



REGULAR MEETING OF THE CITY COUNCIL

448 E. 1st Street, Room 190

Salida, Colorado 81201

Tuesday, September 3, 2019 - 6:00 p.m.

AGENDA

1. Call to Order
 - a. Pledge of Allegiance – Led by Mayor Wood
 - b. Roll Call

2. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Meeting Minutes – August 20, 2019
 - c. Approval of Contract with Lowry for Maintenance of River Park
 - d. Approval of Contract with Chaffee County for STR Permit Cost Analysis

3. Citizen Comment – 3 minute time limit

4. Unfinished Business / Action Items
 - a. Second Reading and Public Hearing - Ordinance 2019-12 Amending Chapter 6 of the Salida Municipal Code Concerning Short Term Rentals (City Attorney)
 - b. Second Reading and Public Hearing – Ordinance 2019-13 Amending Chapters 6 & 16 of the Salida Municipal Code Concerning Temporary Commercial Activities and Vending Permits (Community Development Department)

5. New Business / Action Items
 - a. Resolution 2019-44 Amending the Fee Schedule for Temporary Commercial Activities and Vending Permits (Community Development Department)
 - b. Resolution 2019-45 Canceling the City of Salida November 5, 2019 Election and Declaring the Candidates Elected Pursuant to the Requirements and Procedures of the Uniform Election Code of 1992 and the Salida Municipal Code (City Attorney)

6. Councilmembers, Mayor and City Treasurer Reports
 - Councilors Bowers, Shore, Templeton, Critelli, Brown-Kovacic, Kasper, Mayor Wood
 - Treasurer Pappenfort

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.

- Community Development

7. Adjourn

[SEAL]

City Clerk/Deputy City Clerk

Mayor P.T. Wood



REGULAR MEETING OF THE CITY COUNCIL
 448 E. 1st Street, Room 190
 Salida, Colorado 81201
 Tuesday, August 20, 2019 - 6:00 p.m.
MINUTES

1. Call to Order
 - a. Pledge of Allegiance – Led by Mayor Wood
 - b. Roll Call – Mayor Wood, Brown-Kovacic, Templeton, Critelli, Kasper, Shore. Bowers absent.
2. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Meeting Minutes – August 6, 2019
 - c. Approval of Airport Engineering Agreement

Critelli made a motion to approve and combine the items on the consent agenda. Seconded by Shore. With all in favor, THE MOTION PASSED. Brown-Kovacic asked for more information regarding cost of the airport and how that has changed in recent years.

3. Citizen Comment –
 - Lisa Ledwith commented on the removal of the splash pad from the soaking pool plan, and how disappointed she is. Ms. Ludwig stressed the need for outdoor recreation for local children.
 - Alison Ramsey has concerns about the Future 50 project and the proposed traffic light at G or F Street. Ms. Ramsey asked that the City consider how the plan impacts traffic downtown.
 - Adam Martinez addressed Council regarding a trash problem at a neighboring property. Mr. Martinez feels that the item is not being dealt with in a timely manner.
 - Michael Blazewic seconded Ms. Ramsey's comments and would like Council to consider other traffic calming methods on G Street and Highway 50.
4. Unfinished Business / Action Items
 - a. Second Reading and Public Hearing for Ordinance 2019-12 Amending Chapter 6 of the Salida Municipal Code Concerning Short Term Rentals

Critelli recused himself from the discussion. The Mayor opened the public hearing. Kathy Chochon addressed Section 6-6-30 and that it is unfair to only issue licenses once per year. Ms. Chochon suggested that licenses be issued once per month and also to establish a waiting list. Jeanine Zeman seconded Ms. Cochon's statements. Celia Adamic also expressed dissatisfaction of the same Section in that it would cause the City to lose money, and that the limit on licensing should not apply to the commercial properties. Jim Miller suggested that the limit on licensing only apply to the residential properties. Lisa Ledwith supports the suggested change to the ordinance. Mayor Wood closed the public hearing.

Brown-Kovacic stated that there is a balancing act between investors and the community as a whole. Brown-Kovacic likes this revision of the ordinance, but suggested that new licenses be offered three times per year and also to establish a wait list. She would also like to see a limit on the number of years a property can hold a license. Kasper would like a wait list and to offer licenses once a month. Shore supports the idea of a wait list, but also seconded Brown-Kovacic's comment on preserving community.

Templeton made a motion to approve Ordinance 2019-12 on second reading. Seconded by Shore. Kasper made a motion to continue Ordinance 2019-12 to September 3 to allow staff and legal counsel to make amendments per Council suggestion. Seconded by Shore. With Brown-Kovacic, Shore, Kasper and Templeton in favor, Critelli recused, THE MOTION PASSED.

5. New Business / Action Items

- a. 2018 Audited Financial Statements and Reissued 2017 Financial Statements - McMahan and Associates LLC

Dan Cudahy gave Council a brief outline of the financial statements. Mayor Wood and Brown-Kovacic both complemented Finance Director Aimee Tihonovich. Shore made a motion to approve the 2018 audited financial statements and the reissued 2017 financial statements. Seconded by Brown-Kovacic. With all in favor, THE MOTION PASSED.

- b. Investment Strategy and Financial Management Plan - Ehlers Municipal Advisor

Deb Hinsvark and Ryan Myles from Ehlers spoke about their proposal. Kasper made a motion to approve the proposal. Seconded by Critelli. With all in favor, THE MOTION PASSED.

- c. Professional Service Agreement for Organizational Communications Plan - Slate Communications

Ryan Burke and Kim Newcomer from Slate Communications presented how they would approach improving communications between the community and City government. Council enthusiastically supported this professional service agreement. Critelli made a motion to approve a professional service agreement with Slate Communications. Seconded by Brown-Kovacic. With all in favor, THE MOTION PASSED.

- d. First Reading of Ordinance 2019-13 Amending Chapters 6 & 16 of the Salida Municipal Code Concerning Temporary Commercial Activities and Vending Permits

Bill Almquist addressed Council regarding the Ordinance. Brown-Kovacic inquired as to existing vendors not displaying permits, and also inquired about commissaries. Templeton asked about relinquishment of licenses and whether that applied to multiple vendor permits. Critelli queried why Riverside Park was not included in permissible locations and also asked for clarification on lengths of permits, and required parking. Almquist answered all of Council's questions. Shore made a motion to approve Ordinance 2019-13 on first reading and setting a public hearing for September 3, 2019. Seconded by Critelli. With all in favor, THE MOTION PASSED.

- e. Resolution 2019-40 Approving a Coordinated Mail Ballot Elections and Adopting the Uniform Election Code

Shore made a motion to approve Resolution 2019-40. Seconded by Templeton. With all in favor, THE MOTION PASSED.

- f. Resolution 2019-41 Adopting the Future 50 Corridor Plan

Van Nimwegen presented the Resolution to Council. Critelli asked for clarification on business support of the project. Shore thanked staff for their perseverance and also the citizens who live on G Street. Shore would like to see how citizen's concerns can be mitigated, as would Brown-Kovacic. Shore made a motion to approve Resolution 2019-41. Seconded by Kasper. With all in favor, THE MOTION PASSED.

- g. Resolution 2019-42 Approving the Development Agreement for the Salida Crossings Planned Development

Van Nimwegen gave Council an overview of planned development. Kasper approves the availability of rental units. Critelli questioned Mr. Cozart (the developer) about his desire to have office space. Templeton asked about the 30 spaces set aside for rental. Shore asked about the plans for the fourth floor; Mr. Cozart explained that the fourth floor would be higher rent spaces to offset the affordable rental spaces.

Shore made a motion to approve Resolution 2019-42. Seconded by Brown-Kovacic. With all in favor, THE MOTION PASSED.

- h. Resolution 2019-43 Approving a Letter of Understanding with Union Pacific Railroad Company to Purchase 67.28 Acres in the Arkansas Hills Area

Nelson gave Council some background on this proposed purchase. Brown-Kovacic asked for more details about environmental studies required; the phase one study that indicated there were not any hazards. Brown-Kovacic also inquired as to the possibility for toilets along the trail system. Kasper made a motion to approve Resolution 2019-43. Seconded by Brown-Kovacic. With all in favor, THE MOTION PASSED.

- 6. Councilmembers, Mayor and City Treasurer Reports
 - Councilors Shore, Templeton, Critelli, Brown-Kovacic, Kasper, Mayor Wood
 - Treasurer Pappenfort
 - Board of County Commissioners Report
 - Staff Reports
 - Discussion of September 2nd and November 5th meetings
 - o **Council decided to combine the work session with the regular meeting on September 3rd, commencing at 4pm.**
- 7. Adjourn at 8:37pm.

[SEAL]

City Clerk/Deputy City Clerk

Mayor P.T. Wood



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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ITEM:

Consent agenda to approve Lowry River Park maintenance project.

Council Action Resolution 2018-54 (2019 budget approval) approved the line item **32-54-6008-3** to conduct maintenance to the Lowry River Park.

BACKGROUND:

The Fred Lowry River Park is located on the Arkansas River Trail beginning near the Steam Plant and continuing along to the Touber Building. It began as a multi-phase, river improvement project which has evolved to its current configuration over the past 19 years. Major phases of the park have been completed with a combination of private funds, City of Salida funds and grant monies. Lowry Contracting, Inc. served as the Contractor and Whitewater Design/Mike Harvey as the Project Manager since the inception of the project in 1999; from the original conceptual development, fundraising, planning, design, permitting and construction of all phases of the park.

Specifically, "The Office Wave" (the most upstream artificial river structure and water feature) was the first to be constructed and requires attention to maintain its functionality as a "surfable" wave. Repairs are needed to be completed in the late fall and early winter when river flows are low enough to accommodate work activities. Additionally, park use is at its lowest during these times which would limit impact to the public. Typically flows increase on or around 11/15 as the Bureau of Reclamation moves their winter storage program water.

Funds from AHRA are also intended to be applied to pave the river access behind Absolute Bikes to make the river more accessible for citizens with mobility concerns. That work will fall in the scope of the project.

Other locations have seen considerable erosion and river scour and are creating safety issues in high traffic pedestrian areas over the past years. Higher runoff for an extended period of time in 2019 accelerated scour along the river improvements and some areas are requiring attention. It is also recommended that work be considered for 2019 to address safety concerns and limit additional deterioration that would be expected to occur in 2020.

These repairs require an Army Corps of Engineers permit to obtain access to work areas. Recreation, Engineer, and Planning (REP) has coordinated the acquisition of these permits (Appendix A) and offered designs for the repairs (Appendix B) pro bono as they have been involved with construction of all River Park improvements up to this point.

Lowry Contracting completed much of this work in the past and is familiar with the site, access, and permitting requirements (Appendix C), therefore it is recommended for consideration that repairs are completed by Lowry Contracting on a time and materials basis with a *not to exceed* amount. Repairs have been quoted in Appendix D.



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Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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FISCAL NOTE:

A budget allocation of \$40,000 is included in 2019 parks budget line item 32-54-6008-3. An additional \$20,000 from the Arkansas River Trust will meet the required amount in the quote.

The proposed Fred Lowry River Park Maintenance project would exhaust the funds in Parks budget item 32-54-6008-3

STAFF RECOMMENDATION:

It is recommended that this project be completed in the fall of 2019 during the low flow period on the Arkansas River to amend the Office Wave, limit further deterioration and possibly address safety issues. It is also recommended to authorize the City Administrator to enter into a Construction Agreement between the City and Lowry Contracting, Inc. in a *not to exceed* amount of \$60,000.00.

SUGGESTED MOTIONS:

A Council person should make a motion to “authorize the City Administrator to enter into a Construction Agreement between the City and Lowry Contracting, Inc in the *not to exceed* amount of \$60,000 to reconstruct the Office Wave and perform maintenance on other accessible river features”

Followed by a second and then a voice vote.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
SOUTHERN COLORADO REGULATORY OFFICE
201 W. 8TH. STREET, SUITE 350
PUEBLO, COLORADO 81003

February 7, 2019

Regulatory Division

SUBJECT: Nationwide Permit (NWP) Verification – Action No. SPA-2017-00329-SCO,
empty file, delete

Mike Harvey
Recreation Engineering & Planning
332 1/2 West Sackett
Salida, CO 81201

Mr. Harvey:

This letter responds to your pre-construction notification for the proposed whitewater park maintenance project, in Salida, Chaffee County, Colorado. The work as described in your submittal will consist of dewatering existing "Office Wave" structure and rebuilding the face of the structure and stabilizing the vertical anchor; add segregated fish passage channel in northern wing of the structure; and add rip-rap to the eroded north bank immediately below the structure. We have assigned Action No. SPA-2017-00329-SCO to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that the project is authorized by Nationwide Permit No. 3 for Maintenance Activities. A summary of this permit and the Colorado Regional Conditions are available on our website at <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/NWP/>. Please refer to our website at <http://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/Water-Quality-Certification/> for specific information regarding compliance with state water quality certification (WQC) requirements. The permittee must ensure that the work complies with the terms and conditions of the permit, including Colorado Regional Conditions

Our review of this project also addressed its effects on threatened and endangered species and historic properties in accordance with general conditions 18 and 20. Based on the information provided, we have determined that this project will not affect any federally listed threatened or endangered species or any historic properties listed, or eligible for listing, in the National Register of Historic Places. However, please note that the permittee is responsible for meeting the requirements of general condition 18 on endangered species and general condition 20 on historic properties.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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- 2 -

This verification is only valid for the project as described in your submittal. Appropriate erosion and sediment controls should be implemented to ensure that construction materials and/or activities do not enter any wetlands or other waterbodies beyond the scope of the authorization. If there are any changes in the project purpose, location, or design, you should contact our office for a reevaluation of Department of the Army permit requirements.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state or local laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, in order to undertake the proposed work.

This permit verification is valid until March 22, 2022 (33 CFR 330.6), unless the nationwide permit is modified, suspended, revoked or reissued prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the nationwide permit, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on a nationwide permit will remain authorized provided the activity is completed within 12 months of the date of the nationwide permits expiration, modification, or revocation.

Within 30 days of project completion, the permittee must fill out the enclosed Certification of Compliance form and return it to our office. The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the nationwide permit.

