council's consultants will review your organizations strategic objectives as well as any compensation documentation and relevant policies and procedures. We will also want to understand the historical compensation approach and ensure agreement on the project scope.

Strategy and Objectives

We will facilitate a discussion with the Project Team (as determined by your organization) of key philosophical issues with the goal of developing a strategic approach to your total rewards program. Discussion will focus on recent economic, workforce, financial and political changes which impact what is working well and what is not.

What will address questions such as:

- What other components will be included in a total compensation program and how will they compare with base pay?
- How should base compensation compare to the labor market? How is the labor market(s) defined for various positions?
- How do you plan to balance an external market-based approach versus internal equity?
- What employee behaviors, experience, or skill sets should the compensation program encourage and reward?

This data forms a framework for designing a system in alignment with the organization's objectives.

Market Pricing

Employers Council produces validated, thoroughly verified salary and benefits survey data for our members. We annually survey over 4,000 jobs and publish a variety of breakouts of data by industry, geographic regions, or size.

We will use our own surveys, including the special study we will conduct, and any specific reports you provide to develop up-to-date market information. We have budgeted for up to 30 survey job matches.

Market pricing will be completed using documentation provided by you. We will depend on you to assure accuracy of the job descriptions and/or provide any other data you deem appropriate in order for us to validate the jobs matched to the survey information.

We will conduct job match meetings where we will review with you a summary of sources, survey titles, and the market segment used for each position matched. We look for a 70 percent to 80 percent correlation between the duties and qualifications for your positions and the salary survey description. If we are unable (due to the uniqueness of the job or lack of reliable survey data) to obtain market matches for certain positions, we will meet with you and, based on established criteria, align them with jobs that have been market priced.

We have budgeted for meetings to go over the market pricing results with you.

Base Compensation Design

Employers Council's consultants will present a job hierarchy based on the market pricing. Working with the Project Team, we will consider internal equity and make appropriate adjustments. Jobs that are paid similarly in the market and also have comparable skill, effort, and responsibility levels will be grouped into salary grades. We will also review the hierarchy according to job family, reporting relationship and career paths. We will then develop base compensation salary ranges. We will review the structure with you to ensure there is agreement on the design elements. In addition, we will conduct a cost analysis for pay adjustments to any salaries falling outside their range or other anomalies.

As part of the cost analysis, we examine current pay rates, range placement and identify compression or inequities within the structures. We will consult with you to consider if equity adjustments are appropriate and how they would align with your current/desired philosophy.

Communication

Pay is a controversial human resource element in most organizations. A base pay system that is misunderstood and rejected by managers and/or employees can create more problems than it solves, regardless of its degree of technical excellence.

Communication activities are therefore paramount in determining success of any compensation approach. We find the time and effort spent on communicating project outcomes to managers and employees is a critical driver of a successful project. We can explore communication options, provide handouts, and address issues such as the overall tone of communications materials as well as the timing, audience, and purpose.

Pricing and Terms

All Compensation work involving Employers Council is **billed at \$150 per hour**, plus mileage and expenses if applicable.

Jobs being evaluated	Estimated Total Cost
40	\$12,000 - \$17,000

Expenses, as applicable	Rate	Cost
Mileage to and from primary work location	\$0.58 per mile	TBD
Travel Allowance >1 Hour	\$50 per hour	TBD
Other project expenses incurred to HRPS consultant	At cost with no mark-up	TBD

Total billable time for the objectives will be based upon actual hours worked on- and off-site rather than the estimates quoted above. Any change of scope requested by your organization may require an adjustment to projected costs.

Invoices are issued biweekly for services performed during the previous two weeks, due within 30 days of receipt. All invoicing represented in this proposal will be through Employers Council Services (ECS) a wholly owned subsidiary of Employers Council.

Individual Compensation consultants, and availability of hours are assigned in the order member organizations confirm provision of services, without bias or preference.

Employers Council and its employees understand the responsibility to respect the confidentiality of your organization and the information contained in its Human Resource Department in order to protect privacy, and to perform in a professional manner.

This service quotation includes information that shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 3.e. - Consent Agenda	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Drew Nelson
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ITEM:

City of Salida Personnel Manual Update

BACKGROUND:

As part of an ongoing effort to modernize and update the City's Personnel Manual and benefits programming for employees, staff has met as a Benefits Committee to review the Manual over the past few months. In addition, the Employers Council (human resource and benefits specialists) have reviewed the existing manual for up-to-date compliance with employment laws. Finally, the City's auditors, McMahan and Associates, has recommended changes to the vacation accrual carryover is handled as part of the City's financial records.

As noted in the City Council worksession on this matter, the policies have been reviewed and discussed by both the Benefits Committee as well as the City's Finance Committee. Staff was given direction by all of the above to amend the Personnel Manual in the following ways:

- Increased vacation carryover to match the amount accrued in a calendar year.
- Split the annual accrual delivery to twice per year – January 1 and July 1.
- Include language regarding overtime for emergency callouts once the 40 hour work week has been established.
- Updated Family Medical Leave Act language.
- Updated Communications Systems language dealing with email, voicemail, and internet usage.
- Simplified the discipline language to allow for broader flexibility in handling personnel-related issues.
- Removed a requirement that employees wait six months before being able to use vacation time.
- Allowed for payouts (rather than just use) of vacation time for employees that switch from full time to something less.

FISCAL NOTE:

The only major item of fiscal note in the proposed changes is in the total liability of vacation time accrued to employees. However, this is only a liability at the time of resignation, retirement, or termination from employment with the City, and only if the employee has accrued vacation hours in their account (most employees use up their vacation time). Since the City has historically allowed a larger carryover than the current limit of 40 hours, the financial impact is negligible, and only if no one actually takes vacation between now and the end of the year (and there are plenty of vacations planned). Total potential liability on the books would increase from \$85,861 on December 31, 2018 to a potential of up to \$150,902, a difference of \$65,041; however, the actual difference will be considerably less than this amount once the scheduled vacations occur.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 3.e. - Consent Agenda	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Drew Nelson
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STAFF RECOMMENDATION:

Staff recommends approval revised Personnel Manual, dated November 19, 2019, and to be made effective immediately.

SUGGESTED MOTIONS:

A City Councilperson should make a motion to combine and approve the items on the consent agenda, followed by a second and a voice vote.



PERSONNEL MANUAL

Adopted by the Salida City Council and
Effective Immediately on November 19, 2019

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INTRODUCTION

The purpose of this manual is to inform employees of the personnel policies of general applicability for the City of Salida (the City or Salida). This manual is not all-inclusive and does not purport to address all conceivable circumstances but addresses those topics likely to be of interest to employees in the course of day-to-day operations.

The policies in this manual are not intended to supersede applicable ordinances, statutes, or other laws; in case of any conflict between these policies and such ordinances, statutes or other laws, the latter shall prevail. The provisions of this manual apply to all employees of the City except as otherwise specified. Departments may have their own policies and procedures.

The policies in this manual are not intended and shall not be construed to vest any employee of the City of Salida with any rights arising from any express or implied contract of employment, and employment with the City of Salida is at will, and can be terminated at any time without procedures, cause, or notice. The City reserves the right to change or rescind these policies and to determine the application of these policies to specific circumstances using its sole discretion. The City further reserves the right to alter or eliminate any benefits provided to its employees as referenced in the personnel policies. Any alteration, elimination, or revision may be made applicable to then-current as well as future employees.

Any matter not specifically covered by this manual may be administered by the City Administrator or their designee in a manner consistent with this manual.

IMPORTANT NOTICE

AT THE CITY OF SALIDA, NEITHER THE EMPLOYEE NOR THE CITY IS COMMITTED TO AN EMPLOYMENT RELATIONSHIP FOR A FIXED PERIOD OF TIME. EMPLOYMENT WITH THE CITY OF SALIDA IS AT-WILL. EITHER THE EMPLOYEE OR MANAGEMENT HAS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON. THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS BY MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR IS THERE A GUARANTEE OF EMPLOYMENT FOR ANY SPECIFIC DURATION. NO REPRESENTATIVE OF THE CITY OF SALIDA, OTHER THAN THE ELECTED OFFICIAL OR AGENCY HEAD, HAS AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE ELECTED OFFICIAL OR AGENCY HEAD AND THE EMPLOYEE.

THE CONTENTS OF THIS HANDBOOK ARE SUMMARY GUIDELINES FOR EMPLOYEES AND THEREFORE ARE NOT ALL INCLUSIVE. THIS HANDBOOK SUPERSEDES ALL PREVIOUSLY ISSUED EDITIONS. EXCEPT FOR THE AT-WILL NATURE OF THE EMPLOYMENT, THE CITY RESERVES THE RIGHT TO SUSPEND, TERMINATE, INTERPRET, OR CHANGE ANY OR ALL OF THE GUIDELINES MENTIONED, ALONG WITH ANY OTHER PROCEDURES, PRACTICES, BENEFITS, OR OTHER PROGRAMS OF THE CITY OF SALIDA. THESE CHANGES MAY OCCUR AT ANY TIME, WITH OR WITHOUT NOTICE.

SECTION 1 – EMPLOYMENT PRACTICES

1.1 Equal Employment Opportunity and Unlawful Harassment

The City is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law.

1.2 ADA and Religious

The City will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City or cause a direct threat to health or safety. The City will make reasonable accommodation for employees whose work requirements interfere with a religious belief, unless doing so poses undue hardship on the City.

1.3 Pregnancy Accommodation

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the City will engage in a timely, good faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the City's business operations.

The City may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the City Administrator.

The City will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

1.4 EEO Harassment

The City strives to maintain a work environment free of unlawful harassment. In doing so, the City prohibits unlawful harassment because of age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age 40 and over, race, sex, color, religion, national origin, disability, military status, genetic information, or any other applicable status protected by state or local law will not be tolerated. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, posters, drawings, or photographs.

- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

1.5 Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the City believes it warrants separate emphasis.

The City strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct, which may violate this policy, includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

Report the incident to the City Administrator or Administrative Coordinator who will investigate the matter and take corrective action. Your complaint will be kept as confidential as practicable. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the Mayor.

The City prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the complaint procedure outlined above. The situation will be investigated.

If the City determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.

1.6 Violence in the Workplace

Employees must not engage in intimidation, threats or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons on to City property, or any other act, which in management's

opinion is inappropriate to the workplace. In addition, employees must refrain from making bizarre or offensive comments regarding violent events and/or behavior. Employees are expected to report any prohibited conduct to management. Employees should directly contact proper law enforcement authorities if they believe there is a serious threat to the safety and health of themselves or others.

The City prohibits the possession or use of unconcealed weapons and the use of concealed weapons on City property, regardless of whether or not the person is licensed to carry the weapon. This guideline applies to all employees, contract and temporary employees, visitors and customers on City property, regardless of whether or not they are licensed to carry a concealed weapon.

Concealed weapons for which the individual has a permit must be unloaded or properly disarmed so as to render them un-dischargeable or unusable while on City property. Further, the individual with the concealed weapon who has a permit must report to the Chief of Police that they are carrying a concealed weapon while on City property and must show the Chief of Police the permit. You must provide the Chief of Police the weapon for inspection. Additional precautions may be taken depending upon the circumstances.

1.7 Open Records and Confidentiality

The City of Salida is governed by the Colorado Open Records Act (See C.R.S. 24-72-201 et seq.) which states that it is the public policy of the State of Colorado that all public records will be open for inspection by any person at reasonable times. Notwithstanding that general policy, the law provides that some records are not open to public inspection and are to be kept confidential. Examples of such “non-public” records include but are not limited to: individual medical and mental health records; employee personnel files and reference letters; deliberative work product information; law enforcement investigation and intelligence records; privileged information and confidential commercial and financial data.

Employees of the City of Salida may work with, have access to, or gain knowledge of records or information that belongs to the City, its employees, citizens and/or suppliers and which is not open to public inspection. City employees shall maintain the confidentiality of and shall not use, disclose or in any way make available to anyone else, either outside or within the City, any confidential, non-public records or information at any time, except as directed by the City Administrator and/or in the proper performance of duties as an employee of the City of Salida. If an employee has any doubt or concern as to whether a particular record or item of information is open to the public or whether a particular disclosure is appropriate, the employee should contact the City Administrator for direction.

1.8 Personnel Records

The City maintains a personnel file on each employee. Personnel files are the property of the City, but every existing employee can inspect and review his or her own personnel file upon request to the City Administrator. The following persons are also authorized to access personnel files:

- The employee’s direct supervisor or department head
- The City Administrator
- The City Attorney
- Administrative personnel in the course of updating basic data; and
- An employee’s designated representative, with a written and signed authorization by the employee.

An employee who wishes to review their personnel file should submit a written request to the custodian of the personnel files. An appointment will be scheduled within three (3) working days at which time the records will be available for inspection.

Other than as required by the Colorado Open Records Act, C.R.S. § 24-72-102 *et seq.*, no documents shall be released from a personnel record without a consent from the employee designating the documents to be released, the person or entity to which the release is to be made, and indemnifying and holding harmless the City from any liability, claims, and demands resulting from such release.

Each employee must provide written notice to the City Administrator of any changes to the employee's legal name, marital status, insurance changes, tax exemptions, residence, telephone, emergency notification, and other relevant information within 30 days of the change.

1.9 Performance Evaluations

Communication between employer and employee is a key element in the successful operation of the City government. At least once a year, on a schedule established by the City Administrator, supervisors and employees will endeavor to meet to discuss performance. Factors to be considered include quality and quantity of work, ability to learn, initiative, attendance and punctuality, conduct and overall performance. Goals and measures established during a formal evaluation, or on an informal basis, will form the basis of the annual evaluation and provides a forum for establishment of goals for the next period of employment. Changes in employee compensation are not necessarily tied to the time of a formal evaluation and may be made at any time the City deems appropriate.

Performance management is an on-going process. Managers and employees shall discuss progress toward performance goals and personal development throughout the year. The annual performance appraisal is a re-cap or summary of the discussions that have occurred throughout the year. Managers are encouraged to document performance discussions and, in certain situations involving performance issues, will be required to document interim discussions. Managers and Department Heads should consult with their Human Resources representative regarding performance issues and before a disciplinary process is initiated.

The formal, annual evaluation shall be in writing, in a format prescribed by the City Administrator, and shall be made a part of the employee's personnel file. Any documents or notes from meetings regarding performance should be sent to Human Resources for filing in the employee's personnel file. Having more documentation will make it easier for the manager to write the annual review.

Job performance evaluations do not have to be formal or in writing in order to put an employee on notice of job performance goals, achievements and deficiencies. Employees must be receptive to their supervisors' and department heads' input, instructions, and constructive criticism, whether verbal or in writing, on a day-to-day basis.

1.10 Attendance and Work Schedule

Regardless of what position an employee holds, punctuality and regular attendance are essential to the effective operation of the City. Regular and reliable attendance is an essential function of each and every position at the City. If an employee knows in advance they are going to be unavoidably late or absent,

they must personally notify their supervisor according to the provisions set forth in section 3.3 or 3.5.D of this manual. Departments may have additional specific procedures for such notification.

Assignment of scheduled working hours will be made by the employee's department head or supervisor. Likewise, scheduled working hours may change at the discretion of the employee's department head or supervisor. Employees are to be present at work during all scheduled hours, unless arrangements in accordance with the leave policies have been made. Unexcused absences and failure to be at the employee's appointed workstation at the start of the work period will result in corrective action up to and including dismissal.

1.11 Separation

Employees are free to resign at any time for any reason. If you desire to end your employment relationship with the City, we ask that you notify us as soon as possible of the intended separation. Notice generally allows sufficient time to transfer work, cover shifts, return City property, review eligibility for continuation of insurance, and make arrangements for your final pay.

Employees who plan to retire are asked to provide sufficient advance notice to the City so we can timely process any pension forms or other retirement benefits to which an employee may be entitled.

SECTION 2 – WAGE AND HOUR PRACTICES

2.1 Pay Status and Classifications

- A. Employee Type. For administrative purposes and to determine eligibility for benefits, the City classifies personnel as follows:
1. Full-time (FT) - Persons who are normally scheduled to work 40 hours (or more in the case of firefighters) each workweek and 52 workweeks each year are full-time employees and are eligible for all legally mandated benefits as well as City discretionary benefits outlined separately in a benefits overview document.
 2. Special Full-time (FT-S) - Persons who are normally scheduled to work 30 hours or more but less than 40 hours each workweek and at least 50 workweeks each year are special full-time employees and are eligible for all legally mandated benefits as well as participation in City discretionary benefits, that may be limited or pro-rated, as outlined separately in a benefits overview document.
 3. Part-time Benefitted (PT-B) - Persons who are regularly scheduled to work 20 hours or more but less than 30 hours each workweek and at least 50 workweeks each year are part-time benefitted employees and are eligible for all legally mandated benefits as well as participation in a sub-set of City discretionary benefits outlined separately in a benefits overview document, subject to limitations in plan documents. To the extent such documents differ from this policy, the plan documents will control eligibility.
 4. Part-time Non-benefitted (PT) - Persons who are regularly scheduled to work less than 20 hours per week are part-time employees. Part-time employees are not eligible for the City benefits except where required by law.
 5. Seasonal (S) - Workers performing duties of a seasonal nature, typically not to exceed 26 weeks of continuous service, are seasonal employees and are not eligible for the City benefits except where required by law.
 6. Temporary (T) - Persons who are hired in a job established for a temporary period or for a specific assignment. Temporary employees may work either full-time or part-time depending upon the requirements of the assignment. Temporary employees working less than 30 hours per week are not eligible for the City benefits as outlined in the benefits overview document except where required by law.
 7. Elected Officials (E) - The mayor, council members, and treasurer who are elected are not considered employees. Elected officials are not subject to the provisions of this Manual and are not eligible for the City discretionary benefits. The City does not pay unemployment insurance for these individuals.
- B. Employee Classification. Employees whose jobs are governed by the Fair Labor Standards Act (FLSA) are either “exempt” or “non-exempt.” Non-exempt employees are entitled to overtime pay. Exempt employees are not.

1. Non-exempt Employee - Non-exempt employees are generally paid by the hour and do not meet the exclusion criteria of exempt employees. They are eligible for overtime compensation in accordance with the FLSA and Section 2.5, *Overtime Compensation*.
2. Exempt Employee - Exempt employees are persons who hold positions considered to be executive, administrative, or professional as defined by the FLSA. Employees classified as exempt will receive a salary that will constitute full compensation for all hours worked and are not eligible for overtime pay or compensatory time off.

2.2 Paychecks and Paydays

Employees are paid on a bi-weekly basis on alternating Fridays. Time sheets must be submitted to department supervisors for review and approval no later than the Tuesday prior to payday. A summary of the timesheets for each department is provided to the Finance Department on the Wednesday prior to payday covering the previous two-week period. In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's paystub or paycheck will be available upon his or her return from vacation. Employees can elect direct deposit of their paycheck by completing the required form and providing a voided check to the Finance Department.

An employee who has lost or destroyed a paycheck must complete a Check Request form approved by their supervisor and must submit payment to the City for the cost to stop payment on the lost check. If the employee believes the circumstances surrounding the lost or destroyed check justify a waiver of the stop payment fee, they may appeal the fee to the City Administrator.

2.3 Recording and Record Keeping

Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Non-exempt employees must accurately record the time they begin and end their work, as well as the total number of hours worked during the day. Overtime work must always be approved before it is performed, except for emergency call back for operations personnel. They must record the beginning and ending time of any split shift or departure from work for personal reasons. Payroll time sheets must be initialed by the employee and department head or manager.

Altering, falsifying, tampering with time records, or recording time on another employee's time record is strictly prohibited and may result in disciplinary action, up to and including termination of employment.

2.4 Standby Compensation

- A. Non-public-safety employees serving as scheduled standby personnel on weekends for the City will be compensated at time and one-half for time actually worked, with a one-hour minimum per call. Employees receive at least \$50 per regular workday and \$75 per holiday regardless of whether they are called out. In addition, unscheduled standby personnel asked to respond to an incident will be compensated at time and one-half for time actually worked on weekends.

- B. Non-public-safety employees working a seven-day standby rotation will be paid \$100 standby pay for the seven-day standby period, plus one and a half (1½) times their regular hourly rate for time actually worked on call-outs beyond the regular forty (40) hour workweek. Managers, who are paid salary, are not eligible for additional pay for the call-out, but will receive the \$100 standby pay on their seven-day standby rotation.

2.5 Overtime Compensation

The FLSA requires that employees classified as non-exempt (other than police officers and firefighters who are covered by different provisions in the FLSA) are eligible for overtime pay equal to one and one-half (1½) times their regular rate of pay for each hour worked in excess of forty (40) hours in a workweek. The City's work week for FLSA purposes generally runs from Wednesday 12:00 AM to Tuesday 11:59 PM. The work week for FLSA purposes for the fire department runs from Wednesday 7:30 AM to the following Wednesday 7:30 AM. Police officers are eligible for overtime pay after working 86 hours in a 14-day pay period, and firefighters are eligible for overtime pay after working 106 hours in a 14-day pay period. Exempt employees are not covered by the FLSA's overtime pay provisions. Hours worked in excess of the normal work schedule before reaching 86 hours for police and 106 hours for firefighters in a 14-day cycle are considered "straight-time" overtime and are compensated at the employee's regular rate of pay

Work will be organized so that overtime is avoided whenever possible, and then should be kept to a minimum. Any overtime must be coordinated by the department head. This may take the form of direct consent each time or, alternatively, consistent application of guidelines approved by the department head. Sick, vacation, bereavement leave and holidays are not counted for the purpose of computing overtime.

2.6 Wage Deductions

- A. Required Deductions. The City shall automatically take the legally required deductions (e.g. FICA, income tax withholdings) from gross wages. Deductions for insurance premiums and other benefits shall require the prior written authorization from the employee, except in cases of court order or where otherwise permitted by law.
- B. Deductions for Property Not Returned At Termination. Employees are entrusted during their employment with property that belongs to the City and that has value. Employees are responsible for returning this property to the City upon request or at the time of termination of employment, whichever is first. The City has the right to withhold an employee's final pay check for up to 10 days in order to audit the return of all property and to determine the value of any property not returned or returned in a damaged condition.
- C. Deduction from Pay Check. The City will deduct from your pay check the value of any of the City's property that is not returned within this 10-day audit period or that is returned in a damaged condition, to the fullest extent permitted by law.
- D. Damages and Penalties. Employees are responsible for paying to the City the balance of any amount owed for property not returned to the City or returned to the City in a damaged condition. Employees who convert or steal the City's property may be liable to the City for three times the value of the property not returned, plus the City's costs and attorney's fees

incurred in obtaining a judgment for the damages and penalties, pursuant to Colorado's civil theft statute (§18-4-405).

E. Salary for Exempt Employees. It is our guideline to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all organization managers from making any improper deductions from the salaries of exempt employees. Deductions from salaries that are permissible:

1. Personal absences. Employers may deduct for full day absences for personal reasons other than sickness or disability.
2. Absences for illness or injury. Employers may deduct for full day absences due to illness or injury if bona fide sick pay/disability plans are in place.
3. Absences for FMLA Leave. Employers may deduct for full day absences taken as FMLA leave and partial day absences for hours taken as intermittent or reduced FMLA leave.
4. Offsets. Employers may offset employees' pay for amounts received by the employee for jury fees, witness fees, or military pay.
5. Infractions of safety rules. Employers may deduct for penalties imposed when salaried employees violate safety rules of major significance.
6. Infractions of workplace conduct rules. Employers may suspend exempt employees without pay for full days for infractions of written workplace conduct rules. This deduction is meant to cover only suspensions for "serious workplace misconduct" such as sexual harassment or drug and alcohol violations.
7. First or last weeks of employment. Employers may make partial week payments during an employee's first or last weeks of employment.

If you believe that an improper deduction has been made to your salary, you should immediately report this information to Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed.

2.7 Differential Pay for Temporary Assignment

Employees who are temporarily assigned to higher grade position for a minimum of 30 days may be awarded a differential pay increase for the duration of the assignment, with a range of 5-25% (depending on circumstances) of their pay rate. Requests for Differential Pay shall be submitted to and approved by the City Administrator. Differential Pay for an Acting City Administrator and other special circumstances outside of the parameters within this paragraph require City Council approval.

SECTION 3 – EMPLOYEE BENEFITS AND LEAVES

3.1 Employee Benefits

The following benefits are offered to certain employees based on employee type as defined in section 2.1 and subject to plan documents and provider agreements.

Employee Benefit Offering	Employee Type		
	FT	FT-S	PT-B
1. Medical Insurance	X	X	
2. Life Insurance	X	X	X
3. Accidental Death and Dismemberment	X	X	X
4. Short-term Disability	X	X	
5. Long-term Disability	X	X	
6. Tele-doctor Service	X	X	X
7. Dental Insurance	X	X	X
8. Supplemental Accident and/or Critical Illness	X	X	X
9. Free Swimming at Salida Hot Springs Aquatic Center for employee	X	X	X
10. Free Swimming at Salida Hot Springs Aquatic Center for immediate family members (all pool employees eligible)	X	X	
11. Discounted golf pursuant to the most current agreement with the facility operator	X	X	
12. Paid Vacation	X		
13. Paid Sick Leave	X		
14. Paid Holidays	X	X	
15. Retirement Savings – 457 deferred savings plans	X	X	X
16. Retirement Savings – 401(a) or FPPA plans	X		
17. Section 125 Cafeteria Plan	X	X	

Part-time employees who work less than 20 hours or more per week, seasonal employees and temporary employees are not eligible for the City discretionary benefits except for a free individual pool pass to the Hot Springs Aquatic Center. Elected officials are eligible to receive free family swimming at the Hot Springs Aquatic Center.

A summary of the insurance benefits and cafeteria plan can be found at the ADP portal at <https://portal.adp.com/public/index.htm>. For more detailed benefit information, contact the Finance Director. Medical insurance eligibility begins the first day of the month following the full-time hire date. However, eligibility for insurance is governed by the plan, and to the extent it differs from this policy, the plan controls. City contributions to the 401(a) retirement plan begin at the start of the pay period after six months from the date of hire for Full-time employees.

3.2 Workers' Compensation

The City provides Workers' Compensation Insurance as required by law for employees who suffer job-related injuries or diseases. Employees must verbally report the injury or disease to the department head immediately, and then notify, in writing, the City as soon as practicable but in any event within four working days after the accident. Alcohol and Drug testing may be required, pursuant to applicable laws, if the employee's own actions or omissions could possibly have caused the accident that led to injury. Failure to report the injury and to timely submit to testing, if required, could result in discipline or discharge.

The City has the right to require that employees are treated by a treating physician selected from a list of physicians designated by the City. The department head shall provide the injured employee with a list of designated treating physicians. Failure to use a physician from the designated list may result in loss of medical benefits. The injured employee is responsible for arranging an appointment with a designated treating physician.

The injured employee's treating physician may recommend that he or she return to work on limited duty. In such event, the City may require the employee to return to work performing duties within the medical restrictions even if such work is different than the employee's regular job duties. An employee's refusal of limited duty may be the basis for discipline or discharge.

3.3 Vacation Time

Unless different provisions are agreed upon through the hiring process, the following vacation benefits shall apply for all full-time employees.

- A. Eligibility. Full-time employees are eligible for paid vacation leave. Vacation may be taken only with approval of the employee's supervisor and/or department head. An employee planning to take 80 hours or more of vacation (96 hours for firefighters) at one time must also receive approval from the City Administrator.
- B. Vacation Accrual. An employee who begins full-time employment will accrue vacation at a rate of 3.08 hours of vacation per pay period (4.3 hours per pay period for firefighters) for that year. Beginning with the first payroll cycle of each new calendar year after an employee's full-time hire date, vacation accrues according to the following schedule:
 - One (1) to four (4) years of full-time employment: 80 hours per year (112 hours for firefighters).
 - Five (5) to ten (10) years full-time employment: 120 hours per year (168 hours for firefighters).
 - After ten (10) years full-time employment: 160 hours per year (224 hours for firefighters).

Annual accrued vacation as described above shall be delivered into an employee's accrued account with one half (1/2) deposited on January 1 of every year, with the remaining one half (1/2) deposited on July 1 of every year.

Vacation is not accrued during an unpaid leave of absence. During paid leaves, vacation is accrued at the normal rate.

The City Administrator has the authority to give years of service credit for previous similar employment for vacation accrual purposes during pay negotiations at the time of hire.

Employees may carry over to the following year a maximum of a full year's accrual. In addition, the City Administrator may allow additional carryover if extenuating circumstances warrant it. Written authorization of the carryover from the City Administrator must be submitted to the Finance Department for proper record keeping.

If a full-time employee changes to special full-time, temporary, seasonal or part-time status, accrual will discontinue upon the date of change. Any unused vacation must be used or paid out during that calendar year.

3.4 Paid Holidays

- A. Eligibility. Only full-time and full-time special (FT-S) employees are eligible for paid holiday leave or holiday premium pay, unless on an unpaid leave of absence. Full-time special employees would receive holiday pay or holiday premium pay only if their normal work schedule falls on a holiday and their pay would be limited to the number of hours normally scheduled.
- B. Recognized Holidays. Except for those employees in departments that run seven-day operations, full-time employees shall receive Holiday Pay for the following days, which have been designated as official paid holidays when department offices are closed. Changes in the holiday schedule will be authorized by City Council:

List of Recognized Holidays:

New Year's Day	Labor Day
Martin Luther King Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

- C. Holiday Pay. Holiday Pay is an eight-hour day, eleven-hour day for firefighters, at regular pay rate. When a holiday falls on a Saturday, the previous Friday will be designated as the official holiday. When a holiday falls on a Sunday, the following Monday will be designated as the official holiday, except for non-essential hourly non-exempt workers who will take the holiday as it falls. Official holidays commence at the beginning of the first shift of the holiday and continue for twenty-four (24) hours.
- D. Holiday Pay for Non-Exempt Workers:
- When a non-exempt employee works on an official holiday, the employee will receive premium holiday pay at time and one-half regular pay for the hours worked, plus Holiday Pay.
 - When a non-exempt employee has the holiday as a regularly scheduled day off, the employee will be paid Holiday Pay.

- When an employee is sick on an official holiday, the time will be considered a holiday.
 - When an official holiday falls during a paid absence, the day will be considered a paid holiday.
- E. Personal Floating Holiday. In addition to the designated holidays, every full-time employee is eligible for one personal floating holiday. The personal floating holiday is one shift off to be scheduled with a department head just as vacation time is scheduled. . New employees hired after June 1st of each year are not eligible for the personal floating holiday within the same calendar year.

