



WORKSESSION MEMORANDUM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	February 14, 2022

ITEM

Amplified Sound Permit Applications for 2022

BACKGROUND

In July of 2021, City staff provided the City Council with a memo (attached) regarding options for regulation of amplified sound in the Salida corporate limits. In that memo, staff analyzed a number of additional permitting regulations and conditions under which amplified sound could be administered. This analysis was done with an effort to balance the community's desire for entertainment, business interest in economic development, and requests from residents to limit the impacts of amplified sound within the downtown business district.

The Salida Municipal Code contains regulations for Noise Control under Section 10-9-10, *et seq.*, which provides that the City Administrator reviews and approves Amplified Sound Permits. Generally, Amplified Sound Permits have been approved without the need for public hearings and staff has established a standard ending time of 10:00 p.m. The City is allowed to regulate amplified sound via Colorado Revised Statutes section 25-12-103. C.R.S. § 25-12-103(1) establishes the baseline, statewide maximum decibel levels for various zones. C.R.S. § 25-12-103(11) excepts municipalities and their permittees from that provision by providing that *"this article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including but not limited to, nonprofit corporation, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays."* As such, C.R.S. allows the City to regulate amplified sound, including through the issuance of permits for noise in excess of the baseline levels in C.R.S. § 25-12-103(1). Under normal daily conditions, noise standards are fairly restrictive based on the source/receptor chart located in table 10-A of the SMC.

ANALYSIS

Staff worked directly with the City Attorney's office to draft a new application and information form for Noise Permits to enhance the administrative process to permit amplified sound. Attached is a draft application that includes additional information required to be provided to the City, along with additional conditions that provide guardrails on what type of activities will be permissible. While the SMC provides significant discretion for the City Administrator to review permits, it has become clear that additional guidelines are necessary to set standards that both businesses and residents can rely upon. Substantial additions to the application are as follows:

- Clear establishment of 10:00 p.m. as the ending time for amplified sound in all locations, with allowances to go until midnight on the Fridays and Saturdays of certain weekends – Memorial Day, FIBArk, 4th of July, and Labor Day weekends. Any later ending time outside of these weekends must be approved following a public hearing by the City Council. Notice for such public hearings is regulated in the SMC (notice is required to be posted at the regular posting site, which is the City's website).
- Limiting the total number of permitted events to between eighteen (18) and fifty four (54) for the calendar year, depending on how many permits the City Council feels comfortable allowing the City Administrator to approve administratively. Attached to this memo you will find 146 comments from interested individuals, many of which identified concerns about the restriction on the number of amplified sound permits that could be granted prior to requiring a public hearing. Any additional requested dates above the administrative number would be reviewed



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and approved following a public hearing of the City Council, and applicants could be given floating days to accommodate for last-minute bookings. This number was identified to allow between one (1) and three (3) events per week during the summer season, which is generally established as May 15th through September 15th.

- Additional delineation on maximum decibel levels that are received at any nearby property line. For purposes of the new application, it is suggested that a maximum level of 85 decibels (dBA) is appropriate at receiving properties. Please see the attached chart from the American Academy of Audiology for explanation of decibel levels.
- New conditions related to the arrangement of equipment to require establishments to be thoughtful about the placement of speakers and other devices that emit sound, with the intent of reducing impacts and disturbance to surrounding properties.

The draft permit application also allows for additional conditions to be placed on the event by either the City Administrator or City Council, should that be necessary. One example of this would be to limit total duration of amplified sound events, should an application be made that is excessive. Staff will monitor all applications to ensure appropriateness with the criteria outlined in the SMC. One additional item to note - the draft application includes redlines from the version that was shared on February 8th, allowing interested parties to see what was amended following public feedback.

It should be noted that the proposed conditions on the permit are in line with those imposed by other communities in Colorado. Staff was provided with examples from Denver, Frisco, and Aspen, and regulations from Greenwood Village (i.e. Fiddler's Green) and Wheat Ridge were also reviewed. It should also be noted that some other comparable communities do not have amplified sound regulations within their municipal codes; rather, they regulate events through their special event processes.

RECOMMENDATION

Staff requests City Council feedback on the changes made to the Noise Permit Application, including the standardized time limit, total number of permits available to businesses/properties during the calendar year, and decibel levels established by the permit document. We believe that the revised permit reflects the desires of the City Council and the community in balancing the needs of businesses, residents, and those looking for evening entertainment in Salida's desirable climate.



CITY OF SALIDA

OVERVIEW OF LOCAL NOISE REGULATIONS & PERMITTING

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

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

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

Applications for a noise permit must be submitted on the attached “Application for a Noise Permit” form and submitted along with an application fee of ___ dollars (\$___.00) at least five (5) working days prior to the date for which the permit is sought.



CITY OF SALIDA

NOISE PERMIT APPLICATION

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

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

Completed applications can be submitted in-person to the City Clerk at 448 E. First Street, Suite 112, or via email to clerk@cityofsalida.com. Applications must be submitted at least five (5) working days prior to the date for which the permit is sought.