If you have any questions, please contact me or Joshua Carpenter at (719) 744-9379 or by e-mail at Joshua.g.carpenter@usace.army.mil. At your convenience, please complete a Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

TRUAN.VAN.ALL
AN.1231422150

Digitally signed by
TRUAN VAN ALLAN.1231422150
DN: cn=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
c=TRUAN VAN ALLAN.1231422150
Date: 2019.02.07 10:52:21 -0700

Van Truan
Chief, Southern Colorado
Regulatory Branch



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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**Certification of Compliance
Department of the Army Nationwide Permit**

Action Number: SPA-2017-00329-SCO

Name of Permittee: City of Salida

Nationwide Permit: No. 3 for Maintenance Activities

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

Van Truan
Albuquerque District, U.S. Army Corps of Engineers
Southern Colorado Regulatory Office
201 W. 8th. Street, Suite 350
Pueblo, Colorado 81003

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started _____

Date Work Completed _____

Signature of Permittee

Date



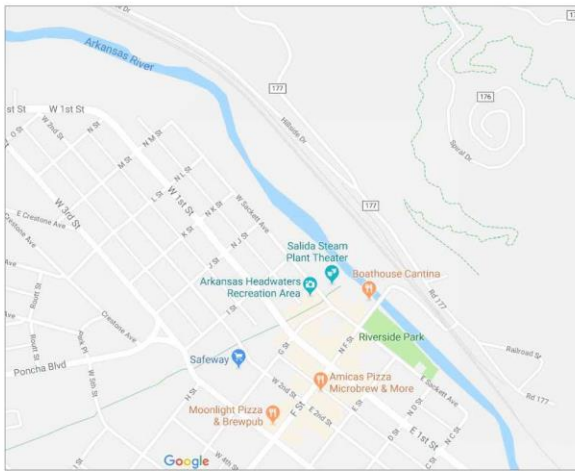
REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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Appendix B

THE "OFFICE WAVE" RESTORATION AND IMPROVEMENT PROJECT
 ARKANSAS RIVER, SALIDA, COLORADO



PROJECT LOCATION MAP

PROJECT OWNER:
 CITY OF SALIDA
 448 E. 1ST STREET, SUITE 112
 SALIDA, CO 81201


ENGINEER:

 GARY M. LACY, P.E.
 RECREATION ENGINEERING AND PLANNING
 485 ARAPAHOE AVE.
 BOULDER CO 80302
 303-545-5983
 INFO@BOATERPARKS.COM

TABLE OF CONTENTS

1. PROJECT LOCATION MAP AND TABLE OF CONTENTS
2. PROJECT OVERVIEW PLAN
3. DEWATERING PLAN
- 4-5. TYPICAL DETAILS AND NOTES

PROJECT LOCATION
 LATITUDE 38°32'20.47"N LONGITUDE 105°59'30.92"W



RECREATION ENGINEERING
 AND PLANNING
 485 ARAPAHOE AVE.
 BOULDER | CO | 80302
 WWW.BOATERPARKS.COM

THE "OFFICE WAVE" RESTORATION AND IMPROVEMENT PROJECT
 ARKANSAS RIVER, SALIDA, COLORADO
 PROJECT LOCATION MAP AND TABLE OF CONTENTS
 PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT OWNER:
 CITY OF SALIDA
 448 E. 1ST STREET
 SUITE 112
 SALIDA, CO 81201

DESIGNED: MH
 DRAFTED: AR
 CHECKED: GL
 PLOT DATE: 09/11/2019
 REVISIONS:

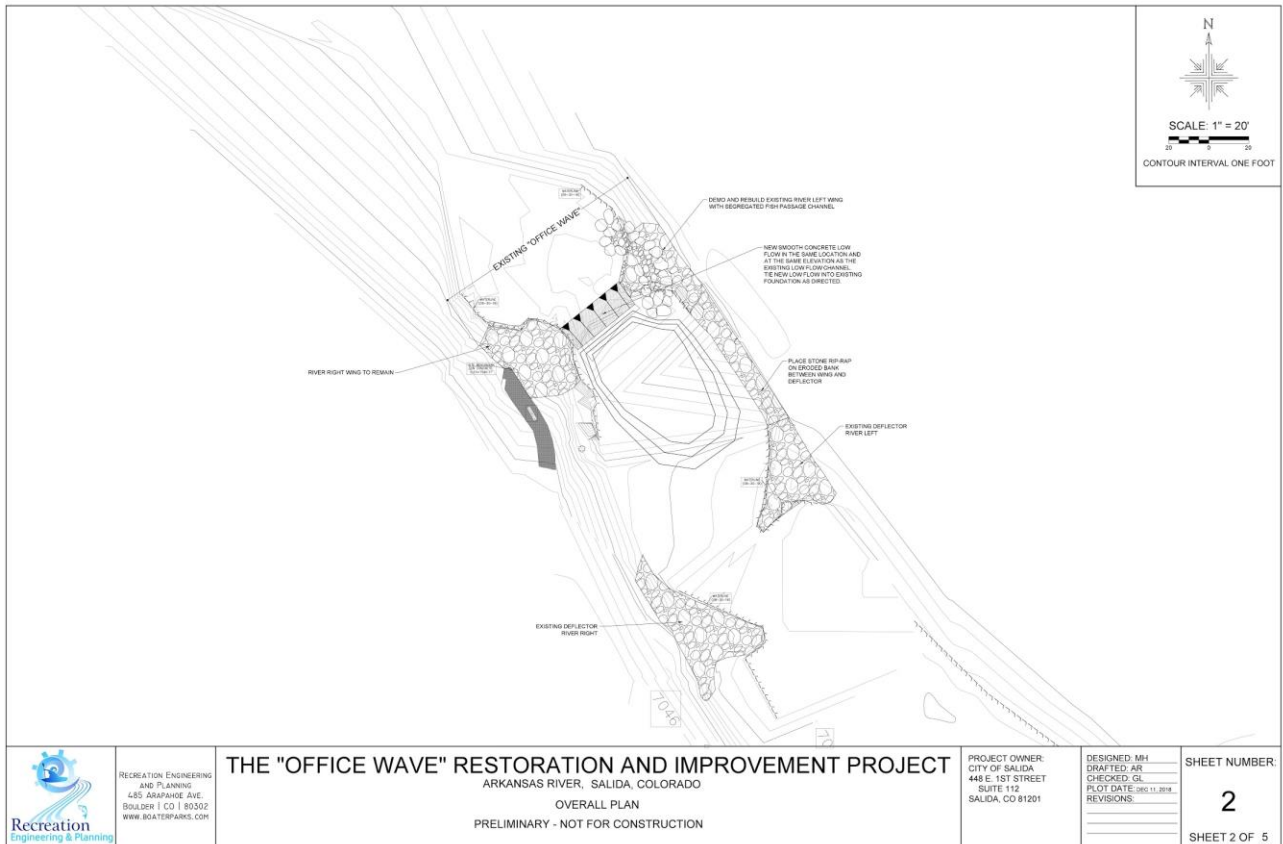
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 1
 SHEET 1 OF 5



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

<p>AGENDA ITEM NO. Consent Agenda</p>	<p>ORIGINATING DEPARTMENT: Parks and Recreation</p>	<p>PRESENTED BY: Mike 'Diesel' Post</p>
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 RECREATION ENGINEERING
 AND PLANNING
 485 ARAPAHOE AVE.
 BOULDER | CO | 80502
 WWW.BOLTERPARKS.COM

THE "OFFICE WAVE" RESTORATION AND IMPROVEMENT PROJECT
 ARKANSAS RIVER, SALIDA, COLORADO
 OVERALL PLAN
 PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT OWNER:
 CITY OF SALIDA
 448 E. 1ST STREET
 SUITE 112
 SALIDA, CO 81201

DESIGNED: MH
 DRAFTED: AS
 CHECKED: GL
 PLOT DATE: 09/11/2019
 REVISIONS:

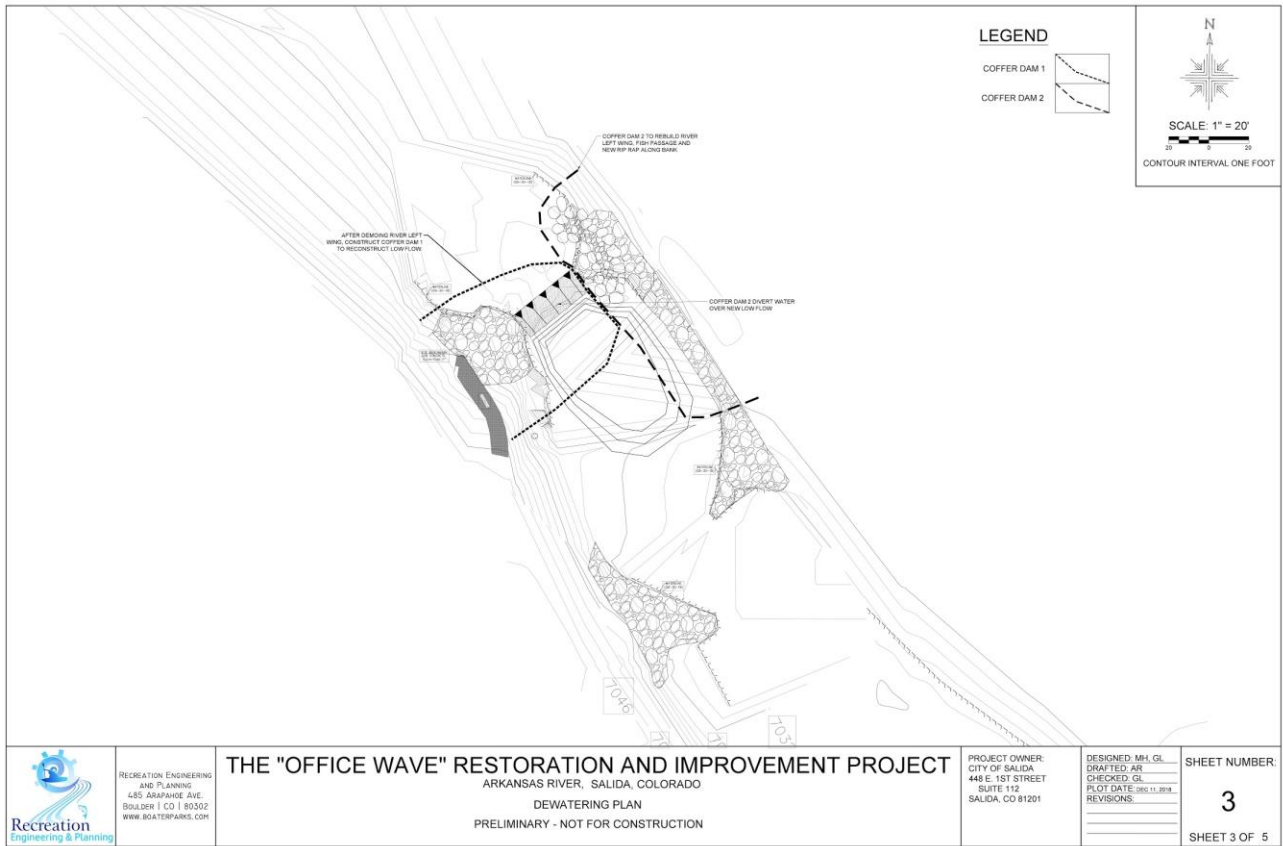
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2
 SHEET 2 OF 5



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

<p>AGENDA ITEM NO. Consent Agenda</p>	<p>ORIGINATING DEPARTMENT: Parks and Recreation</p>	<p>PRESENTED BY: Mike 'Diesel' Post</p>
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 RECREATION ENGINEERING AND PLANNING
 485 ARAPAHOE AVE.
 BOULDER | CO | 80502
 WWW.BOUTERPARKS.COM

THE "OFFICE WAVE" RESTORATION AND IMPROVEMENT PROJECT
 ARKANSAS RIVER, SALIDA, COLORADO
 DEWATERING PLAN
 PRELIMINARY - NOT FOR CONSTRUCTION

PROJECT OWNER:
 CITY OF SALIDA
 448 E. 1ST STREET
 SUITE 112
 SALIDA, CO 81201

DESIGNED: MH, GL
 DRAFTED: AS
 CHECKED: GL
 PLOT DATE: 2019.11.29
 REVISIONS:

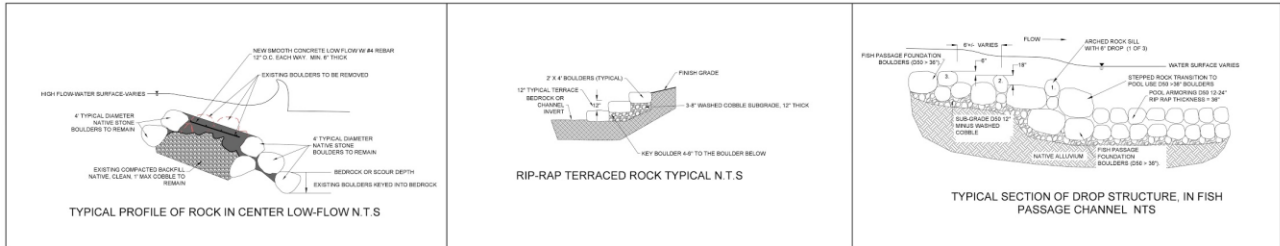
SHEET NUMBER:
3
 SHEET 3 OF 5



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

<p>AGENDA ITEM NO. Consent Agenda</p>	<p>ORIGINATING DEPARTMENT: Parks and Recreation</p>	<p>PRESENTED BY: Mike 'Diesel' Post</p>
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TYPICAL COFFER DAM CROSS SECTION

NOTE
 1) ALL METHODS PRESENTED TO ASSURE FUNCTIONALITY ONLY ACTUAL METHOD TO BE DETERMINED BY QUALIFIED CONTRACTOR FOR PERMIT CONDITIONS IN ORDER TO ACHIEVE DR. WORK AREA
 2) CONTRACTOR IS SOLELY RESPONSIBLE FOR ALL DISTURBANCES AND COFFERDAMS DURING CONSTRUCTION REPAIRS AND REPLACEMENTS DUE TO NATURAL CAUSES ARE AT THE SOLE EXPENSE OF THE CONTRACTOR

	<p>RECREATION ENGINEERING AND PLANNING 485 AIRBORNE AVE. BOULDER, CO 80502 WWW.BOATERPARKS.COM</p>	<p>THE "OFFICE WAVE" RESTORATION AND IMPROVEMENT PROJECT ARKANSAS RIVER, SALIDA, COLORADO TYPICAL DETAILS PRELIMINARY - NOT FOR CONSTRUCTION</p>	<p>DESIGNED: MH, GL DRAFTED: AR CHECKED: GL PLOT DATE: DEC 11, 2019 REVISIONS:</p>	<p>SHEET NUMBER: T1 SHEET T1 OF 5</p>
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REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 03, 2019

AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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Appendix C

History of REP/Lowry Partnership in the Fred Lowry Arkansas River Park

- 1999: Mike Harvey founds the Arkansas River Trust to raise money for river improvements in Salida.
- 2000: Fred Lowry and Lowry Contracting donate material and time for the first whitewater feature at the boatramp.
- 2001: REP completes the engineering on the Whitewater Park. Phase one is completed.
- 2003: REP and Lowry complete the largest phase of the Whitewater Park project funded by a GOCO grant written by the Arkansas River Trust, which includes improvements in Riverside Park.
- 2004-2009: REP project manager Mike Harvey and Larry Sherwood of Lowry complete many smaller improvements and maintenance activities within the Whitewater Park.
- 2010: REP and Lowry complete two new drop structures, climbing wall and new section of river walk.
- 2014: REP completes the engineering and construction oversight on trail improvements to the Touber Building and upstream at Marvin Park.
- 2018: REP donates design, surveying and permitting for Office Wave improvement project.