3.5 Sick Leave

- A. Eligibility. Sick leave is available to full-time employees only.
- B. Accrual. Sick leave accrual starts on the employee's most recent full-time hire date and may be used immediately. Eligible employees accrue 8 hours of paid sick leave per month, 11 hours per month for firefighters. The benefit accrues on the last day of the month for the month just ended. Sick leave does not accrue during unpaid leaves. Sick leave may be carried over from year to year for a maximum of 120 hours (or 168 hours for firefighters) except, that employees who had accrued a greater number of hours prior to this policy are allowed to retain those hours until used or their employment is terminated. No additional hours will be accrued until the employee's balance is reduced to 120 hours (or 168 for firefighters). Accrued, unused sick leave is not paid upon termination of employment. In addition, employees who deferred payment of accrued sick leave in accordance with the 2003 "Agreement for Payment of Unused Sick Hours" will be allowed to retain up to 480 hours to avoid an automatic forfeiture resulting from new accrual limits imposed effective January 1, 2015.
- C. Use of Sick Leave. Sick leave is granted in not less than one-hour units. Employees may use accrued sick leave for the following reasons: employee's personal illness or physical incapacity; dental, ocular or doctor appointments which are of necessity and cannot be scheduled during non-working hours; in accordance with Domestic Violence Leave; or in certain circumstances to allow an employee to provide care for his/her spouse, domestic partner or dependents.
- D. Authorization of Sick Leave. Department heads are responsible for authorizing sick leave. In order for sick leave to be authorized, an employee must personally contact their supervisor as soon as possible or at least within one hour prior to the start of the employee's scheduled shift. If the supervisor is not available, the employee must personally speak with and leave the information with the department head or another supervisor. Notifying a coworker or leaving messages is not sufficient. For late arrivals, the employee must indicate when they expect to arrive for work. If the employee is unable to call in themselves because of an illness, emergency or for some other reason, they must have someone call on their behalf. If the department head determines that it was not possible for the employee to make contact in the allotted time, the department head may still authorize the sick leave. Thereafter, the employee must keep the department head apprised of the illness on a daily basis unless otherwise approved by the department head.

- E. Medical Certification. The City reserves the right to require employees to substantiate and/or document their need for sick leave, whether it is based on their own physical condition or the condition of an immediate family member. The City also reserves the right to evaluate requests for and extensions of, sick leave and medical leaves of absence by consulting with the physician of the employee or with the City's own medical consultants, and retains the right to request that the employee seek a second opinion of the illness/disability from a physician of the City's choice. The City may also request the employee provide medical certification from the employee's personal physician and/or from a doctor of the City's choice at the City's expense. Employees are expected to return to work based upon information provided to the City by the employee's attending physician, and the City may require the employee to submit to a medical examination by a physician designated by the City upon their return. Any illness or injury of the employee or the employee's immediate family member requiring an employee to miss four (4) regularly scheduled work days will require a physician's statement verifying the condition of the person under the physician's care. At the end of sick leave, the City may require a physician's statement verifying the employee's fitness to return to work.
- F. Compensation for Sick Leave. One hour of sick pay is equal to one hour at the employee's regular hourly rate of pay. Sick leave pay is reflected on the paycheck issued for the pay period in which the sick leave was used.
- G. Sick Leave Conversion. After all accrued sick leave is used, vacation leave may be used according to the provisions of the vacation leave policy.
- H. Reliability. Reliable attendance is an essential job function of every position with the City. Abuse of sick leave, falsifying the need for sick leave, or failing to return to work or periodically contacting an employee's supervisor as required (unless physically incapacitated), will result in discipline or discharge.
- I. Unpaid Sick Leave. Employees ineligible for paid sick leave may request an unpaid medical or unpaid personal leave of absence from their supervisor. The leave may be granted if the supervisor feels that the work of the department will not be adversely effected or create an otherwise avoidable overtime situation.
- J. Bonus for Unused Sick Leave. Any employee who uses one shift or less of sick leave in a calendar year will be granted an additional shift of personal leave the following calendar year, to be scheduled like vacation leave.

3.6 Statutory Leaves of Absence

- A. Purpose. The following leaves are required by law. This policy is intended to comply with the legal requirements. It is not intended to provide rights or create obligations in addition to the legal requirements. Therefore, if the laws upon which these policies are based are changed, the policies are automatically changed to comply with the revised laws.
- B. Jury Duty. If an employee is served with a summons to jury duty, the employee must inform his or her department head by the next regular work day and provide a copy of the summons. The employee will receive leave for jury duty. Non-exempt employees will be paid their

regular wages for the first three days of jury duty that they would otherwise have been scheduled to work. Thereafter, any pay they receive for jury duty is paid by the governmental entity requesting the employee to participate in the jury service. Exempt employees will receive their regular salary during jury duty but must remit to the City any pay (not including expense reimbursement) received from the government for jury duty that covers the same period for which the exempt employee is receiving pay from the City. The City has no obligation to pay wages for jury duty until and unless the employee tenders to the City a juror service certificate provided by the court confirming that the employee was on jury duty during that period. Employees are expected to return to work on any day or portion of a day they are released from jury duty.

- C. Voting Leave. Employees who are, eligible electors entitled to vote at an election shall be entitled to two hours off, with pay, for the purpose of voting on the day of the election during the time the polls are open, if they advise their department head of the leave of absence prior to the day of election and if they have less than three hours between the time of opening and the time of closing of the polls during which they are not required to be on the job for the City. The City may specify the hours during which the employee may be absent.
- D. Military Duty. Employees will be allowed leave of absence for military duty in compliance with applicable Federal and State laws. Employees must present official documentation of the military duty prior to the leave and upon returning from leave. Military leave for non-exempt employees is without pay. Exempt employees will be paid their salary, unless no work is performed for the City during the pay period, and subject to reduction for wages received from the Military for the same period. The City will use its best efforts to accommodate monthly military training.

Employees granted a military leave of absence are re-employed and paid in accordance with the laws governing veteran's re-employment rights. The City pays for the first 15 days of leave. After that time, leave is without pay.

- E. Emergency Volunteer Service Leave. Any full-time or part-time employee who is a "Qualified Volunteer" called to service by a "Volunteer Organization" for the purpose of assisting in a "Disaster" as these terms are defined by CRS §24-32-2202 through §24-32-2228, is entitled to an unpaid leave of absence for the time spent assisting, not to exceed a total of fifteen work days in any calendar year. In order to be eligible for this leave, the employee must comply with all requirements of these statutes, including, without limitation, providing the City with proof that he or she is a Qualified Volunteer. Leave need not be granted if the employee is designated an "Essential Employee" by the City (meaning the employee is essential to the operation of the daily enterprise whose absence would likely cause the City to suffer economic injury or whose duties include assisting in disaster recovery for the City) or if granting the leave would result in more than 20% of the City's employees being on Emergency Volunteer Service leave on any work day. This period of leave shall in no way affect the employee's rights to other paid leaves for which the employee is eligible, bonuses, advancement, or other employment benefits or advantages relating to and normally to be expected for the employee's particular employment. Leave is allowed only if the employee returns to his or her job as soon as practicable after being relieved from Emergency Volunteer Service. The employee satisfying the statutory requirements shall be entitled to return to the same or a similar position as held before leave began.

3.7 Domestic Violence Leave

- A. Statutory Rights. Domestic Violence Leave is governed by Colorado law, C.R.S. 24-34-402.7, and is available only to individuals who qualify under the law, as it may be amended from time to time. The provisions of this policy are intended to comply with the state law and not to create rights that are different from or in addition to the law. This policy is automatically amended or repealed if the state law is amended or repealed.
- B. Eligibility. In order to qualify for Domestic Violence Leave, the City must have 50 or more employees, and the employee must have been employed by the City for 12 months or more, must be a victim of a crime of domestic violence, must have a qualifying reason for the leave and must provide the City sufficient notice of this qualifying reason.
- C. Leave Benefit. Eligible employees shall be permitted to take up to three working days of unpaid leave from work in any twelve-month period, for a qualifying reason, if the employee is the victim of a crime of domestic violence.
- D. Crime of Domestic Violence. A crime of domestic violence includes domestic abuse, stalking, sexual assault, and any other crime, the underlying factual basis of which has been found by a court on the record to include an act of “domestic violence” as defined by state law.
- E. Qualifying Reasons for Leave. The employee must be using the leave from work to protect himself or herself by:
- Seeking a civil restraining order to prevent domestic abuse;
 - Obtaining medical care or mental health counseling or both for himself or herself or for his or her children to address physical or psychological injuries resulting from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence;
 - Making his or her home secure from the perpetrator of the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence or seeking new housing to escape the perpetrator;
 - Seeking legal assistance to address issues arising from the act of domestic abuse, stalking, or sexual assault or other crime involving domestic violence and attending and preparing for court-related proceedings arising from the act or crime.
- F. Notice to the City. Except in cases of imminent danger to the health or safety of the employee, an employee seeking leave from work under this policy shall provide a department head with advance notice by the next business day after the employee becomes aware of the need for leave. The request must be accompanied by a copy of any subpoenas, court orders, police reports, medical provider’s statements or other documentation that will substantiate the need for leave. In the event prior notice is not possible because of imminent danger, the employee must provide notice and supporting documentation, as required above, at the earliest opportunity.

- G. Exhaustion of Other Paid Leave. Domestic Violence Leave is unpaid leave, unless the employee has accrued vacation or sick leave benefits available. In this event, the Domestic Violence Leave will be used simultaneously with sick time first and then vacation leave, to the extent available so that the leave will be paid. If the available sick leave and vacation time are less than three days, the remainder of the Domestic Violence Leave will be unpaid.
- H. Confidentiality. The law requires the City to treat an employee's request for and use of this leave as confidential and shall discuss it only with those individuals who need to know for purposes of confirming the employee's need for leave, granting or denying the request, coordinating the employee's absence and work coverage during the period of absence, or for other legitimate business needs.
- I. No Retaliation. An employee shall not be retaliated against for any request or use of this leave when the request or use is pursuant to an honest belief that the Domestic Violence Leave law applies to the circumstances.
- J. No Greater Rights. An employee shall have no greater rights to continued employment or to other benefits and conditions of employment than if the employee was not entitled to leave under this policy. Nothing in this policy shall be construed to limit the City's right to discipline or terminate any employee for any reason, including but not limited to reductions in work force or termination for cause or for no reason at all, other than exercising his or her rights under this policy.

3.8 Family and Medical Leave of Absence

- A. Statutory Rights Only. This policy is to be read in accordance with the Family Medical Leave Act ("FMLA" or "Act") of 1993, as amended. The policy is intended to explain those rights and obligations required by the Act and is not intended to create any additional or contractual rights or obligations. This policy applies only if the City has 50 or more persons on its payroll during at least 20 workweeks of the current calendar year or 20 workweeks of the last calendar year.
- B. Eligibility. To be eligible for FMLA leave, an employee must have been employed for at least 12 months (total, but not necessarily continuous) by the City, must have worked at least 1,250 hours for the City during the 12 months before leave is to be taken, and must be employed at a work-site where the City employs at least 50 employees within 75 miles.
- C. FMLA Benefit. Eligible employees shall be granted a total of 12 weeks of FMLA leave during a rolling 12-month period for one or more of the following:
- Incapacity due to pregnancy, prenatal medical care, or child birth.
 - To care for the employee's child after birth, or placement for adoption or foster care.
 - To care for the employee's spouse, son or daughter, or parent, who has a serious health condition.
 - Serious health condition that makes the employee unable to perform the employee's job.

- D. Military Family Leave Entitlements. Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the Armed Forces, National Guard, or Reserves may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

**The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition.”*

- E. Benefits and Protections. During FMLA leave, the City maintains the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work. Employees must continue to pay their portion of any insurance premium while on leave. If the employee is able but does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of insurance premiums during leave.

Upon return from FMLA leave, most employees are restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Certain highly compensated employees (key employees) may have limited reinstatement rights.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave. As with other types of unpaid leaves, paid leave will not accrue during the unpaid leave. Holidays, funeral leave, or employer’s jury duty pay are not granted on unpaid leave.

- F. Eligibility Requirements. Employees are eligible if they have worked for the City for at least 12 months, for 1,250 hours over the previous 12 months, and if they work at a work site with at least 50 employees within 75 miles.
- G. Definition of Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents a qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive full calendar days combined with at least two

visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

- H. Use of Leave. The maximum time allowed for FMLA leave is either 12 weeks in the 12-month period as defined by the City, or 26 weeks as explained above. The City uses the 12-month period measured forward from the first day of an employee's leave.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees taking intermittent or reduced schedule leave based on planned medical treatment and those taking intermittent or reduced schedule family leave with the City's agreement may be required to temporarily transfer to another job with equivalent pay and benefits that better accommodates that type of leave.

- I. Substitution of Paid Leave for Unpaid Leave. The City requires employees to use accrued paid leave while taking FMLA leave. Paid leave used at the same time as FMLA leave must be taken in compliance with the City's normal paid leave policies. If an employee's leave of absence does not constitute paid leave as defined in the City's paid leave policies, the employee cannot use accrued paid leave, but can take unpaid leave. FMLA leave is without pay when paid leave benefits are exhausted.
- J. Employee Responsibilities. Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures.

Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also may be required to provide a certification and periodic recertification supporting the need for leave. The City may require second and third medical opinions at the City's expense. Documentation confirming family relationship, adoption, or foster care may be required. If notification and appropriate certification are not provided in a timely manner, approval for leave may be denied. Continued absence after denial of leave may result in disciplinary action in accordance with the City's attendance guideline. Employees on leave must contact the Administrative Coordinator at least two days before their first day of return.

- K. The City's Responsibilities. The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility. The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City will notify the employee.
- L. Unlawful Acts. FMLA makes it unlawful for the City to:
- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
 - Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- M. Enforcement. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

3.9 Personal Leave of Absence

The City may grant full-time or part-time employees an unpaid personal leave of absence for compelling reasons subject to the following.

- A. Request for Leave. Requests for personal leave must be made in writing at least two weeks before the leave is to begin, except in an emergency situation. The request must indicate: the reason for the leave, the date the leave is to commence, the expected duration of the leave, and the employee's address and telephone number while on the leave. Requests will be considered in light of expected department work requirements and business needs for the period of time of the leave, the employee's performance history and other factors. Personal leave is granted at the sole and absolute discretion of the employee's department head.
- B. Return from Leave. An employee on personal leave of absence must notify the City, in writing, of his or her intention to return to work at least one week in advance. Every effort will be made to reinstate an employee returning from an approved leave of absence, on schedule, into the same or substantially similar position as the one he or she left before the leave, but this cannot be guaranteed. Failure to accept the offered position will be considered a termination of employment, effective immediately.

3.10 Bereavement Leave

In the event of a death in an employee's immediate family, the City Administrator may authorize paid leave of up to five (5) days for full-time employees to manage family affairs and attend the funeral. Part-time employees may be granted up to (5) days of leave without pay by the department head. The employee shall submit a written request to his or her department head, who shall recommend to the City Administrator an approval, denial or reduction of the leave requested by the employee. Consideration is given to the distance to be traveled and personal demands placed on the employee in authorizing any requests for bereavement leave. "Immediate family" includes spouse, child, parent, parent in-laws, sibling, brother or sister in-law, grandparent, grandchild, stepparent, stepchild, stepbrother, stepsister,

legal guardian, or a person with whom the employee shares a household in a personal relationship. Should additional leave be required, employees may use their available vacation days or sick days with the approval of the department head.

3.11 Breastfeeding and Milk Expression Breaks

In accordance with Section 4207 of the Patient Protection and Affordable Care Act under the Fair Labor Standards Act (FLSA) of 2011, and Colorado Revised Statutes 8-13.5-101, it is the policy of the City of Salida to encourage and support employees in their efforts to combine working and breastfeeding, for up to 2 years after the child's birth. Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive milk expression breaks, a place to express milk and staff support.

- A. Breaks. Reasonable break times (generally 15-20 minutes every 2 to 4 hours) will be provided each day to allow the employee to express breast milk for her nursing child for up to two years after the child's birth. Employees may use normal breaks and meal times, accrued vacation, sick leave or any combination thereof, or may be given unpaid break time. Employee can make up time at the beginning or end of shift if needed and approved by their supervisor.
- B. Facilities. A private room (not a toilet stall or restroom) shall be available for employees to breastfeed or express milk, and the City shall make reasonable efforts to provide a location in close proximity to the work area. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out pump parts, and have an electrical outlet. Breastfeeding employees will be responsible for keeping the area clean. If employees prefer, they may also breastfeed or express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee's supervisor. Expressed milk may be stored in a facility refrigerator if it is clearly marked with the employee's name and the date.
- C. Employee Responsibilities. Employees who wish to express milk during the work period shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the City. Breastfeeding employees are responsible for keeping the milk expression areas clean and for keeping the general lactation room clean for the next user. When more than one breastfeeding employees needs to use the designated lactation room, employees can use the sign-in log provided in the room the negotiate milk expression times that are most convenient or best meet their needs.
- D. Other Requirements. Due to the variety of work environments, schedules and staffing needs at the different facilities of the City, other requirements may apply as appropriate. In all cases, reasonable efforts will be made to accommodate the breastfeeding employee's needs.

A private space will be provided, and time will be permitted, for nursing mothers to express milk during the workday. The time permitted typically will not exceed the normal time allowed for lunch and breaks. If additional time is needed above and beyond normal breaks/meal time, the supervisor and employee will agree upon a plan which might include the employee using annual leave/vacation time, arriving at work earlier, or leaving later.

Please contact your supervisor or Human Resources if you require additional accommodation.

SECTION 4 – EMPLOYEE DISCIPLINE/DISCHARGE

Occasionally performance or other behavior falls short of our standards and/or expectations. When this occurs, management takes action, which in its opinion, seems appropriate.

Disciplinary actions can range from a formal discussion with the employee about the matter to immediate discharge. Action taken by management in an individual case does not establish a precedent in other circumstances.

SECTION 5 – EMPLOYEE DEVELOPMENT

The City encourages and assists in the professional and technical development of all employees.

5.1 Required Training

The City may require that employees attend special training to stay proficient in their jobs and to meet City needs. Required training must be approved by the department head in advance of attendance. Employees will be notified of required training in writing by their department head. The department head will make all necessary work schedule adjustments to accommodate required training. Travel to and from, and time spent at required training will be compensated in accordance with the FLSA. For required training and travel time of less than eight (8) hours duration (ten (10) hours for employees working four (4) - ten (10) hour shifts), employees will return to work to complete the eight (8) or ten (10) hour shift, make up the time during the pay period, or use appropriate leave time.

5.2 NIMS Training

All full-time employees must have National Incident Management System (NIMS) training and certification to comply with Homeland Security Presidential Declaration 5.

The following guidelines apply to City personnel:

All Department Staff	IS 700 and ICS 100
Supervisors	All courses above plus ICS 200
EOC Staff (Department Heads)	All courses above and ICS 300 and IS 800
Emergency Managers, Select department heads with multi-agency coordination system responsibilities	All courses above and ICS 400
Mayor and Council Members	G402

In order to stay within compliance, all new full-time employees must gain their NIMS certifications within 90 days of employment for internet based courses and within one year for courses requiring attendance. Copies of certifications are maintained in personnel files for any auditing that may occur. The Emergency Manager tracks the certifications each employee has completed.

5.3 Requested Training

Employees may request to attend school, seminars, workshops, or conferences if the training will be of mutual benefit to the City and the employee. Requested training must be approved by the department head and City Administrator in advance of attendance. Approval of requested training is in the discretion of the City Administrator. Travel to and from, and time spent at requested training is generally not compensable time, except that the department head may accept such time as duty time when it falls during a regularly scheduled shift. For requested time and travel of less than eight (8) hours duration (ten (10) hours for employees working four (4)-ten (10) hour shifts), employees will return to work to complete the eight (8) or ten (10) hour shift, make up the time during the pay period, or use appropriate leave time.

Schedule adjustments to accommodate requested training are not guaranteed. Transportation, lodging, and meals will be in accordance with City policy:

- A. City payment for approved voluntary attendance at conferences, workshops, seminars or other training sessions will be based on:
 - The direct benefit to the employee and the City;
 - Budgetary considerations; and
 - Relevance to current municipal affairs.

- B. When sufficient funds are available, full-time employees may be eligible for educational reimbursement. Courses must be job related and pre-approved according to your department's procedures prior to enrollment.

- C. All approved courses must be satisfactorily completed to be eligible for reimbursement. Reimbursement will be made for tuition, registration, fees, and laboratory fees only, at a rate equivalent to the cost of Colorado Mountain College (CMC). "Satisfactory completion of course" will mean a grade of "B-" or better, if the course is graded, or a satisfactory completion if no grade is given. Upon completion of approved course(s), the employee will submit an appropriate verification that:
 - The student has successfully completed the course;
 - Shows the date of completion;
 - Shows the final grade; and
 - Indicates the number of units or hours earned.

SECTION 6 – OTHER POLICIES

6.1 Conflict of Interest

Employees exercising influence in connection with a City contract, purchase, payment or any other financial or monetary transaction and who have a substantial personal interest in the transaction will give seventy-two (72) hours written advance notice of the conflict to the City Administrator. Failure to disclose a conflict may result in disciplinary action, up to and including termination.

6.2 Personal Gain

No employee shall request, use or permit the use, whether directly or indirectly, of any publicly owned, or publicly supported equipment, vehicle, facility, labor service, supplies (new, surplus, scrap, or obsolete) or any found property for the personal convenience or the private advantage of said employee or any other person. Any employee who witnesses another employee who they believe is in violation will report the matter to their supervisor. Any employee who finds unattended property of value will contact their supervisor for instructions.

6.3 Gratuities

Employees will not directly or indirectly solicit/accept any gift, including but not limited to money, services, loan, travel, entertainment, hospitality or any other form if (a) it could be reasonably expected that the gift was intended to influence them in the performance of their official duties; or (b) the gift was intended to serve as a reward for any future official action on their part.

6.4 Employment of Related Persons

The following relatives of any officer, employee or elected official of the City who has the authority to hire, fire, or supervise employees, or of his/her spouse, will not be hired by any officer, employee, or elected official of the City of Salida without the prior consent of the City Administrator: spouse, child, parent, brother or sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, or a person with whom the employee shares a household in a personal relationship. All relationships will include those arising from adoption and common-law rules. No appointing authority shall participate or vote on decisions related to hiring, retention, promotion, or determination of the salary level of a member of his or her family. Any person interviewing for employment with the City must notify their supervisor and the City Administrator of any such relationships.

6.5 Employment of Relatives

The City may employ relatives of current employees except in the following situations:

- Relatives would be in a position to supervise another relative.
- Relatives have access to confidential information including payroll and personnel records.
- Relatives audit, verify, receive, or are entrusted with money handled by the other relative.

In cases of marriage or the formation of a civil union between two employees, if the above guidelines apply, one must transfer.

These guidelines apply to all categories of employment, including full-time, part-time, and temporary classifications. They also apply to all relatives and individuals who are not legally related, but who reside with another employee.

6.6 Romantic Relationships

If a romantic relationship develops between two people at work where one is in a supervisory position over the other, the relationship interferes with either employee's work duties; both parties are responsible for reporting the relationship to the Human Resource Manager. Such relationships can be disruptive to the work environment, create a conflict of interest or the appearance of a conflict of interest, and lead to complaints of favoritism, discrimination, or sexual harassment. Steps may be taken to change the work relationship to avoid any conflict of interest.

6.7 Outside Employment

No employee may engage in additional employment which, in the opinion of the employee's supervisor, impairs the proper and effective performance of official duties, which results in a conflict of interest, or which would adversely affect the City. The City does not prohibit employees from having outside employment unless the outside employment creates a conflict of interest with the employee's responsibilities to the City of Salida. Employees are reminded; however, that all employees will be judged by performance standards established by the City and will be subject to the City's scheduling demands, regardless of any existing outside work requirements. Employees holding employment outside of the City must fill out an Outside Employment Authorization Form, which is must be signed by the employee's supervisor and the City Administrator.

Employees involved in or contemplating outside work should discuss the issue with their supervisor. Despite any outside employment or business venture, employees are still required to perform their duties with the City. Any conflicts with a second job will not be acceptable excuses for not meeting expectations or attendance requirements, including any overtime work.

Any outside work must not create or appear to create a conflict with the City's business interests. Employees are not permitted to use any of the City's equipment or paid time off benefits for purposes related to an outside job or receive any income or material gain from individuals outside the City for materials produced or services rendered in the performance of their City position. Employees cannot receive any material gain for use of City tools, equipment, material or facilities.

6.8 Political Activity

Political beliefs, activities and affiliation are a private matter to the employees of the City of Salida. No employee or applicant will be required to divulge political beliefs as a requirement of employment, nor participate in, nor make or withhold contributions to, political parties or groups. At the same time, employees will not engage in encouraging candidates to run or openly and actively support any political candidate or issue during scheduled work hours. All City employees are subject to and will comply with the provisions of the Colorado Campaign Reform Act. The following types of political activity are restricted, but are not intended to restrict an employee's freedom to express opinions or exercise their right to vote while off-duty:

- A. No employee, either full-time or part-time, shall campaign for or against or publicly support or oppose any City Council or other candidate while on duty.
- B. No City employee, either full-time or part-time, while on duty or in a uniform which identifies him/her as an employee of the City shall:
 - Canvass on behalf of any candidate, political party, or political issue,
 - Display any political media whether it is campaign related or supportive of an elected official's view,
 - Circulate any petition,
 - Participate in petitioning activities focused on public service issues presented by the general public (non-City Officials), or
 - Serve as a City election judge.
- C. No employee shall place or allow to be placed any political media on a City vehicle.
- D. Any active, full-time or part-time regular employee who is announcing candidacy for an elected office may choose to continue their regular work schedule with the City if no interferences or conflicts of interest are present. If and when a potential conflict of interest or interference is present, the employee will be asked to take a leave of absence, to become effective with the date the candidacy is officially registered. This leave of absence will continue during the total campaign period unless candidacy is withdrawn. After the election, the successful candidate shall be asked to resign their position with the City if the elected office has any dealing whatsoever, with the City.
- E. Department heads shall remain publicly neutral on all City elections for public office.

6.9 City Property

Employees who use or have City property in their possession are expected to treat it with the same care as they would their own property. All City tools and equipment are to be returned in good condition, ordinary wear and tear excepted. Property lost, damaged, or destroyed due to the employee's willful act or carelessness, will be considered a legal obligation and indebtedness of the employee and will be replaced at the employee's expense.

Whether or not performed on the City's premises, work which employees perform and are paid for by the City is the property of the City of Salida. This includes inventions, works of authorship, improvements, designs, developments, and discoveries that relate in any manner to the present or prospective activities or business of the City.

Any City property issued to employees, such as keys, policy manuals, tools, firearms, or uniforms, must be returned at the time of termination or resignation, or whenever requested by the supervisor. Employees are responsible to pay for any lost or damaged items. As a condition of employment with the City, all employees agree that the value of any property issued and not returned will be considered a valid legal obligation and indebtedness of the non-returning employee and may be deducted from the employee's final paycheck.

6.10 Operation of City or Private Vehicles

- A. Valid Driver's License. Employees who do not have a valid Colorado driver's license or who are not insured against liability for driving, as required by state laws, are not authorized to drive any vehicle during the course of performing work duties or scope of their employment with the City. An employee's driving record must be acceptable to the City's insurance carrier or the employee is not deemed authorized to drive in the course or scope of employment.
- B. Change in Driver Status. If an employee's job duties include driving, then any change in the employee's driver's license status, driving record or insurance coverage must be reported in writing by the employee to his or her department head by the next business day.
- C. Safety. Safe and lawful driving practices must be used by employees at all times while driving a City-owned vehicle or personal vehicle on City business. Seat belts must be worn at all times while traveling in a City-owned vehicle or a personal vehicle on City business. It is the employee-driver's responsibility to ensure that all passengers buckle-up before beginning to operate the vehicle.

A Motor Vehicle Record (MVR) for prospective and current employees whose job duties require them to routinely operate a City vehicle will be obtained and reviewed in accordance with the City's current operating procedures.

- D. Alcohol. Employees are not allowed to drink alcohol while on City business. Open containers of alcohol are not allowed in vehicles being used for City business.
- E. Liability. Property damage to vehicles that occurs while an employee is driving the vehicle or is in control of the vehicle is the employee's responsibility. The City has no obligation to pay for damage to an employee's vehicle that occurs while the vehicle is on the City's premises or while it is being used for job-related purposes unless the damage is caused by the City's negligence and is not due to any negligence by the employee.
- F. Accidents during travel. Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate department head. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.

6.11 Alcohol and Drug-Free Workplace

- A. Purpose. The City is committed to a safe, healthy, and productive work environment for all employees that is free from the effects of substance abuse. Abuse of alcohol, drugs, and controlled substances impairs employee judgment, resulting in increased safety risks, injuries, and faulty decision making. This includes working after the apparent use of marijuana, regardless of marijuana's legal status. Furthermore, working after the use of alcohol, a controlled substance or abuse of any other substance is prohibited.

In accordance with the Drug-Free Workplace Act of 1988, the City prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance during work time, on City premises, or other work sites. Any employee who is convicted, or pleads guilty or no contest under a criminal drug statute for a violation occurring in the workplace

must notify the City within five days of such conviction or plea. Testing is an important element in the City's efforts to ensure a safe and productive work environment. The City has issued a separate statement for this testing program. Please refer to this separate statement, the Human Resources Department, or your supervisor if you have specific questions.

- B. Alcohol and Controlled Substances Prohibited. The following conduct by employees is prohibited on any premises owned, leased or used by the City for performing the City's services, or any place while an employee is performing services for the City: 1) alcohol possession or use; 2) the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance; 3) having detectable amounts of alcohol or controlled substances in the employee's system or; 4) smelling of alcohol on the job, regardless whether the employee is under the influence.
1. "Drugs" or "controlled substances" means a controlled substance listed in Schedules I through V of 21 U.S.C. 812 and as further defined by federal regulations (21 CFR Section 1300.11 through 1300.15). This list includes but is not limited to marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP). It does not include over-the-counter medications taken in accordance with the manufacturer's instructions, or drugs prescribed by a physician for the employee when taken in the manner, combination and quantity prescribed, unless possession or use is illegal despite a prescription. Employees who are using over-the-counter or medically prescribed drugs that could adversely affect their ability to perform work in a safe manner must notify their department head prior to starting work. The employee may be required to provide a physician's certification that it is safe for the employee to perform the essential job functions while using the medications as a condition of continuing to work.
 2. Any employee who is convicted of a drug-related crime for any violation occurring within the course or scope of employment by the City, must notify the City of the conviction no later than five (5) days after such conviction. 'Conviction' means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violation of federal or state criminal drug statutes. Notice of such conviction should be given to the City Administrator.
 3. Sanctions will be imposed on any employee so convicted. Within thirty (30) days after receiving notice of the conviction, the City will take appropriate disciplinary action against the employee, up to and including termination.
 4. Sanctions may be imposed if the City has reasonable suspicion of a violation of this policy, regardless of whether the employee is convicted or criminally prosecuted.
- C. Basis for Testing. Testing will be required as a condition of employment under the following circumstances:
1. Post-Offer of Employment. Offers of employment may be contingent upon the new employee submitting to and passing a drug test. Also, existing employees may be required to pass a drug test as a condition of an offer of a specific job or project assignment.

2. **Reasonable Suspicion Testing.** If the employee's supervisor has reasonable suspicion that an employee is in violation of this policy, the employee may be required to submit to testing for alcohol and/or controlled substances. "Reasonable suspicion" is defined as facts and circumstances that would lead a reasonable person to believe that another individual is under the influence of drugs, alcohol or controlled substances. Some of the circumstances that might provoke reasonable suspicion testing are evidence of repeated errors on the job, sleeping on the job, slurred speech, uncharacteristic appearance or behavior, or unsatisfactory time or attendance patterns, if coupled with specific events that indicate probable drug/alcohol use. Reasonable suspicion for testing may also exist if other individuals have first-hand knowledge relating to an employee's violation of this policy and report this to the City.
 3. **Post-Accident Testing.** An employee in a safety sensitive position who is involved in an on-the-job accident may be subject to an alcohol and drug test if the employee's own conduct could possibly be a contributing cause of the accident or injury. In addition, any employee who is involved in a serious on-the-job accident may be subject to an alcohol and drug test.
 - a) Although testing should never delay necessary and immediate medical treatment, testing must be performed as soon as possible following an accident. The employee must submit to an alcohol and drug test within 2 hours following an accident. If testing cannot be completed within the 2 hour time allowed, the employee must provide the City Administrator, or his or her designee, with a written explanation as to why the employee did not comply with this requirement.
 - b) Any employee whose injuries prevent him or her from providing a specimen in a timely manner shall, as soon as able, provide to the City the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in the Employee's system and the alcohol concentration level.
 4. **Return to Duty and Follow-Up Testing.** An employee who has failed a drug/alcohol test will likely be terminated for a first offense. At the sole discretion of employer, the employee may be allowed to return to duty or be rehired after the employee submits to return-to-duty testing and tests negative for alcohol and controlled substances. Any employee who tested positive during the past 12 months is subject to unannounced, follow-up testing.
 5. **Random Testing.** All employees whose position requires a Commercial Driver's License (CDL) are subject to random testing for alcohol and controlled substances during work hours. Random testing is not based on reasonable suspicion of use.
- D. Consequence of Violation. Any violation of this policy will likely result in immediate termination.
- E. Refusal to Submit to Testing. The following behavior constitutes a 'refusal' to take a test:
1. Express refusal to take the test.

2. Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation for the failure, or engaging in conduct that clearly obstructs the testing.
3. Tampering with, or attempting to adulterate the specimen or collection procedure.
4. Not reporting to the collection site in the time allotted.
5. Leaving the scene of an accident without a valid reason and not submitting to the test as required in this policy.

Refusal to submit to mandated testing is considered a violation of this policy and the consequences will be the same as though there has been a positive test result.

- F. Testing Facility. Testing will generally be by urinalysis. Results of blood tests or Breathalyzer (for alcohol) may also be relied upon by the City. The testing will be performed by an approved lab and administered by a qualified testing facility.
- G. Employment at will. Nothing in this policy changes the fact that all employment with the City is at will and can be terminated at any time by the employee or the City with or without cause or prior notice. Nothing in this policy requires the City to test before terminating an employee for violation of this policy.

6.12 Communications Systems

The City's computer network, access to Internet, e-mail, and voice mail systems are business tools intended for employees to use in performing their job duties. Therefore, all documents and files are the property of the City. All information regarding access to the City's computer resources, such as user identifications, modem phone numbers, access codes, and passwords are confidential City information and may not be disclosed to non-City personnel.

All computer files, documents, and software created or stored on the City's computer systems are subject to review and inspection at any time. Employees should not assume that any such information is confidential, including e-mail either sent or received.

Computer equipment should not be removed from the City premises without written approval from a department head. Upon separation of employment, all communication tools should be returned to the City.

- A. Personal Use of the Internet. Some employees need to access information through the Internet in order to do their job. Use of the Internet is for business purposes during the time employees are working. Personal use of the Internet should not be on business time, but rather before or after work or during breaks or lunch period. Regardless, the City prohibits the display, transmittal, or downloading of material that is in violation of City guidelines or otherwise is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time.

- B. Software and Copyright. The City fully supports copyright laws. Employees may not copy or use any software, images, music, or other intellectual property (such as books or videos) unless the employee has the legal right to do so. Employees must comply with all licenses regulating the use of any software and may not disseminate or copy any such software without authorization. Employees may not use unauthorized copies of software on personal computers housed in City facilities.
- C. Unauthorized Use. Employees may not attempt to gain access to another employee's personal file of e-mail messages or send a message under someone else's name without the latter's express permission. Employees are strictly prohibited from using the City communication systems in ways that management deems to be inappropriate. If you have any question whether your behavior would constitute unauthorized use, contact your immediate supervisor before engaging in such conduct.
- D. E-mail. E-mail is to be used for business purposes. While personal e-mail is permitted, it is to be kept to a minimum. Personal e-mail should be brief and sent or received as seldom as possible. The City prohibits the display, transmittal, or downloading of material that is offensive, pornographic, obscene, profane, discriminatory, harassing, insulting, derogatory, or otherwise unlawful at any time. No one may solicit, promote, or advertise any outside City, product, or service through the use of e-mail or anywhere else on City premises at any time. Management may monitor e-mail from time to time. Employees should be aware that emails might be public records and subject to public disclosure.

Employees are prohibited from unauthorized use of encryption keys or the passwords of other employees to gain access to another employee's e-mail messages.

- E. Voice Mail. The City voice mail system is intended for transmitting business-related information. Although the City does not monitor voice messages as a routine matter, the City reserves the right to access and disclose all messages sent over the voice mail systems for any purpose. Employees must use judgment and discretion in their personal use of voice mail and must keep such use to a minimum.
- F. Telephones/Cell Phones/Mobile Devices. Employee work hours are valuable and should be used for business. Excessive personal phone calls can significantly disrupt business operations. Employees should use their break or lunch period for personal phone calls.

Confidential information should not be discussed on a cell phone or mobile device. Phones and mobile devices with cameras should not be used in a way that violates other City guidelines such as, but not limited to, EEO/Sexual Harassment and Confidential Information.

For safety reasons, employees should avoid the use of cell phones and mobile devices to make calls while driving. Employees must park whenever they need to use a cell phone. Generally, stopping on the shoulder of the road is not acceptable. Employees are prohibited from using a cell phone or other device to text while operating a motor vehicle. Texting is permitted only where the vehicle is at rest in a shoulder lane or lawfully parked.

The City telephone lines should not be used for personal long distance calls.

- G. Postage. The use of City postage for personal correspondence is not permitted.

6.13 Residency Requirements

City employees need not reside within the limits of the City, with the exception of the following:

- A. City Administrator. The City Administrator is required to be a resident of the City within thirty (30) days of their first day of employment.
- B. Emergency Response Team. Key employees who are part of the City's emergency response team are required to respond to an emergency within thirty-five (35) minutes travel time by passenger vehicle from where they live to their primary work location as timed during normal traffic conditions using a commonly accepted mapping application (eg. Mapquest, Google Maps, Traveertime, etc.). Employees may request an exception to increase such travel time up to 45 minutes from the City Administrator who shall make a determination based upon the particular facts and circumstances of each situation.

The City's emergency response team includes employees who hold positions of responsibility within the Fire, Police and Public Works Departments and excludes administrative assistants and the code enforcement officer. Employees living outside this response time area when hired must relocate to a location meeting the requirements within six months of their starting date. The City Administrator may approve one three-month extension due to special circumstances.

Any employees hired before adoption of this manual are not required to move, but cannot move further away from the City if they currently reside outside the distance outlined in this policy.

6.14 Open Door Policy

This policy outlines a procedure for employees to report actions reasonably believed to violate a law, or regulation or to constitute fraudulent accounting or other unethical practices. It is intended to encourage employee to report such actions should they ever suspect or witness an actual occurrence of illegal, unethical or inappropriate behaviors or practices without fearing retribution.

- A. Employees should promptly report the suspected or actual event to their immediate supervisor. If the employee is uncomfortable or otherwise reluctant to make the report to his/her supervisor, then the employee should report the event to the next highest level of management or to the Police Chief, City Administrator, Finance Director or Mayor.
- B. The employee can report anonymously.
- C. The employee shall receive no retaliation or retribution for a report that was provided in good faith – in other words, it was not done primarily with malice to damage another employee, official or the City.
- D. The employee who makes a report that is not done in good faith is subject to discipline, including termination or other legal means to protect the reputation of the City and members of its governing body and staff.

- E. Anyone who retaliates against the employee who reported an event in good faith will be subject to discipline, including termination.
- F. The supervisor, member of management or elected official who receives a report of illegal, unethical or inappropriate behaviors or practices must promptly act to investigate and/or resolve the issue.
- G. The employee who made the report (unless done so anonymously) shall receive a report promptly following the completion of the investigation and disposition/resolution of the issue.
- H. If the investigation of a report, that was done in good faith and investigated by internal personnel, is not to the employee's satisfaction, then he/she has the right to report the event to the appropriate legal or investigative agency.
- I. The identity of the employee, if known, shall remain confidential to those persons directly involved in applying this policy, unless the issue requires investigation by law enforcement, in which case members of the City are subject to subpoena.

6.15 Ethics

Employees at the City must be committed to the highest ethical standards in the execution of their duties and responsibilities. If you feel you are being asked to violate City guidelines, address your concerns with your supervisor or a member of the executive team.

You are expected to report perceived ethical violations. The City expects employees to make a timely report to enable the City to investigate and resolve any behavior that may be in violation. Report the incident to your supervisor or a member of the executive team. Your report will be kept as confidential as practicable. The City prohibits retaliation against an employee for filing a report or for assisting in an investigation.

6.16 Job Related Problems

Employees who disagree or are dissatisfied with a City practice should promptly discuss the matter with their immediate supervisor, where appropriate. Normally, this discussion should be held within three to five days of the incident, or in a timely manner. Discussions held in a timely manner will enhance our ability to resolve concerns while they are fresh in everyone's mind. The majority of misunderstandings can be resolved at this level.

If the solution offered is not satisfactory, or if it is inappropriate to go to the supervisor, then employees are encouraged to take the problem to their department head. If the problem still cannot be resolved, employees may submit a written complaint to the City Administrator for review and final decision about the situation. Also see the EEO/Harassment Complaint Procedure on page 6.

6.17 Smoking

Smoking is prohibited within all areas of City buildings and in City vehicles. Smoking includes the use of any tobacco product, as well as vaporizers, vape liquids, electronic or e-cigarettes, and electronic or vapor

smoking accessories. Employees may smoke in designated outdoor areas. This restriction applies to all employees and visitors, at all times, including non-business hours.

6.18 Data Disposal Policy

During the course of your employment, the City will collect certain information that is classified as “personal identifying information,” or PII, under applicable laws. Such information may include, but is not limited to:

- Your first and last name or initials;
- Username(s) and password(s);
- Social security number;
- Driver license or other identification card number;
- Medical documentation;
- Biometric data;
- And more.

The City may keep these records in paper and/or electronic format.

When such documentation is no longer needed, pursuant to records retention requirements and best practices, the City will either (a) destroy the records or (b) arrange for their destruction, e.g. by shredding, erasing, or otherwise modifying the personal identifying information in such a manner as to render it unreadable or indecipherable through any means.

ACKNOWLEDGMENT OF RECEIPT

I HAVE RECEIVED A COPY OF THE EMPLOYEE HANDBOOK DATED NOVEMBER 19, 2019. I UNDERSTAND THAT I AM TO BECOME FAMILIAR WITH ITS CONTENTS. FURTHER, I UNDERSTAND:

EMPLOYMENT WITH THE CITY OF SALIDA IS AT-WILL. I HAVE THE RIGHT TO END MY WORK RELATIONSHIP WITH THE CITY, WITH OR WITHOUT ADVANCE NOTICE FOR ANY REASON. THE CITY HAS THE SAME RIGHT.

THE LANGUAGE USED IN THIS HANDBOOK AND ANY VERBAL STATEMENTS OF MANAGEMENT ARE NOT INTENDED TO CONSTITUTE A CONTRACT OF EMPLOYMENT, EITHER EXPRESS OR IMPLIED, NOR ARE THEY A GUARANTEE OF EMPLOYMENT FOR A SPECIFIC DURATION.

THE HANDBOOK IS NOT ALL INCLUSIVE, BUT IS INTENDED TO PROVIDE ME WITH A SUMMARY OF SOME OF THE CITY'S GUIDELINES.

THIS EDITION REPLACES ALL PREVIOUSLY ISSUED HANDBOOKS. THE NEED MAY ARISE TO CHANGE THE GUIDELINES DESCRIBED IN THE HANDBOOK, EXCEPT FOR THE AT-WILL NATURE OF EMPLOYMENT. THE CITY OF SALIDA THEREFORE RESERVES THE RIGHT TO INTERPRET THEM OR TO CHANGE THEM WITHOUT PRIOR NOTICE.

NO REPRESENTATIVE OF THE CITY OF SALIDA, OTHER THAN THE CITY COUNCIL, HAS THE AUTHORITY TO ENTER INTO AN AGREEMENT OF EMPLOYMENT FOR ANY SPECIFIED PERIOD AND SUCH AGREEMENT MUST BE IN WRITING, SIGNED BY THE MAYOR OR CITY ADMINISTRATOR AND MYSELF. WE HAVE NOT ENTERED INTO SUCH AN AGREEMENT.

Employee's Signature

Date

Employee's Name



REQUEST FOR CITY COUNCIL ACTION

Meeting: November 19, 2019

AGENDA ITEM NO. 5.a	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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ITEM:

Resolution 2019-59 Approving the Findings of Fact of the 6906 Vandaveer Ranch Annexation.

BACKGROUND:

The proposed actions for the 6906 LLC annexation are as follows:

	Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
5.a	Findings of Fact Resolution 2019-59			11-19-2019
5.b	Annexation Agreement Resolution 2019-60	10-28-2019		11-19-2019
5.c	Annexation Ordinance 2019-15	10-28-2019	11-05-2019	11-19-2019
5.d	Zoning Ordinance 2019-16	10-28-2019	11-05-2019	11-19-2019
5.e	Development Plan Resolution 2019-61	10-28-2019		11-19-2019

State statutes require cities to approve findings that the proposed annexation has met the requirements of the State of Colorado. The proposed annexation consists of two acres located at 6906 Vandaveer Ranch Road. The findings include

- Notice in the paper for four consecutive weeks: the proposed annexation was published in the Mountain Mail on September 20, 27 and October 4 and 11, 2019.
- Mail notice by registered mail to County Clerk, County Attorney, Salida School District, HRRMC Hospital District, Upper Arkansas Water Conservancy District, Salida Regional Library and South Arkansas Fire Protection District. The letters were mailed on October 10, 2019.
- We held a public hearing on the annexation on November 5, 2019 and determined the area to be annexed complies with state statutes including
 - that not less than one-sixth of the perimeter of the area is adjacent to Salida’s boundary;
 - the property has not been divided since starting the annexation;
 - no other annexation proceedings including the property have been started by another municipality;
 - the annexation will not cause the property to be detached from the school district; and
 - the annexation is not three miles beyond our municipality and there is a Three Mile Plan in place.

STAFF RECOMMENDATION:

All of the findings have been met and staff recommends the Council adopt the Resolution.

PROPOSED ACTION:

A councilmember should make a motion to “adopt Resolution 2019-59 approving the findings of facts for the 6906 Vandaveer Ranch Annexation.

Attachments
Resolution 2019-59

CITY OF SALIDA, COLORADO
RESOLUTION NO. 59
(Series of 2019)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, MAKING FINDINGS OF FACT, DETERMINATIONS, AND CONCLUSIONS CONCERNING THE 6906 LLC ANNEXATION.

WHEREAS, in August 2019, representatives of 6906 LLC (the “Owners”) filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of two (2) acres located at 6906 Vandaveer Road in the County of Chaffee, State of Colorado (the “Property”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, the City Council by Resolution 46, Series of 2019, found that the Petition is in substantial compliance with § 31-12-107(1) of the Colorado Revised Statutes; and

WHEREAS, the City Clerk has provided notice of public hearing on the proposed annexation by publication once per week for four successive weeks and by registered mail to the Clerk of the Board of County Commissioners, the County Attorney, the school district and to any special district having territory in the area to be annexed; and

WHEREAS, the City Council has completed a public hearing on November 5, 2019 to determine if the proposed annexation complies with Article II, Section 30 of the Colorado Constitution and Sections 31-12-104 and 105, Colorado Revised Statutes, to establish eligibility for annexation.

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

That the City Council hereby finds and concludes with regard to the annexation of the territory described in Exhibit A attached hereto and incorporated herein, that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the existing boundaries of the City and because of such contiguity, a community of interest exists between the territory proposed to be annexed and the City; and

BE IT FURTHER RESOLVED:

That the City Council finds and determines that no land held in identical ownership has been divided or included without written consent of the owner thereof; that no annexation proceedings have been commenced by another municipality; that the annexation will not result in the detachment of area from a school district; that the annexation will not result in the extension of a municipal boundary more than three miles; that the City has in place a plan for said three mile area; and that in establishing the boundaries of the area to be annexed the entire width of any street or alley is included with the area annexed.

BE IT FURTHER RESOLVED:

That an election is not required, and no additional terms or conditions are to be imposed upon the area to be annexed.

RESOLVED, APPROVED AND ADOPTED this 19th day of November, 2019.

CITY OF SALIDA, COLORADO

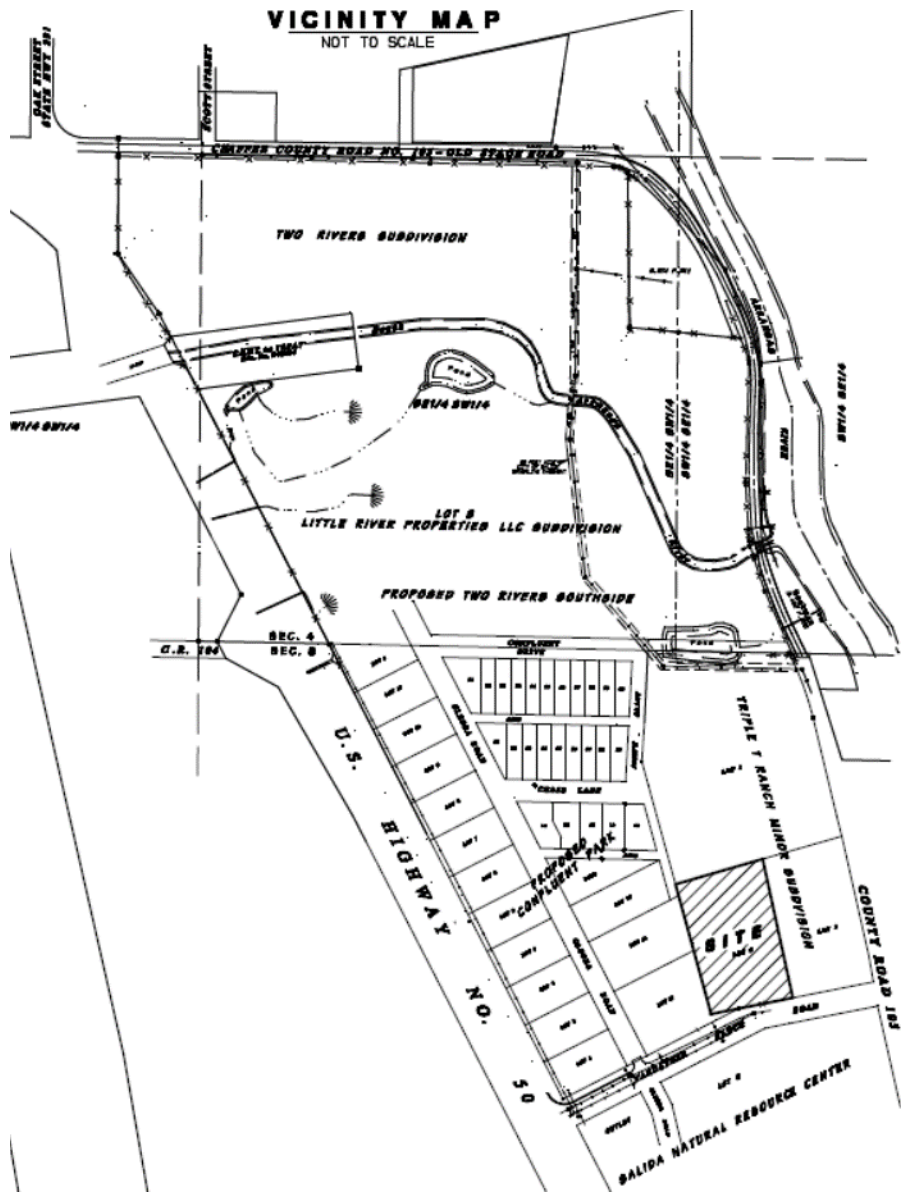
P.T. Wood, Mayor

[SEAL]
ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A

Lot 2 of Triple T Ranch Minor Subdivision per Plat recorded November 30, 2015 at Reception No. 423912 in the Office of the Chaffee County Recorder, Chaffee County, Colorado; also known by street address as 6906 Vandaveer Ranch Road, Salida, CO 81201 and assessor's schedule or parcel no. : 380709100071.





REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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ITEM:

Resolution No. 2019-60 – Possible Approval of an Annexation Agreement for property at 6906 Vandaveer Ranch Road.

BACKGROUND:

	Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
5.a	Findings of Fact Resolution 2019-59			11-19-2019
5.b	Annexation Agreement Resolution 2019-60	10-28-2019		11-19-2019
5.c	Annexation Ordinance 2019-15	10-28-2019	11-05-2019	11-19-2019
5.d	Zoning Ordinance 2019-16	10-28-2019	11-05-2019	11-19-2019
5.e	Development Plan Resolution 2019-61	10-28-2019		11-19-2019



The applicant made an application to annex the two acre site located at 6906 Vandaveer Ranch Road. The request was heard by the Planning Commission on October 28, 2019 and the Commission recommends the site be annexed. Council held the public hearing on the annexation on November 5, 2019.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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Proposed Annexation Agreement: Staff believes we have an agreement on the following stipulations on the annexation. Under each originally proposed condition is a description of the proposed changes and why; and reference to the paragraph in the agreement where it is addressed:

1. Residential development of the site shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the Salida Municipal Code.

Agreement Reference: Paragraph 5.4.2

2. Open space shall be provided on-site in an amount prescribed by Section 16-6-120(8)(i) or provide a fee in-lieu in an amount then in effect at the time of issuance of a building permit.

Agreement Reference: Paragraph 5.4.3

3. Provision of school impact fees in an amount then in effect (currently \$444.66) per market rate unit at the time of issuance of a building permit. The fee will not apply to the legally restricted affordable units.

Staff Modification: Our agreement through Chaffee County references a fee in lieu or dedication of property that equals the impact of the development, at the district's discretion. Staff modified the language to reflect the options and requires a determination be made prior to issuing a building permit of the project.

Agreement Reference: Paragraph 5.4.4

4. Water and Sewer system development fees shall be assessed according to the Residential Multi-Family rates, except for the designated affordable units which will be assessed at the Legally-Restricted Affordable Housing rate.

Agreement Reference: Paragraph 5.5.2

Update: On November 12 the applicant requested language be added stating that if the system development fees are reduced within three (3) years, then the difference would be refunded to the owner in form of a credit. The 2020 proposed budget includes funding for further study of our system development fees. Staff has provided suggested wording in the proposed motion if the Council agrees to the amendment.

5. To provide connection of the project to the surrounding area and support creating a community within the development, the project shall:
 - a. Include a ten (10) foot wide public pedestrian access shall be maintained between the site and adjoining properties on the east and west, at the north end of the site, or other location approved by staff. The sidewalk shall be extended to the east and west property lines at this location (Exhibit A);
 - b. Provide a central gathering spaces to include items such as benches, play structures, bbqs or other amenities that promote interaction amongst residents;
 - c. Provide front porch elements on all units; and



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
5.b	Community Development	Glen Van Nimwegen

d. Exterior fencing shall be approved by staff.

The Planning Commission recommended the above change (5.b) to allow scattered spaces.

Agreement Reference: Paragraph 5.4.5

6. The goal to provide a diversity in housing types and style shall be addressed architecturally by
- Designing some of the attached units to appear as one structure; and
 - Provide a diversity in architectural elements such as roof types and pitches, colors and exterior materials.

Agreement Reference: Paragraph 5.4.6

7. The two units in the northwest corner of the site area allowed a 15 foot rear yard.

The Planning Commission added this condition as a part of their recommendation. This was to alleviate the impact of the larger rear yard requirement (20 feet) of the R-3 zone over the requested R-4 zoning.

Staff Modification: Legal staff does not recommend reducing zoning requirements through the annexation agreement. Options for the applicant include requesting a variance through the Board of Adjustment, or seeking a planned development overlay.

Agreement Reference: Not included.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed annexation agreement.

PLANNING COMMISSION RECOMMENDATION:

On October 28, 2019 the Planning Commission held a public hearing and recommended approval of the annexation, with stipulations in an agreement as described above.

SUGGESTED MOTION:

A council person should make the motion to “approve Resolution 2019-60 approving the agreement for the 6906 LLC Annexation.” *(Option) with the following addition to paragraph 5.5.2:*

If the system development fees for these classifications are reduced by the City Council within three (3) years from the effective date of this agreement, and the project has been developed in accordance with paragraphs 5.4.1 and 5.4.2. herein, then the City Council will issue a credit in an amount equal to the difference in the fees to the then owner, beneficiaries of all deeds of trust and all persons with a financial interest in the property, to be used for another development or transferred to another property owner. The credit and/or transfer must be executed in a form acceptable to the City Attorney and recorded in the records of the Chaffee County Clerk and Recorder affirming the credit has been made and no further financial interest exists.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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Attachments:

Resolution 2019-60

6906 LLC Annexation Agreement

Email from Joe Judd Re: System Development Fees

CITY OF SALIDA, COLORADO
RESOLUTION NO. 60
(Series of 2019)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING AN ANNEXATION AGREEMENT WITH 6906 LLC FOR THE ANNEXATION OF CERTAIN REAL PROPERTY INTO THE CITY.

WHEREAS, 6906 LLC is the “Owner” of certain real property located at 6906 Vandaveer Ranch Road in unincorporated Chaffee County, Colorado (the “Property”); and

WHEREAS, the Property is eligible for annexation under C.R.S. § 31-12-104, and the Owner desires to annex the Property into the City of Salida (the “City”); and

WHEREAS, the Owner desires that the City provide municipal services at the Property on the same terms and conditions as those services are provided throughout the rest of the City; and

WHEREAS, the City and the Owner desire to enter into an Annexation Agreement, attached as Exhibit A and incorporated herein by this reference, pursuant to C.R.S. §31-12-101 *et seq.* to set forth the terms and conditions of the Property’s annexation into the City.

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

1. Incorporation of Recitals. The City incorporates the foregoing recitals as findings and determinations by the City Council.
2. Enactment. The City Council finds it is in the best interests of the City, approves the attached Annexation Agreement, and authorizes the Mayor to sign it.

RESOLVED, APPROVED AND ADOPTED this 19th day of November, 2019.

CITY OF SALIDA, COLORADO

P.T. Wood, Mayor

[SEAL]

ATTEST:

City Clerk/Deputy City Clerk

Exhibit A

6906 LLC ANNEXATION
AGREEMENT

THIS ANNEXATION AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2019, by and between the CITY OF SALIDA, COLORADO, a Colorado statutory city ("City"), and 6906, LLC ("Annexor"), each a "Party" and together the "Parties."

Section 1 - Recitals

- 1.1 The Annexor is the fee title owner of 100% of certain lands known as the "6906 LLC Annexation" and more particularly described on attached **Exhibit A**, which is incorporated herein by this reference (the "Property").
- 1.2 The Property is contiguous to the current municipal boundaries of the City and contains approximately 2.0 acres, more or less, in unincorporated Chaffee County, Colorado.
- 1.3 The Annexor desires to have the Property annexed to the City, and the City desires to annex the Property on the terms and conditions set forth herein.
- 1.4 Under Colorado law, the City may not annex the Property without the consent of the Annexor.
- 1.5 On August 12, 2019, the Annexor filed with the City Clerk a petition for annexation of the Property ("Annexation Petition").
- 1.6 The City has determined that the Annexation Petition complies with the Colorado Municipal Annexation Act of 1965, as amended, Colorado Revised Statutes sections 31-12-101 through -123 (the "Annexation Act"), and Article IX of the City's Land Use and Development Code.
- 1.7 The City has accepted the Annexation Petition, has given all notices and conducted all hearings required by the Annexation Act, has determined that the Property is eligible for annexation to the City, and has made all necessary findings in support of the annexation of the Property.
- 1.8 On October 28, 2019, the Salida Planning Commission held a public hearing and reviewed the annexation map and all required supportive information and has submitted a written recommendation to the City Council to approve the proposed annexation.
- 1.9 On November 19, 2019 the City Council adopted Ordinance No. 2019-15 annexing the Property to the City; and Ordinance No. 2019-16, zoning the Property as High Density Residential (R-3).
- 1.10 The City and the Annexor desire to enter into this Agreement to set forth their agreements concerning the terms and conditions of the annexation of the Property to the City and the zoning and development of the Property.

- 1.11 The City and the Annexor acknowledge that the terms and conditions hereinafter set forth are reasonable; within the authority of each to perform; necessary to protect, promote, and enhance the health, safety, and general welfare of the residents and property owners of the City; and mutually advantageous.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Annexor agree as follows:

Section 2 – Definitions

As used in this Agreement, the following terms have the following meanings:

- 2.1 “Agreement” means this Annexation Agreement. The Recitals in Section 1 above are fully incorporated into this Agreement and made a part hereof by this reference.
- 2.2 “Annexation Act” means sections 31-12-101 through -123, Colorado Revised Statutes.
- 2.3 “Annexation Petition” means the Petition for Annexation of the Property filed of record with the City Clerk on November 30, 2018.
- 2.4 “Annexor” means 6906, LLC, and the successor(s), assigns and agent(s).
- 2.5 “City” means the City of Salida, a Colorado statutory City.
- 2.6 “City Code” means the City of Salida Municipal Code (SMC).
- 2.7 “City Council” means the City Council of the City of Salida, Colorado.
- 2.8 “Effective Date” means the date on which City Council adopted a resolution approving the execution of this Agreement. On the Effective Date, this Agreement will become binding upon and enforceable by the City and the Annexor.
- 2.9 “Final Annexation Approval” means that all of the following have occurred:
- 2.9.1 City Council has adopted a resolution approving the execution of this agreement;
- 2.9.2 The effective date of Ordinance No. 2019-15, annexing the Property to the City, has occurred; and
- 2.9.3 The effective date of Ordinance No. 2019-16, zoning the Property as High Density Residential (R-3) has occurred.
- 2.10 “Property” means the land that is described as the 6906 LLC Annexation in the Annexation Petition and that is legally described in attached **Exhibit A**.

- 2.11 “Reimbursable Costs and Fees” means all fees and costs incurred by the City in connection with the City’s processing and review of the proposed annexation, including without limitation processing and review of the Annexation Petition, zoning applications, and development proposals; and the City’s drafting, review, and execution of this Agreement.

Section 3 – Purpose of Agreement and Binding Effect

- 3.1 The purpose of this Agreement is to establish a contractual relationship between the City and the Annexor with respect to the annexation of the Property, and to establish the terms and conditions upon which the Property will be annexed, zoned, and developed. The terms, conditions, and obligations described herein, including without limitation restrictions upon the zoning and development of the Property, are contractual obligations of the Parties, and the Parties waive any objection to the enforcement of the terms of this Agreement as contractual obligations.
- 3.2 This Agreement benefits and is binding upon the City, the Annexor, and the Annexor’s successor(s). Unless otherwise specified herein, the Annexor’s obligations under this Agreement constitute a covenant running with the Property. As described in Section 9.13 below, the Annexor shall record this Agreement with the Clerk and Recorder of Chaffee County, Colorado.

Section 4 – Annexation of Property

- 4.1 The Annexor agrees to the Annexation of the Property, and the City agrees that it will annex the Property, only in accordance with the terms and conditions of this Agreement.

Section 5 – Terms and Conditions for Annexation of Property

- 5.1 All terms and conditions imposed by this Agreement are in addition to and not in place of any and all requirements of the City Code, the Annexation Act, and all other applicable laws and regulations.
- 5.2 Annexation of the Property to the City will not be effective until both of the following conditions have been met:
- 5.2.1 The Annexor and the City have mutually executed and delivered this Agreement;
and
- 5.2.2 Final Annexation Approval has occurred.
- 5.3 Zoning of Property.
- 5.3.1 On October 28, 2019, the Salida Planning Commission recommended zoning the Property as High Density Residential (R-3).