Appendix D

LOWRY CONTRACTING, INC. 7693 US Hwy
285, Salida, CO 81201 Phone: 719-539-6676 Fax: 719-539-
3152 Email: lcontracting1003@qwestoffice.net

Date: March 14, 2019

Customer: City of Salida **Customer Contact:** David Lady

Telephone: 719-539-6257 **Project Being Bid:** Office Wave

Location of Project: Salida, Co

Actual Scope of Project Being Bid: Office Wave restoration and improvements. Rebuild low flow, rebuild river left wing, and bank stabilization.

The following is a list of pricing:

- Demo River Left Wing \$4,500.00
- Place Cofferdam \$6,000.00
- De-water Low Flow \$6,000.00
- Tear Down Low Flow Structure \$5,000.00
- Leaving Foundation
- Furnish/Place 20 yards concrete \$7,500.00



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AGENDA ITEM NO. Consent Agenda	ORIGINATING DEPARTMENT: Parks and Recreation	PRESENTED BY: Mike 'Diesel' Post
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Creating new Low Flow
Build Cofferdam for Fish Passage \$4,000.00
And De-water
Rebuild Left Wing \$6,500.00
Bank Protection on River Left \$6,500.00
Hourly excavator work as directed \$100/hr
Construction Inspection \$4,350.00
Total (Not To Exceed)= \$60,000.00

Thank you for the opportunity to bid on this project. It is Lowry Contracting's intent to submit bid proposals that are fair and competitive. We want your business and we want a satisfied customer.
Larry Sherwood, Lowry Contracting,
Inc.



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: September 3, 2019

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

Contract - Short-Term Rental and Bed & Breakfast Administrative Fee Study

BACKGROUND:

As part of the City Council's continuing diligence on the impacts of short-term rentals, staff has been working with Chaffee County to collaborate on the administration of programs to ensure compliance with all rules and regulations. Chaffee County has selected RPI Consulting of Durango, CO, to provide the community with an analysis of administrative fees for these programs. The project will analyze our current staff and enforcement costs and provide a recommendation for fee levels that will cover the cost of the City's permitting program. This is necessary to ensure that our fee schedule is accurate, timely, and reflective of the true cost of enforcement.

FISCAL NOTE:

As noted in the agreement for services, the total cost of the study would be \$14,400, with \$6,400 being paid by the City of Salida. This item was not included as part of the 2019 Annual Budget; however, the City Council and staff have expressed interest in ensuring that administrative fees are adequate to cover the cost of administering the STR permitting program. It is recommended that the Economic Development fund cover the cost of this study out of the increase in sales tax revenues that have occurred in 2019.

STAFF RECOMMENDATION:

Staff recommends approval of the contract with RPI Consulting LLC to provide professional services to perform the Short-Term Rental and Bed & Breakfast Administrative Fee Study as set out in the scope of work attached to the contract in the amount of \$6,400.

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.

Agreement for Services

Chaffee County, CO

**Short-Term Rental and Bed & Breakfast
Administrative Fee Study**

August 2019

AGREEMENT FOR SERVICES

This Agreement for Services (“Agreement”) is entered into by and between Chaffee County (“Client”), the City of Salida (“Client”) and RPI Consulting LLC, 1911 Main Avenue Suite 224, Durango, CO 81301 (“RPI”).

RECITALS

1. **WHEREAS**, RPI specializes in cost of service analysis.
2. **WHEREAS**, the Clients desire to contract with RPI for completing separate short-term rental and bed and breakfast application fee studies for Chaffee County and City of Salida.

THEREFORE, the parties agree to enter into this Agreement for Services (this “Agreement”) with the following terms and conditions.

1. **SCOPE OF SERVICES.** RPI agrees to perform the services and provide the products as listed in **Attachment A – Scope of Work and Budget**
2. **COMPENSATION.** The Clients agree to compensate RPI in the not-to-exceed amount of: \$14,400 (Fourteen Thousand Four Hundred Dollars) for services provided by RPI as listed in **Attachment A – Scope of Work and Cost Proposal.**
3. **SCHEDULE.** The services will be completed over the course of six months in accordance with a schedule which will be finalized with the Clients upon the execution of this Agreement.
4. **PROVISION OF PUBLIC INFORMATION.** The Clients agree to provide all requested public information that is available to them to RPI, including but not limited to budgets, audits, equipment inventories and needs, structures and land inventory and needs, cost estimates, calls and response records. The Clients agree to accept any billing or payments required by public agencies holding the requested information, which billings and payments shall first be authorized by the Clients. The Clients acknowledge that this project will require assistance from the Clients from time to time to answer questions, gather background information, and provide input to RPI when such input is requested.

5. CONTACT PERSONS. The primary contact person(s) for The Clients and RPI Consulting LLC are:

Chaffee County (Client):	City of Salida (Client)	RPI Consulting LLC:
Bob Christiansen, Director of General Administration	Drew Nelson, City Administrator	Gabe Preston, Company Owner
P.O. Box 699	448 E. 1 st Street, Suite 112	1911 Main Avenue Suite 224
Salida, Colorado 81201	Salida, CO 81201	Durango, CO 81301
(719) 539-2218	(719) 530-2629	(970) 382-9886
bchristianse@chaffeecounty.org	drew.nelson@cityofsalida.com	gabe@rpiconsulting.org

All parties agree to provide written notice to the other party of any change in the above contact information.

6. INDEPENDENT CONTRACTOR. In rendering Services hereunder, RPI shall be acting as an independent contractor and not as an employee or agent of the Clients. As independent contractors, neither RPI nor the Clients shall have any authority, express or implied, to commit or obligate the other in any manner whatsoever, except as specifically authorized from time to time in writing by an authorized representative of RPI or the Clients, as the case may be, which authorization may be general or specific. Nothing contained in this Agreement shall be construed or applied to create a partnership. RPI shall be responsible for the payment of all federal, state or local taxes payable with respect to all amounts paid to RPI under this Agreement. Except for those expenses specifically set forth in **Attachment A – Scope of Work and Budget**, Contractor shall also pay all Contractor's overhead incurred in rendering the service including, but not limited to, office rent and utilities, telephone charges, equipment, travel, insurance, subcontractors, wages for Contractor's employees (including taxes, unemployment insurance, workers' compensation insurance and other employee benefits) and other miscellaneous expenses incurred by Contractor in providing the services hereunder.
7. BILLING. RPI shall submit invoices based on the incremental completion of tasks and subtasks as priced in **Attachment A – Scope of Work and Budget**. Billing will occur on a task completion or percentage completion basis and will include an invoice and a billing spreadsheet showing the balance and remaining budget. The Clients shall pay the invoice within forty-five (45) days of receipt unless the work or the documentation thereof is unsatisfactory.
8. CONFIDENTIAL INFORMATION. Confidential information of any nature that any party acquires regarding any aspect of another party's business shall be treated in strict confidence, subject to the requirements of the Open Records Act. Information so obtained shall not be divulged, furnished or made accessible to third parties without the written permission of the other

party to this Agreement. All parties retain the right to do business with third parties in matters that may be competitive with the interests of the other parties to this Agreement. However, the confidentiality constraints above shall be binding and have precedence over these business matters.

9. INSURANCE. RPI agrees to procure and maintain, at its own cost, a policy or policies of insurance as called for in this Agreement. Insurance shall be procured and maintained with forms and insurers acceptable to the Clients. All coverages shall be continuously maintained during the term of this Agreement. Each shall be primary insurance and any insurance carried by the Clients, its officers, or its employees, shall be excess and not contributory insurance to that provided by RPI. RPI shall provide the Clients with certificates of insurance, or other acceptable evidence, showing the required coverages. The Clients reserve the right to request and receive a certified copy of any policy.
 - a. RPI shall procure and maintain the minimum insurance coverages listed below.
 - i. Workers' compensation insurance to cover obligations imposed by the Workers' Compensation Act of Colorado and any other applicable laws for any employee of RPI engaged in the performance of work under this agreement.
 - ii. Professional liability errors and omissions coverage with One Million Dollars (\$1,000,000.00) per occurrence.
 - iii. General liability coverage of Two Million Dollars (\$2,000,000) per occurrence.
 - iv. Auto liability coverage of One Million Dollars (\$1,000,000) per accident.
 - b. RPI shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, duration, or types.
 - c. Failure on the part of RPI to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of this Agreement upon which the Clients may immediately terminate this contract, or at its discretion the Clients may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the Client shall be repaid by RPI upon demand, or the Client may offset the cost of the premiums against any monies due to RPI.
 - d. RPI shall be responsible for any deductible under any policy required above.
10. CONTRACT TERMINATION. This Agreement may be terminated by the Clients in the event of unacceptable or insufficient performance by the RPI and failure to remedy such deficient performance within fifteen (15) days of written notice specifying such deficiency.

11. IMMIGRATION COMPLIANCE CERTIFICATION. Pursuant to COLO. REV. STAT. § 8-17.5-101, *et seq.*, RPI certifies the following:

- a. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- b. Contractor shall not enter into a contract with a subcontractor that fails to certify to RPI that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- c. RPI has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either (a) the E-Verify Program, (the electronic employment verification program jointly administered by the U.S. Department of Homeland Security and the Social Security Administration, or its successor program) or (b) the Department Program (the employment verification program established pursuant to C.R.S. § 8-17.5-102(5)(c).
- d. If RPI obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, RPI shall be required to: (a) notify the Subcontractor and the Clients within three (3) days that RPI has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and (b) terminate the subcontract with the subcontractor, if within three (3) days of receiving the notice, the subcontractor does not stop employing or contracting with the illegal alien; except that RPI shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
- e. RPI shall comply with any reasonable request by the Department of Labor and Employment in the course of an investigation that the Department undertakes pursuant to C.R.S. § 8-17.5-102(5).
- f. If RPI violates these illegal alien provisions, the Clients may terminate this Agreement for a breach of contract. If this Agreement is so terminated, RPI shall be liable for actual and consequential damages to the Clients. The Clients will notify the Office of the Secretary of State if RPI violates these provisions and the Clients terminate this Agreement for that reason.
- g. RPI shall notify the Clients of participation in the Department Program and shall, within twenty (20) days after hiring an employee who is newly hired for employment to perform work under this Agreement, affirm that RPI has examined the legal work status of such employee, retained file copies of the documents required by 8 USC §

1324a, and not altered or falsified the identification documents for such employee. Contractor shall provide a written, notarized copy of the affirmation to the Clients.

12. NO WAIVER OF GOVERNMENTAL IMMUNITY: Notwithstanding any other provision in this Agreement, no term or condition of this Agreement shall be construed or interpreted as a waiver, expressed or implied, of any of the immunities, rights, benefits, protections of other provisions of the Colorado Governmental Immunity Act, CRS § 24-10-101 *et seq.*, as now existing or hereafter amended.

13. COUNTERPARTS: FACSIMILE TRANSMISSION. This Agreement may be executed by facsimile and/or in any number of counterparts, any or all of which may contain the signatures of less than all the parties, and all of which shall be construed together as but a single instrument and shall be binding on the parties as though originally executed on one originally executed document. All facsimile counterparts shall be promptly followed with delivery of original executed counterparts.

14. PAYMENTS BY THE CLIENTS. Any and all payments of money by the Clients pursuant to this Agreement shall be subject to the annual appropriations of money.

15. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Colorado, both as to interpretation and performance. The courts of the State of Colorado shall have exclusive jurisdiction to resolve any disputes arising out of this Agreement and venue shall be in Chaffee County, Colorado.

16. SEVERABILITY. If any part, term, or provision of this Agreement is held by the courts to be unenforceable or in conflict with any law of the State of Colorado, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular part, term or provision held to be invalid.

17. WAIVER. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and construed as cumulative, that is, in addition to every other remedy provided therein or by law.

18. ASSIGNMENT. RPI shall neither assign any responsibilities nor delegate any duties arising under this Agreement without the prior written consent of the Clients.

19. ENTIRE AGREEMENT. This Agreement (including the exhibits, schedules and other documents referred therein) constitutes the entire agreement between the parties with respect to the subject matter hereof. This Agreement supersedes any and all prior agreements, oral or written, between the parties with respect to the subject matter hereof.

20. NOTICE: Any notice given hereunder shall be deemed served immediately if hand-delivered in writing to an officer or other duly appointed representative of the Party to whom the notice is directed, or if transmitted by electronic format to the email address contained in 5. Contact Persons of this Agreement. Notices shall also be deemed served five business days after transmittal by registered, certified, express, or regular mail or by Federal Express to the business address identified in this Agreement.

Agreement for Services
Chaffee County School Short-Term Rental Application Fees Study

Agreement read, understood and accepted:

CHAFFEE COUNTY, COLORADO (CLIENT)

By: _____

Title: _____

Signature _____

Date _____

CITY OF SALIDA, COLORADO (CLIENT)

By: _____

Title: _____

Signature _____

Date _____

RPI CONSULTING, LLC:

By: Gabe Preston

Title: Company Owner, RPI Consulting LLC

Signature _____

Date _____

ATTACHMENT A - SCOPE OF WORK AND BUDGET

	Cost	Chaffee County Share	City of Salida Share
Task 1 – Preparation	\$3,960	\$2,200	\$1,760
Task 2 – Personnel and Operations Cost Analysis	\$3,240	\$1,800	\$1,440
Task 3 – Application Review Fee Schedule	\$4,320	\$2,400	\$1,920
Task 4 – Final Fee Structure and Summary Report	\$2,880	\$1,600	\$1,280
Total Cost for Both Jurisdictions	\$14,400	\$8,000	\$6,400



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: September 3, 2019

AGENDA ITEM NO.	ORIGINATING DEPARTMENT:	PRESENTED BY:
4.a.	Administration	Nina Williams/Sonia Walter

ITEM: Ordinance 2019-12 Amending Chapter 6 of the Salida Municipal Code concerning short-term rentals.

BACKGROUND: On January 10, 2019, the City Attorney’s office presented a memo with code amendment options relating to the City’s short term rental regulations due to concerns from City Council and staff and City residents regarding better enforcement, clearer regulations, fairer issuance of new licenses, proper tax remittance and penalty for non-payment of taxes.

At the May 20, 2019 work session, Council expressed a strong desire to amend portions of Chapter 6, Article IV of the Salida Municipal Code to achieve these goals concerning short term rentals.

Council also viewed the importance of these amendments through the lens of its already existing priorities of: affordable housing and keeping the small town community character of Salida.

An Ordinance was therefore presented to Council on August 5. The code changes focused on each of the Council’s clear objectives as it related to short term rentals, and ensured consistency, fairness, clarity and most importantly, stronger enforcement of regulations.