- 5.3.2 At its November 19, 2019 meeting, the City Council approved zoning the Property as High Density Residential (R-3).
- 5.3.3 Nothing in this Agreement limits, restricts, or abrogates in any way, and this Agreement is not to be construed to limit, restrict, or abrogate in any way, the power or authority of the City to rezone the Property or any portion thereof at any time after annexation, either on the City's own motion or in response to a zoning petition.

5.4 Development of Property.

- 5.4.1 The Annexor's intent is to develop the property into thirty-two (32) apartment units developed in accordance with the R-3 zoning standards. Changes to the number of units may be proposed through the major impact review process to be approved by the City Council.
- 5.4.2 Residential development of the site shall meet the inclusionary housing requirements of Article XIII of Chapter 16 of the SMC.
- 5.4.3 Open space shall be provided on-site in an amount prescribed by Section 16-6-120(8)(i) or provide a fee in lieu in an amount then in effect at the time of issuing a building permit.
- 5.4.4 Annexor agrees to meet the requirements of Section 16-6-140 of the SMC regarding contributions for public school sites which requires land dedication or a fee in lieu of public school site dedication or conveyance, at the discretion of the school district. Determination by the district must occur prior to issuance of a building permit for the project. If the fee in lieu is required, it shall be in the amount of \$444.66 per residential dwelling unit, or the fee then in effect, at the time of issuance of a building permit.
- 5.4.5 To provide connection of the project to the surrounding area and support creating a community within the development, the project shall include a ten (10) foot wide public pedestrian access maintained between the site and adjoining properties on the east and west, at the north end of the site, or other location approved by staff. The sidewalk shall be extended to the east and west property lines at this location (**Exhibit B**); provide gathering spaces to include items such as benches, play structures, bbqs or other amenities that promote interaction amongst residents; provide front porch elements on all units; and any proposed exterior fencing to be approved by staff.
- 5.4.6 The goal to provide a diversity in housing types and styles shall be addressed architecturally by designing some of the units to appear as one structure; and provide a diversity in architectural elements such as roof types and pitches, colors and exterior materials.

- 5.5 Utilities and Municipal Services. The City shall provide the Property the usual and customary municipal services provided by the City within its municipal limits generally, in accordance with the City Code and City policies. Limitations upon the availability of City utility service may exist from time to time. The Property is and will remain subject to all policies, ordinances, rules, regulations, platting restrictions, and permitting procedures currently in effect or enacted in the future to allocate or regulate the use of the City's utility resources generally throughout the City.
- 5.5.1 Water and Wastewater Service. The City shall provide water and wastewater treatment services to the Property upon the same basis as such services are provided to other properties within the City, subject to the rules and regulations given in Section 13 of the City Code, as it exists now and as it may be amended. Water and wastewater treatment service are available on a "first come, first served" basis, and the availability of such services is determined at the time application therefore is made. The City's obligation to provide water and wastewater treatment service to the Property is contingent upon the City's certification that all water and wastewater facilities and all water- and wastewater-related improvements on the Property conform to approved plans and specifications and all applicable City standards for those facilities and improvements. Connection to the City's treated water and wastewater treatment facilities will be at the then-prevailing fees and rates for such connection and service, except as provided below.
- 5.5.2 Water and Wastewater System Development Fees. Water and Sewer system development fees shall be charged according to the Residential Multi-Family rates, except for the designated affordable units which will be assessed at the Legally-Restricted Affordable Housing rate.
- 5.5.3 Fire Protection Services. The City shall provide fire protection services to the Property upon the same basis as such services are provided to other properties within the City.
- 5.5.4 Police Services. The City shall provide police services to the Property upon the same basis as such services are provided to other property within the City.
- 5.5.5 Electric, Natural Gas, Telephone, Cable TV, and Other Utility Services. The City does not provide electric, natural gas, telephone, or cable TV facilities or services. Such services are available within the City from private entities. The extension of such services to the Property is not the obligation or responsibility of the City.
- 5.5.6 Streets and Roads. Within its municipal boundaries, the City shall maintain any duly dedicated and accepted public streets and roads that serve the Property, both on- and off-site, upon the same basis as such services are provided to other properties within the City.

5.6 Fees. The Annexor shall pay to the City the fees described below at the time set forth below:

5.6.1 Annexor's Reimbursement of Processing Fees. The Annexor shall reimburse the City for all fees and actual costs incurred by the City in connection with the City's processing and review of the proposed annexation, including without limitation processing and review of the Annexation Petition, zoning applications, and development proposals, and the City's drafting, review, and execution of this Agreement ("Reimbursable Costs and Fees"). The Reimbursable Costs and Fees include but are not limited to the City's costs incurred for engineering, surveying, and legal services, including the services of outside City consultants and/or counsel; recording fees; printing and publication costs; and any and all other reasonable costs incurred by the City. Interest will be imposed at rate of 1.5% per month on all balances not paid to the City within thirty (30) days of the effective date of the City's invoicing of the Annexor for the Reimbursable Costs and Fees, with that effective date determined in accordance with Section 9.8 below. In addition to any and all remedies available to the City and in the event the City is forced to pursue collection of any amounts due and unpaid under this provision or under this Agreement, the City shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

5.6.2 Payment of Currently Existing Fees as a Condition of Annexation. The Annexor shall pay to the City any fees required to be paid under this Agreement or the currently existing City Code, regardless of whether the relevant provisions of the City Code are later amended, repealed, or declared to be invalid. Payment of such fees pursuant to this Agreement is agreed to by and between the Parties as a condition of the annexation, and as a pre-condition to any development review. The Annexor further agrees not to contest any ordinance imposing such fees as they pertain to the Property.

5.7 Drainage. Prior to any future development of the Property, the Annexor shall obtain the City's approval of a master drainage plan that complies with all applicable laws, regulations, and ordinances. The Annexor's activities, operations, and development on the Property must comply with the master drainage plan and with all applicable laws, ordinances, and regulations pertaining to drainage.

Section 6 – Zoning

6.1 The Annexor requests and consents to High Density Residential District (R-3). Upon Final Annexation Approval, the Property will be subject to and must adhere to all applicable zoning regulations of the City, as those regulations may be amended. The Annexor shall cease and desist from any non-conforming uses on the Property within one (1) year from the date of Final Annexation Approval. In that one (1) year period, there must be no expansion of any non-conforming use.

Section 7 – Breach by Annexor and City’s Remedies

- 7.1 In the event of a breach of any of the terms and conditions of this Agreement by the Annexor, the City may take any action necessary or appropriate to enforce its rights, including without limitation any or all of the following:
- 7.1.1 The refusal to issue any building permit or Certificate of Occupancy to the Annexor; provided, however, that this remedy will be unavailable to the City until after the affidavit described in Section 7.1.2 below has been recorded; and provided further that this remedy will not be available against a bona fide third party.
 - 7.1.2 The recording with the Chaffee County Clerk and Recorder of a first affidavit approved in writing by the City Attorney and signed by the City Administrator or the City Administrator’s designee, declaring that the terms and conditions of this Agreement have been breached by the Annexor. At the next regularly scheduled City Council meeting following recording of such first affidavit, the City Council shall either approve the filing of said first affidavit or direct the City Administrator to file a second affidavit declaring that the default has been cured and nullifying the first affidavit. Upon the recording of a first affidavit, no parcels or portions thereof on the Property may be sold until the default has been cured. An affidavit signed by the City Administrator or the City Administrator’s designee and approved by the City Council declaring that the default has been cured will remove this restriction and be sufficient evidence when recorded that the default has been cured.
 - 7.1.3 The refusal to allow further development review for the Property.
 - 7.1.4 Any other remedy available in equity or at law.
- 7.2 Unless immediate action is necessary to protect the health, safety, or welfare of the City’s residents, the City shall give the Annexor ten (10) days’ written notice of the City’s intent to take any action under this Section 7, during which 10-day period the Annexor may cure the breach described in said notice and prevent further remedial action by the City. In the event the breach is not cured within the 10-day period, the City will consider whether the Annexor has undertaken reasonable steps to timely complete the cure if additional time is required.
- 7.3 The District Court of the County of Chaffee, State of Colorado, will have exclusive jurisdiction to resolve any dispute over this Agreement.
- 7.4 Any waiver by the City of one or more terms of this Agreement will not constitute, and is not to be construed as constituting, a waiver of other terms. A waiver of any provision of this Agreement in any one instance will constitute, and is not to be construed as constituting, a waiver of such provision in other instances.

Section 8 – Indemnification and Release

- 8.1 **Release of Liability.** The Annexor acknowledges that the City cannot be legally bound by

the representations of any of its officers or agents or their designees except in accordance with the City Code, City ordinances, and the laws of the State of Colorado. The Annexor further acknowledges that it acts at its own risk with respect to relying or acting upon any representation or undertaking by the City or its officers or agents or their designees, which representation or undertaking subsequently is held unlawful by a court of competent jurisdiction. Accordingly, the Annexor expressly waives and releases any current or future claims related to or arising from any such representation or undertaking by the City or its officers or agents or their designees.

8.2 Indemnification.

8.2.1 The Annexor shall release the City, and the City's officers, agents, employees, and their designees, from and against any and all claims, damages, losses, and expenses, including but not limited to attorneys' fees and costs, arising from or in connection with the following: (a) the City's approval of the proposed annexation, (b) the City's approval of the proposed zoning, (c) any approval given during development review of the Property; (d) except to the extent of any actual negligence on the part of the City, and the City's officers, agents, employees, and their designees, any road or sidewalk enlargement, extension, realignment, improvement, or maintenance, or approval thereof; or (e) any other item contained in this Agreement.

8.2.2 Nothing in this Agreement obligates or compels the City to proceed with any action or referendum position, other than as the City Council, in its sole discretion, directs.

Section 9 – General Provisions

9.1 Waiver of Defects. In executing this Agreement, the Annexor waives all objections it may have to any defects in the form or execution of this Agreement concerning the power of the City to impose conditions on the Annexor as set forth herein. The Annexor further waives all objections it may have to the procedure, substance, and form of the ordinances or resolutions adopting this Agreement.

9.2 Final Agreement. This Agreement supersedes and controls all prior written and oral agreements and representations of the Parties with respect to the subject matter hereof, and is the total integrated agreement between the Parties.

9.3 Modifications. This Agreement may be modified only by a subsequent written agreement executed by both Parties.

9.4 Voluntary Agreement. The Annexor agrees to comply with all of the terms and conditions of this Annexation Agreement on a voluntary and contractual basis, as a condition of annexation of the Property to the City.

9.5 Election. The Annexor represents and submits that to the extent an election would be required by the Annexation Act to approve the annexation or impose terms and conditions upon the Property to be annexed, the Annexor owns one hundred percent (100%) of the Property to be annexed, and would vote to approve the annexation and all terms and

conditions as set forth herein. Thus, any election necessarily would result in a majority of the electors' approval to the annexation and the terms and conditions.

9.6 Annexors' Representations. All representations of the Annexor, either oral or as set forth in the Annexation Petition and zoning application, and all documents previously or subsequently submitted with reference thereto, are to be considered incorporated into this Annexation Agreement as if set forth in full herein.

9.7 Survival. The City's and the Annexor's representations, covenants, warranties, and obligations set forth herein, except as they may be fully performed before or on the Effective Date, will survive the Effective Date and are enforceable at law or in equity.

9.8 Notice. All notices required under this Agreement must be in writing and must be hand-delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the Parties as set forth below. All notices so given will be considered effective immediately upon hand-delivery, and seventy-two (72) hours after deposit in the United States Mail with the proper address as set forth below. Either Party by notice so given may change the address to which future notices are to be sent.

Notice to the City: City of Salida
Attn: City Administrator and City Attorney
448 East First Street
Salida, CO 81201

Notice to the Annexor: 6906, LLC
Attn: Joe and Paige Judd, Managing Members
834 Crestone Avenue
Salida, CO 81201

9.9 Terms and Conditions as Consideration for Annexation. The Annexor acknowledges that the City's decision to annex the Property is at the City's sole discretion. In consideration for the City's agreement to annex, the Annexor agrees to be bound by all of the terms and conditions of such annexation contained herein, and further acknowledges that such terms and conditions are requisite to the City's decision to annex the Property. The Annexor further agrees and acknowledges that its decision to proceed with annexation is a voluntary act of the Annexor, and that the Annexor has the sole and absolute discretion to withdraw its petition for annexation in lieu of such voluntary act.

9.10 Applicable Laws, Ordinances, and Regulations. The Annexor understands and agrees that the Property, upon annexation, and all subsequent development of the Property, will be subject to and bound by the applicable provisions of laws, ordinances, resolutions, regulations, and policies of the City or the State as they exist at the time of annexation and as they may from time to time be amended or adopted. Nothing in this Agreement constitutes or is to be construed as constituting a repeal of existing ordinances or

regulations, or as a waiver or abnegation of the City's legislative, governmental, or police powers to protect the health, safety, and general welfare of the City and its inhabitants.

- 9.11 Termination. In the event that the annexation of the Property is for any reason not completed, this Agreement will terminate and become null and void and of no force and effect. In such an event, the Annexor shall pay all Reimbursable Costs and Expenses incurred by the City to the time of termination. Otherwise, unless and until the Property is disconnected from the City in accordance with Colorado law, including without limitation sections 31-12-601 through -605, the term of this Agreement is perpetual.
- 9.12 Severability. The terms of this Agreement are severable. If a court of competent jurisdiction finds any provision hereof to be invalid or unenforceable, the remaining terms and conditions of the Agreement will remain in full force and effect.
- 9.13 Recording. The Annexor shall record this Agreement with the Clerk and Recorder of Chaffee County, Colorado.
- 9.14 No Third-Party Beneficiaries. Nothing in this Agreement, express or implied, confers or is intended to confer any rights or remedies whatsoever upon any person or entity other than the City, the Annexor, and the Annexor's successor(s).

WHEREFORE, the parties hereto have executed duplicate originals of this Agreement on the day and year first written above.

CITY OF SALIDA, COLORADO

By _____ Mayor

ATTEST:

City Clerk/Deputy City Clerk

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

Acknowledged, subscribed, and sworn to before me this _____ day of _____ 2019 by _____, as Mayor, and by _____, as Clerk, on behalf of the City of Salida, Colorado.

WITNESS my hand and official seal.
My Commission expires: _____.

Notary Public

6906 LLC

By _____
Joe Judd, Managing Member

By _____
Paige Judd, Managing Member

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

Acknowledged, subscribed, and sworn to before me this _____ day of _____ 2019 by Joe Judd and Paige Judd as Managing Members of 6906 LLC.

WITNESS my hand and official seal.
My Commission expires: _____.

Notary Public

EXHIBIT A

Lot 2 of Triple T Ranch Minor Subdivision per Plat recorded November 30, 2015 at Reception No. 423912 in the Office of the Chaffee County Recorder, Chaffee County, Colorado; also known by street address as 6906 Vandaveer Ranch Road, Salida, CO 81201 and assessor's schedule or parcel no. : 380709100071.

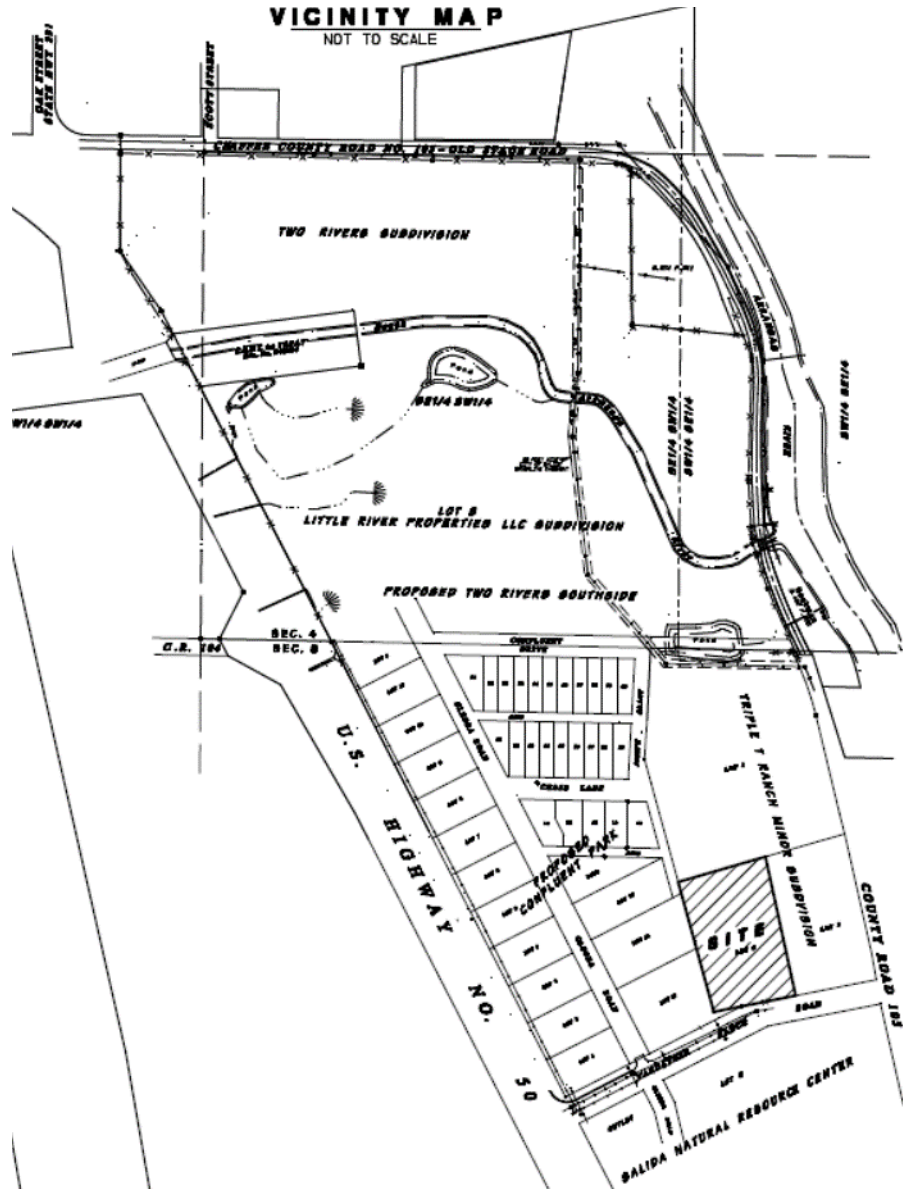


EXHIBIT B



10' Pedestrian Connection

Add 3' Landscape Buffer

Landscaped Parking Islands

From: [Joe Judd](#)
To: [Glen Van Nimwegan](#); [Paige Judd](#)
Subject: 6906 Vandaveer Ranch Road - SDF Discussion
Date: Tuesday, November 12, 2019 2:11:00 PM

Hi Glen,

Thanks for speaking with us today. I have summarized my thoughts below for presentation to Council.

It sounds like the City of Salida has commissioned a water study for the upcoming year (2020). From previous discussions it sounds like the results of the water may (or may not) lead to a change in how System Development Fees (SDF's) may be calculated.

It is our intent to begin our project at 6906 Vandaveer Ranch Road prior to the completion of the study and any possible changes which may result. We would like to request that, if the SDF structure changes for our project, we would be allowed to recoup some costs, should the resulting fee be at a lower rate.

It does not appear the the City has any mechanism to actually return money to an individual in this situation. However, there is a mechanism for the City to apply a credit toward SDF's. What I would like to request is that, if the System Development Fees are lowered for projects like ours within the next 3 years (until 11/19/2022), that we would be given a transferable credit to make up the difference between the two amounts. This would basically give us a credit that we could transfer for System Development Fees for either another project of ours in the future, or one which we could trade or sell to another development. This would also serve to keep the money in the water fund.

Thanks,

Joe Judd

[Powder Projects, LLC](#)

834 Crestone Avenue
Salida, CO 81201
719.539.8116



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.c	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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ITEM:

Ordinance 2019-15 – Second Reading and Possible Adoption of an Ordinance Annexing 2.0 Acres at 6906 Vandaveer Ranch Road.

BACKGROUND:

The actions that are a part of the 6906 LLC Annexation are as follows:

	Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
5.a	Findings of Fact Resolution 2019-59			11-19-2019
5.b	Annexation Agreement Resolution 2019-60	10-28-2019		11-19-2019
5.c	Annexation Ordinance 2019-15	10-28-2019	11-05-2019	11-19-2019
5.d	Zoning Ordinance 2019-16	10-28-2019	11-05-2019	11-19-2019
5.e	Development Plan Resolution 2019-61	10-28-2019		11-19-2019

On August 12, 2019 staff received an application from the Crabtree Group representing the owners of the two acre site. Council held a public hearing on the proposed ordinance on November 5, 2019. The Planning Commission recommended approval on October 28, 2019.





REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.c	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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Applicants: 6906 LLC as represented by Joe Deluca of Crabtree Group, Inc.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: Kathy Rohrich, Fire Inspector, responded "The Fire Department has no concerns at this time."
- Chaffee County Development Services Department: No response.
- Salida Public Works Department: Public Works Director David Lady has requested a drainage report be submitted for approval prior to issuing a building permit. All public improvements (sidewalk on Vandaveer Ranch Road) to be designed and installed according to city specifications.
- Parks and Recreation Department: Diesel Post, Director recommends a fee-in-lieu be provided if the amount of open space is inadequate.
- Salida School District: Superintendent David Blackburn's initial statement on the project was "In reviewing the recent notice (Resolution #49) sent to the school district regarding the Triple T Ranch (6906 Vandaveer Ranch Road) development the schools would like to discuss land impacts with the developer. Until we have been able to work with the planners and developer on this issue we will not consider fees in lieu of land dedication". He did meet with the landowners and issued an update on 10-24-2019 stating he was encouraged to see a workforce housing project (attached).
- Salida Police Department: Chief Russ Johnson recommends low level lighting in the parking area and the units be numbered according to standards. This will be addressed with the Development Plan.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed annexation.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on October 28, 2019 and made the recommendation to approve the annexation.

SUGGESTED MOTIONS:

A Council person should make a motion to "approve Ordinance 2019-15 on second reading."

Attachments

Ordinance 2019-15
Published Notice

CITY OF SALIDA, COLORADO
ORDINANCE NO. 15
(Series of 2019)

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO ANNEXING TO THE CITY OF SALIDA A CERTAIN TRACT OF LAND IN UNINCORPORATED CHAFFEE COUNTY KNOWN AS THE 6906 LLC ANNEXATION.

WHEREAS, on August 12, 2019, representatives of 6906 LLC (the “Owners”), filed a General Development Application (the “Petition”) to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 2.0 acres located at 6906 Vandaveer Ranch Road, Salida, in the County of Chaffee, State of Colorado, and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 46, Series of 2019 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on November 5, 2019, commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado; and

WHEREAS, pursuant to C.R.S. §31-12-108 to -110, the City Council on November 5, 2019 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on September 20, 2019, September 27, 2019, October 4, 2019 and October 11, 2019 in *The Mountain Mail* newspaper; and

WHEREAS, C.R.S. §31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area; and

WHEREAS, the City hereby sets forth its Findings of Fact, Determinations, and Conclusions with regard to annexation to the City of the Treat-Mesch Annexation; and

WHEREAS, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan.

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

1. The City incorporates the foregoing recitals as findings and determinations by the City Council.

2. The annexation to the City of the 6906 LLC Annexation described on Exhibit A is hereby approved with the following conditions of approval, and such real property is hereby annexed to and made a part of the City of Salida.

3. Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Salida, Colorado, on behalf of the City shall:

- A. File one (1) copy of the Annexation Plat and the original of this Annexation Ordinance in the office of the City Clerk of the City of Salida, Colorado;
- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Plat, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Chaffee County, Colorado, with directions to the Chaffee County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue; and
- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Chaffee County, Colorado.

INTRODUCED ON FIRST READING AT A PUBLIC HEARING, on November 5, 2019, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on November 5, 2019 and set for second reading on the 19th day of November, 2019.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 19th day of November, 2019.

CITY OF SALIDA, COLORADO

P.T. Wood, Mayor

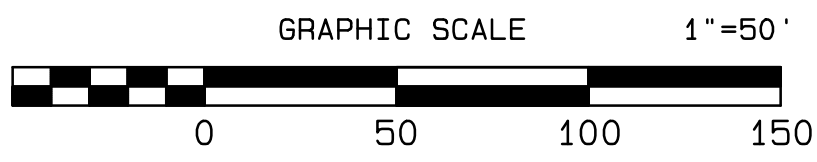
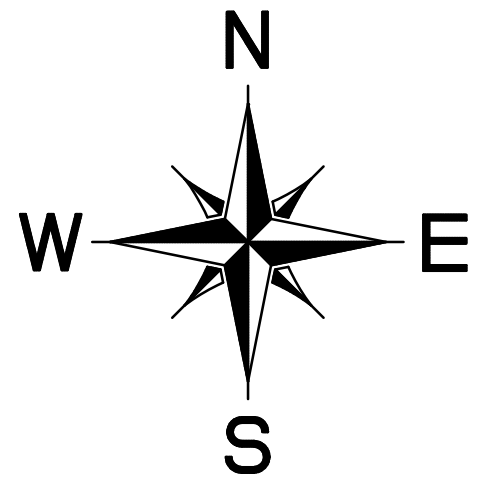
[SEAL]

ATTEST:

City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 8th day of November, 2019, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2019.

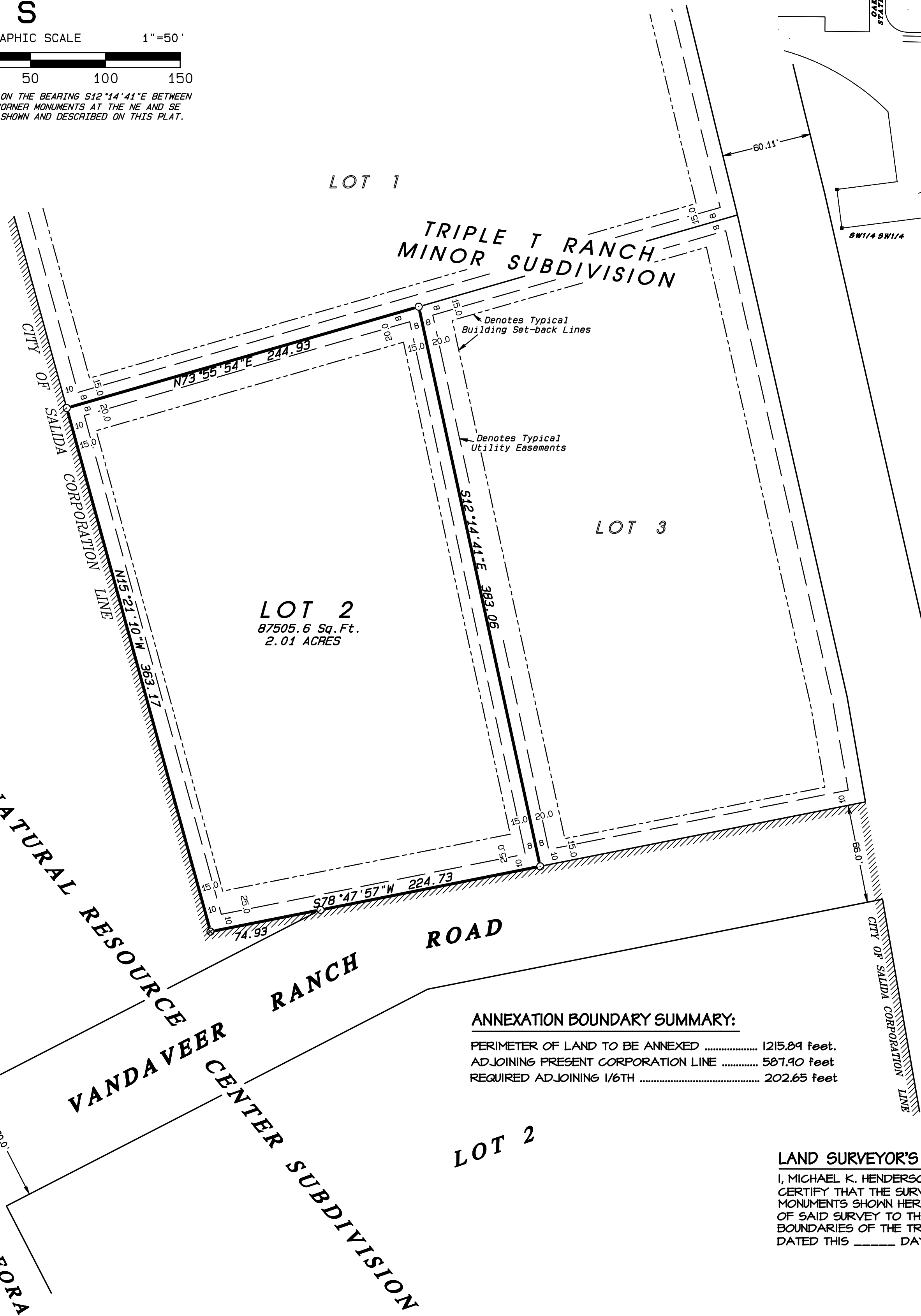
City Clerk/Deputy City Clerk



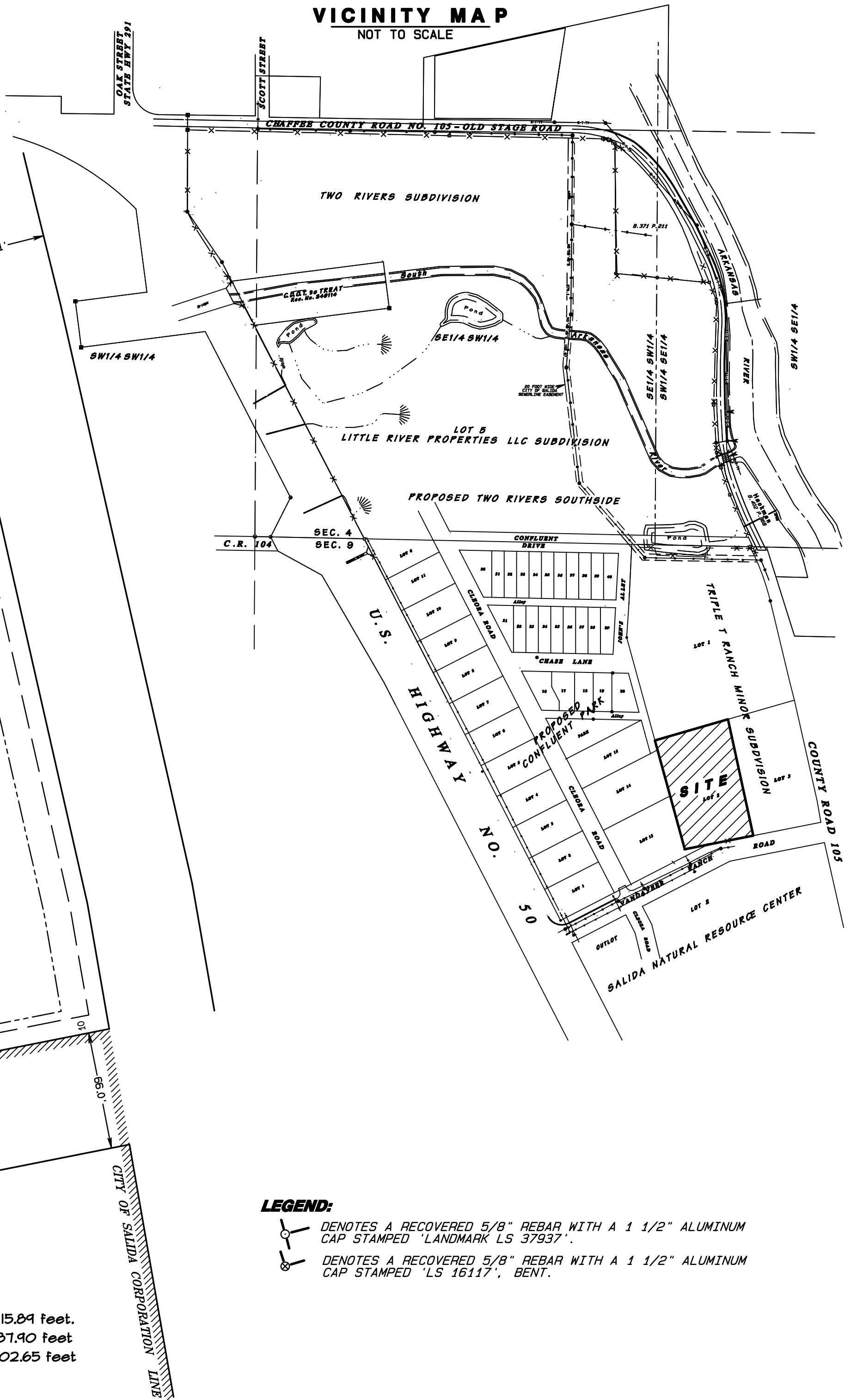
DIRECTIONS ARE BASED ON THE BEARING S12°14'41"E BETWEEN RECOVERED REBAR LOT CORNER MONUMENTS AT THE NE AND SE CORNERS OF LOT 2, AS SHOWN AND DESCRIBED ON THIS PLAT.