Upon thorough analysis and discussion, the Work Session of August 5 generated a few recommended additional changes to the Ordinance, and that amended version was approved unanimously on 1st reading at the August 6 City Council meeting, and directed for 2nd reading.

At the August 20, 2019 meeting, City Council considered public comment, along with their objectives for the ordinance, and decided to continue approval of second reading until tonight.

In the meantime, staff noticed a minor inconsistency in the draft. Therefore, section 6-6-30 has been changed in the attached version to state that new licenses and renewals shall be valid from July 31 through June 30 (previously stated June 1 through May 31). New licenses and renewals will still be issued June 1 of every year.

This version keeps Council’s priorities of affordable housing and maintenance of community character in mind, as well as its specific objectives of better enforcement, clearer regulations, fairer issuance of new licenses, proper tax remittance and penalty for non-payment of taxes.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 2019-12 on second Reading with the minor noted change.

SUGGESTED MOTION: A Councilperson should make a motion “to approve Ordinance 2019-12 on second reading, with the noted change in Section 6-6-30(a)”, followed by a second.

Attachments: Ordinance 2019-12

**CITY OF SALIDA, COLORADO
ORDINANCE NO. 12
(Series of 2019)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO AMENDING CHAPTER 6 OF THE SALIDA MUNICIPAL CODE
CONCERNING SHORT TERM RENTALS**

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

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

WHEREAS, pursuant to Title 31, Article 15 of the Colorado Revised Statutes, the City also possesses the authority to license and regulate businesses; and

WHEREAS, pursuant to this authority, the City has previously adopted certain regulations concerning short-term rentals within Chapter 6, Article VI of the Salida Municipal Code (“Code”); and

WHEREAS, through observing the processes provided for in the Code concerning short-term rentals, along with limitations regarding enforcement and regulation, Council has expressed the desire to amend certain provisions of Chapter 6, Article IV, to ensure clarity, increased enforcement, fairness and consistency with the goals of the City, its residents, businesses and customers; and

WHEREAS, the Council has conducted its review of the issues, and find that it would further the public health, safety and welfare of the citizens of Salida to amend Chapter 6, Article VI, concerning regulation and enforcement of short-term rentals, as provided below.

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

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

Section 2. Section 6-6-20 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-6-20. – Licensing; Limitations; Requirements

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a license from the City Administrator. The initial license fee, renewal license fee and penalty for operating without a license shall established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Upon approval of a business license pursuant to this Article, the City Administrator shall issue a business license number to each short-term rental business.
- (c) Short-term rental businesses shall include their business license number in **the title of the listing for** all public advertising, including but not limited to webhosting services such as Airbnb, Home Away, Trip Advisor, VRBO, etc.
- (d) **An applicant shall not be granted a short-term rental license without submitting a copy of a valid Colorado sales tax license for rental activity, or a pending application, specific to the property being rented. If the property is owned or managed by a property management company, that entity must obtain a Colorado sales tax license specific to the taxing jurisdiction of the City of Salida.**
- (e) **Applications for a short-term rental license shall be submitted on a completed form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the form, including, but not limited to, a copy of the applicable sales tax license.**
- (f) **Each licensee shall submit to the City, on a yearly basis, and upon renewal, an affidavit, signed by the licensee and notarized, attesting to the duration and frequency of the prior year's short term rental history, as well as confirmation of payment of all applicable sales and occupational lodging taxes.**

Section 3. Section 6-6-30 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-6-30. - Application, issuance and renewals.

- (a) **New licenses, and renewals of licenses, shall be issued on June 1 of every year, and shall be valid from July 1 through June 30.** Any person desiring a license to engage in the short-term rental business shall apply to the City Administrator ~~at least thirty (30) days prior to the date of the intended use and prior to any advertising on forms provided by the City Clerk, except that those businesses already remitting tax returns for the City's occupation lodging tax shall be deemed to be licensed and shall be subject to renewal provisions as outlined in this article.~~
- (b) The City Administrator may issue a short-term rental business license upon all the following conditions:

- (1) The applicant has submitted a complete application form and provided all required information regarding the short-term rental unit, **including, but not limited to a copy of the applicable sales tax license,** and the local contact person.
 - (2) The applicant has paid the appropriate fee established by the City Council.
 - (3) The property to be used for a short-term rental business has completed and complied with the City short-term rental unit inspection worksheet.
- (c) The City Administrator may renew a short-term rental business license upon all the following conditions:
- (1) The applicant has submitted a complete renewal form **and provided all required information regarding the short-term rental unit, including, but not limited to a copy of the applicable sales tax license, and the local contact person.**
 - (2) The applicant has paid the appropriate fee established by the City Council, **and all applicable taxes throughout the previous year.**
 - (3) The property to be used for a short-term rental business has completed and complied with the City short-term unit inspection worksheet, **and there are no outstanding health and safety violations on the property that are related to the “Short-Term Rental License Renewal Fire Department Checklist,” any other application requirements set by the Fire Department, or any violations of Chapter 18 of this Code as it relates to habitability.**
 - (4) **The applicant has submitted the appropriate affidavit, as required by Section 6-6-20.**
 - (5) **There have been no violations of the provisions of this Article, or of any law or regulation pertaining to the requirements of the application or of any of the terms pertaining to the license over the past year.**
 - (6) **The licensee has remitted sales taxes during the previous year.**
- (d) **It is the duty of each short-term rental licensee to ensure that all of the information provided in a license application is kept up to date at all times, and it shall be unlawful for a licensee to fail to provide updated information to the City within ten (10) days after the date upon which any information provided is no longer accurate.**
- (e) **No license issued under this Article shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.**

Section 4. Section 6-6-50 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-6-50. – Revocation AND SUSPENSION.

Any license issued **pursuant to this Article may be suspended or revoked** is subject to suspension or revocation by the City Administrator **Council, upon ten (10) day’s written notice, to a licensee stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:**

- (a) Failure to pay the Occupational Lodging Tax to pursuant to this Code, Chapter 4, Article VI or any other tax, such as sales tax, or the annual license fee established by Council;**
- (b) False statement of material fact contained in the application;**
- (c) Failure to file any report or furnish any other information that may be required by the provisions relating to this Article;**
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such license, would have warranted the refusal of the issuance of the such license; or**
- (e) Violation of any provisions of this Article or of any law or regulation pertaining to the requirements of the application or of any of the terms pertaining to the license.**

Section 5. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

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

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on the ____ day of _____, 2019.

CITY OF SALIDA

By: _____
Mayor

ATTEST:

(SEAL)

By: _____
City Clerk/Deputy City Clerk

PUBLISHED IN FULL in the Mountain Mail after First Reading on the _____
day of _____, 2019, and **BY TITLE ONLY, OR IN FULL**, after Final Adoption on the
____ day of _____, 2019.

By: _____
City Clerk/Deputy City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 3, 2019

AGENDA ITEM NO. 4.b.	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Bill Almquist
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ITEM:

Ordinance No. 2019-13 Amending Chapters 6 and 16 of the Salida Municipal Code regarding vendor permits and temporary commercial activities.

REQUEST / BACKGROUND:

On August 20, 2019, Council reviewed and approved a draft of Ordinance No. 2019-13 on first reading. The only substantive changes to the document since first reading involve the retention of a 180-day permit option under Section 6-2-10(a)(3) in addition to the newly proposed 10-,45-, and 365-day permit options. Staff believes this option would better accommodate the seasonal character of some businesses.

The resulting proposed amendments to Chapters 6 and 16 do the following:

1. Separate standards for temporary commercial activities/vendors into three sections: Vendor Permits (Public Property); Vendor Permits (Private Property); and Multiple Vendor Event Permits
2. Adjust the durations of permits to better match the typical durations of such activities
3. Clarify the specific locations where vending is allowed on public property
4. Make the review processes for vending on all permissible private properties more consistent and less subjective while providing clear approval standards
5. Clarify and make more inclusive the definition of "Temporary Commercial Activities"
6. Eliminate inconsistencies between Chapters 6 and 16 by creating a clear nexus between "Temporary Commercial Activities" and vending permits

PLANNING COMMISSION RECOMMENDATION

On August 13, 2019, Planning Commission reviewed the proposed Chapter 6 and 16 amendments and officially recommended approval of Ordinance No. 2019-13 with recommended changes, which have been incorporated herein.

RECOMMENDED MOTION:

A Council person should make the motion to "Approve Ordinance No. 2019-13 on second reading."

Attachments:

Vendor Question Clarification
Ordinance No. 2019-13



Bill Almquist <bill.almquist@cityofsalida.com>

Fwd: mobile vendors

Bill Almquist <bill.almquist@cityofsalida.com>

Thu, Aug 22, 2019 at 5:45 PM

To: Cheryl Brown-Kovacik <cheryl.brown-kovacik@salidaelected.com>

Cc: Glen Van Nimwegen <Glen.VanNimwegen@cityofsalida.com>, Sonia Walter <sonia.walter@cityofsalida.com>

Hi Cheryl, please see my responses below.

1) Should the process of licensing a new vendor include noticing the public, so that they have an opportunity to be heard up front, rather than after the fact? We definitely discussed this at PC last week and, as Francie mentioned, it was a bit divided. Staff's perspective on it is that: 1. We have never noticed the public regarding new vendors on public property in the past, and only have provided any noticing for vendors on private property if the use required limited impact review; and 2. There isn't a separate noticing process for permitted uses/new businesses that go into brick-and-mortar structures so, if the use is permitted, the question could be asked why should the public be notified?

2) Should an actual "food truck" be permitted in the same way as other mobile vendors? (Grey water, grease, trash disposal, hours of operation, with/without alcohol, etc). The issues of gray water and grease are already regulated by Chaffee County Dept. of Envi Health as part of the licensing process. Also, such potential nuisances as odors and trash are addressed in Chapters 7 and 10 and enforceable. I would think that dirty water and grease would fit into these definitions. The proposed language speaks directly to the Food Licensing requirement as well as obeying other regulations such as nuisances. We could certainly call it all out even more specifically in the application, as well.

3) If changed from limited review to administrative review, will there be a published list of requirements, or will staff evaluate each one subjectively? Any updated temporary commercial activity/vendor permit application form would have language that is based off the code language and other specific direction from Council or that which would be included. Staff would review each application objectively according to the standards in both Chapter 6 and Chapter 16.

4) Shouldn't there be a 90 day and 180 day permit for seasonal uses? We are currently proposing increments of 10, 45, and 365 days, based off the typical durations that we have seen from past and present vendors. But, one of these could certainly be added to the mix if Council was so inclined.

5) How will renewals be handled? If a vendor applies for renewal, does that take precedence over a new vendor for the same spot? This would seem to affect vending on public property more than private property. On private property, the property owner would dictate who was allowed to vend and when. We would be aware of how long the permits were good for and could communicate directly with the property owner to better understand their desires/arrangements. Regarding public property, however, this may require a little more specific discussion, which has not quite happened. In the case of a year-long permit, I would assume that an existing vendor would have first right of refusal. A little trickier for the summertime folks-- perhaps first-come-first-served for those dates? Good question that I can follow up on and get back to you.

Hope that helps. Please let me know if you have any other questions or need clarification.

Bill

[Quoted text hidden]

--

Bill Almquist
Planner



(719) 530-2634

bill.almquist@cityofsalida.com



Bill Almquist <bill.almquist@cityofsalida.com>

Fwd: mobile vendors

Bill Almquist <bill.almquist@cityofsalida.com>

Fri, Aug 30, 2019 at 1:39 PM

To: Cheryl Brown-Kovacik <cheryl.brown-kovacik@salidaelected.com>

Cc: Glen Van Nimwegen <Glen.VanNimwegen@cityofsalida.com>, Sonia Walter <sonia.walter@cityofsalida.com>, Drew Nelson <drew.nelson@cityofsalida.com>

Cheryl,

As follow-up, I wanted to address a few additional points following conversations among staff:

- Francie brought up the issue of alcohol-- to clarify, per state regulations, food trucks are not allowed to vend alcohol unless they are located within an area/premises that is already licensed for alcohol sales and consumption. In other words, they cannot just pull up to just a random location and sell it.
- Regarding the additional duration for a permit-- staff agrees with such a need and has added an additional category for 180 days to the ordinance.
- Regarding renewals-- 365-day permit renewals would receive first right of refusal and shall apply for such within 30 days of that permit expiring. Other durations (i.e. 10, 45, and 180 days) will be handled on a first-come, first-serve basis. Staff will retain a calendar showing the permitted dates on each public property.

Hope this helps.

On Thu, Aug 22, 2019 at 5:45 PM Bill Almquist <bill.almquist@cityofsalida.com> wrote:

[Quoted text hidden]

[Quoted text hidden]

CITY OF SALIDA, COLORADO
ORDINANCE NO. 13
(Series of 2019)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO AMENDING CHAPTER 6 AND CHAPTER 16 OF THE SALIDA
MUNICIPAL CODE CONCERNING TEMPORARY COMMERCIAL ACTIVITIES
AND VENDING PERMITS**

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

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

WHEREAS, pursuant to C.R.S. § 31-23-301 the Council also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to this authority, the City has previously adopted certain regulations concerning vending permits within Chapter 6 of the Salida Municipal Code (“Code”) and certain land use and zoning regulations concerning temporary commercial activities within Chapter 16 of the Code; and

WHEREAS, through observing the process provided for in the Code concerning temporary commercial activities and vending permits and the increase in outdoor vendors, including food vendors, Council has expressed the desire to amend certain provisions of Chapter 6 and Chapter 16 to ensure clarity, fairness and consistency with the goals of the City, its residents and its customers; and

WHEREAS, after due and proper notice, the Planning Commission held a public hearing on August 13, 2019; and

WHEREAS, the Council has conducted its review of the issues, including the Planning Commission’s recommendations, and find that it would further the health and welfare of the citizens of Salida to amend Chapter 6 and Chapter 16, concerning temporary commercial activities and vending permits, as provided below.

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

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

Section 2. Article II of Chapter 6 of the Salida Municipal Code, currently entitled “Vendor Permits,” is hereby renamed as “**Temporary Commercial Activity/Vendor Permits**”

Section 3. Section 6-2-10 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-2-10 – Temporary Commercial Activity/Vendor Permits.

All “temporary commercial activities,” as specifically defined in Chapter 16 of this Code, must be approved and permitted by the City of Salida, as set forth below, prior to engaging in such activities.

(a) Outdoor Vending Permits – Public Property.

- (1) Permit required. Outdoor vendors not associated with a Multiple Vendor Event Permit, Sec. 6-2-10(c), that wish to sell on public property must obtain a permit from the City of Salida and pay the required fee. It shall be unlawful for any person to **conduct any temporary commercial activities** on public property within the City of Salida except as provided by this Section.
- (2) Application required. Applications for an outdoor vending permit **on public property** shall be made to the City of Salida on forms provided ~~therefore~~. Approval of permit is subject to ~~administrative~~ review by the City Administrator **or their designee in accordance with the review standards of Municipal Code Section 16-4-190(n) regarding temporary commercial activities, and other conditions herein.** City Council is to be notified during a regular City Council meeting of new and approved applications. ~~The City Administrator may at his or her discretion forward any such applications subject to administrative review to the City Council for review and approval or denial.~~
- (3) Duration of use. Permits for outdoor vendors shall be granted for a period not to exceed ~~more than one hundred eighty (180) total days in one (1) calendar year, in increments of seven (7), thirty (30), ninety (90) and one hundred eighty (180) days,~~ **in increments of ten (10) consecutive days, forty-five (45) consecutive days, one hundred-eighty (180) consecutive days, or three hundred sixty-five (365) consecutive days.**
- (4) Use allowed. **Outdoor** vending is permitted ~~on the following types of public property: in the C-1 and C-2 zone districts, City parks excluding Riverside Park,~~ **in the following locations with City Administrator approval: Centennial Park, Alpine Park, and Marvin Park. Vending is not allowed in any other City park except for sanctioned special events.** Vending is not permitted on City sidewalks or public parking lots, **except for sanctioned special events. Mobile ice cream trucks, however, may operate alongside public roadways, within residential zones, pursuant to all other applicable regulations.**
- (5) Number of permits: Only two (2) active permits will be issued for any specified **public** property **at** any **one** given time. **Only one vending permit is allowed within the City per sales tax license.**
- (6) Hours of operation. Vendors are allowed to conduct business during park hours only; 6:00 a.m. to 10:00 p.m. **Mobile ice cream trucks may operate along public roadways in residential zones from 10:00 a.m. to Sunset.**

- (7) Permit display. **Vending** permit, state sales tax license, and retail food license (if applicable) must be prominently displayed while vending.
- (8) Accessibility. The location of the vending device may not cause congestion of vehicular or pedestrian traffic and shall not be placed in a right-of-way.

(b) Outdoor Vending Permits – Private Property.

- (1) Permit required. Outdoor vendors not associated with a Multiple Vendor Event Permit, Sec. 6-2-10(c), that wish to sell on private property must obtain a permit from the City of Salida and pay the required fee. It shall be unlawful for any person to conduct any temporary commercial activities on private property within the City of Salida except as provided by this Section.**
- (2) Application required. Applications for an outdoor vending permit on private property shall be made to the City of Salida on forms provided. Approval of permit is subject to review by the City Administrator or their designee in accordance with the review standards of Municipal Code Section 16-4-190(n) regarding temporary commercial activities, and other conditions herein.**
- (3) Duration of use. Permits for outdoor vendors shall be granted in increments of ten (10) consecutive days, forty-five (45) consecutive days, one hundred-eighty (180) consecutive days, or three hundred sixty-five (365) consecutive days.**
- (4) Use allowed. Outdoor vending on private property is permitted in the following zone districts with City Administrator approval: C-1, C-2, Residential Mixed-Use, and Industrial.**
- (5) Number of permits: Only two (2) active outdoor vending permits will be issued for any privately-owned site with City Administrator approval. Any site proposing more than two (2) outdoor vendors for any given time must receive Limited Impact Review approval for the entire site, and any previously existing vending permits on the site will be superseded by any decision therein.**
- (6) Permit display. Vending permit, state sales tax license, and retail food license (if applicable) must be prominently displayed while vending.**
- (7) Accessibility. The location of the vending device may not cause congestion of vehicular or pedestrian traffic and shall not be placed in a right-of-way.**
- (8) Required parking spaces. In addition to any parking space(s) required for the temporary commercial activity, if a vending operation occupies parking space(s) required for an existing use, the same number of spaces must be provided at a different location and approved by the City Administrator or their designee.**

(c) Multiple Vendor Event Permit.

- (1) A multiple vendor event permit shall be obtained by anyone desiring to stage a **temporary** multiple vendor **temporary** event for commercial purpose within the City, **on either public or private property.** The City will consider a single application for each

event, and the applicant shall be responsible to list all participating vendors in the application and to submit the current state sales tax license for each vendor to the City.

- (2) Each vendor participating in a multiple vendor event and included within the multiple vendor event permit shall maintain a copy of the vendor's current state sales tax license and retail food license (if applicable) and post the license at his their temporary location.
- (3) The City reserves the right to reject an individual vendor's eligibility to operate under a multiple vendor event permit.
- (4) The City shall assess a permit fee for each vendor participating in the multiple vendor event permit as established by resolution of the City Council and amended from time to time.

Section 4. Section 6-2-20 of the Salida Municipal Code is hereby amended to read as follows:

Sec. 6-2-20. - Application and Issuance.

(a) Outdoor Vendor Permit Requirements (Public and Private).

- (1) Application must be submitted a minimum of seven (7) days before vending is to commence.
- (2) The City Administrator or their designee may issue outdoor vendor permits upon the requirements of Section 16-4-190(n) and the following conditions:
 - (i) Signage (all locations). A maximum of two (2) signs up to twenty-four (24) square feet each are permitted. One (1) ~~offsite sign~~ sidewalk sign is allowed within fifteen (15) feet or less of the vending vehicle or operation. For food trucks or vending carts, signs on or within the physical dimensions of the truck or cart plus one (1) sidewalk sign within fifteen (15) feet or less of the truck or cart are allowed.
 - (ii) Utilities (on public property). Use of public utilities is subject to approval depending on location, availability and compatibility. The City Council reserves the right to charge a fee for such usage, established by resolution and amended from time to time, and other public infrastructure, such as electricity.
 - (iii) Insurance (on public property). Prior to issuance of the permit, the applicant shall demonstrate adequate insurance coverage is in place. The City Administrator, at his or her discretion, may require that the City be named as an additional insured.
 - (iv) Valid sales tax license (all locations). Each vendor shall maintain a copy of the vendor's current state sales tax license and post the license at his or her location.

(v) Food license (**all locations**). Each vendor shall obtain a retail food license from the Chaffee County Department of Environmental Health, **if applicable**, and post the license at his or her location.

~~(vi) Removal. Vending device must be moved after forty eight (48) hours.~~

~~(vii) Permit transferrable. Permits are transferrable to all applicable public spaces listed on the application and permit.~~

(vi) Fire Inspection and Fire Extinguisher (all locations). All vendors shall receive a yearly fire inspection and must have a certified working fire extinguisher immediately accessible.

(vii) The City Administrator may submit any outdoor vendor permit for public property to the City Council for approval or denial. The City Administrator or City Council's decision regarding the application shall be final.

(viii) The City Administrator may submit any outdoor vendor permit for private property to Planning Commission for approval or denial. The City Administrator or Planning Commission's decision regarding the application shall be final.

(b) Multiple Vendor Event Permit Requirements.

(1) Any person desiring a multiple vendor event permit shall apply to the City Administrator at least thirty (30) days prior to the date of the intended use on forms provided by the City Clerk.

(2) The City Administrator **or their designee** may issue a multiple vendor event permit upon the following conditions:

(i) The proposed use will not unreasonably interfere with or detract from the general public enjoyment of the park **or approved public space**.

(ii) That the proposed use will not unreasonably interfere or detract from the promotion or protection of the public health, welfare and safety.

~~(iii) That the proposed use is not reasonably anticipated to lead to or incite violence, crime, disorderly conduct or injury or damage to City property or patrons.~~

~~(iv) (iii)~~ That the proposed use will not entail extraordinary expense to the City.

~~(v) (iv)~~ That the proposed location in whole or part has not been previously reserved for another use at the same date and time requested in the application.

~~(vi) (v)~~ The applicant has paid the appropriate fee established by the City Council.

~~(vii)~~**(3)** The City Administrator may submit any multiple vendor event permit application to the City Council. The City Administrator or City Council's decision regarding the application shall be final.

~~(c) The City Administrator may submit multiple vendor event permit or outdoor vendor permit applications to the City Council. The City Administrator or City Council's decision regarding the application shall be final.~~

(c) Relinquishment, Revocation or Suspension of Permit

(1) Relinquishment (on public property). A permit granted on public property shall be deemed relinquished and abandoned if the temporary commercial activity or use is not engaged within the first thirty (30) days of issuance if granted for a forty-five (45) day period; within the first ninety (90) days of issuance if granted for a one hundred-eighty (180) day period; or within the first one hundred-twenty (120) days of issuance if granted for a three hundred and sixty five day (365) period.

(2) Revocation or Suspension. A permit issued pursuant to this Article may be suspended or revoked by the City Council, upon ten (10) day's written notice, for the following reasons:

- (i) False statement of material fact contained in the application;**
- (ii) Failure to file any report or furnish any other information that may be required;**
- (iii) Violation of any provision of this Article or any law, ordinance or regulation pertaining to the requirements or terms of the permit or application or related to the operation of the temporary commercial activity at the permitted location.**

Section 5. Section 16-1-80, concerning definitions of the Land Use Code, of the Salida Municipal Code is hereby amended to read as follows:

Sec. 16-1-80. - Definitions.

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

...

Temporary commercial activity means general retail sales or other commercial uses such as, **but not limited to: food carts, trucks or trailers operated outside of a building outdoors, fireworks stands, artisan booths, farm stands, farmers' markets, holiday tree sales, etc.** Temporary commercial activities do not include ~~farm stands, farmers' market, holiday tree sales, yard sales, children's lemonade stands, catering for events, outdoor accessory sales of an existing business established on the property, and or those commercial activities conducted by~~ non-profit organizations for less than two (2) days in a calendar month.

Section 6. Section 16-4-190(n) of the Salida Municipal Code, concerning Review Standards Applicable to Particular Uses, Temporary Commercial Uses and Activities, is hereby amended to read as follows:

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

...

(n) Temporary Commercial Uses and Activities. Temporary commercial uses and activities may be allowed only when:

(1) Use Allowed. The commercial use itself is allowed or is approved as a conditional use in the zone district.

(2) Parking. Adequate parking is provided for the use, as determined by the Administrator.

(3) Health and Safety Codes. The use complies with all applicable health and safety codes and a permit for the use is obtained from the Building Official.

(4) Location. The use is situated such that it does not block any required access or egress from the site and is not located on any required parking.

(5) Chapter 6 Article II. The use complies with Chapter 6 Article II of the Salida Municipal Code, which establishes other conditions of approval of Temporary Commercial Activities/Vending Permits, as applicable.

Section 7. Table 16-D of the Salida Municipal Code, entitled “Schedule of Uses,” within Chapter 16, Article IV, is hereby amended to read as follows:

Table 16-D Schedule of Uses									
N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									
...									
Commercial, Personal Service and Office Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards¹
...									
Temporary commercial activities <u>**</u>	N	N	N	N	<u>AR</u> <u>LR</u>	<u>AR</u> <u>LR</u>	AR	<u>AR</u> <u>LR</u>	Sec. 16-4-190(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. * 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. <u>** Any site or lot where more than two (2) temporary commercial activities or vendors are proposed must receive Limited Impact Review approval for the entire site.</u>									

Section 8. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation in the City of Salida by the City Council on the ____ day of _____, 2019.

INTRODUCED ON SECOND READING, FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY OR IN FULL, by the City Council on the ____ day of _____, 2019.

CITY OF SALIDA

By: _____
Mayor

ATTEST:

(SEAL)

By: _____
City Clerk/Deputy City Clerk

PUBLISHED IN FULL in the Mountain Mail on the ____ day of _____
_____, 2019, and **BY TITLE ONLY, OR IN FULL**, after Final Adoption on the ____ day of
_____, 2019.

By: _____
City Clerk/Deputy City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: September 3, 2019:

AGENDA ITEM NO. 5.a	ORIGINATING DEPARTMENT: Community Development	PRESENTED BY: Bill Almquist
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ITEM:

Resolution No. 2019-44 amending the 2019 Fee Schedule specifically regarding “Fees and Charges for Licenses: Liquor, Marijuana, Events, Vendors, Arborists and Short-Term Rentals” to account for updated outdoor vendor permit durations and requirements.

REQUEST / BACKGROUND:

Resolution No. 2019-44 will align the temporary commercial activity/vendor permit fees with the permit durations created through Ordinance No. 2019-13.

On September 3, 2019, City Council approved on second reading Ordinance No. 2019-13 which, among other things, created new durations for temporary commercial activity/vendor permits in increments of 10-, 45-, 180-, and 365-days.

DISCUSSION:

The proposed fees for each permit will appropriately reflect the amount of staff time and potential impacts to public property incurred with such vendor permits.

RECOMMENDED MOTION:

A Councilor should make the motion to “Approve Resolution No. 2019-44, a resolution of the City Council for the City of Salida, Colorado to amend the 2019 Fee Schedule specifically regarding “Fees and Charges for Licenses: Liquor, Marijuana, Events, Vendors, Arborists and Short-Term Rentals.”

ATTACHMENTS:

- Resolution No. 2019-44
- Exhibit A: “Fees and Charges for Licenses: Liquor, Marijuana, Events, Vendors, Arborists and Short-Term Rentals”

CITY OF SALIDA, COLORADO
RESOLUTION NO. 44
(Series 2019)

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO
AMENDING THE 2019 FEE SCHEDULE**

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

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

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

WHEREAS, the City Council has adopted the amended Fee Schedule through Resolution No. 2019-38 on July 2, 2019; and,

WHEREAS, the City Council has adopted Ordinance No. 2019-13 regarding Temporary Commercial Activities and Vending Permits which amended the durations for vendor permits; and,

WHEREAS, the pertinent amendments and updates to the 2019 Fee Schedule is attached hereto and incorporated herein as “Exhibit A: Fees and Charges for Licenses: Liquor, Marijuana, Events, Vendors, Arborists and Short-Term Rentals.”

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

1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.
2. This resolution and accompanying amendments to the Fee Schedule is intended to be reflected in the amended 2019 Fee Schedule, which shall supersede all previous fee schedules adopted by the City Council.
3. Effective upon approval, the City hereby adopts the amendments and updates to the 2019 Fee Schedule (amendments attached hereto as Exhibit A).

RESOLVED, APPROVED, AND ADOPTED this 3rd of September, 2019.