6906 LLC ANNEXATION PLAT
FOR
LOT 2, TRIPLE T RANCH MINOR SUBDIVISION
CHAFFEE COUNTY, COLORADO

EXHIBIT A



VICINITY MAP
NOT TO SCALE



ANNEXATION BOUNDARY SUMMARY:

PERIMETER OF LAND TO BE ANNEXED 1215.89 feet.
ADJOINING PRESENT CORPORATION LINE 587.90 feet
REQUIRED ADJOINING 1/6TH 202.65 feet

LAND SURVEYOR'S CERTIFICATE:

I, MICHAEL K. HENDERSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THE MONUMENTS SHOWN HEREON WERE RECOVERED AS INDICATED, AND THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE. I FURTHER CERTIFY THAT AT LEAST ONE-SIXTH OF THE PERIMETER BOUNDARIES OF THE TRACT TO BE ANNEXED ARE ADJACENT TO THE PRESENT CITY OF SALIDA CORPORATION LINE. DATED THIS _____ DAY OF _____, 2019.

MICHAEL K. HENDERSON
REG. L. S. NO. 16117
STATE OF COLORADO

GENERAL LAND SURVEYOR'S NOTES:

- 1) PROPERTY DESCRIPTION AND RECORD EASEMENT RESEARCH BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 19-08441 ISSUED BY CENTRAL COLORADO TITLE & ESCROW, EFFECTIVE MARCH 8, 2019.
- 2) DEED LINES ARE BASED ON AFOREMENTIONED PROPERTY DESCRIPTION AND ON THE FILED PLAT OF TRIPLE T RANCH MINOR SUBDIVISION, CHAFFEE COUNTY, COLORADO.
- 3) THE LOT IS SUBJECT TO THE PUBLIC UTILITY EASEMENTS DEDICATED ON THE PLAT OF TRIPLE T RANCH MINOR SUBDIVISION, THE LOCATIONS OF WHICH ARE SHOWN HEREON.
- 4) THE PROPERTY IS SUBJECT TO THE PRE-ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. 425861 OF THE CHAFFEE COUNTY RECORDS.

6909 LLC ANNEXATION TO THE CITY OF SALIDA CERTIFICATION:

WHEREAS THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX THE TERRITORY DESCRIBED HEREIN BY 6906 LLC, A COLORADO LIMITED LIABILITY COMPANY, THE OWNER OF 100% OF THE AREA TO BE ANNEXED;

AND WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED _____, 2019, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIED WITH THE REQUIREMENTS OF SECTION 38-12-107(1), C.R.S.; AND

WHEREAS, AFTER PUBLISHED NOTICE AND PUBLIC HEARINGS ON _____, 2019, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2019), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTION 31-12-104 AND 105, C.R.S., AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED;

AND WHEREAS, ON _____, 2019, THE CITY COUNCIL ADOPTED ORDINANCE NUMBER _____ (SERIES OF 2019), APPROVING AND ANNEXING THE 6906 LLC ANNEXATION TO THE CITY OF SALIDA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE 6906 LLC ANNEXATION DESCRIBED HEREIN; TO WIT, THE TERRITORY COMPRISING 2.01 ACRES, AND BEING DESCRIBED AS FOLLOWS:
Lot 2, Triple T Ranch Minor Subdivision per Plat recorded November 30, 2015 as Reception No. 423412 Chaffee County, Colorado.

CITY OF SALIDA APPROVAL:

APPROVED THIS _____ DAY OF _____, 2019.

BY: _____
MAYOR OF THE CITY OF SALIDA

ATTEST: _____
CITY CLERK

OWNERS:

6906 LLC, a Colorado Limited Liability Company
834 Crestone Avenue
Salida, CO 81201

OWNERS CERTIFICATE:

THIS IS TO CERTIFY THAT 6906 LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF 100% OF THE PROPERTY DESCRIBED AND SHOWN HEREON DESIRES AND APPROVES THE ANNEXATION OF SAID PROPERTY TO THE CITY OF SALIDA.

6906 LLC, A COLORADO LIMITED LIABILITY COMPANY

JOE JUDD, MEMBER

PAIGE JUDD, MEMBER

STATE OF COLORADO } 66
COUNTY OF CHAFFEE }

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2019, BY JOE JUDD AND PAIGE JUDD, WHOSE NAMES ARE SUBSCRIBED ABOVE.

WITNESS MY HAND AND OFFICIAL SEAL

MY COMMISSION EXPIRES _____

NOTARY PUBLIC: _____
ADDRESS: _____

SALIDA PLANNING COMMISSION APPROVAL:

THIS ANNEXATION PLAT IS HEREBY APPROVED ON THIS _____ DAY OF _____, 2019, BY THE CITY OF SALIDA PLANNING COMMISSION.

CHAIRMAN OF PLANNING COMMISSION _____ ATTEST: CITY CLERK OF THE CITY OF SALIDA

CITY OF SALIDA CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS EXECUTED ANNEXATION MAP, ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE 6906 LLC ANNEXATION WAS ACCEPTED FOR FILING IN MY OFFICE ON THE _____ DAY OF _____, 2019.

CITY CLERK

CHAFFEE COUNTY CLERK & RECORDER'S CERTIFICATE:

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE 6906 LLC ANNEXATION TO THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, WERE ACCEPTED AND FILED IN MY OFFICE ON THIS _____ DAY OF _____, 2019, UNDER RECEPTION NUMBER(S) _____.

CHAFFEE COUNTY CLERK AND RECORDER

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

6906 LLC ANNEXATION PLAT			
FOR LOT 2, TRIPLE T RANCH MINOR SUBDIVISION			
CHAFFEE COUNTY		COLORADO	
Job Number: J-19-057	HENDERSON LAND SURVEYING CO., INC.		
DESIGNED BY: B.S.H.	203 G STREET		
DRAWN BY: TMO GADD	SALIDA, COLORADO		
M.K.H.	DATE:	DRAWING NO.	
CHECKED BY: F16, BOOK: S320 P.20	5/20/19	L-19-26	

**PUBLIC NOTICE
NOTICE OF HEARING ON ANNEXATION PETITION**

Representatives of 6906 LLC have filed a petition to annex to the City of Salida a certain unincorporated tract of land comprised of 2.01 acres at 6906 Vandaveer Ranch Road in the County of Chaffee. The petition for annexation and legal description of the land sought to be annexed is identified in Resolution 2019-46. The City Council by Resolution 2019-46 scheduled a hearing upon said petition for the 5th day of November, 2019. The hearing will be held in the Salida City Council Chambers, 448 East First Street, Salida, Colorado at the hour of 6 p.m. The purpose of the hearing will be to determine whether or not the area proposed to be annexed meets the applicable requirements of Section 30 of Article II of the State Constitution and Sections C.R.S. 31-12-104 and 31-12-105, as amended, and is considered eligible for annexation. All interested persons are invited to attend the public hearing and give comment if they so desire.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 46
SERIES OF 2019**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, FINDING THE 6906 VANDAVEER ROAD ANNEXATION PETITION TO BE IN SUBSTANTIAL COMPLIANCE WITH STATE STATUTES AND SETTING A PUBLIC HEARING ON SAID PETITION.

WHEREAS, in August 2019, representatives of 6906 LLC filed a General Development Application (the "Petition") to commence proceedings to annex to the City of Salida (the "City") a certain unincorporated tract of land comprised of 2 acres located at 6906 Vandaveer Road in the County of Chaffee, State of Colorado (the "Property"), and being more particularly described on Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, after review of the annexation Petition and map, the City planning staff advised the City Council that the Petition and map are in substantial compliance with the state statutes, as required by C.R.S. § 31-12-101 *et seq.*; and

WHEREAS, the Petition alleges as follows:

1. It is desirable and necessary that the territory described above be annexed to the City of Salida, Colorado.
2. The requirements of C.R.S. § 31-12-104, as amended, exist or have been met, including without limitation the following:
 - a. Not less than 1/6th of the perimeter of the area proposed to be annexed is contiguous with the City of Salida, Colorado.
 - b. A community of interest exists between the area proposed to be annexed and the City of Salida, Colorado.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the City of Salida, Colorado.
3. The requirements of C.R.S. § 31-12-105, as amended, exist or have been met, including without limitation the following:
 - a. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - i. has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof.
 - ii. comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation), has been included without the written consent of the landowners.
 - b. No annexation proceedings have been commenced for the annexation to a municipality other than the City of Salida, Colorado, of all or part of the territory proposed to be annexed.
 - c. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
 - d. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City of Salida more than three (3) miles in any direction from any point on the current municipal boundary of the City in any one year; and

WHEREAS, the City finds that the Petition is in compliance with Salida Municipal Code (SMC) §§ 16-9-10 through 16-9-40; and

WHEREAS, the City has or will have in place a plan meeting the requirements of C.R.S. §31-12-105(e) prior to the effective date of the proposed annexation; and

WHEREAS, no election for annexation of the area proposed to be annexed to the City of Salida has been held in the preceding twelve (12) months; and

WHEREAS, the signers of the Petition are the owners of one hundred percent (100%) of the territory proposed to be annexed, exclusive of public streets and alleys; and

WHEREAS, the annexation to the City of Salida, Colorado of the area proposed to be annexed will not result in a change of county boundaries; and

WHEREAS, the names and mailing addresses of the signers of the Petition and date of signing are included in the Petition; and the legal descriptions of the land owned by Petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk; and

WHEREAS, the Petition is accompanied by four (4) or more copies of an Annexation Map containing, among other things, the following information:

1. A written legal description of the boundaries of the area proposed to be annexed to the City of Salida, Colorado;
2. The boundary of the area proposed to be annexed to the City of Salida, Colorado;
3. Within the annexation boundary map, a showing of the location of each ownership tract in un-platted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and
4. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the City of Salida, Colorado; and

WHEREAS, none of the area proposed to be annexed to the City of Salida, Colorado, is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town; and

WHEREAS, it appears that the Petition filed as aforesaid is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(1), as amended.

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

1. The City incorporates the foregoing recitals as findings by the City Council.
2. The Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-107(1), as amended.
3. The City Council of the City of Salida, Colorado, will hold a hearing upon the Petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104, § 31-12-105, and SMC §§ 16-9-10 through 16-9-40, all as amended, and is considered eligible for annexation. The hearing shall be held on November 5, 2019, commencing at the hour of 6 p.m. in the City Council Chambers, 448 East First Street, Salida, Colorado.
4. Any person may appear at such hearing and present evidence upon any matter to be determined by the City Council of the City of Salida, Colorado.

RESOLVED, APPROVED AND ADOPTED this 17th day of September, 2019.

CITY OF SALIDA, COLORADO

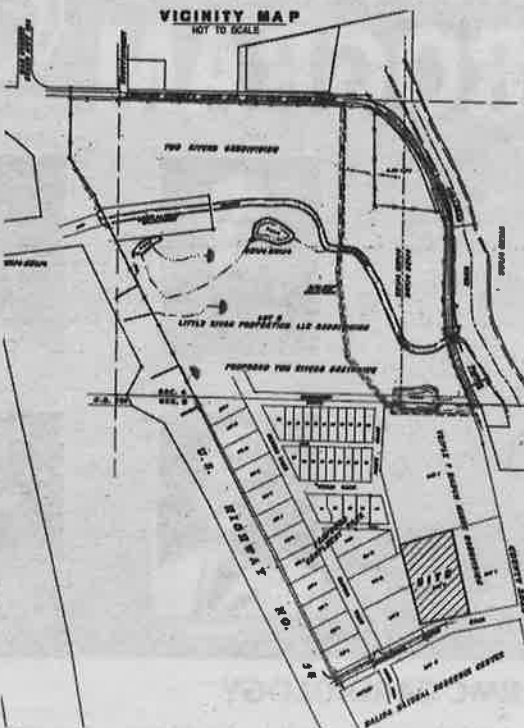
P.T. Wood, Mayor

[SEAL]
ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A

Lot 2 of Triple T Ranch Minor Subdivision per Plat recorded November 30, 2015 at Reception No. 423912 in the Office of the Chaffee County Recorder, Chaffee County, Colorado; also known by street address as 6906 Vandaveer Ranch Road, Salida, CO 81201 and assessor's schedule or parcel no.: 380709100071.





REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.d	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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ITEM:

Ordinance 2019-16 – Second Reading and Public Hearing on the Proposed Rezoning of 2.0 Acres at 6906 Vandaveer Ranch Road to Manufactured Housing Residential District (R-4).

BACKGROUND:

The requested actions for 6906 LLC Annexation are as follows

	Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
5.a	Findings of Fact Resolution 2019-59			11-19-2019
5.b	Annexation Agreement Resolution 2019-60	10-28-2019		11-19-2019
5.c	Annexation Ordinance 2019-15	10-28-2019	11-05-2019	11-19-2019
5.d	Zoning Ordinance 2019-16	10-28-2019	11-05-2019	11-19-2019
5.e	Development Plan Resolution 2019-61	10-28-2019		11-19-2019



Applicants: 6906 LLC as represented by Joe Deluca of Crabtree Group, Inc.



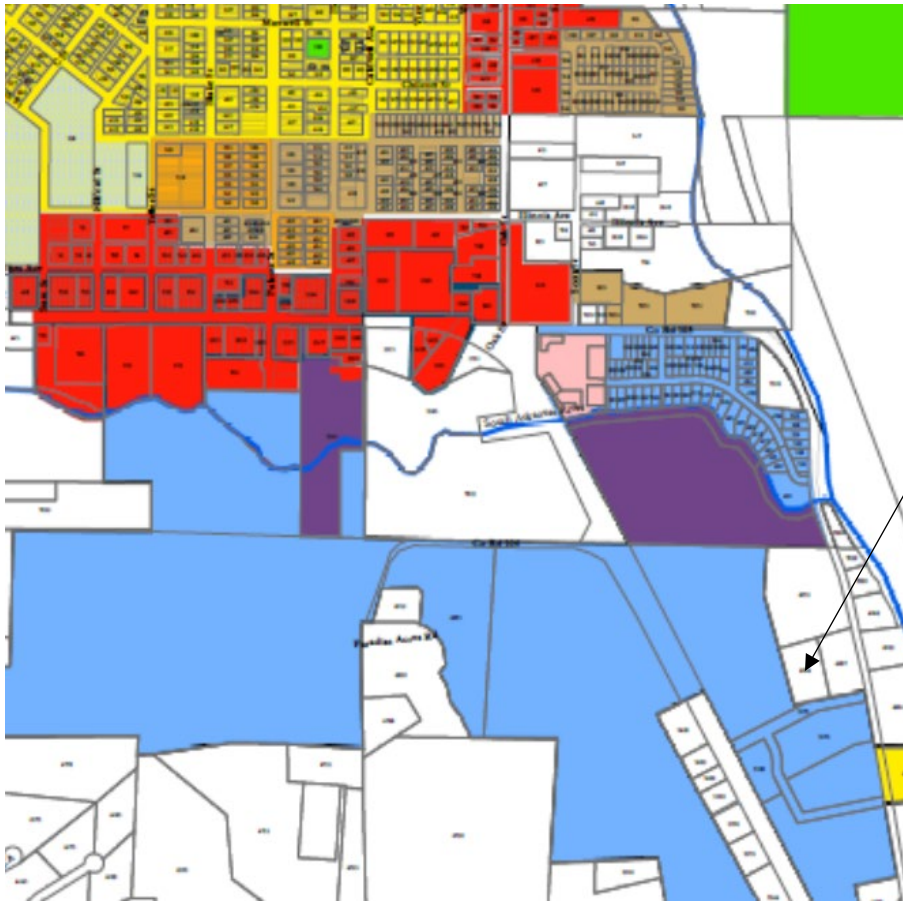
REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.d	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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Surrounding Land Use and Zoning: The site is currently zoned RES (Residential Zone District) in Chaffee County. The properties to the north and east remain in Chaffee County and are also zoned RES. The uses on these parcels are low density residential with some agricultural uses. The properties to the west and south are part of the Vandaveer Ranch Planned Development (VPA 4 and 5). Details of the Planned Development are described below.

The southern property is home to the US Forest Natural Resource Center for the Pike and San Isbell National Forests. The building is 15,538 square feet on the 3.85 acre site.



6906 LLC Annexation, Zoning and Development Plan

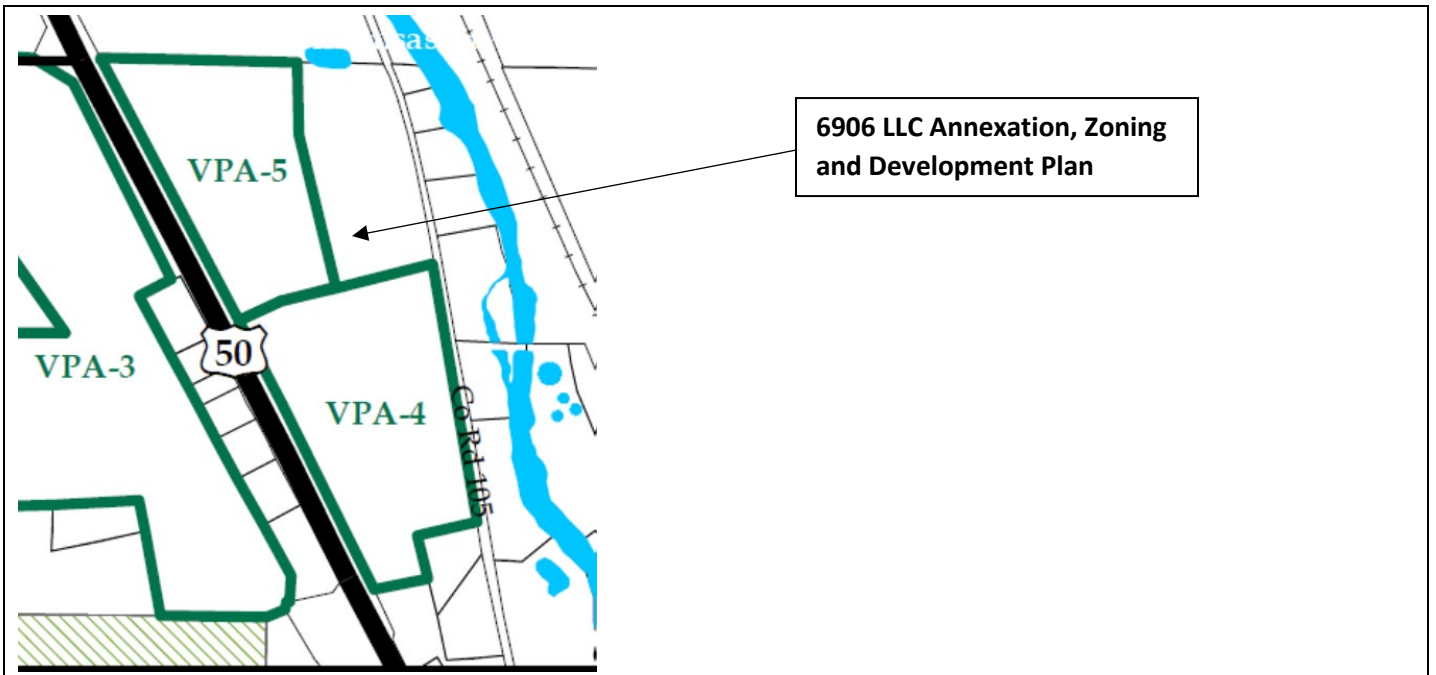
Vandaveer Ranch Planned Development: The Vandaveer Ranch Planned Development was amended on October 18, 2011 for the proposed Pinto Barn development on parcel VPA-5. A conceptual meeting was held with the Planning Commission and City Council for changes to this portion of the PD on April 15, 2019. The proposed project is called Confluent Park, but has not progressed past the conceptual stage.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.d	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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The Planned Development has a unique zoning district applied to VPA 4 and 5 described as Mixed Use Village. The table below describes what can be built within these parcels.

Planning Area Entitlements Chart

Planning Areas	Zoning	Gross Area	Dwelling Units and commercial lodging units *	Non-residential** Development Square Footage
PROPOSED DEVELOPMENT	Corresponding Zone district	(Acres)	(up to and including)	(up to and including)
VPA-1	Vandaveer Neighborhood	63.4	400	25,000
VPA-2	Transitional Residential	15.6	130	30,000
VPA-3	Mixed Use Village	44.1	180 [includes commercial lodging units]	300,000
VPA-4	Mixed Use Village	21.7	125 [includes commercial lodging units] plus	100,000
VPA-5	Mixed Use Village-Pinto Barn	~15	25,000 square feet for residential uses ***	150,000
VPA-7	Open Space/Parks	18.0	0	2,500
VPA-8	Open Space/Parks	11.7	0	2,000
VPA-9	Open Space/Parks	2.1	0	500
Total		191.6	950 units	610,000

* This represents the total number of units but does not specify if they are single family, attached, or stacked units

** Non-residential square footage includes employment centers, retail, commercial, educational centers, active and passive recreational uses requiring built facilities, commercial lodging, services, arts and cultural facilities, research and development



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
5.d	Community Development	Glen Van Nimwegen

ZONING:

The applicant is requesting R-4, Manufactured Housing Residential District zoning as it provides more options for development now and in the future; smaller lots; and shorter front and rear setbacks. Because their plan is to build an apartment project now, they are offering to restrict, whether on the current site plan, zoning or annexation agreement, "...mobile homes, mobile home parks and RV parks..." These allowed uses in the R-4 district is the principal difference between R-3 and R-4 districts. The other significant difference is the front and rear yards in the R-4 district are 15 feet versus 20 feet in the R-3 district.

However, the purpose of the R-3 district according to the Land Use and Development Code clearly states:

"The purpose of the High Density Residential (R-3) zone district is to provide for relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses. Complementary land uses may also include such supporting land uses as parks, schools, churches, home occupations or day care, amongst other uses."

Therefore staff is recommending the zoning be R-3 to match what the applicant is proposing today. It will require a minor adjustment to two units to fit within the 20 foot rear yard setback.

The review standards for a rezoning include:

1. **Consistency with the Comprehensive Plan:** The Comprehensive Plan includes the goals that new projects should complement the neighborhood's mass and scale; be focused within the Municipal Services Area (MSA) and be developed at maximum densities to make the best use of available infrastructure. This parcel is within the MSA, but currently there is not any development in the area of this intensity. However, the Vandaveer Ranch PD contemplates much more intense uses, as well as jobs south of Vandaveer Ranch Road. The proposed rental housing project, though not proposed at the maximum allowed density, would support the contemplated retail, hotel and industrial land uses east of Highway 50.
2. **Consistency with the Purpose of the Zone District:** The proposed development is not consistent with the purpose of the R-4 zone district as stated above. Staff believes the R-3 district is a better fit which is to provide "...relatively high density duplex and multi-family residential areas, including primarily triplex, townhouse and apartment uses."
3. **Compatibility with Surrounding Zone District and Uses:** Today the site appears rather isolated. However as stated above more intense uses are planned. The US Forest Service facility located directly to the south is an indicator of what is to come. The apartment development will complement the future uses.
4. **Changed Conditions or Errors:** The proposed zoning is occurring because of the requirement to rezone the property when annexed to the City in accordance with Section 16-4-50 of the Land Use and Development Code. With the addition of infrastructure including Vandaveer Ranch Road, sewer and water mains, and the Vandaveer Planned Development, the conditions in the area will change.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
5.d	Community Development	Glen Van Nimwegen

The staff and Planning Commission are recommending a number of conditions that will be implemented through the annexation agreement and development plan.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: Kathy Rohrich, Fire Inspector, responded “The Fire Department has no concerns at this time.”
- Chaffee County Development Services Department: No response.
- Salida Public Works Department: Public Works Director David Lady has requested a drainage report be submitted for approval prior to issuing a building permit. All public improvements (sidewalk on Vandaveer Ranch Road) to be designed and installed according to city specifications.
- Parks and Recreation Department: Diesel Post, Director recommends a fee-in-lieu be provided if the amount of open space is inadequate.
- Salida School District: Superintendent David Blackburn’s initial statement on the project was “In reviewing the recent notice (Resolution #49) sent to the school district regarding the Triple T Ranch (6906 Vandaveer Ranch Road) development the schools would like to discuss land impacts with the developer. Until we have been able to work with the planners and developer on this issue we will not consider fees in lieu of land dedication”. He did meet with the landowners and issued an update on 10-24-2019 stating he was encouraged to see a workforce housing project (attached).
- Salida Police Department: Chief Russ Johnson recommends low level lighting in the parking area and the units be numbered according to standards. This will be addressed with the Development Plan.

STAFF RECOMMENDATION:

Staff recommends the proposed zoning be approved to R-3, High Density Residential District.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on October 28, 2019 and made the recommendation to approve the rezoning of the property to R-3, High Density Residential District.

SUGGESTED MOTIONS:

A Council person should make a motion to “approve Ordinance 2019-16 on second reading to zone the subject property R-3, High Density Residential.”

Attachments

Ordinance 2019-16

Applicant Submittal

CITY OF SALIDA, COLORADO
ORDINANCE NO. 16
(Series of 2019)

AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE 6906 LLC ANNEXATION AS HIGH DENSITY RESIDENTIAL (R-3) ZONE DISTRICT

WHEREAS, August 12, 2019, 6906 LLC (“Petitioners”), filed a General Development Application to commence proceedings to annex to the City of Salida (the “City”) a certain unincorporated tract of land comprised of 2.0 acres located at 6906 Vandaveer Ranch Road, Salida, County of Chaffee, State of Colorado (the “Property”), and being more particularly described on Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, by Ordinance No. 15, Series of 2019 the City of Salida annexed the 6906 LLC Annexation to the City; and

WHEREAS, Petitioner has filed an application to zone the Property within the Manufactured Housing Residential District (R-4), and on October 28, 2019 the City of Salida Planning Commission considered the zoning application for the Property and recommended that the City Council zone it as High Density Residential District (R-3); and

WHEREAS, as required by the Salida Municipal Code, the public hearing on the zoning application for the 6906 Vandaveer Ranch Road Annexation was held on November 19, 2019 at a regularly scheduled meeting of the Salida City Council.

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

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned High Density Residential (R-3).
3. Promptly following adoption of this Ordinance, the City Administrator shall cause the terms of this Ordinance to be incorporated into the Official Zoning Map of the City pursuant to Section 16-4-210 of the Salida Municipal Code. The signed original copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Chaffee County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Salida Land Use Regulations, SMC §16-1-10, *et seq.*, to implement the provisions of this Ordinance.

INTRODUCED ON FIRST READING, on November 5, 2019, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the 5th day of November, 2019 and set for second reading and public hearing on the 19th day of November, 2019.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 19th day of November, 2019.

CITY OF SALIDA, COLORADO

P.T. Wood, Mayor

[SEAL]

ATTEST:

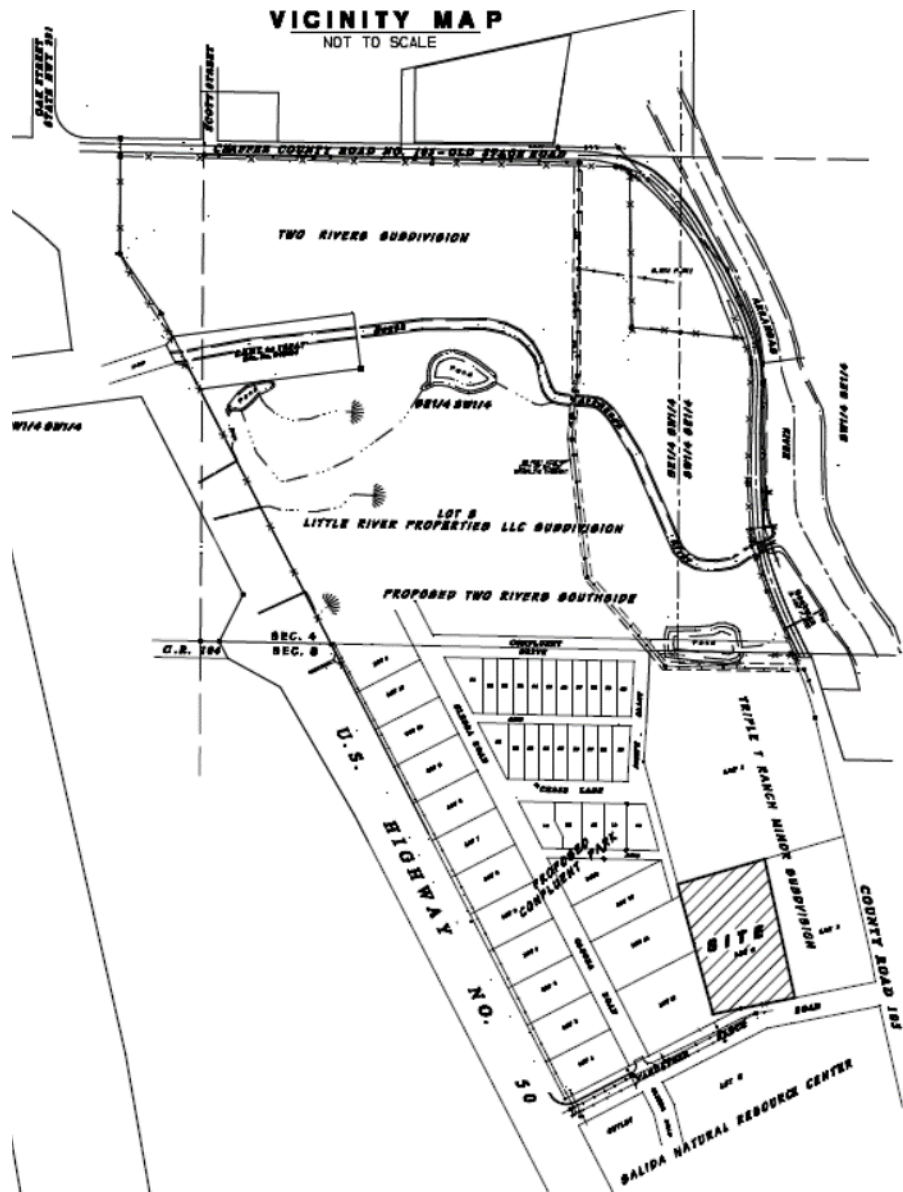
City Clerk/Deputy Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the 8th day of November, 2019, and BY TITLE ONLY, after final adoption on the ____ day of _____, 2019.