CITY OF SALIDA

By: _____
P.T. Wood, Mayor

[SEAL]

ATTEST: _____
City Clerk/Deputy City Clerk

Exhibit A:



**2019 Fees and Charges for Licenses:
Liquor, Marijuana, Events, Vendors, Arborists and
Short-Term Rentals
Salida Municipal Code Chapter 6**

TYPE OF LICENSE	FEE
<i>Liquor</i>	
New License	\$1,000.00
New License with Concurrent Review	\$1,000.00
Transfer of Ownership	\$750.00
Application Late Renewal Fee (Not more than 90 days of license expiration date)	\$500.00
Application Reissue Fee (More than 90 days but less than 180 days of license expiration date)	\$500.00
Application Reissue Fine (More than 90 days but less than 180 days of license expiration date)	\$ 25.00/day beyond the 90 day expiration date
Annual Renewal Application Fee	\$100.00
Annual Art Gallery Fee	\$100.00
Fire Inspection Fee	\$50.00 (initial visit) \$35.00 thereafter
<i>Types of Permits</i>	
Art	\$41.25
Art Gallery Permit	\$3.75
Bed & Breakfast Permit	\$3.75
Beer & Wine	\$48.75
Brew Pub	\$75.00
Club	\$41.25
Distillery Pub	\$75.00
Hotel & Restaurant	\$75.00
Liquor-Licensed Drugstore	\$22.50
Lodging & Entertainment	\$75.00
Mini Bar Permit with Hotel Restaurant	\$48.75
Optional Premises	\$75.00
Retail Liquor Store	\$22.50
Tavern	\$75.00
Vintner's Restaurant	\$75.00
Fermented Malt Beverage On Premises	\$3.75
Fermented Malt Beverage Off Premises	\$3.75
Fermented Malt Beverage On/Off Premises	\$3.75
Special Event Permit	\$100.00
<i>Other Charges to Existing Liquor Licenses</i>	
Change of Location	(not to exceed) \$750.00
Change of Trade Name/Corporate Name	N/A

Exhibit A:

Corporate/LLC Change (Per Person)	\$100.00
Manager Registration (Hotel & Restaurant; Tavern; Lodging & Entertainment; Campus Liquor Complex)	\$75.00
Modification of Premises	N/A
<i>Multiple Vendor and Outdoor Vendor Permit</i>	
Multiple Vendor Event Permit	\$75.00
Additional Fee Per Participating Vendor	\$20.00
Outdoor Vending Permit – 10 Day	\$50.00
Outdoor Vending Permit – 45 Day	\$100.00
Outdoor Vending Permit – 180 Day	\$200.00
Outdoor Vending Permit – 365 Day	\$400.00
Local Fire Inspection Fee (Food Vendors)	\$25.00
<i>Medical Marijuana</i>	
Annual Application Fee	\$1,000.00
Transfer of Ownership	\$750.00
Change of Location	\$750.00
Primary Contact/Manager Registration	\$75.00
Background Check (per person)	\$100.00
Corp/LLC Change (per person)	\$100.00
Local Fire Inspection Fee	\$50.00 (initial visit) \$35.00 thereafter
Change of Primary Contact/Manager	\$75.00
Modification of Premises	\$100.00
Change of Trade Name/Corp. Name	\$100.00
<i>Retail Marijuana</i>	
Annual Operating Fee	\$1,000.00
Transfer of Ownership	\$750.00
Change of Location	\$750.00
Primary Contact/Manager Registration	\$75.00
Background Check (per person)	\$100.00
Corp/LLC Changer (per person)	\$100.00
Local Fire Inspection Fee	\$50.00 (initial visit) \$35.00 thereafter
Change of Primary Contact/Manager	\$75.00
Modification of Premises	\$100.00
Change of Trade Name/Corp. Name	\$100.00
<i>Arborist License (SMC 6-4-10)</i>	
Arborist License	\$100.00
Penalty for Operating No License	\$100.00

Exhibit A:

<i>Short-Term Rental Business License</i>	
Short-term Rental Business License – New	\$150.00
Short-term Rental Business License – Renewal	\$100.00
Penalty for Operating without a Business License	\$1,000.00
Late Fee on Occupation Lodging Tax	\$50.00/quarter
<i>Open Records Requests</i>	\$33.58/hour past the first free hour



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: Sept. 3, 2019

AGENDA ITEM NO. 5.b.	ORIGINATING DEPARTMENT: Administration	PRESENTED BY: Nina Williams/Sonia Walter
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ITEM: Resolution 2019-45 regarding canceling the City of Salida November 5, 2019 election.

BACKGROUND: Salida Municipal Code Section 2-1-10 provides that the Uniform Election Code of 1992, which is Articles 1 to 14 of Title 1 of the Colorado Revised Statutes, governs the conduct of the Salida City elections that are part of a coordinated County Election.

The Uniform Election Code states that the City election can be cancelled as of the 63rd day before the election, if there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent. No candidates has filed affidavits of intents, and there are only as many candidates as offices to be filled at the upcoming November 5, 2019 election.

STAFF RECOMMENDATION: The County needs to be advised of an election cancellation by September 6, 2019, in order to avoid the waste of money, time, resources and paper. Therefore, the passage of this resolution at this time is recommended to cancel the election and deem the nominated candidates elected effective November 5, 2019.

SUGGESTED MOTION: A Councilperson should make the motion “to approve Resolution 2019-45 Canceling the City of Salida November 5, 2019 election and declaring the candidates elected Pursuant to the Requirements and Procedures of the Uniform Election Code of 1992 and the Salida Municipal Code”.

Attachments

Resolution 2019-45

CITY OF SALIDA, CO
RESOLUTION NO. 45
(Series of 2019)

A RESOLUTION OF THE SALIDA CITY COUNCIL CANCELING THE CITY OF SALIDA NOVEMBER 5, 2019 ELECTION AND DECLARING THE CANDIDATES ELECTED PURSUANT TO THE REQUIREMENTS AND PROCEDURES OF THE UNIFORM ELECTION CODE OF 1992 AND THE SALIDA MUNICIPAL CODE

WHEREAS, the Salida Municipal Code (“Code”) establishes rules and regulations for the operations of the City of Salida (“City”); and

WHEREAS, pursuant to its authority, the Salida City Council has previously adopted section 2-1-10 of the code, concerning the conduct of elections; and

WHEREAS, section 2-1-10 of the Code provides that the Uniform Election Code of 1992, Articles 1 to 14 of Title 1 of the Colorado Revised Statutes, shall govern the conduct of each City election which is held as part of a coordinated election for which the County Clerk and Recorder is the coordinated election official; and

WHEREAS, the Uniform Election Code of 1992 has governed and does govern the conduct of the regular City November 5, 2019 election and election process; and

WHEREAS, the Salida City Council wishes to provide for conduct of the November 5, 2019 regular City election pursuant to the Uniform Election Code; and

WHEREAS, pursuant to Section 1-5-208 of the Uniform Election Code and Section 2-1-10 of the Salida Municipal Code, the City Council may cancel the November 5, 2019 election and declare the candidates elected, finding that as of the 63rd day before the election pursuant to CRS § 1-5-208, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent.

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

Section 1. Uniform Election Code adopted for November 5, 2019 election. Pursuant to Section 2-1-10 of the Salida Municipal Code, the City Council hereby provides that the November 5, 2019 regular election will be conducted under the requirements and procedures of the Uniform Election Code of 1992.

Section 2. Election canceled. Pursuant to § 1-5-208, C.R.S. and Section 2-1-10 of the Salida Municipal Code, the City Council finds that the only matter before the voters at the November 5, 2019 regular City election is the election of persons to office, and at the close of business on the 63rd day before the election there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent. Accordingly, the Deputy City

Clerk is hereby instructed to cancel the November 5, 2019 election and to provide notification of such cancellation as required by statute and the Code.

Section 3. Candidates declared elected. Pursuant to CRS § 1-5-208 and Salida Municipal Code 2-1-10 the following nominated candidates are hereby declared elected effective as of the date of the canceled election: November 5, 2019:

- Mayor, P.T. Wood, term to expire November 2, 2021**
- Council Member, Ward 1: Jane Templeton, term to expire November 7, 2023**
- Council Member, Ward 2: Mike Pollock, term to expire November 7, 2023**
- Council Member, Ward 3: Alisa Pappenfort, term to expire November 7, 2023**
- Treasurer, Merrell Bergin, term to expire November 7, 2023**

Section 4. Notice of cancellation to be published and posted. Pursuant to CRS § 1-5-208(6) and the Salida Municipal Code, notice of the cancellation of the November 5, 2019 election shall be timely published in a newspaper of general circulation within the City and said notice shall also be posted at City Hall, the Chaffee County Clerk and Recorder, each polling place and all duly designated City posting locations.

RESOLVED, APPROVED, AND ADOPTED this ____ day of September, 2019.

CITY OF SALIDA

By: _____

P.T. Wood, Mayor

[SEAL]

ATTEST: _____

City Clerk/Deputy City Clerk

CITY OF SALIDA, COLORADO
CITY SALES, COUNTY SALES, AND RETAIL MARIJUANA TAX REPORT
JUNE 2019



The City of Salida Sales Tax, Chaffee County Sales Tax, and Retail Marijuana Tax Report examines tax collections for the month of June 2019, which were remitted to the City of Salida in August 2019, and includes an analysis for the year-to-date results along with prior-year results.

Summary Results for City Sales, Chaffee County Sales, and Retail Marijuana Taxes

Total June 2019 City sales tax collections increased \$42,404 (6.8%) as compared to June 2018. The City has been seeing strong Sales Tax revenues all year, collections are up year to date by \$286,268 or 10.5%. This month is the highest sales tax revenue month ever although the percentage change from the previous year is not as high as in other months. Staff speculates that we may be meeting the top limit of our capacity for generating sales during the summer months and thus will see higher % increases in the non-capacity (non-summer) months. Chaffee County sales tax collections were up \$17,537 or 8.2% for June and the Marijuana Tax was also higher by \$2,418 (27.9%).

In total sales tax receipts are 9.9% higher than last year at this time and are exceeding budget projections by \$266,480 (7.0%) (budget spread based on previous year sales tax collection patterns). All industries are up year-to-date with grocery and lodging collections seeing the highest increases in sales.

	June 2019	June 2018	2019 - 2018 \$ Change	2019 - 2018 % Change	June 2019 Budget	2019 Budget \$ Variance	2019 Budget % Variance
3% Sales Tax	\$ 663,163	\$ 620,759	\$ 42,404	6.8%	\$ 637,271	\$ 25,892	4.1%
1% County Tax	\$ 232,492	\$ 214,956	\$ 17,537	8.2%	\$ 220,673	\$ 11,819	5.4%
Marijuana	\$ 11,094	\$ 8,676	\$ 2,418	27.9%	\$ 8,907	\$ 2,187	24.6%
Total	\$ 906,749	\$ 844,391	\$ 62,358	7.4%	\$ 866,852	\$ 39,897	4.6%

Year to Date

	YTD 2019	YTD 2018	2019 - 2018 \$ Change	2019 - 2018 % Change	YTD 2019 Budget	2019 Budget \$ Variance	2019 Budget % Variance
3% Sales Tax	\$ 3,025,265	\$ 2,738,996	\$ 286,268	10.5%	\$ 2,811,854	\$ 213,411	7.6%
1% County Tax	\$ 1,000,231	\$ 926,852	\$ 73,379	7.9%	\$ 951,506	\$ 48,725	5.1%
Marijuana	\$ 44,461	\$ 39,077	\$ 5,384	13.8%	\$ 40,117	\$ 4,344	10.8%
Total	\$ 4,069,956	\$ 3,704,925	\$ 365,031	9.9%	\$ 3,803,476	\$ 266,480	7.0%

CITY OF SALIDA, COLORADO
CITY SALES, COUNTY SALES, AND RETAIL MARIJUANA TAX REPORT
JUNE 2019



3% Sales Tax by Industry

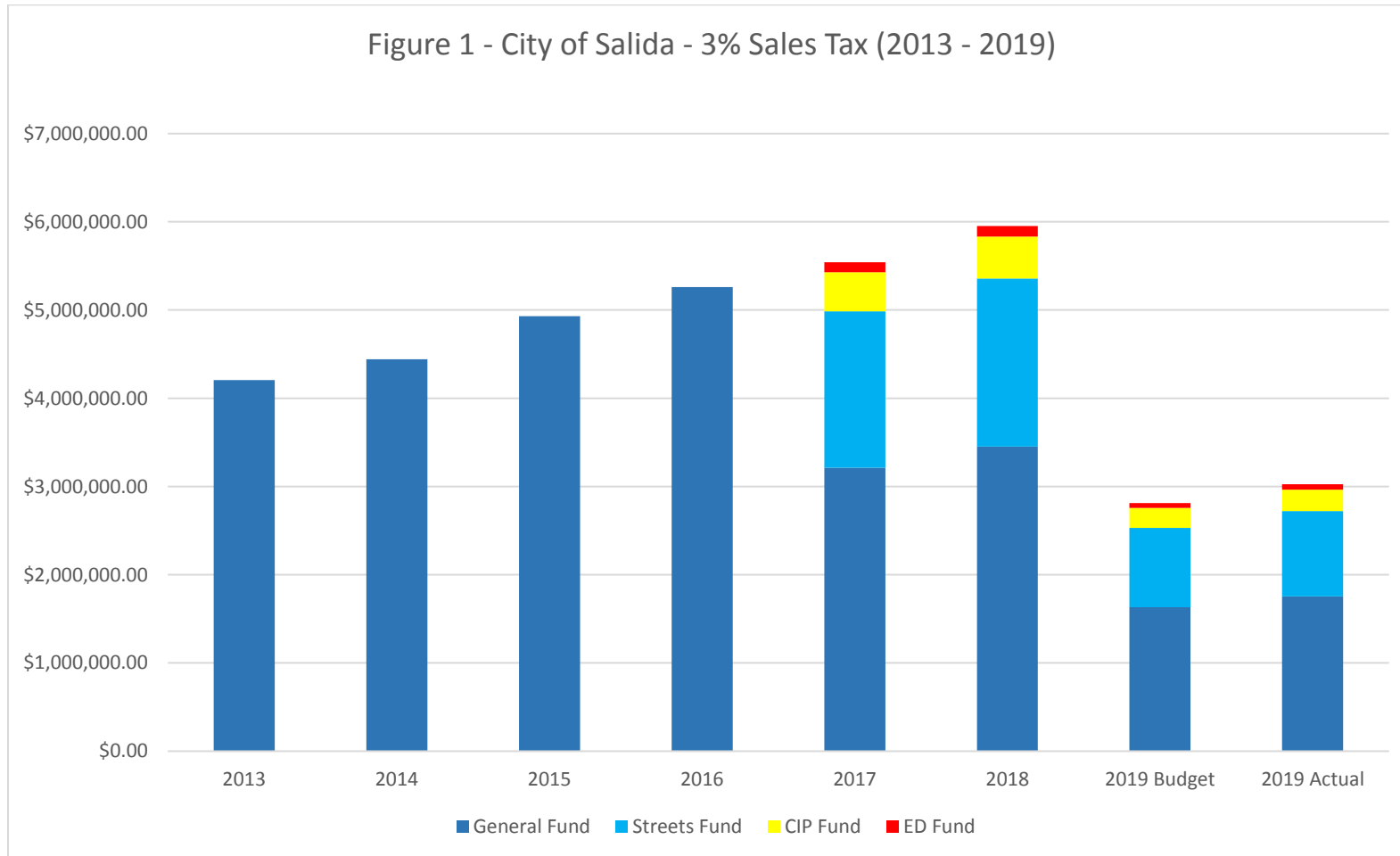
Current Month

	June 2019	June 2018	2019 - 2018 \$ Change	2019 - 2018 % Change
Retail	\$ 222,587	\$ 218,484	\$ 4,103	1.9%
Restaurants	\$ 90,464	\$ 90,614	\$ (150)	-0.2%
Grocery	\$ 55,359	\$ 19,108	\$ 36,251	189.7%
Lodging	\$ 53,350	\$ 45,321	\$ 8,029	17.7%
Building Supply	\$ 39,498	\$ 38,627	\$ 871	2.3%
Liquor	\$ 22,552	\$ 26,574	\$ (4,022)	-15.1%
Marijuana	\$ 25,056	\$ 18,114	\$ 6,942	38.3%
All Other	\$ 154,297	\$ 163,917	\$ (9,620)	-5.9%
Total	\$ 663,163	\$ 620,759	\$ 42,404	6.8%

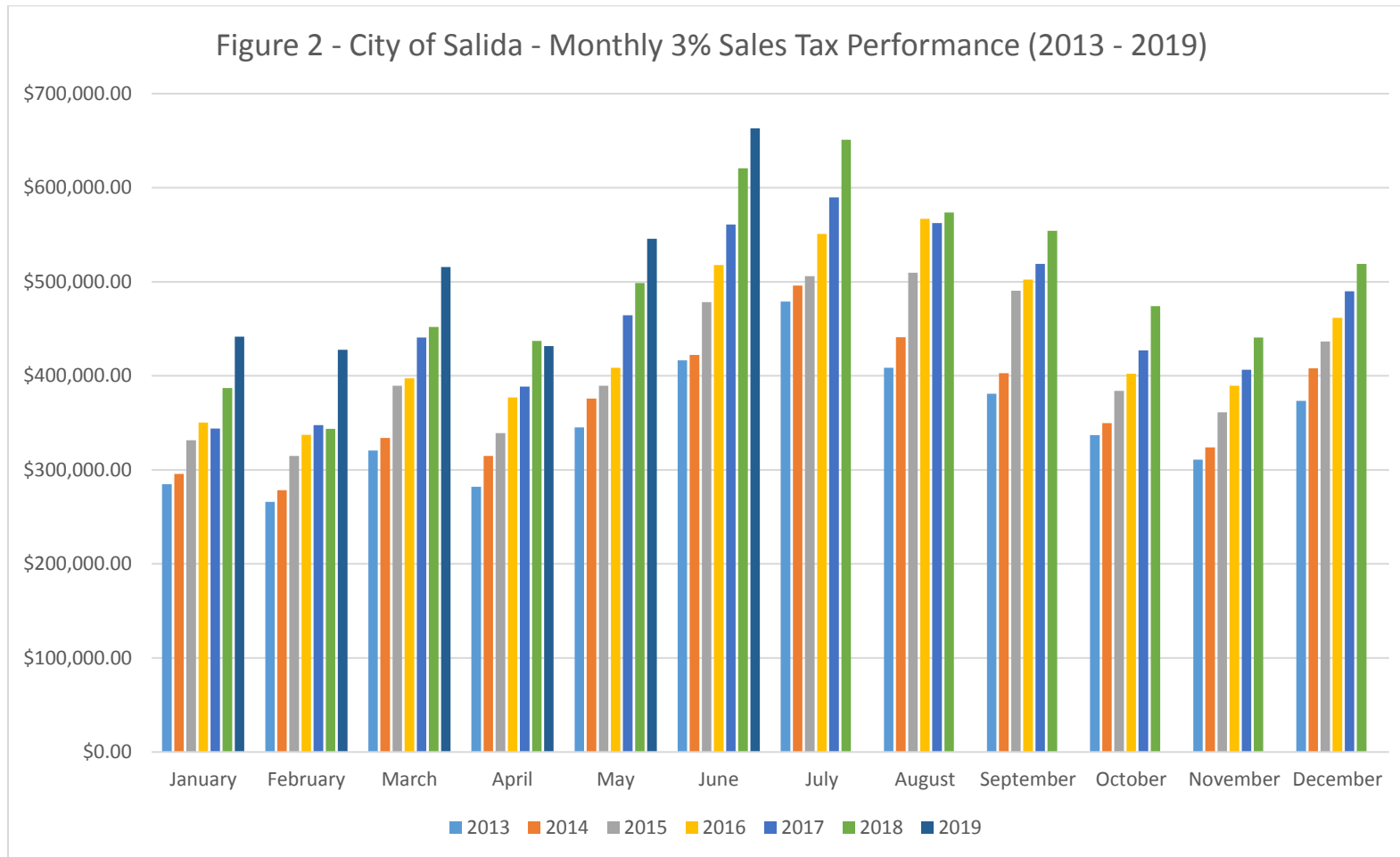
Year to Date

	YTD 2019	YTD 2018	2019 - 2018 \$ Change	2019 - 2018 % Change
Retail	\$ 1,160,780	\$ 1,082,971	\$ 77,809	7.2%
Restaurants	\$ 391,468	\$ 382,815	\$ 8,653	2.3%
Grocery	\$ 296,499	\$ 197,235	\$ 99,264	50.3%
Lodging	\$ 181,390	\$ 151,349	\$ 30,041	19.8%
Building Supply	\$ 172,520	\$ 167,782	\$ 4,738	2.8%
Liquor	\$ 90,225	\$ 87,538	\$ 2,687	3.1%
Marijuana	\$ 89,796	\$ 82,024	\$ 7,772	9.5%
All Other	\$ 642,587	\$ 587,282	\$ 55,304	9.4%
Total	\$ 3,025,265	\$ 2,738,996	\$ 286,268	10.5%

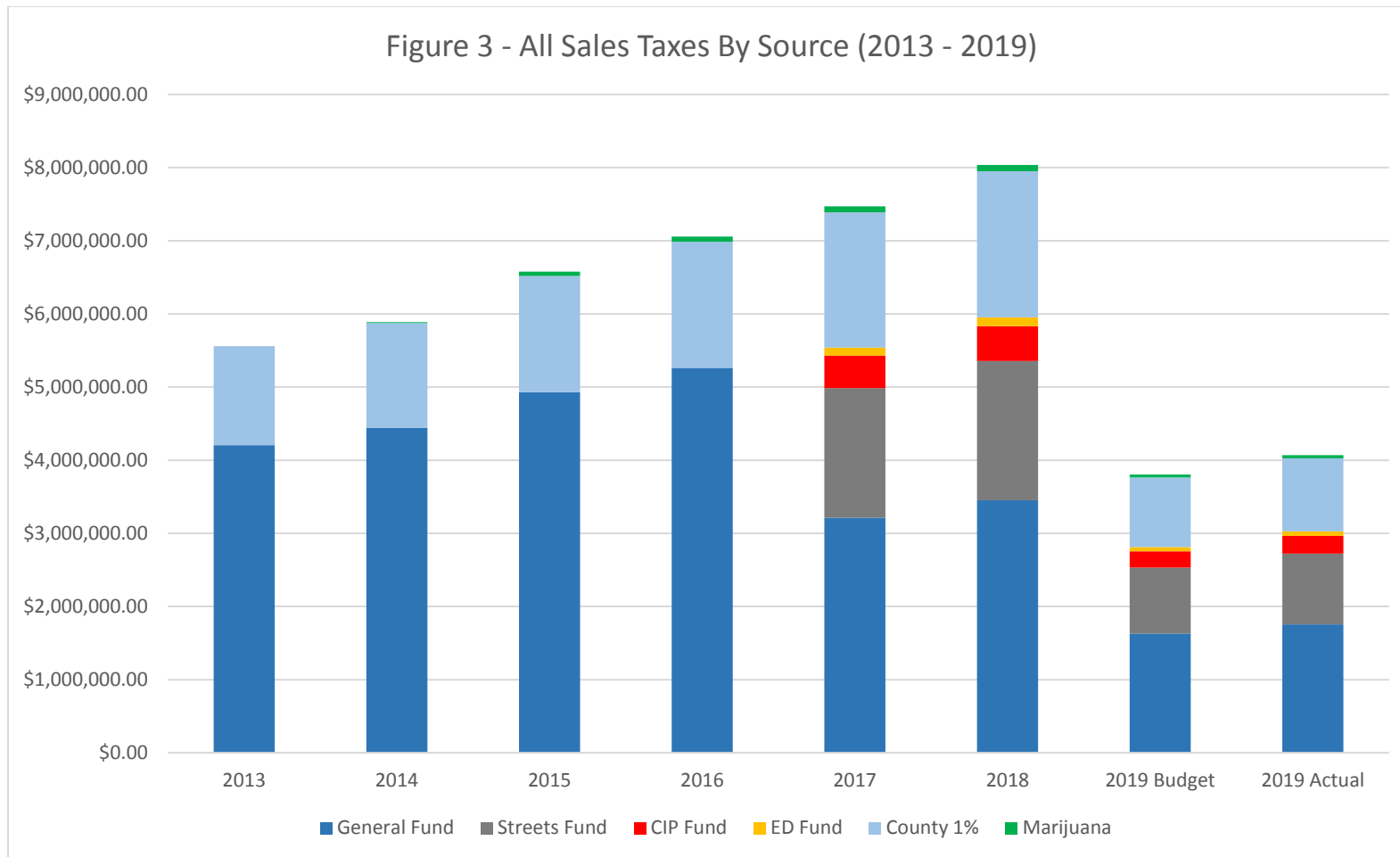
CITY OF SALIDA, COLORADO
CITY SALES, COUNTY SALES, AND RETAIL MARIJUANA TAX REPORT
JUNE 2019



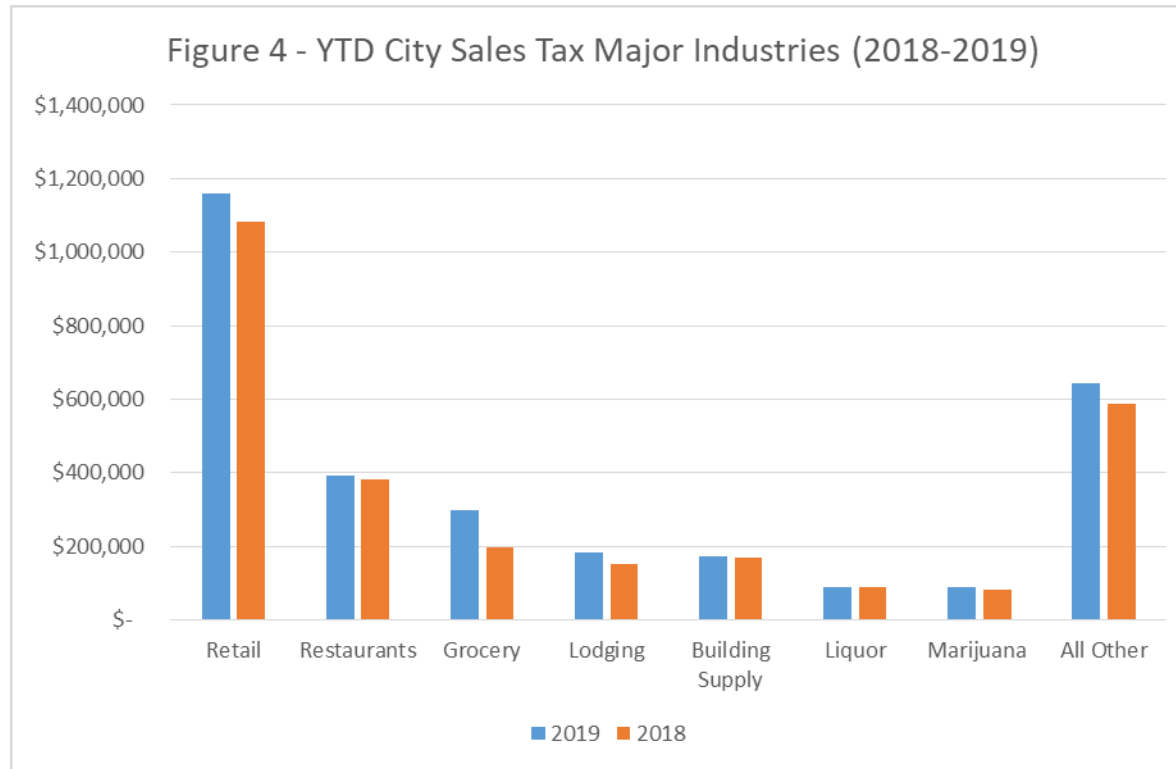
CITY OF SALIDA, COLORADO
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JUNE 2019



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JUNE 2019



CITY OF SALIDA, COLORADO
BUDGET TO ACTUAL COMPARISON
SIX MONTHS ENDING JUNE 30, 2019



Introduction

The purpose of this report is to show a very broad overview of how actual financial performance is tracking against budget goals year-to-date. The City of Salida has nine distinct funds. The General Fund along with the Water, Wastewater and Streets fund encompass 82% of the entire budget. The Capital Improvement, SteamPlant, Conservation Trust, and Lodging Funds make up the rest and are combined in this analysis as “other”. Since Sales Tax represents 50% of the City’s Revenue, the cut off for the financial report matches the period in which we have sales tax recorded on the books. If you would like more detail of any area of interest, please contact Aimee.Tihonovich@CityofSalida.com.

Highlights as of June 2019

Starting with this month’s tracking report, an analysis of the “net” revenues over (under) expenses will be provided and Fund Balances will also be provided. “Fund Balance” is an important component of the financial picture of a government, although often misunderstood. Basically, it is the accumulation of revenues and expenses since the inception of an entity. Fund Balance represents the value of everything owned by the City (assets), less everything owed (liabilities). Only the portion of fund balance “available” for operations is shown. Any restricted or unspendable fund balance is not shown on this report since those funds are not available for spending at the City’s discretion .

General Fund revenues are \$3,550,820 six months into the year which is \$15,529 higher than 50% of the budget (6 months’ worth). General Fund expenses are \$3,636,522 which is \$229,156 less than budget.

The Water fund revenues are lower than anticipated for this time of year in large part due to volume charges. Because 2019 is a wetter year than 2018, water usage is down. Less development this year compared to last results in system development fees lower than anticipated. Expenses are down year to date, largely due to spending on projects just getting underway. The Wastewater fund is the same story.

The Street fund is supported mostly by sales tax revenue which is strong. However, total revenues are behind the evenly spread budget. This is due to grant revenue in the budget being tied to projects. Note that expenses are also significantly down since projects were not underway yet in June. By year end, we may continue to see negative revenue budget variances offset by positive expense variances which is typical of funds that have large infrastructure maintenance or projects that carry over from year to year.

Finally, the “other” category is also showing revenues and expenses being down as compared to budget. The largest fund within this Category is the Capital Improvement fund and that fund is driving the budget results within that category and the explanation is the same as the Street fund (above).