City Clerk/Deputy City Clerk

EXHIBIT A

Lot 2 of Triple T Ranch Minor Subdivision per Plat recorded November 30, 2015 at Reception No. 423912 in the Office of the Chaffee County Recorder, Chaffee County, Colorado; also known by street address as 6906 Vandaveer Ranch Road, Salida, CO 81201 and assessor's schedule or parcel no. : 380709100071.



AUGUST 12, 2019



6906 VANDAVEER RANCH ROAD
ANNEXATION & ZONING & SITE PLAN APPLICATION



Contents

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1 LETTER OF INTENT

6906 LLC, owner of the subject property described as Lot 2 of the Triple T Ranch Minor Subdivision, County Parcel No. R380709100071 is requesting annexation into the City of Salida. The subject parcel has contiguous boundaries on its west and south boundaries. City services have been extended on Vandaveer Ranch Road along the boundary frontage of the subject property. The annexation of this property is a natural and logical extension of the municipal boundary. The properties to the west and south are part of the Vandaveer Ranch Planned Development which includes mixed use, multi-family and densities, like the R4 proposed zoning.

The intent is to develop the subject property as a rental pocket neighborhood to provide additional rental housing for the community and to meet the inclusionary housing requirement with deed restricted the number of required units instead of a fee in lieu. The shortage of rental housing in the southern half of Chaffee County and in the City of Salida is well documented and has been the subject of multiple Planning and Zoning Commission and City Council Meetings.

The annexation of this parcel with the proper zoning provides an opportunity to increase the availability of affordable and workforce housing with a very low environmental and cost impact due to its proximity and access to water, sewer, dry utilities and public streets. The pocket neighborhood will not require the addition of water mains, sewer mains or public streets.

To achieve affordable and workforce housing the optimum zoning is the zone that in the long term is most likely to meet community goals. It is important not to focus on the near-term development proposal, the best zoning should be chosen for the long-term goals of the community. The R4 zone also provides some other advantages to achieving community goals:

- Standard R4 Lot sizes are smaller 4,000 s.f. versus 5,625 for R3, which is also the same as R2.
- Inclusionary R4 Lot sizes are smaller 3,600 s.f. versus 5,063 s.f. in R3 or 3,750 for 15% of the housing in R3.
- Rear and Front line set backs are 5 foot less in R4 than in R3 allowing for a more compact neighborhood.
- Plat notes and the annexation agreement can restrict R4 entitled uses that are not considered appropriate for the long-term community goals such as an RV Park or Trailer Park.

The propose zoning is R4 which is the most suited for the development of affordable and workforce housing in the current land use code. This zone was chosen for the reasons discussed above. The applicant is willing to place plat restrictions for mobile homes, mobile home parks and RV parks that are entitled in this zone to eliminate concerns regarding uses that may not be considered applicable in this neighborhood. While the intent is to construct site-built homes, the construction environment could change making manufactured housing the preferred approach to meeting workforce and affordable housing goals.

The applicant is requesting a concurrent application and review for the proposed pocket neighborhood site plan, which is also included in this application.

2 GENERAL DEVELOPMENT APPLICATION



GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

1. TYPE OF APPLICATION (Check-off as appropriate)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | |
| <input type="checkbox"/> Variance | |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Certificate of Approval | |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | <input checked="" type="checkbox"/> Major Impact Review:
(Type) <u>Annexation & Zoning, Site Plan</u> |
| <input type="checkbox"/> License to Encroach | |
| <input type="checkbox"/> Text Amendment to Land Use Code | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Watershed Protection Permit | |
| <input type="checkbox"/> Conditional Use | |

2. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Name of Applicant: 6906 LLC

Mailing Address: 834 Crestone Avenue, Salida, CO 81201

Telephone Number: 719-539-8116 FAX: _____

Email Address: juddfinehomes@gmail.com

Power of Attorney/ Authorized Representative: _____
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

Name of Development: 6906 Neighborhood

Street Address: 6906 Vandaveer Ranch Road, Salida, CO 81201

Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

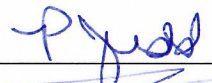
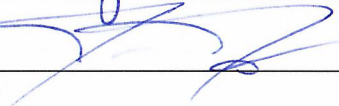
Signature of applicant/agent: Date: 7/22/19

Signature of property owner: Date: 7/22/19

3 ANNEXATION PETITION

ANNEXATION PETITION

This Section must be filled out if there are multiple properties/property owners petitioning annexation.

Signature of Petitioners Requesting Annexation to the City of Salida, Colorado	Date of Signature of Each Petitioner	Mailing Address of each Petitioner	Description of Property Included the Area Proposed for Annexation Owned by Each person Signing this Petition. (Attach separate sheet, if necessary)
	7/22/19	834 CRESTONE AVE SAL	Lot 2, Triple T Ranch Minor Subdivision Tract 1, Vandaveer Ranch Subdivision Exemption
	7/22/19	834 Crestone Ave. Salida	

ANNEXATION PETITION

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

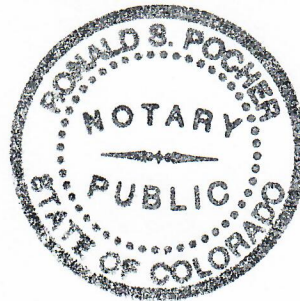
Joseph H. DeLuca

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

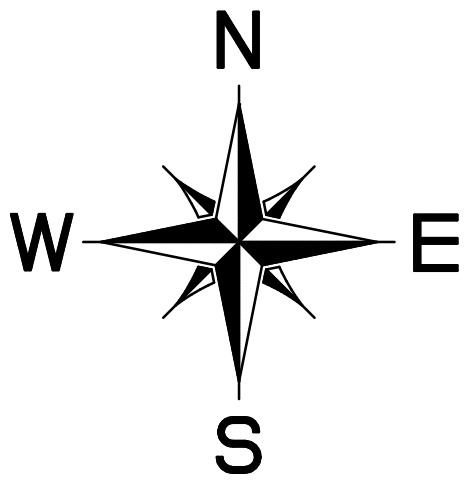
Joseph H. DeLuca
Circulator

Subscribed and sworn to before me this 12th day of AUGUST, A. D. 2019.
Witness my hand and official seal. My commission expires: 10/11/2019.

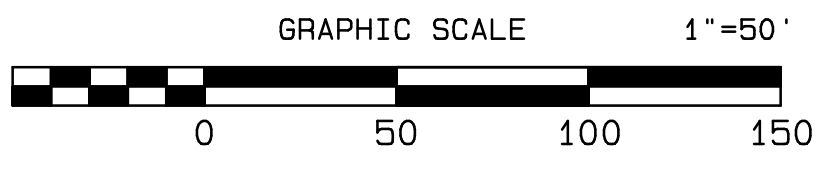
Ronald S. Pocher
Notary Public



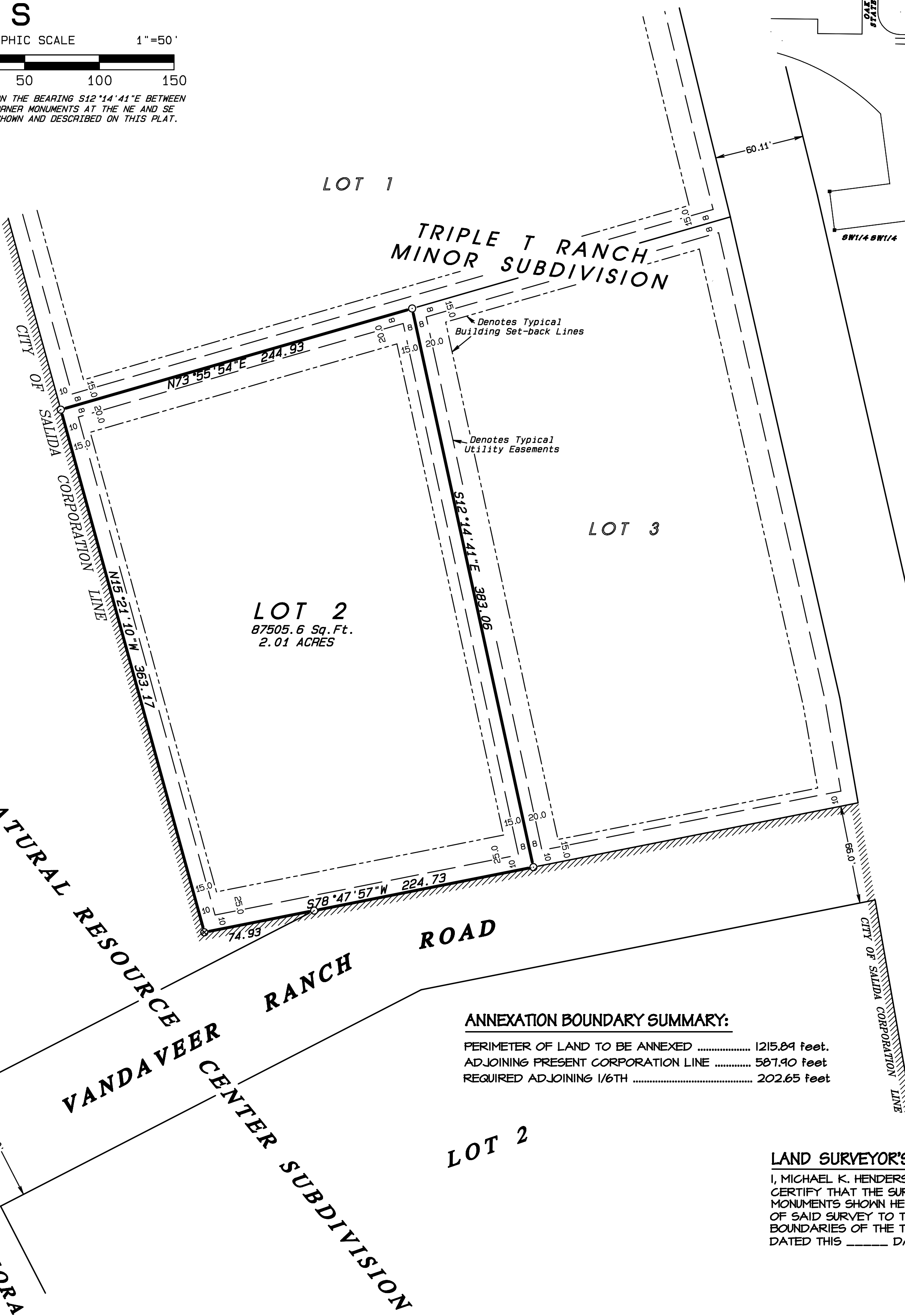
4 ANNEXATION PLAT



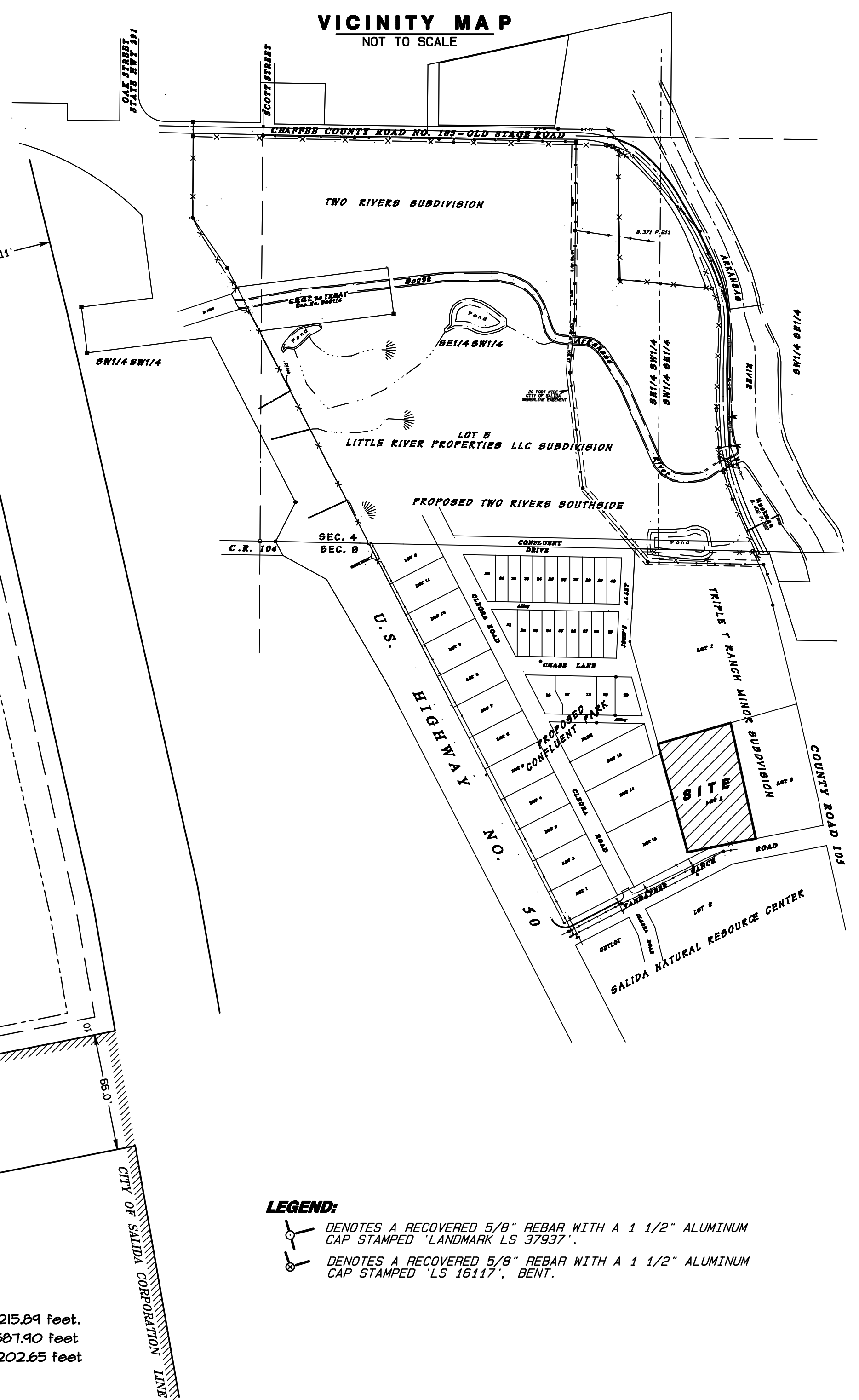
6906 LLC ANNEXATION PLAT
FOR
LOT 2, TRIPLE T RANCH MINOR SUBDIVISION
CHAFFEE COUNTY, COLORADO



DIRECTIONS ARE BASED ON THE BEARING S12°14'41"E BETWEEN RECOVERED REBAR LOT CORNER MONUMENTS AT THE NE AND SE CORNERS OF LOT 2, AS SHOWN AND DESCRIBED ON THIS PLAT.



VICINITY MAP
NOT TO SCALE



ANNEXATION BOUNDARY SUMMARY:

PERIMETER OF LAND TO BE ANNEXED 1215.84 feet.
ADJOINING PRESENT CORPORATION LINE 587.90 feet
REQUIRED ADJOINING 1/6TH 202.65 feet

LEGEND:

○ DENOTES A RECOVERED 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP STAMPED "LANDMARK LS 37837".
○ DENOTES A RECOVERED 5/8" REBAR WITH A 1 1/2" ALUMINUM CAP STAMPED "LS 18117", BENT.

LAND SURVEYOR'S CERTIFICATE:

I, MICHAEL K. HENDERSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS PERFORMED UNDER MY DIRECT SUPERVISION AND THE MONUMENTS SHOWN HEREON WERE RECOVERED AS INDICATED, AND THIS PLAT ACCURATELY REPRESENTS THE RESULTS OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE. I FURTHER CERTIFY THAT AT LEAST ONE-SIXTH OF THE PERIMETER BOUNDARIES OF THE TRACT TO BE ANNEXED ARE ADJACENT TO THE PRESENT CITY OF SALIDA CORPORATION LINE. DATED THIS ____ DAY OF _____, 2019.

MICHAEL K. HENDERSON
REG. L. S. NO. 16117
STATE OF COLORADO

GENERAL LAND SURVEYOR'S NOTES:

- 1) PROPERTY DESCRIPTION AND RECORD EASEMENT RESEARCH BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. 19-08441 ISSUED BY CENTRAL COLORADO TITLE & ESCROW, EFFECTIVE MARCH 8, 2019.
- 2) DEED LINES ARE BASED ON AFOREMENTIONED PROPERTY DESCRIPTION AND ON THE FILED PLAT OF TRIPLE T RANCH MINOR SUBDIVISION, CHAFFEE COUNTY, COLORADO.
- 3) THE LOT IS SUBJECT TO THE PUBLIC UTILITY EASEMENTS DEDICATED ON THE PLAT OF TRIPLE T RANCH MINOR SUBDIVISION; THE LOCATIONS OF WHICH ARE SHOWN HEREON.
- 4) THE PROPERTY IS SUBJECT TO THE PRE-ANNEXATION AGREEMENT RECORDED AT RECEPTION NO. 425861 OF THE CHAFFEE COUNTY RECORDS.

6909 LLC ANNEXATION TO THE CITY OF SALIDA CERTIFICATION:

WHEREAS THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO HAS BEEN PRESENTED WITH AN APPLICATION TO ANNEX THE TERRITORY DESCRIBED HEREIN BY 6906 LLC, A COLORADO LIMITED LIABILITY COMPANY, THE OWNER OF 100% OF THE AREA TO BE ANNEXED;
AND
WHEREAS, THE CITY COUNCIL BY RESOLUTION ADOPTED _____, 2019, DETERMINED THAT THE ANNEXATION APPLICATION SUBSTANTIALLY COMPLIED WITH THE REQUIREMENTS OF SECTION 38-12-107(I), C.R.S.; AND
WHEREAS, AFTER PUBLISHED NOTICE AND PUBLIC HEARINGS ON _____, 2019, AS REQUIRED BY SECTION 31-12-108, C.R.S., THE CITY COUNCIL ADOPTED RESOLUTION NUMBER _____ (SERIES OF 2019), DETERMINING THAT THE ANNEXATION SATISFIED THE REQUIREMENTS OF SECTION 31-12-104 AND 105, C.R.S., AND THAT AN ANNEXATION ELECTION WAS NOT REQUIRED;
AND
WHEREAS, ON _____, 2019, THE CITY COUNCIL ADOPTED ORDINANCE NUMBER _____ (SERIES OF 2019), APPROVING AND ANNEXING THE 6906 LLC ANNEXATION TO THE CITY OF SALIDA.
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO DOES HEREBY APPROVE AND ACCEPT THE 6906 LLC ANNEXATION DESCRIBED HEREIN; TO WIT, THE TERRITORY COMPRISING 2.01 ACRES, AND BEING DESCRIBED AS FOLLOWS:
Lot 2, Triple T Ranch Minor Subdivision per Plat recorded November 30, 2015 as Reception No. 423412 Chaffee County, Colorado.

CITY OF SALIDA APPROVAL:

APPROVED THIS ____ DAY OF _____, 2019.

BY: _____
MAYOR OF THE CITY OF SALIDA

ATTEST: _____
CITY CLERK

OWNERS:
6906 LLC, a Colorado Limited Liability Company
834 Crestone Avenue
Salida, CO 81201

OWNERS CERTIFICATE:
THIS IS TO CERTIFY THAT 6906 LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING THE OWNER OF 100% OF THE PROPERTY DESCRIBED AND SHOWN HEREON DESIRES AND APPROVES THE ANNEXATION OF SAID PROPERTY TO THE CITY OF SALIDA.

6906 LLC, A COLORADO LIMITED LIABILITY COMPANY

JOE JUDD, MEMBER _____ PAIGE JUDD, MEMBER _____
STATE OF COLORADO } 66
COUNTY OF CHAFFEE }
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS ____ DAY OF _____, 2019,
BY JOE JUDD AND PAIGE JUDD, WHOSE NAMES ARE SUBSCRIBED ABOVE.
WITNESS MY HAND AND OFFICIAL SEAL
MY COMMISSION EXPIRES _____

NOTARY PUBLIC: _____
ADDRESS: _____

SALIDA PLANNING COMMISSION APPROVAL:

THIS ANNEXATION PLAT IS HEREBY APPROVED ON THIS ____ DAY OF _____, 2019, BY THE CITY OF SALIDA PLANNING COMMISSION.

CHAIRMAN OF PLANNING COMMISSION _____ ATTEST: CITY CLERK OF THE CITY OF SALIDA

CITY OF SALIDA CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS EXECUTED ANNEXATION MAP, ALONG WITH THE ORIGINAL ANNEXATION ORDINANCE FOR THE 6906 LLC ANNEXATION WAS ACCEPTED FOR FILING IN MY OFFICE ON THE ____ DAY OF _____, 2019.

CITY CLERK

CHAFFEE COUNTY CLERK & RECORDER'S CERTIFICATE:

I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ANNEXATION MAP AND A CERTIFIED COPY OF THE ANNEXATION ORDINANCE FOR THE 6906 LLC ANNEXATION TO THE CITY OF SALIDA, CHAFFEE COUNTY, COLORADO, WERE ACCEPTED AND FILED IN MY OFFICE ON THIS ____ DAY OF _____, 2019, UNDER RECEPTION NUMBER(S) _____.

CHAFFEE COUNTY CLERK AND RECORDER

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE SURVEYOR'S STATEMENT CONTAINED HEREON.

6906 LLC ANNEXATION PLAT	
FOR LOT 2, TRIPLE T RANCH MINOR SUBDIVISION	
CHAFFEE COUNTY	COLORADO
Job Number: J-19-057	HENDERSON LAND SURVEYING CO., INC.
DESIGNED: B.S.H.	203 G STREET
DRAWN BY: TMO CAD	SALIDA, COLORADO
M.K.H.	DATE: 5/20/19
CHECKED: F18, BOOK: S320 P.20	DRAWING NO. L-19-26

5 ANNEXATION & ZONING NARRATIVE

This application for Annexation meets the intent of the Comprehensive Plan and the Joint Planning Area and the Land Use Code.

- **Continuity:** The Annexation exceeds the required 1/6 continuity (16.6%). The perimeter of the property is 1215.89 feet, the continuity length with the current municipal boundary is 587.9 feet. which is 48.3% continuity.
- **Consider Costs and Benefits:** There are no additional costs to the City since the development does not require the addition of City streets, water mains or sewer mains. Since Salida Utilities are enterprise funds that are self-funded by tap fees and service fees, service does not add additional costs. The benefit is additional land for housing which is required if the City desires to expand the economy which produces sales tax revenue to the City. In the specific case of the proposed development of a rental community which will provide workforce and affordable housing and meet the inclusionary zoning standards with the required number of deed restricted units, this application is timely and critical for the overall community health and welfare. The applicant has a proven track record for development of rental housing having produced and managed 38 workforce housing units in recent years.
- **Providing Public Facilities and Services:** The City has adequate water supply and wastewater capacity to serve the annexation. Electrical service is available on the boundary of the subject annexation. A public street fronts the annexation with water and sewer on the frontage of the subject property. The developer has completed two similar rental site projects within the past 5 years within the City successfully providing an additional 38 rental units for the community.
- **Provide for Orderly Development of the City:** The location of the annexation is a natural extension of the municipal boundary as an infill annexation that is within the Municipal Service Area. The adjoining properties within the municipal boundary have been zoned Planned Development for mixed use and residential. The proposed Pocket Neighborhood will provide an attractive and comfortable rental housing neighborhood.
- **Implement the Comprehensive Plan & Housing Strategic Plan**
 - **Comprehensive Plan 2013 Statement:** Annexation allows the city an opportunity to expand its borders, address deficiencies in available space for industrial, commercial or residential lands and may create financial opportunities for the city. Such opportunities need to be studied carefully including the fiscal impact so that the city is not subsidizing development by assuming the additional burden onto its facilities and services. *Since this development does not increase the miles of roads, water or sewer in the municipal area, it has little or no fiscal impact, while increasing the rental housing stock. Rental housing is needed to allow for economic growth due to the shortage of labor resources in the County.*

- Comprehensive Plan Diversity of Housing Section: The diversity of housing types drives the integrated feel of the neighborhoods in Salida and this quality is highly valued. With Ordinance 2008-33, the City Council adopted several changes to the Land Use code to allow for duplex and townhouse configurations as well as address affordable housing in new annexations and planned developments. These changes provide a regulatory mechanism to help ensure a variety of housing types are possible, and in some cases required, in neighborhoods. *There is a shortage of quality rental housing, the balance of higher density zones that allow for rental communities is out of balance with most of Salida zoned R2 and R1. R3 and R4 zones are in short supply with the capacity to expand housing. Pocket Neighborhoods are an effective and attractive method of infill for this specific property.*
- 2008 Housing Strategic Plan, Measure 10 Enact Codes that encourage affordable housing development.
- Consider allowing manufactured housing or modular housing in all residential zones. R4 zoning allows for Manufactured Housing. *To deny R4 zoning for the subject property would be ignoring this recommendation.*
- **Affordable housing is housing for the community's workforce and is directly linked to economic vitality and sustainability.** Affordable housing is synonymous with workforce housing. It is housing for people who earn their living in the community such as retail and service employees, mechanics, construction and trades workers, teachers, police/fire/EMS, health care service providers, and small business owners. These workers form the core of any sustainable economy and also contribute to community vitality and diversity. Many other Colorado and western mountain communities have found that high priced housing can displace local workers, resulting in unfilled jobs and high employee turnover, which negatively affects business conditions and customer experiences. Furthermore, new businesses considering a Chaffee County location will look for a stable workforce, and affordable housing is an important part of a stable workforce.
 - *There is clearly a recognition that there is a shortage of rental housing and that shortage has allowed rents to increase faster than the CPI in the last five years. An increase in supply not only reduces the shortage, it balances the supply demand curve which pressures pricing to stabilize or reduce monthly rental fees, basic economics.*
- **Housing For the Community:**
 - To provide housing for a diversity of moderate-income residents a minimum percentage of all new residential housing shall be constructed to standard definitions of affordable housing or suitable alternative provided. Twelve Percent (12%) of the new residential units shall be constructed to affordable housing standards targeting households at or below 80% AMI.
 - *The project will provide 12.5% of the total units as deed restricted units complying with the inclusionary zoning ordinance.*
 - *The project will provide non-deed restricted units into the rental inventory that will increase the supply of rental housing, which currently has a deficit supply which is causing rental rates to increase.*
 - *The applicants have demonstrated with two 19 -unit rental projects in the last five years that the private sector can supply rental housing at rental rates that meet workforce housing goals and are competitive with public funded projects if the appropriate zoning and site approvals are available.*

6 ZONING REQUEST

R4 Zoning is requested to optimize the potential for:

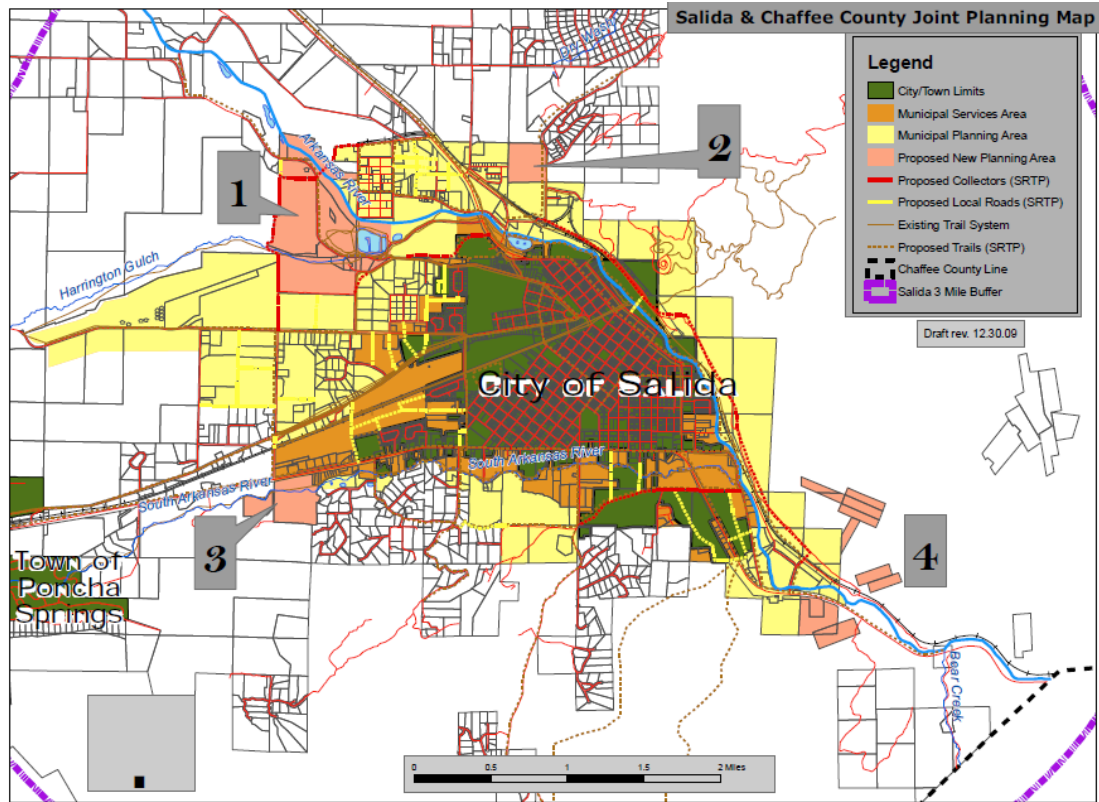
- Site optimization
- Maximizing the number of units
- Providing Maximum flexibility for vertical construction types which can reduce rental rates
- Comply with the recommendations of the 2008 Housing Strategy

There are three allowed uses in the R4 Zone that would be disallowed by a plat note on the site plan and potentially in the Annexation Agreement or the Zoning Resolution:

- Single Mobile Homes
- Mobile Home Parks
- Recreational Vehicle Parks

TABLE 16-D			
N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review	R-4	6906 SITE	Standards¹
Residential Uses			
Accessory buildings and structures.	P	P	
Multiple principal structures	LR	LR	Sec. 16-4- 190(b)
Accessory dwelling units	AR	AR	Sec. 16-4- 190(c)
Duplex dwelling units	P	P	
Residential (3 - 4 units)	AR	AR	
Residential (5 - 19 units)	AR	AR	
Residential (20 or more units)	MR	MR	
Single-family dwelling units	AR ³	AR	
Single Mobile Home	P	N ₃	
Medical marijuana cultivation—patient	P	P	Sec. 16-4- 190(j)
Medical marijuana cultivation—patient	N	N	Sec. 16-4- 190(j)
Mobile home parks	LR	N	Sec. 16-4- 190(d)
One or more dwelling units on the same site as a commercial or industrial use	N	AR	
Recreational vehicles – long term	AR	AR	Sec. 16-4-190
Recreational vehicle parks	LR	N	Sec. 16-4-190(e)
Rooming or boarding houses ²	LR ³	LR ³	

- The Annexation is in the Municipal Services Area of the Salida & Chaffee County Joint Planning Map.