Fund	YTD Actual	YTD Budget		Budget Variance	% Variance
		** (Evenly Spread)	Annual Budget		
"Available" Beginning Fund Balance at 1/1/2019					
General Fund	\$ 5,235,354	\$ 5,235,354	\$ 5,235,354	N/A	N/A
Water Fund	\$ 3,687,104	\$ 3,687,104	\$ 3,687,104	N/A	N/A
Wastewater Fund	\$ 2,354,413	\$ 2,354,413	\$ 2,354,413	N/A	N/A
Streets Fund	\$ (893,418)	\$ (893,418)	\$ (893,418)	N/A	N/A
All Other	\$ 877,825	\$ 877,825	\$ 877,825	N/A	N/A

Revenues *					
General Fund	\$ 3,550,820	\$ 3,535,292	\$ 7,070,583	\$ 15,529	0%
Water Fund	\$ 1,033,962	\$ 1,347,275	\$ 2,694,550	\$ (313,313)	-12%
Wastewater Fund	\$ 1,037,531	\$ 929,598	\$ 1,859,196	\$ 107,933	6%
Streets Fund	\$ 1,072,193	\$ 1,315,479	\$ 2,630,957	\$ (243,286)	-9%
All Other	\$ 739,764	\$ 909,893	\$ 1,819,785	\$ (170,129)	-9%

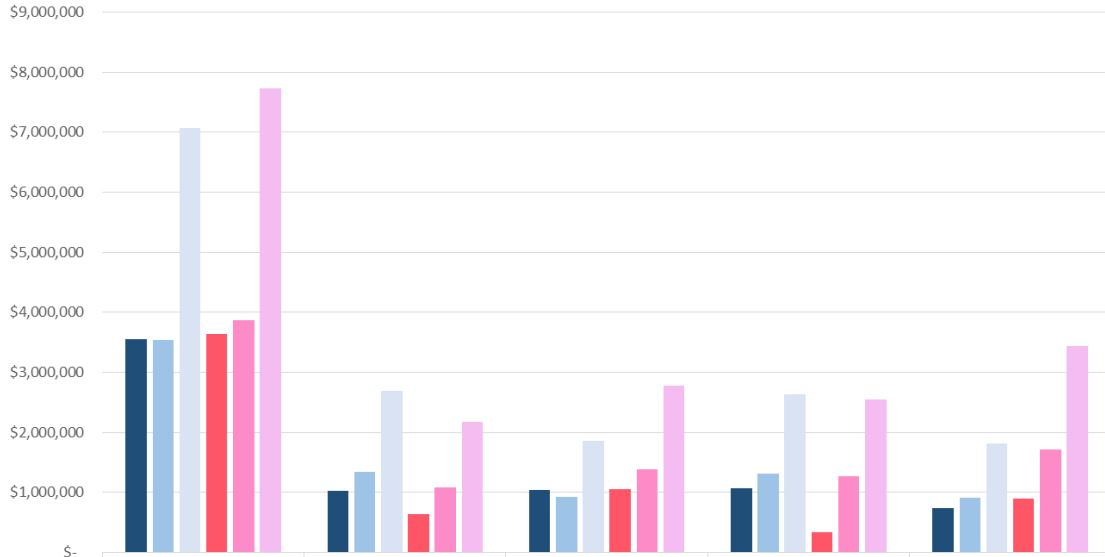
Expenses					
General Fund	\$ 3,636,522	\$ 3,865,678	\$ 7,731,356	\$ 229,156	3%
Water Fund	\$ 635,718	\$ 1,087,154	\$ 2,174,307	\$ 451,436	21%
Wastewater Fund	\$ 1,059,354	\$ 1,386,006	\$ 2,772,012	\$ 326,652	12%
Streets Fund	\$ 336,880	\$ 1,271,503	\$ 2,543,005	\$ 934,623	37%
All Other	\$ 902,244	\$ 1,717,159	\$ 3,434,318	\$ 814,915	24%

Net					
General Fund	\$ (85,702)	\$ (330,387)	\$ (660,773)	\$ 244,685	74%
Water Fund	\$ 398,244	\$ 260,122	\$ 520,243	\$ 138,123	53%
Wastewater Fund	\$ (21,823)	\$ (456,408)	\$ (912,816)	\$ 434,585	95%
Streets Fund	\$ 735,313	\$ 43,976	\$ 87,952	\$ 691,337	-1572%
All Other	\$ (162,480)	\$ (807,267)	\$ (1,614,533)	\$ 644,787	80%

Available Ending Fund Balance					
General Fund	\$ 5,149,650	\$ 4,904,968	\$ 4,574,581	\$ 244,683	5%
Water Fund	\$ 4,085,348	\$ 3,947,226	\$ 4,207,347	\$ 138,123	3%
Wastewater Fund	\$ 2,332,590	\$ 1,898,005	\$ 1,441,597	\$ 434,585	23%
Streets Fund	\$ (158,105)	\$ (849,442)	\$ (805,466)	\$ 691,337	-81%
All Other	\$ 715,345	\$ 70,559	\$ (736,708)	\$ 644,787	914%

A negative Fund Balance in the Streets Fund is the result of adjusting to pulling that fund activity out of the general fund in 2017, the Street Fund is expected to correct this negative position in the next few years.

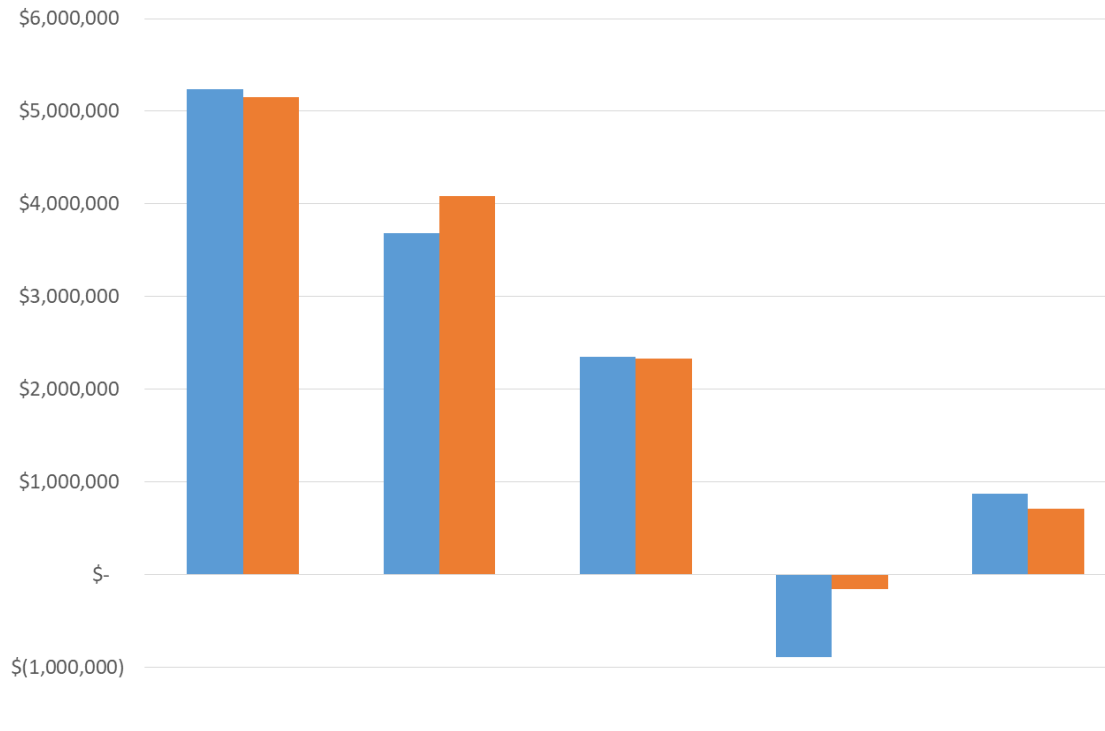
Revenue & Expense Budget To Actual by Fund
Six Months Ending June 30, 2019
(Revenue in Blue, Expense in Red)



	General	Water	Wastewater	Streets	All Other
■ 2019 Revenue YTD	\$3,550,820	\$1,033,962	\$1,037,531	\$1,072,193	\$739,764
■ YTD Revenue Budget	\$3,535,292	\$1,347,275	\$929,598	\$1,315,479	\$909,893
■ 2019 Revenue Budget	\$7,070,583	\$2,694,550	\$1,859,196	\$2,630,957	\$1,819,785
■ 2019 Expense YTD	\$3,636,522	\$635,718	\$1,059,354	\$336,880	\$902,244
■ YTD Expense Budget	\$3,865,678	\$1,087,154	\$1,386,006	\$1,271,503	\$1,717,159
■ 2019 Expense Budget	\$7,731,356	\$2,174,307	\$2,772,012	\$2,543,005	\$3,434,318

■ 2019 Revenue YTD ■ YTD Revenue Budget ■ 2019 Revenue Budget ■ 2019 Expense YTD ■ YTD Expense Budget ■ 2019 Expense Budget

Fund Balance 1/1/2019 compared to 6/30/2019

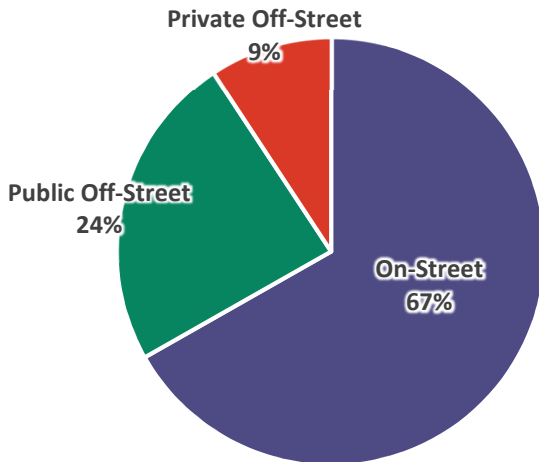


	General	Water	Wastewater	Streets	All Other
■ Beginning Fund Balance	\$5,235,352	\$3,687,104	\$2,354,413	\$(893,418)	\$877,825
■ Ending Fund Balance	\$5,149,650	\$4,085,348	\$2,332,590	\$(158,105)	\$715,345

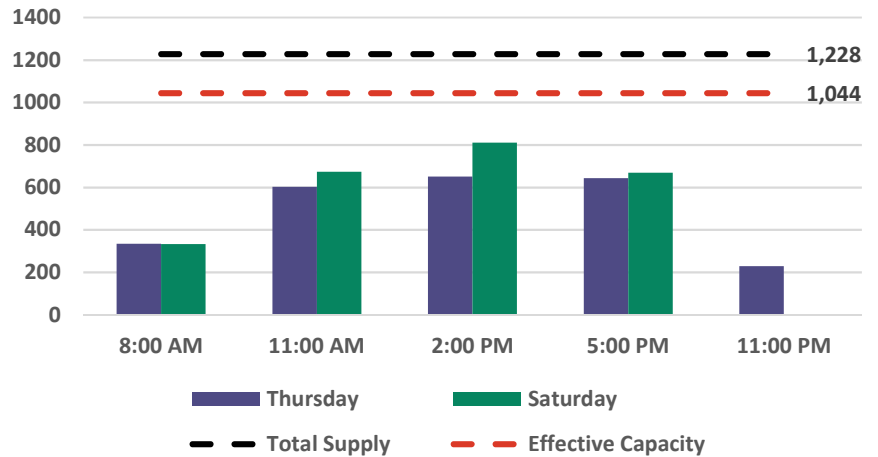


Existing Conditions: Key Takeaways

Total Inventory Composition

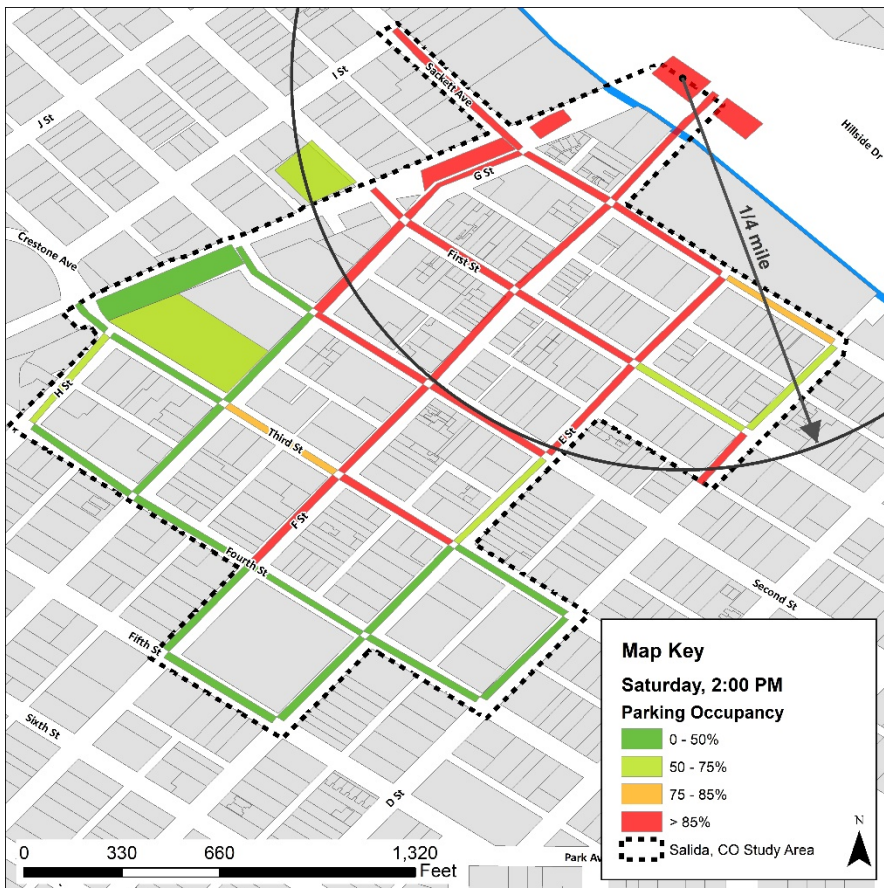


Total Parking Demand Summary



Total publicly available inventory in the Study Area is 1,114 spaces. Approximately two-thirds of the inventory is on-street.

Observed occupancies peaked on Saturday, August 10th at 2:00 PM, with approximately 66% of the parking supply occupied.



Observed peak occupancy indicates that parking supply is sufficient to meet existing demand on an aggregate basis; however, there are localized parking shortages in “hot spot” areas along F Street and in the northern central portion of the Study Area. 19 block faces and 4 surface lots were observed to have greater than 85% utilization during the peak period. Overall, a total surplus of 417 spaces was counted at this time.

The average on-street length of stay observed within the sample area was 91 minutes; however, 43 vehicles (approximately 15%) were observed to exceed the posted 2-hour time restriction for the sample area.