- The Annexation fronts an existing City Street with existing water and sewer mains.

7 PUBLIC NOTICE LIST

Confluent Park Salida, LLC
130 W 2nd St Ste 1
Salida, CO 812012045

Suesse Ned
6953 County Road 105
Salida, CO 812019730

Triple T Ranch LLC The
C/O York Deborah
Po Box 1507
Salida, CO 812017507

Co I Sgf LLC
Attn: Herrin Kathleen
C/O Watterson Boyd Asset Management
LLC
1 N Wacker Dr Ste 4025
Chicago, IL 606062844

8 POCKET NEIGHBORHOOD SITE PLAN

8.1 OVERVIEW

6906, LLC is proposing a Rental Pocket Neighborhood under single ownership as a rental neighborhood property. ***A Pocket Neighborhood is a type of planned community that consists of a grouping of smaller residences, often around a courtyard or common green or garden, designed to promote a close-knit sense of community and neighborliness with an increased level of contact. Pocket neighborhoods provide a safer place for children to play and roam than traditional neighborhoods. Considerations involved in planning Pocket Neighborhoods include reducing or segregating parking and roadways, the use of common communal areas that promote social activities and homes with smaller square footage, built in close proximity to each other (greater density).***



Ross Chapin Neighborhood



Railroad Cottages



Salida Oak Street Neighborhood



Salida J Street Apartments

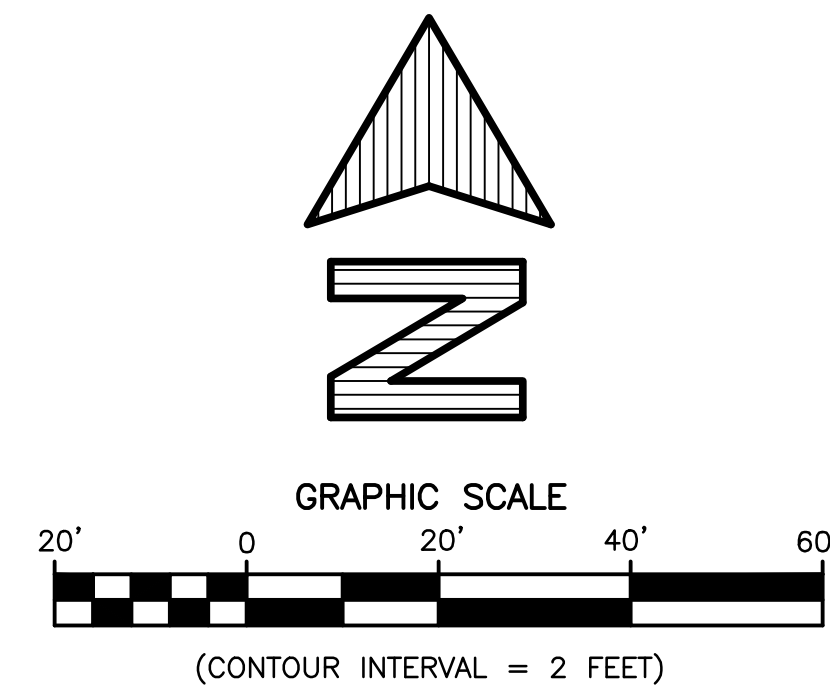
The project will create 32 rental units with 4 (12.5%) of the units meeting the inclusionary zoning ordinance by being deed restricted. The units will be one and two-bedroom cottage size homes. The most of the homes face a central green.

8.2 POCKET NEIGHBORHOOD SITE PLAN

6906 VANDAVEER RANCH RD

SKETCH PLAN

SALIDA, CO
AUGUST, 2019



BUILDING TYPES				
MARK	SIZE (LXW, FT)	SIZE (AREA, SF)	BEDROOMS	DWELLING UNITS PROVIDED
A	14X54	756	2	18
B	14X36	504	1	14

CODE REQUIREMENTS				
TYPE	QTY REQ	QTY PROVIDED	UNITS	CODE SECTION
LOT SIZE	4,000	87,505	SQ.FT	TABLE 16-F
PARKING	32	43	SPACES	16-8-80 & 16-13-50
MAX DENSITY	41.7	32	UNITS	TABLE 16-F
MIN. LANDSCAPE AREA	26,267	>44,100	SQ. FT.	TABLE 16-F
TREES	32.8	33	TREES	TABLE 16-K
MAX. LOT COVERAGE UNCOVERED PARKING	<21,889	12,898	SQ. FT.	TABLE 16-F
AFFORDABLE UNITS	12.50%	4 (12.5%)	UNITS (%)	16-13-20(a) & 16-13-50
MARKET RATE UNITS		28 (87.5%)	UNITS (%)	

PREPARED BY:



OWNER:
6906 LLC
834 CRESTONE AVE
SALIDA, CO 81201

SURVEYOR:
HENDERSON LAND SURVEYING
PO BOX 812
SALIDA, CO 81201
PH: (719) 539-6166
CONTACT: MIKE HENDERSON

6906 VANDAVEER RANCH RD - PRELIMINARY ENGINEERING PLANS

8.3 TABLE SUMMARY OF THE POCKET NEIGHBORHOOD

<i>BUILDING TYPES</i>				
<i>MARK</i>	<i>SIZE (LXW, FT)</i>	<i>SIZE (AREA, SF)</i>	<i>BEDROOMS</i>	<i>DWELLING UNITS PROVIDED</i>
<i>A</i>	<i>14X54</i>	<i>756</i>	<i>2</i>	<i>18</i>
<i>B</i>	<i>14X36</i>	<i>504</i>	<i>1</i>	<i>14</i>

<i>CODE REQUIREMENTS</i>				
<i>TYPE</i>	<i>QTY REQ</i>	<i>QTY PROVIDED</i>	<i>UNITS</i>	<i>CODE SECTION</i>
<i>LOT SIZE</i>	<i>4,000</i>	<i>87,505</i>	<i>SQ.FT</i>	<i>TABLE 16-F</i>
<i>PARKING</i>	<i>32</i>	<i>43</i>	<i>SPACES</i>	<i>16-8-80 & 16-13-50</i>
<i>MAX DENSITY</i>	<i>41.7</i>	<i>32</i>	<i>UNITS</i>	<i>TABLE 16-F</i>
<i>MIN. LANDSCAPE AREA</i>	<i>26,267</i>	<i>>44,100</i>	<i>SQ. FT.</i>	<i>TABLE 16-F</i>
<i>TREES</i>	<i>32.8</i>	<i>33</i>	<i>TREES</i>	<i>TABLE 16-K</i>
<i>MAX. LOT COVERAGE UNCOVERED PARKING</i>	<i><21,889</i>	<i>12,898</i>	<i>SQ. FT.</i>	<i>TABLE 16-F</i>
<i>AFFORDABLE UNITS</i>	<i>12.50%</i>	<i>4 (12.5%)</i>	<i>UNITS (%)</i>	<i>16-13-20(a) & 16-13-50</i>
<i>MARKET RATE UNITS</i>		<i>28 (87.5%)</i>	<i>UNITS (%)</i>	

8.4 DIMENSIONAL STANDARDS COMPLIANCE

TABLE 16-F		
Dimensional Standard	R-4	6906 SITE
Min. lot size (sq. ft.)	4,000 3,600 ⁶	87,556
Density (Lot s.f./Min. lot area per dwelling unit)	2,400 2,100 ⁶	2,919
Min lot size (sq. ft.) - attached units	2,400 2,160 ⁶	NA
Min. lot frontage	37' – 6" 25 ft ⁷	224' 8"
Min. lot frontage – attached units	15'	NA
Max. lot coverage: structures (additive coverage total for structures and uncovered parking cannot exceed 90% except in C-2)	45% 50% ⁶	23%
Max. lot coverage: uncovered	25%	15%
Min. landscape area	30%	30%
Min. setback from side lot line for a	5'	5'
Min. setback from side lot line for a	3'	3'
Min. setback from rear lot line: principal	15'	15'
Min. setback from rear lot line: accessory	5'	5'
Min. setback from front lot line ⁴	15'	15'
Max. building height for a primary bldg.	35'	35'
Max. building height for a detached	25'	25'

Notes:

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



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.e	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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ITEM:

Resolution 2019-61 – Approving the Development Plan for 6906 Vandaveer Ranch Road.

BACKGROUND:

The requested actions for 6906 LLC Annexation are as follows

	Proposed Action	Planning Commission Recommendation	City Council First Reading	City Council Final Action
5.a	Findings of Fact Resolution 2019-59			11-19-2019
5.b	Annexation Agreement Resolution 2019-60	10-28-2019		11-19-2019
5.c	Annexation Ordinance 2019-15	10-28-2019	11-05-2019	11-19-2019
5.d	Zoning Ordinance 2019-16	10-28-2019	11-05-2019	11-19-2019
5.e	Development Plan Resolution 2019-61	10-28-2019		11-19-2019



Applicants: 6906 LLC as represented by Joe Deluca of Crabtree Group, Inc.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.e	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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DEVELOPMENT PLAN:

The applicant has submitted a development plan for 6906 Vandaveer Ranch Road which they describe as a rental “pocket neighborhood” to provide needed rental housing, including four units deed restricted as affordable. Some aspects of a pocket neighborhood include

- Sometimes are infill parcels and create neighborhoods within a neighborhood;
- There is a common open space that units front on creating a commons for personal interactions and creating community;
- Usually a pocket is created by clusters of 8-12 units;
- Create a layering of private, semi-private and public areas; and
- Keep cars on the perimeter of neighborhood to force resident to walk in the common area.

The purpose of the major impact process (Planning Commission review and City Council approval) is to ensure the proposed project meets requirements of the Land Development Code. The review is broken into recommended changes based on the code; and design elements to implement comprehensive plan aspirations through the annexation agreement.

Open Space: During the joint work session in September it was mentioned the project should provide the required open space or pay the fee-in-lieu. The open space standard comes from the subdivision code and applies to subdivisions and condominium plats of five units or greater. The proposed apartment project is neither, but is providing greater amount of open space than the .02 of an acre for each dwelling unit. This standard would require approximately 28,000 square feet and greater than 44,000 square feet are provided.

Staff is recommending a condition be included in the annexation agreement to ensure this increased standard is met if the project changes.

Article XIII. Inclusionary Housing: The developer is meeting the provision of affordable housing by deed restricting four units (12.5%) to be rented at affordable rates to households earning 80% or less of the Area Median Income in Chaffee County. Today that rate is \$1,226 per month for the two bedroom units; and \$1,022 for the one bedroom units.

This project meets 100% of the affordable unit requirements, but is not taking advantage of incentives for increased density and reduced parking.

	R-3 or R-4	IH Ordinance	Proposed
Number of Units Allowed	36	41	32
Parking Spaces for above units	48	41	43

Development Plan Recommended Changes/Conditions:

- Table 16-F requires a 20 foot rear yard for the R-3 district. Move the two units in the southwestern corner out of new rear yard setback.
- Section 16-8-90(d) Landscape Standards Applicable to Parking Areas requires a buffer strip between the parking area and public right-of-way. Staff recommends a three (3) foot strip be required with berming, shrubs or planting designed to screen parked automobiles. Landscaped



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
5.e	Community Development	Glen Van Nimwegen

islands should be provided at the entrance drive and the overall parking area shall be defined by curbs. The intent of the landscape improvements is to downplay the parking lot as the front door to the neighborhood.

- Section 16-8-60. Stormwater management standards. A drainage study will have to be prepared and approved prior to issuance of a building permit.
- The public improvements, in this case the five (5) foot wide sidewalk in Vandaveer Ranch Road, must be built to city standards at the time of construction of the project.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

- Salida Fire Department: Kathy Rohrich, Fire Inspector, responded “The Fire Department has no concerns at this time.”
- Chaffee County Development Services Department: No response.
- Salida Public Works Department: Public Works Director David Lady has requested a drainage report be submitted for approval prior to issuing a building permit. All public improvements (sidewalk on Vandaveer Ranch Road) to be designed and installed according to city specifications.
- Parks and Recreation Department: Diesel Post, Director recommends a fee-in-lieu be provided if the amount of open space is inadequate.
- Salida School District: Superintendent David Blackburn’s initial statement on the project was “In reviewing the recent notice (Resolution #49) sent to the school district regarding the Triple T Ranch (6906 Vandaveer Ranch Road) development the schools would like to discuss land impacts with the developer. Until we have been able to work with the planners and developer on this issue we will not consider fees in lieu of land dedication”. He did meet with the landowners and issued an update on 10-24-2019 stating he was encouraged to see a workforce housing project (attached).
- Salida Police Department: Chief Russ Johnson recommends low level lighting in the parking area and the units be numbered according to standards. This will be addressed with the Development Plan.

STAFF RECOMMENDATION:

Staff recommends the development plan for 6906 Vandaveer Ranch Road subject to the following conditions:

1. Provide three (3) foot wide landscape buffer between parking area and right-of-way to be planted with bushes and shrubs to act as a screen (Exhibit A).
2. Revise plan to provide a 20 foot rear yard.
3. Provide landscaping, curbing, landscaped islands at entry (Exhibit A) and low level lighting in the parking area.
4. Provide a storm water drainage study, grading and drainage plan for review and approval prior to issuance of a building permit.
5. Construct public improvements (5 foot sidewalk) in Vandaveer Ranch Road per city standards at the time of site development.
6. Integrate community connections and architectural diversity as required by the annexation agreement.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 5.e	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on October 28, 2019 and made the recommendation to approve the development plan with the following amendments to staff's recommendation:

2. Revise plan to provide a 20 foot rear yard UNLESS AN EXCEPTION IS MADE IN ANNEXATION AGREEMENT.
5. Construct public improvements (5 foot sidewalk) in Vandaveer Ranch Road per city standards at the time of site development; OR PROVIDE A FEE IN LIEU OF THE SIDEWALK CONSTRUCTION AT THE DISCRETION OF THE PUBLIC WORKS DIRECTOR.

SUGGESTED MOTIONS:

A Council person should make a motion to "approve Resolution 2019-61 to approve the development plan for 6906 Vandaveer Ranch Road."

Attachments

Resolution 2019-61

CITY OF SALIDA, COLORADO
RESOLUTION NO. 61
(Series of 2019)

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING THE DEVELOPMENT PLAN FOR 6906 VANDAVEER RANCH ROAD.

WHEREAS, the property owners, 6906 LLC (“Developer”) made application for approval of annexation, zoning and development plan approval for two (2) acres located at 6906 Vandaveer Ranch Road; and

WHEREAS, the property (“Property”) that is subject to the proposed actions including the development plan is described as Lot 2 of Triple T Minor Subdivision per plat recorded November 30, 2015 at Reception No. 423912 in the Chaffee County Recorder’s Office, Chaffee County, Colorado; and

WHEREAS, City Council annexed the property by Ordinance 2019-15 and zoned R-3, High Density Residential by Ordinance 2019-16 on November 19, 2019; and

WHEREAS, the Planning Commission and City Council held a conceptual meeting on the proposed project on September 16, 2019; and

WHEREAS, on October 28, 2019 the Salida Planning Commission held a public hearing and recommended approval of the development plan for 6906 Vandaveer Ranch Road, consisting of 32 apartments; and

WHEREAS, the Salida City Council held a duly noticed public hearing on November 19, 2019.

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

The Development Plan for 6906 Vandaveer Ranch Road is hereby approved, subject to the following conditions:

1. Provide three (3) foot wide landscape buffer between parking area and right-of-way to be planted with bushes and shrubs to act as a screen (Exhibit A).
2. Revise plan to provide a 20 foot rear yard.
3. Provide landscaping, curbing, landscaped islands at entry (Exhibit A) and low level lighting in the parking area.
4. Provide a storm water drainage study, grading and drainage plan for review and approval prior to issuance of a building permit.

5. Construct public improvements (5 foot sidewalk) in Vandaveer Ranch Road per city standards at the time of site development; or provide a fee in lieu of the sidewalk construction at the discretion of the Public Works Director.
6. Integrate community connections and architectural diversity as required by the annexation agreement (Resolution 2019-60).

RESOLVED, APPROVED AND ADOPTED on this 19th day of November, 2019.

CITY OF SALIDA, COLORADO

Mayor P.T. Wood

(SEAL)

ATTEST:

City Clerk/Deputy City Clerk

EXHIBIT A



10' Pedestrian Connection

Add 3' Landscape Buffer

Landscaped Parking Islands



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: 11/12/2019

AGENDA ITEM NO. 6.a.	ORIGINATING DEPARTMENT: Budget	PRESENTED BY: Aimee Tihonovich
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ITEM: 2020 Budget Hearing

BACKGROUND:

The 2020 proposed budget has been available for public inspection since October 15, 2019. Council has held several work sessions to work through refining the budget draft prepared by staff. The Finance Committee has also had meetings to provide direction on the budget. All work sessions and Finance Committee meetings have been open to the public.

A summary of the budget to date is attached.

STAFF RECOMMENDATION:

Council should open the hearing and invite public comment on the proposed 2020 budget.

SUGGESTED MOTION:

None required

Attachments

Summary of 2020 draft budget to date.

City of Salida
2020 Budget Development to date
(Not Final, as of 11/4/2019)

<u>Fund</u>	<u>Expected</u> <u>Fund Balance</u> <u>12/31/2019</u>	<u>2020</u> <u>Proposed</u> <u>Revenues</u>	<u>2020</u> <u>Proposed</u> <u>Expenses</u>	<u>2020</u> <u>Interfund</u> <u>Transfers</u>	<u>Expected</u> <u>Fund Balance</u> <u>12/31/2020</u>
General	5,369,000	7,849,685	(8,420,600)	(1,401,900)	3,396,185
Conservation Trust Fund	221,000	61,200	(281,200)		1,000
Streets	192,000	2,888,200	(2,855,500)		224,700
Capital Improvement	-	1,404,700	(2,915,000)	1,510,300	-
Economic Development	138,000	136,200	(266,200)		8,000
Lodging Tax	-	420,000	-	(420,000)	-
Arts & Culture	-	434,500	(746,100)	311,600	-
Water	3,689,000	4,064,600	(4,267,500)		3,486,100
Wastewater	1,502,000	1,927,000	(2,518,000)		911,000
	<u>11,111,000</u>	<u>19,186,085</u>	<u>(22,270,100)</u>	<u>-</u>	<u>8,026,985</u>



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 6.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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ITEM:

Ordinance 2019-17: First Reading and Setting a Public Hearing on a Proposed Ordinance Amending Chapter 16 of the Salida Municipal Code Regarding Multiple Principal Structures.

BACKGROUND:

At the Planning Commission work session of October 8, 2019, staff introduced the apparent conflicts within Table 16-D of the Land Use Code. This table describes the approval processes for Multiple Principal Structures and Residential (3-4 and 5-19 units) uses in all of the zoning districts. The conflict occurs between the Residential uses marked as requiring only Administrative Review (AR) by staff, and Multiple Principal Structures that always requires a public hearing with the Planning Commission through Limited Review (LR). The contradiction rewards building all units within one structure versus several structures on a site, which may be less impactful on the scale of a neighborhood.

When proposing multiple principal structures, for instance an apartment complex in an R-3 district, an applicant must meet all of the setbacks, coverage and height requirements of the zoning district. Then a public hearing is held after notifying by mail all owners within 175 feet. At the hearing the Planning Commission has the discretion to determine if the proposal meets the standards of scale. Section 16-4-190(b)(1) defines this as:

“The entire site, including all proposed structures, shall be of a scale that is compatible with the surrounding and nearby properties. Scale shall mean the proportional relationship of the principal buildings to each other and to the neighborhood, including but not limited to height, mass, setback and orientation.”

DISCUSSION:

R-1 and R-2: The Planning Commission has typically reviewed multiple principal structure applications in the R-2 district. When staff presented the issue at the Commission’s public hearing on October 28, we stated it was contrary to the R-2, Medium-Density Residential District which states its purpose is to create

“...residential neighborhoods comprised of detached single-family dwellings, duplex dwellings and multi-family residences on smaller lots than are permitted in the Single Family Residential (R-1) zone district, allowing for slightly greater overall densities.”

However, after a robust discussion with the Commission, staff now believes it is logical to keep the standards and process in place for R-1 and R-2. It keeps a logical progression of requirements in place and the additional review may cause home owners to seek a solution through an accessory dwelling unit (ADU). ADU’s are smaller units, and have height restrictions that make them more in-scale with our existing neighborhoods. The Commission is close to a set of new standards for ADU’s.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 6.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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All Other Districts: But for the districts above R-2 the process does not make sense. The R-3 district states its purpose is for building "...primarily triplex, townhouse and apartment uses." Staff believes requiring public review for two or more primary structures where multi-family development is allowed in the R-3, R-4, RMU, C-1, C-2 and Industrial districts is wrong considering the intensity that is allowed. Therefore we are recommending the table change to require staff review (AR) of multiple principal structures in the R-3, R-4 and RMU districts and permitted (P) in the C-2, C-1 and I districts. There will be no change to the other review requirements.

Code Amendment Standards: According to Section 16-2-40, a text amendment to the Land Use Code should comply with the following standards:

(1) Consistency with Purposes. The proposed amendment shall be consistent with the purposes of this Chapter.

Staff: As stated above, we believe requiring more review and discretionary standards in multi-family projects allowed in the R-3, R-4, C-1, C-2 and I districts for two or more primary structures on a lot is contrary to the stated purposes of the districts. It would make more sense to require additional review of three or more units within a single structure.

(2) No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.

Staff: The proposed changes to the review process and standards for Multiple Principal Structures will remove conflict and contradictions within Chapter 16, and let the bulk standards of height, setbacks and building coverage for the districts prevail. Staff is also recommending the use be changed to Multiple Principal *Residential* Structures for additional clarification it only applies to residential buildings.

(3) Consistency with Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of this Land Use Code.

Staff: The Community Character Principle of the Comprehensive Plan states the policies and recommended actions to maintain Salida's small town character and diversity. The impetus of this section of the Plan is to promote infill development where there is existing street and utility infrastructure, but it should not overwhelm existing neighborhoods. The proposed changes support the goals as recommended by the Comprehensive Plan (Action LU&G-I.2.a).




REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 6.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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Policy LU&G-I. 1 – New development within the city shall make the most appropriate use of the land using design standards that enhance and complement the historic built environment of the city.



Action LU&G-I. 1.a. – Amend Salida’s Land Use Code and Zoning Map to advance the objectives of this plan and consider appropriate zoning designations, densities and overlays that utilize setbacks and promote the traditional historic built environment.

Action LU&G-I. 1.b. – New development should complement the neighborhood’s mass and scale.

Policy LU&G-I. 2 – Infill and redevelopment should be encouraged and will advance the objectives of this plan.

Action LU&G-I.2.a - Encourage projects to use maximum density allowances to make the best use of the available infrastructure.

Residential Neighborhood Currently Zoned Industrial

4) Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

Staff: The proposed elimination of the public process for multiple principal structures will not threaten the public health, safety and welfare as existing height, setback and building coverage requirements stay in effect.

STAFF RECOMMENDATION:

Staff initially recommended that all of the references, processes and requirements for multiple principal structures be eliminated from the code. However, after discussing the purpose of the requirements with the Planning Commission, and our history of evaluating multiple principal structures in the R-2 district, staff concurs with keeping the standards and revising Table 16-D as recommended by the Planning Commission.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on October 28, 2019 and made the recommendation to approve the code changes keeping the standards and current process in place for R-1 and R-2 districts and change Table 16-D to make the approval process in the R-3, R-4, RMU as Administrative Review (AR); and change C-2, C-1 and I districts as Permitted (P).



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: November 19, 2019

AGENDA ITEM NO. 6.b	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Glen Van Nimwegen
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SUGGESTED MOTIONS:

A Council person should make a motion to “approve Ordinance 2019-17 on first reading and set the public hearing and second reading for December 3, 2019.”

Attachments

Ordinance 2019-17

CITY OF SALIDA, COLORADO
ORDINANCE NO. 17
(Series of 2019)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING CHAPTER 16 OF THE SALIDA MUNICIPAL CODE TO AMEND ARTICLE IV. ZONING TO REVISE THE REQUIREMENTS FOR MULTIPLE PRINCIPAL STRUCTURES.

WHEREAS, Article IV. Zoning of the Salida Land Use and Development Code contains standards and the processes for approving multiple principal structures on lots with the zoning of R-1, R-2, R-3, R-4, RMU, C-2, C-1 and I; and

WHEREAS, the City Council desires to ensure the process for approval of multiple principal structures is consistent with the purpose of the zone districts; and

WHEREAS, there are conflicting requirements within Article IV. Zoning regarding multiple principal structures and the City Council wishes to correct the inconsistencies; and

WHEREAS, the Planning Commission held a public hearing on October 28, 2019 in accordance with the proposed amendments to Article IV. Zoning of Chapter 16 of the Salida Municipal Code; and

WHEREAS, at the October 28, 2019 meeting the Planning Commission recommended that the Council adopt the proposed amendments presented by staff, with changes, as it was consistent with Section 16-2-50. Review Standards for Text Amendments; and

WHEREAS, the City Council finds the proposed text amendments consistent with the purposes of Chapter 16; does not conflict with other applicable provisions of the Chapter; is consistent with the Comprehensive Plan for the City of Salida; and the proposed amendments shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

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

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

Section 2. The amendment to Article IV. Zoning shall be as shown on the attached Exhibit A.

INTRODUCED ON FIRST READING, on the 19th day of November 2019, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the _____ and set for second reading and public hearing on the 3rd day of December 2019.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED IN FULL, by the City Council on the 3rd day of December 2019.

CITY OF SALIDA, COLORADO

Mayor P.T. Wood

[SEAL]

ATTEST:

City Clerk/Deputy City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the _____, and BY TITLE ONLY, after final adoption on the _____.

City Clerk/Deputy City Clerk

EXHIBIT A

Sec. 16-4-150. - Schedule of uses and review process.

TABLE 16-D Schedule of Uses									
<p>N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review</p>									
Residential Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards ¹
Accessory buildings and structures.	P	P	P	P	P	P	P	P	
Multiple principal residential structures	N	LR	LR AR	LR AR	LR AR	LR P	LR P	LR P	Sec. 16-4-190(b)
Accessory dwelling units	AR	AR	AR	AR	AR	AR ⁴	AR	AR	Sec. 16-4-190(c)
Duplex dwelling units	N	P	P	P	P	P ⁴	LR ³	LR ³	
Residential (3—4 units)	N	AR	AR	AR	AR	AR ⁴	AR ³	AR ³	
Residential (5—19 units)	N	LR	AR	AR	LR	AR ⁴	LR ³	LR ³	
Residential (20 or more units)	N	MR	MR	MR	MR	MR ⁴	MR ³	MR ³	
Single-family dwelling units	P	P	AR ³	AR ³	AR	AR ⁴	AR ³	AR ³	

Residential Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
Single Mobile Home	N ³	N ³	N ³	P	N ³	N ³	N ³	N ³	
Medical marijuana cultivation—patient or primary caregiver—up to six plants	P	P	P	P	P	P	P	P	Sec. 16-4-190(j)
Medical marijuana cultivation—patient or primary caregiver—more than six plants	N	N	N	N	N	N	LR	N	Sec. 16-4-190(j)
Mobile home parks	N	N	N	LR	N	N	N	N	Sec. 16-4-190(d)
One or more dwelling units on the same site as a commercial or industrial use	N	N	N	N	AR	AR	LR	LR	
Recreational vehicles—long term occupancy	N	N	N	AR	N	N	AR	N	Sec. 16-4-190(i)
Recreational vehicle parks	N	N	N	LR	N	N	LR	N	Sec. 16-4-190(e)
Rooming or boarding houses ²	N	N	LR ³	LR ³	LR ³	LR ³	LR ³	N	

Notes:

1 The standards referenced herein are in addition to all other applicable standards of this Land Use Code.

2 Provided that State Health Code space and sanitation requirements are met.

3 An existing dwelling can be modified or rebuilt as a matter of right provided it is in conformance with the dimensional standards of Table 16-F.

4 Ground floor residential uses are limited in the Central Business Economic Overlay per Section 16-5-90.

* The allowed use is conditional in the SH 291 Corridor Overlay (291 CO). Refer to Section 16-5-50 regarding the SH 291 Corridor (291 CO) District.

Sec. 16-4-90. - Principal and accessory uses.

- (a) The primary use of a lot is referred to as a "principal use" which may be a land use or a structure. Only one (1) principal use per lot is allowed in any zone district except for commercial and light industrial zone districts where residential and nonresidential uses and where different nonresidential uses may be allowed in the same building as specified in the zone district regulations. Only one (1) principal building and its customary accessory buildings may be erected on any single lot in **an R-1 residential zone district—unless approved through a limited impact review. Multiple Principal Residential Structures may be allowed in an R-2 district if approved through a limited impact review.**
- (b) A structure or land use that is customary, incidental, and accessory to the principal use is referred to as an accessory use. Accessory uses must be located on the same lot as the principal use. A building for a garage or storage, a home occupation, fences, hedges, and walls are permitted accessory uses in any zone district, subject to any limitations listed in this Chapter.

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

- (a) Uses in Zone Districts. Certain uses are important to the character and functions of the City, but may not be appropriate in all circumstances within a particular zone district. Such uses cannot be judged solely by standards common to all uses in the zone district. These uses also require additional standards by which their location, site plan, operating characteristics and intensity can be reviewed. Those uses which require such additional standards are identified in the "Standards" column of Table 16-D, Schedule of Uses. The standards for each of these uses follow below.
- (b) Multiple Principal ~~Buildings~~ **Residential Structures.**
 - (1) Scale. The entire site, including all proposed structures, shall be of a scale that is compatible with the surrounding and nearby properties. *Scale* shall mean the proportional relationship of the principal buildings to each other and to the neighborhood, including but not limited to height, mass, setbacks and orientation.
 - (2) Parking and Access. Required parking shall be provided on the site for all buildings and uses on the site. Access should be consolidated to reduce curb cuts and shall be provided through alleys where available.
 - (3) Provision of Adequate Services. Each principal structure shall have its own municipal services, including water and sewer, in accordance with Chapter 13, Municipal Utilities, of this Code.
- (c) Accessory Dwelling Unit/Structure.
 - (1) Location. An accessory dwelling unit may be located within or attached to the primary dwelling unit, or may be detached from the primary dwelling unit if located in or above a garage or lawful accessory building. Only one (1) accessory dwelling unit is allowed per lot.
 - (2) Square Footage. An accessory dwelling unit shall not exceed seven hundred (700) square feet of habitable floor area. Habitable floor area means the total floor area contained within the inside walls of a structure with at least seven (7.0) feet of headroom. Habitable floor area does not include unfinished attics, areas used for access such as stairs and covered porches, garage space used for the parking of cars or storage, unfinished basements and utility rooms less than fifty (50) square feet. All other areas of an accessory dwelling unit shall count towards habitable floor area.
 - (3) Parking. There shall be one (1) additional off-street parking space provided for the accessory dwelling unit.
 - (4) Occupancy. The accessory dwelling unit shall not be condominiumized or sold and shall not be rented to visitors for periods of less than thirty (30) days. A maximum of two (2) related or unrelated people may inhabit an accessory dwelling unit.



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Directors Report to the Board of County Commissioners November 5, 2019 (for activities in October 2019)

Note: The applicable Strategic Plan action item(s) have been included in parenthesis following most reported activities.

- Housing Policy Advisory Council (2.A; 2.B)
 - The October 3rd HPAC meeting included a presentation from Corum Real Estate group about LITC development, including the process and the financing.
 - For the November HPAC meeting, members have been encouraged to attend the November 7th Colorado Health Foundations' Symposium Unplugged, in Salida.
- Multi-Jurisdictional Housing Authority: (2.A.1)

On October 18th, all jurisdictions had parties representing them at a discussion wherein we began to walk through a series of agreements necessary to establish a MJHA. The next meeting will be on November 22nd at 9am in the BOCC chambers.
- Homeless Coalition (2.A; 2.B; 2.E; 2.F; 2.G)
 - The Cold Weather Shelter cub-committee has been successful in raising \$15,000 which will be used to pay overnight staff during this winters cold weather shelter.
- Salida Housing Development Corporation
 - I had intended to apply for the METAB funding to pay for a market study for the proposed LITC project. October brought a lot of unexpected with the Decker Fire, and I was not able to allocate time to this activity. Typically, LITC developers bear the burden of this cost, not the local nonprofit; therefore, the omission of this grant application should not have adverse effects on the LITC project.
 - During the Housing Now Conference, I was able to gain insight on Cardinal Development and the personnel changes they have recently undergone. I invited Nick Blenap, the Cardinal developer now driving our project, to present his development team and strategy to the SHDC on November 13th.
- Salida (3.A)
 - Presented the activities of the HDGP to Council on October 14th.
 - Requested guidance on the community input expectations on the Community Guidelines that will inform Salida's Inclusionary Housing mandated deed restrictions.
 - At the Housing Now conference, I learned of a LITC project proposed for Salida. Upon returning home, I learned that a local developer is intending to carve out some land to give to Commonwealth, wherein they can build a LITC, which the developer believes will fulfill his Inclusionary Housing Ordinance requirements.

This developer has already engaged in a market study and will be visiting Salida November 6th. I have requested a meeting with Salida administration and staff to initiate a conversation about how to structure a communications model to keep everyone informed of major affordable housing deals, so we might coordinate rather than compete.

- Buena Vista (2.E; 3.A)
- Poncha Springs (3.A)
- Comprehensive Planning:
 - Monitoring the progress of the Infrastructure Study.
- Rental Deposit Guarantee Program (2.A; 2.D)
 - 20 applications have been distributed (by the Office of Housing)
 - 6 applications have been returned;
 - 3 application were approved;
 - 7 people supported, four households
 - Two adult female, Two adult male, three adolescent males
 - Guaranteed a total of \$2,875.00
 - Received repayments of \$328.00
 - To expand this program to its full potential, I need to hire additional administrative staff. This staff could not only manage this program, but could attend to many of the administrative tasks that require significant time (i.e. information technology troubleshooting, purchasing, invoicing and file management, managing phone calls.)
- Health Disparities Grant Program (2.A; 2.E; 2.F; 3.A; 3.B)
 - We hosted the following subject matter experts:
 - October 1st and 2nd:
 - Lean Urbanism, with Brian Falk
 - October 24th and 25th:
 - Financial Implications of Development Patterns (in terms of infrastructure/services), with Kevin Shepherd
 - Incremental Development, with Monte Anderson
 - On November 15th we will host the last event of this year:
 - Entrepreneurship/Small business development, with Eric Bruno and Erick Mueller
 - We have collected data at each event, and the Evaluation Support position will begin compiling this data. The results should let us know if we are increasing the

community's capacity on these topic areas as well as where we should focus future efforts.

- With Director Carlstrom, we interviewed several candidates for the Evaluation Support Position. Lisa Martin was offered the job and began working in Ernst November 4th.
- Our Communications team has produces a marketing and communications strategy as well as graphics and text to promote these events.
- Our participant size at each event has been roughly 15 to 30 people per event.

- Private Developers: I continue to weave networks between private developers and multifamily capital investors and tax credit syndicators. (2.D; 2.G; 3.F)
 - Corum Real Estate developer Mark Lingren presented on the process for creating a LITC project at the October 3rd HPAC meeting.
 - Initiated conversation with Vecino Group developer Heather Bradley-Geary, who specializes in Permanent Supportive Housing LITC developments for special populations, including survivors of domestic violence, ex-offenders, sober living, and veterans.

- C-PACE:
 - I followed up with Treasurer Copper after the treasurer's conference to gain insight into the CPACE presentation; Arapahoe count had requested the PACE program hold funds in reserve in the event that a parcel with a PACE assessment should fall into default.
 - I've obtained the documents necessary for Chaffee County to opt in to the improvement district, and have initiated a meeting with interested parties to further evaluate the benefits and risks.

Community Partnerships

- Chaffee County Community Foundation: Initial ideas for dormitory-style housing are being fleshed out and pitched to potential investors.
- Chaffee County Economic Development Corporation:
 - Conversations through the Multi-industry sector partnership are starting to take traction into housing investment.
 - I have joined this years Leadership class.
- Fading West Development: I'm working with Fading West to continue to make connections with incremental developers as well as define a "development toolkit" from their work.
- Lake County: Build a Generation Housing Director: On my way to the Housing Now conference, I stopped in Leadville to confer with the LCBAG Housing Director, who has

recently taken the position. BAG is also a recipient of the HDGP and we identified several opportunities for collaboration.

- Habitat for Humanity: I attend their home dedication on October 25th. Habitat for Humanity Board President Dale Shoemaker has played a significant role in the HDGP event execution; he is an excellent advocate for Chaffee County as well as affordable housing.
- Local Banks: During their Community Reinvestment Act review season, I have worked to engage local banks I discussion about impact investments and the role a bank could play in such an activity. Interest levels seem high.
- Colorado Health Foundation: The CHF has asked me to speak on a panel during their November 7th symposium in Salida. Our focus is on creative partnerships and funding for affordable housing creation in rural communities.

Public Speaking Engagements (Goals 1, 2, 3)

- KHEN Radio Interview: October 1st with Lean Urbanism's Brian Falk, the first speaker in the Housing and Health Speaker Series, funded through the HDGP.
- Salida Noon Rotary: I presented the activities of the Office of Housing to the Salida Noon Rotary on October 21st.

Professional Development (2.B; 2.F)

- October 9-11, 2019: Housing Colorado Now, 2019 Conference: Keystone, Colorado. This conference hosted over 900 attendees, and offered a variety of breakout sessions. Largely focused on the LITC strategy for affordable development, this conference offered excellent opportunities to network with funders as well as representatives from DOLA – DOH and CHFA.



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November 13, 2019 Board of County Commissioners Work Session Report and Activity Update

I. Building Inspection:

A. Permit Activity

- **Permits** issued in October 2019: 355 (BMEP only)
2018: 316 (BMEP only)
 - * BMEP = Building, Mechanical, Electrical, & Plumbing permits
- **Total Revenue** collected in October 2019: \$117,242.20 (all divisions)
2018: \$109,749.27 (all divisions)
- **Total Revenue** YTD through October 2019: \$1,385,516.44 (all div.s)
2018: \$1,189,300.59 (all div.s)
% of Total budgeted revenue collected through September: 115.5%
- **SFDs** issued in September 2019: 22
Salida: 5 BV: 6 Poncha: 1 County: 10
- **2019 year-to-date permit totals:**

Salida:	914	29 SFDs
Buena Vista:	493	70 SFDs
Poncha Springs:	346	46 SFDs
Unincorporated County:	<u>1,539</u>	<u>117 SFDs</u>
Total Number of Permits Issued:	3,292	*262 SFDs
- **2018 permit totals through October:**

Salida:	842	73 SFDs
Buena Vista:	473	54 SFDs
Poncha Springs:	156	17 SFDs
Unincorporated County:	<u>1,413</u>	<u>111 SFDs</u>
	2,884	*255 SFDs

*SFDs include only new detached single-family dwellings and do not include duplexes, ADUs, townhouses, apartment units etc.

B. New Commercial Projects

Salida:

- **129 W. Sackett:** A permit was issued for an expansion and remodel of this building into residential units and a restaurant/bar.
- **405 E Street:** A permit was issued for an addition to the Salida Regional Library.
- **840 Oak Street:** A permit was issued for a deck on this commercial building.

- **4305 E Hwy 50:** A permit was issued for a storage building.
- **415 F Street:** A permit was issued for new lights for the basketball court.

Buena Vista:

- **806 S. Main:** A permit has been issued for a 3-unit apartment building.
- **559 Railroad:** Plans were approved for the new gymnasium at the BV High School.
- **28374 CR 317:** A permit was issued for a HRRMC medical office building.

Poncha Springs:

- **330 Burnett:** A permit was issued for an interior remodel of the old Poncha Springs Town hall building to house a daycare.

C. Inspection Totals

- We performed 1,148 field inspections in the month of October.

D. Legislative Update

- Since our meeting the plumbers and pipefitters unions along with Representative Duran last month, the union reps have expressed interest in pursuing legislation that includes a provision to allow unlicensed local plumbing inspectors to be qualified as inspectors upon successfully passing the Journeyman Plumbers exam. While I do not believe that any new legislation is needed regulating plumbing inspectors, if any such legislation is proposed, it must include a path for qualifying plumbing inspectors who are not licensed plumbers.

II. Planning & Zoning

A. Land Use Code: The October Planning Commission meeting was held on November 5, 2019 due to weather issues the week prior. The work session will be an update on the Comprehensive Plan. The Planning Commission did not hold a work session at the September 24 meeting and there was no discussion of the Land Use Code. The following Land Use Code items are pending discussion:

- A citizen-initiated amendment to 5.2.3.C, Agricultural Subdivision Exemption will be heard in a joint work session on **November 26, 2019**.
- An amendment to the definition of Outfitting Facility in Article 15 of the LUC to be discussed at a joint work session on **November 26, 2019**.
- A citizen-initiated amendment to Table 2.2 and Section 7.8.22 to allow a retail center for Medical/Retail Marijuana sales in the Industrial zone. This was discussed by the Planning Commission in work session on January 9, 2019 and was heard in a Public Meeting on February 26, 2019. The Planning Commission recommended approval of the text amendment. This item was heard by the BoCC on March 12, 2019 and continued to a joint work session with the PC held on May 8, 2019 at which time all commissioners agreed that public input on this topic should be taken. Public input has begun with a short survey distributed at the Comp Plan kickoff.
- An amendment to Table 2.1 to change the Central Water or Sewer Provision to add "Central Water." This was discussed by the Planning Commission in

work session on January 9, 2019 and will be heard in Public Meeting on a date yet to be determined.

- An amendment to Article 15, Definitions to add definitions of Central Water System and Central Sewer System. This was discussed by the Planning Commission in work session on January 9, 2019. Planning Commissioner Curgus has research to share with the Planning Commission and this will be discussed at a future work session.
- An amendment to Article 5.2.3.1, Plat Amendments to require Public Notice. This was discussed by the Planning Commission in work session on January 9, 2019 and will be heard at a future Public Meeting.

B. Buena Vista Intergovernmental Agreement: Buena Vista has designated a Municipal Services Area that will be before the Buena Vista Planning Commission in October. Staff met with former Mayor Joel Benson and Principal Planner Mark Doering on October 2, 2019 to review the preliminary map and discuss specific language contained in the IGA. Buena Vista anticipates adoption of a new 3 Mile Plan by the end of the year which will facilitate adoption of the IGA.

C. Comprehensive Plan: The contract was awarded to CTA at the May 7, 2019 BoCC meeting. Staff kick-off meeting was held June 7. Public kick-off was held June 26 at Mt. Princeton Hot Springs. Staff is meeting with CTA on a bi-weekly basis. The second Open House was held at the Steam Plant on August 28, 2019. Five Neighborhood meetings have been held in Poncha Springs, Johnson Village, Maysville, Nathrop and Buena Vista.

D. Land Use Applications Current / Pending / in progress:

Applications Scheduled for Public hearing:

- Hawkins Minor Subdivision Final Plat at the west end of Sunshine Acres on the North side of Highway 50 proposes to divide 9.1 acres into 2 lots of 3 and 9 acres with access through Lot 1, Block A of Sunshine Acres. The application was before the Planning Commission on May 28, 2019 and was approved for agency review. The application will be before the PC on **November 19, 2019**.
- The Sellers-Rice Boundary Line Adjustment at 14002 and 14525 CR 175 near Turret proposes to correct an existing encroachment. This application will be heard by the BoCC on **November 6, 2019**.
- The Boldt-Frazier Alley Vacation and Replat proposes the vacation of a portion of the alley in Block 19 in the Townsite of Garfield in conjunction with a Board of Health variance for an OWTS. The application will be heard by the BoCC on **December 10, 2019**.
- The Loeffel Heritage Water Subdivision Exemption at 36095 CR 385, north of Buena Vista proposes to create two lots of 29.8 and 18.5 acres. The application will be before the BoCC on **December 10, 2019**.
- The Moltz Heritage Water Subdivision Exemption at the NE corner of Hwy 24/285 and CR 301 proposes the creation of a 2.15 acre lot. This application will be heard by the BoCC on **December 17, 2019**.
- The Schweitzer Major Subdivision No. 2 at 10350 CR 155, a resubdivision of a lot created by Minor Subdivision, proposes the creation of one 2 acre

lot. This application will be before the Planning Commission on **November 19, 2019** and the BoCC on **December 10, 2019**.

- The Morrison Heritage Water Subdivision Exemption at 15974 CR 306 proposes the creation of one Lot and one outlot in conjunction with a Minor Subdivision. The HWSE will be heard by the BoCC on **November 19, 2019** and the Minor Subdivision will be heard by the PC on **November 19, 2019**.
- The Virga Minor Subdivision final plat at 6644 CR 110 proposes to divide 9.4 acres into 2 lots of 3.0 and 6.4 acres. Application was heard and recommended for approval by PC on November 28, 2017. The application was referred to the Army Corps of Engineers and encountered a substantial delay in receiving a response. Accordingly, Staff suspended the time frame for the final plat in accordance with Article 4.6.1 of the Land Use Code. USACE did respond on September 18, 2019. This application will be before the Planning Commission on **November 5, 2019** and the BoCC on **November 12, 2019**.
- Lark's Perch Major Subdivision preliminary plan, located south of Hutchinson Lane and east of the Canyons ROSI, proposes the division of a 37 acre parcel into 14 lots. This application was before the PC on January 29, 2019 and recommended for Approval. The application was before the BoCC on February 12, 2019 and approved. The application has been sent for agency review. This application will be before the Planning Commission on **November 5, 2019** and the BoCC on **November 12, 2019**.
- The THS Investments Plat Amendment of Lot 42, Weldon Creek proposes the reconfiguration of the building envelope at the same acreage as the original plat. This application will be before the BoCC on **November 6, 2019**.
- The RGP Industrial Park Major Subdivision preliminary plat on the south side of CR 140 across from the west end of the Harriet Alexander Field runway proposes 5-2.1 acre lots in the industrial zone with no residential use. This application was heard and recommended for approval by the PC on November 27, 2018. The application was heard and approved by the BoCC on December 12, 2018. The preliminary plan application has been sent for agency review. The application was to be before the Planning Commission on July 30, 2019 and the BoCC on August 30, 2019 but was continued at the request of the applicant. The application was to be heard by the Planning Commission on September 24, 2019 but was **continued** to October 29, 2019 and then **November 19, 2019** at the applicant's request.

Recently Approved, Denied or Withdrawn Applications:

- Clear Cool Water at Ark River a Rocky Mountain Sanctuary at 9325 CR 160 proposes a 13-unit Duplex Townhome Development by Major Impact Review and Townhome Subdivision Exemption on 26 acres. This application was to be before the Planning Commission on July 30, 2019 and before the BoCC on August 13, 2019, but was continued at the request of the applicant. The application was heard by the Planning Commission on August 27, 2019 and continued to September 24, 2019 to allow the applicant time to clarify

elements of the proposal. The application was before the BoCC on October 10, 2019 and was denied.

- The Hayden-Gray plat amendment of Lot 18, Boothill Subdivision, Filing No. 4 proposes the reduction of the front setback from 50' to 30'. This application was heard and approved by the BoCC on October 10, 2019.
- The Amundson Lot Line Elimination proposes the merger of Lots 12 and 13 of Boothill Subdivision, Filing No. 2. This application was heard and approved by the BoCC on October 10, 2019.
- Rio Frio Minor Subdivision sketch plan on CR 300 proposes division of the 27-acre Parcel 1 of the Nestle Water/Jacobson Boundary Line Adjustment into 4 residential lots, 2 common use outlots and Rio Frio Lane. The application was before the Planning Commission on September 24, 2019 and was recommended for approval. The application was before the BoCC on October 10, 2019 and approved.
- The Pikul-Chanay Boundary Line adjustment proposes to transfer 0.04 acres from the Chanay lot to the Pikul lot in order to create a 4.00 acre parcel. The application was before the BoCC on October 15, 2019 and approved.

Applications Requiring Applicant Action:

- Centerville Ranch Major Subdivision preliminary plan proposes 133 lots ranging in size from 1.5 to 9.3 acres on 495 acres within a 907-acre ranch. This application was heard by the Planning Commission on January 29, 2019 and recommended for approval. The application was before the BoCC on February 12, 2019, continued to February 21, 2019 and then continued to March 12, 2019 for a special meeting at the fairgrounds. At the March 12 meeting the BoCC approved the sketch plan and directed the County Attorney to draft a Resolution. The Resolution was approved by the Board at the March 19, 2019 meeting and Central Colorado Conservancy presented a concept for a Conservation Easement that would encompass the southerly 2/3 of the ranch. The application was sent to review agencies. The Preliminary Plan is for Phase I of 62 Lots. The application was heard by the Planning Commission at a special meeting held at the Fairgrounds on August 21, 2019 and recommended for approval. The application was before the BoCC at another special meeting held on September 4, 2019 and approved.
- Ruby Mountain Minor Subdivision sketch plan, located east of the Arkansas River adjacent to the Ruby Mountain campground, proposes to divide a 19.7-acre parcel into two lots. This application was before the PC on January 29, 2019 and recommended for approval. The application will be sent for agency review upon receipt of the final submittal.
- El Rancho Vaquero Minor Subdivision north of the Buena Vista rodeo grounds proposes to divide the outlot created by the Heritage Water Subdivision into 3 lots of 9.6 to 9.8 acres. The Minor Subdivision was before the Planning Commission on February 26, 2019 and recommended for agency review.
- Whispering Pinons Acres Major Subdivision Sketch Plan at 11341 CR 206, west of the Poncha Springs Cemetery, proposing 12 lots on 40 acres was

heard and approved by the BoCC on March 13, 2018. Staff granted a 6-month extension to submit the preliminary plat through September 13, 2019.

Out of Compliance Applications:

- Estates at Mt. Princeton Phase II & III (OLD) are required to be completed by 06/08/2015 (sketch plans for multiple filing subdivisions are valid for a maximum of 5 years under the old regulations). The PUD development agreement also refers to a five-year term, requiring that all phases have final approval within 5 years. Staff had a pre-application meeting with the applicant on 6/4/15. No application submitted to date. This subdivision is out of compliance. Staff met with representatives of Mt. Princeton Holdings and Phelps Engineering on September 30, 2019 and it was agreed that Phases II & III will need to be considered as a new application. A replat of lots in Phase I was also discussed.
- E. North Fork Acres Homeowners Association:** During discussion of the Monarch Shadows Minor Subdivision it was noted that the NFHOA does not own Hanging Tree Drive as the developer let it revert to Chaffee County in a tax sale. NFHOA is requesting that Chaffee County deed the road to the HOA. Planning Staff is working with the applicant and this will be before the BoCC at a date to be determined.
- F. CR 162 Fiber Optic line Installation:** Staff is working with Central Colorado Telecom and the Forest Service to secure a utility easement within the FRTA easement to provide service to Alpine and St. Elmo.
- G. Nestle Waters:** Staff continues to work with Nestle Waters in anticipation of a permit amendment and renewal of the 1041 permit. The 2018 Annual Report was received by staff on May 1, 2019. Staff met with Larry Lawrence on August 6, 2019 to review renewal submittal requirements. Nestle has submitted an application for extension of the permit without amendment. This application is being scheduled for hearing.
- H. Homestake pipeline reconstruction 1041 permit:** Staff met with Homestake representatives to discuss an amendment of this 5-year permit for an additional 5 years to repair additional sections of pipeline.
- I. Valley View School:** Salida School District has proposed the transfer of this property to Chaffee County. Staff has noted that the 2004 transfer of this property from the Richardson Family was not in conformance with the Land Use Code. A survey of the property is being prepared in anticipation of an Exemption for Public Benefit to facilitate the transfer.
- J. Subdivisions subject to SIA with Lot Sales Restrictions:**
 1. Estates at Mt. Princeton: LSR on Phase 1, Lots 10 and 16-27; was extended through June 27, 2019. Staff met with the applicant on September 30, 2019, see out of compliance applications.
 2. Lakeside Preserve: The BoCC granted a final extension to the Lot Sales Restriction through November 01, 2019. Applicant has requested final inspection and approval of Teal Ct.
 3. River Meadow Estates Addition, Fil. 1-4; LSR was extended through October 20 2029

4. Shikoba Acres Fil. 2: LSR was extended through July 6, 2023.
5. Westwinds: LSR Lots 35-45 Filing 3 & Lots 46-49 and 52-55, Filing 4. Developer has entered into an escrow agreement with the County (\$270,000). Lot 46, Filing 4 was released in April, 2019. \$170,000 authorized for release on June 25, 2019. The remaining funds were authorized for release on August 22, 2019. Staff is working with the owner on final inspection and approval of the roads.
6. Bos Minor Subdivision: LSR on all 4 lots through November 11, 2019. This may require extension.
7. Chipeta Meadows Minor Subdivision: LSR on Lot 1 through July 13, 2019. This requires extension
8. Longhorn Ranch: Chaffee County holds an escrow account of \$10,000 for completion of improvements.
9. Oak Leaf Solar Farm: Improvements and Maintenance Agreement through July 27, 2019. The applicant has submitted the funds required by the Improvements Agreement and has submitted an application for the building permit.
10. Rafter's Roost: Improvements and Maintenance Agreement through October 31, 2021 for Phase I and through October 31, 2024 for Phase II.
11. Strother Minor Subdivision: LSR through July 7, 2023.

K. Violation Investigations

1. Wyzkiewicz/Hirschey Property – 11341 CR 206. Building and Zoning violations. This property is being platted as Whispering Pinons Acres Major Subdivision, see items requiring applicant action. Staff is working with the applicant toward resolution of the building and land use violations.
2. Staff is reviewing 3 properties in Trout Creek Meadows on Singletree Road for possible camping violations.
3. Nathrop Properties – white metal Junk

4. 28417 CR 337, A violation letter was sent May 22, 2017 for operation of a salvage yard in a residential zone, accumulation of trash, and pole barn built without permits. The certified mail receipt was returned to the County with a received date of June 10, 2017. Staff has not been contacted by the property owner. This matter has been referred to the County Attorney. Staff is working with Daniel Tom on how to handle this currently.

III. Engineering

A. Road and Bridge

1. Staff received an email from Eric Bergman from CCI concerning the grant for Granite bridge. Eric requested a letter from the county be sent to the Special Highway Committee asking them to approve a change order, to change the grant from new to repair. This change order letter was sent on November 1st. The Special Highway Committee will consider this request at their meeting on November 6.

2. Staff received complaints from a residence of Granite that concrete trucks have been crossing the bridge. The bridge weight limit is 15 tons and is posted on both sides of the bridge. If trucks heavier than this limit are using the bridge it is at their own risk and they are responsible for the consequences. Staff sent an e-mail to all aggregate suppliers making them aware of the situation and the consequences.



B. Plan Review

1. Staff reviewed the following plans:
 - a. Rereviewed Larks Perch Major subdivision,
 - b. Hawkins Minor subdivision.

C. OWTS Program

1. In October staff reviewed 13 OWTS designs. Issued 17 OWTS permits and 4 are on hold.
2. Staff reviewed approximately 20+ OWTS systems for short term rental applications. There are 20+ on hold due to the number of occupants advertised exceeding the septic system capacity.
3. Staff received a complaint of a broken private sewer on the corner of hwy 50 and Cr 110. The break is in the county but it is a private sewer that parallels Hwy 50 that eventually connects to the city sewer. The city of Salida and Chaffee County have had 2 meetings to discuss this issue. The City of Salida has taken the lead to have the users fix the sewer. Staff has coordinated the work with DSI, the users and Salida. The line has been augured and filmed. The line has been repaired to contain all sewage. There are locations that still need to be cleaned (root ball) and a permanent solution for the roots still needs to be established.



Sewer Break



Augur

er location



Camera

D. Regional engineering

plan review and inspection

1. Buena Vista High School: Phase 1 of 3 is under construction.
 - a. Phase 1:
 - i. The foundation is 100% complete,
 - ii. Slab on grade 100% complete,
 - iii. 1st floor slab 100% complete,
 - iv. CMU walls 100% complete,
 - v. Steel construction is 100% complete,
 - vi. Framing is 100% complete,
 - vii. Drywall is 90% complete,
 - viii. Utilities are 95% complete,
 - ix. Staff has performed 60 inspections to date,
 - b. Phase 2: 2% complete.
 - i. Gym framing is 100% complete,
 - c. Phase 3: 0% complete.
 - d. Demo: 0% complete.

E. Engineering Projects

1. Homestake water diversion project: Staff has performed 4 inspections this month. The inspections were for the pump vault and the water intake vault. The project is on schedule; these are the last concrete inspections for the project. The site has had its final grading and the fish ladder still needs to be completed. The project is on schedule to be completed in November 2019. From 2020 to 2025 the project will continue replacing concrete piping with steel. A new application stills needs to be submitted.



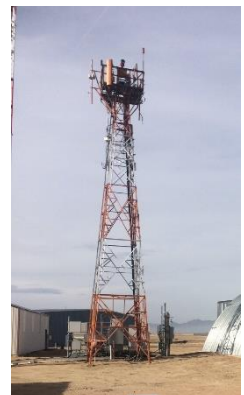
Fish ladder

River channel

Boat ponds

Homestake project

2. Chaffee county Fairgrounds arena:
 - a. Lights are scheduled to arrive 11/1 and the poles 11/12.
3. Salida Public Library addition:
 - a. Nothing new to report.
4. Salida Airport Beacon Tower:
 - a. Chaffee County acquired a 57 ft. beacon tower from Freemont County Airport. The tower is 57 ft. high requiring a height variance. Staff is preparing the variance for submission to BOA. If approved by BOA staff will submit a building permit.
5. Chaffee County Administration Building:
 - a. Preliminary design is 100% complete.
 - b. Awaiting GO to start Definite Design, (DD)



Beacon Tower as seen at Freemont Airport



OCTOBER 2019 STAFF REPORTS

Police Department –

- There were 434 calls for service in October.
 - The Department has started a new case on the Mehos Property. We have taken some different steps and it should result in a better outcome this time.
 - PD completed another “Drug Take Back” event on October 26th.
 - We have partnered with the Sheriff’s Office and will be continuing the Monarch Mountain Deputy Program this season.
-

Fire Department -

- Several of the career staff and the wildland team got to work on the Decker Fire and gain valuable experience in their backyard.
 - A South Ark Type VI engine that was deployed to California on the Kincaid Fire will be returning home on the evening of November 6.
 - The Fire Chief has continued to attend the CWPP meetings and hopefully by the first of the year, we will have a finished product.
 - Due to lack of staffing and the ongoing Decker Fire, the fire department unfortunately had to cancel our annual Open House for the 2nd straight year. Hopefully we come back bigger and better next October.
 - We have started moving equipment into the multi-use facility. The staff is extremely pleased with the finished product.
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Finance Department –

- Good progress has been made working through the 2020 budget with the Finance Committee and City Council.
- Heather Wright completed a lengthy Federal Motor Carrier Safety Administration (FMCSA) application allowing the City to get a USDOT number which is a legal requirement for operating commercial vehicles and hauling cargo. Heather will continue to ensure the City is in compliance with all requirements.
- Monthly vendor permits, utility billings and payments, employee payroll, etc. have been accurately processed.
- Cross-training is underway so the department can continue to operate efficiently in the event of extended absences.
- A Tyler software upgrade was performed; staff are getting used to the new look and features. A more extensive, long overdue upgrade is scheduled for December.

- We are sorry to report that our office therapy dog, Chewie, has passed, leaving a big hole in all our hearts. His gentle ways and appropriate snorted contributions at meetings will be greatly missed.
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Community Development –

- Staff is preparing for the kick-off of the Land Use Code Re-Write. Our consultant team will be here all day Monday, December 2nd to interview staff and present to Council and the Planning Commission at your work session that evening.
 - The November 12 work session with the Planning Commission will include further wrestling over provisions to amend the Accessory Dwelling Unit requirements; a presentation by Nina Williams about variances and updates on the Inclusionary Housing discussion and Land Use Code Re-Write.
 - The Historic Preservation Commission approved additional changes to the Moonlight Pizza building to expand the front entrance on November 7.
 - On November 6, staff met with Caroline Trani with the Colorado Housing Finance Authority (CHFA) to discuss projects in Salida and the resources the authority has to offer to expand affordable housing opportunities in Salida.
 - The kick-off to the Highway 291 plan sponsored by CDOT and Public Works occurred on November 5. The plan will address the highway from Highway 50 north to C Street. Notable features will include designing an appropriate cross section that includes all users (bikes, pedestrians and vehicles) and some alternative intersection designs for Highway 50 and 291 (Oak Street).
 - Staff was able to attend the 37th State Demography Summit in Littleton on November 1. The presentations included the unique changes to Chaffee County's population and what it means to providing housing. HINT: new transplants are old because there is nowhere for young people to live.
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Recreation Department –

- Working out the details for the Monarch ski bus.
 - Contacted by youth baseball, girls softball and middle school level soccer for support in their league management.
 - Will start grinding heaved concrete on the Monarch Spur weekend of November 8th.
 - The Climbing Wall in Riverside Park is getting updates with a surface “face lift” and cleaning the holds.
 - The pavement to the river access below the Office Wave is completed.
 - Starting preparation for the New Year's Day 5K.
 - Hoping to start the “Locals Hot Spring evening”, where we allow the temperature in the leisure pool to raise to 104-105 degrees, turn down the lights, and allow people to soak from 7 – 9pm for a discount on Wednesdays once a month.
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Public Works –

- **Administration:**
 - Attended the quarterly CDOT TPR meeting where long-range planning and prioritization were discussed for the region. Additional feedback was provided

- for US-50 and SH-291 identified needs. Also discussed the potential for cost recovery for some of the improvements within SH-291 ROW.
- Worked on design support for 2020 street rehab projects, including Blake Street and G Street parking.
 - Held construction management and preconstruction meetings for Wood Avenue and E Street.
 - Working with State Historical Fund regarding additional grant funding to complete preparation of contract documents for restoration efforts.
- **Streets:**
- Wood Street (Oak Street to Caldwell) paving is complete with minor concrete and punch list items remaining.
 - E Street (Sackett Avenue to 1st Street) is prepped for paving and final concrete work is underway.
- **Water/Wastewater:**
- Provided continual consultant support on WWC master plan which is being finalized.
 - Routine main line valve exercising program and water meter replacement ongoing.
 - Continued maintenance of facilities.
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SteamPlant & Scout Hut-

- For the month of October, there were 58 events with a total of 3270 people in attendance at:
 - Concerts film presentations, dances, art receptions, weddings, poetry events;
 - Oktoberfest, Fiber Arts Guild luncheon and fashion show, KHEN/SteamPlant Halloween party, StarPoint fundraiser and the Manhattan Short Film festival.