I. Applicant Information.

Applicant Name: _____

Applicant Business/Organization: _____

Applicant Phone: _____

Applicant Email: _____

Applicant Address: _____

Sound Supervisor¹: _____

Sound Supervisor Phone: _____

II. Event Information.

Description of Event: _____

Estimated Attendance: _____

Date(s): _____

Hours of Event: _____

Location of Event: _____

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



III. Noise Information.

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

Type of Sound Amplification Equipment:

IV. Agreement.

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

Signature: _____

Date: _____

For use by the City Clerk only:

Application fee received: [☐] Yes [☐] No

Signature: _____

Date: _____



CITY OF SALIDA NOISE PERMIT

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

I. Conditions and Limitations Applicable to All Permits.

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

- No noise is permitted after 10:00 PM, unless specifically authorized by the City Council following a public hearing. No noise is permitted after midnight on the Fridays and Saturdays of Memorial Day weekend, 4th of July weekend, and Labor Day weekend. No noise is permitted after midnight on the Thursday, Friday, and Saturday during the FIBArk festival.
- No noise is authorized in excess of the maximum limit of 85 dB(A), as measured from any point along the property line or within the property line of the receiving premises. Measuring devices shall be those specifically utilized by the City of Salida.
- All amplification equipment shall be arranged so as to minimize the disturbance to neighboring properties, and permittees shall take reasonable measures to baffle or reduce noise impacts to neighbors.
- No outdoor amplified sound shall be permitted between November 1 through May 1.
- A maximum of eighteen (18)/fifty four (54) amplified sound permits may be granted to same location during a single calendar year, ~~and up to six (6) during any single month of the year~~, unless additional permits are specifically authorized by the City Council following a public hearing.

II. Conditions and Limitations Applicable to this Permit.

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

- _____
- _____
- _____

III. Expiration.

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

Date(s): _____

Expiration: _____

For use by the City Administrator only:

Application granted: [] Yes [] No

Signature: _____

Date: _____



MEMORANDUM

DATE: July 6, 2021
FROM: Drew Nelson, City Administrator
TO: Mayor PT Wood and Salida City Council
SUBJECT: Amplified Sound Review

Background

The City Council has received information from concerned citizens with regard to amplified sound emanating from downtown Salida businesses. At the last regular City Council meeting, the Council requested a review of this matter at a future worksession. The Salida Municipal Code contains regulations for Noise Control under Section 10-9-10, which is attached hereto. The office of the City Administrator regularly reviews and approves Amplified Sound Permits (application form is also attached, as permitted by Section 10-9-80 of the SMC). Generally, Amplified Sound Permits have been approved without need for a public hearing and standard practices include an ending time of 10:00 p.m. All amplified sound – including City-promoted events at Riverside Park and elsewhere – have been required to submit an Amplified Sound Permit, which extends through every zoning district throughout the community.

Analysis

As noted in the attached information, the City of Salida utilizes standards for noise control as established in the SMC. Generally, noise standards in the City are fairly restrictive based on the source/receptor chart located in table 10-A of the SMC. Attached is a breakdown of noise levels from the American Academy of Audiology to assist with understanding what ambient noise levels mean in reality.

For amplified sound, if a permit is granted, there are no noise level caps between source and receptor properties. Rather, control is limited to “time and place” restrictions in the permit itself once issued. The City generally receives very few complaints about approved Amplified Sound Permits, with the exception of recent concerns about new live music venues that have been opened in downtown Salida. As noted above, staff has utilized a general rule to limit the time of Amplified Sound Permits to 10:00 p.m. to strike a balance between business interests and nearby residents. Over the past three years, staff has not required a public hearing for an Amplified Sound Permit, and staff has not denied a permit application during that time.

Compliance monitoring by law enforcement and other staff places a workload strain on both City staff and proprietors of live music venues. Depending on the time of an event, staff may not be available to monitor amplified sound at the moment that a noise complaint is submitted, creating enforcement challenges.

Recommendation

In reviewing Amplified Sound Permits over the past few years, specific noise complaints associated with certain permits have been limited to one property owner/resident expressing concerns about one business that routinely utilizes amplified sound for live music performances. The limited nature of the concerns expressed to staff would indicate that the existing program to permit amplified sound works for the overwhelming majority of the community; however, staff is interested in whether there are additional boundaries that could be placed on the program for the benefit of the community.

As noted above, the 10:00 p.m. ending time is a general guideline that staff utilizes to consider the issuance of an Amplified Sound Permit. This ending time appears to be acceptable to most businesses and residents that have provided feedback to the City, with a few limited exceptions (i.e. a desire to provide amplified sound past 10:00 p.m. during FIBArk).

There was interest expressed by some City Councilmembers to require a review by the City Council of all Amplified Sound Permits via a public hearing; however, staff would suggest there may be other standards available to create a level playing field for both commercial businesses as well as neighboring residents. To require public hearings for all Amplified Sound Permits would consume a sizeable amount of staff and City Council resources while also limiting a business's ability to quickly plan for an amplified sound event. Often, the availability of music acts is not known more than four weeks out (which is approximately the minimum amount of time needed to notify neighbors, post properties, schedule public hearings, and ensure that the City Council meetings line up ahead of an event), which creates an unreasonable amount of uncertainty for business owners. In addition, the criteria for approval or denial of Amplified Sound Permits would most likely be subjective, at best.

In consideration of the logistics for managing this program, staff would offer the following:

- Overall, the Amplified Sound Permit program seems to work for both businesses and most residents. Scrapping the existing administrative permitting process for one that requires a public hearing and approval by the City Council would be overly cumbersome, lengthy, and incompatible with normal operations for businesses.
- In the downtown commercial area, expectations of amplified sound for entertainment should be expected, but the peaceful enjoyment of one's residence should also occur. Limits on the total number of Amplified Sound Permits granted to one establishment in a calendar year could be established in the Salida Municipal Code. Any permit applications above a base number could be authorized by the City Council following a public hearing and notice to surrounding residents. Staff would suggest one permit per week during the summer season (May 15th to September 15th, or approximately 18-19 total permitted events).
- Staff would suggest pursuit of a general rule – established in the Salida Municipal Code – that would provide an end time for administratively-approved Amplified Sound Permits of 10:00 p.m. within the downtown commercial area. If an amplified event is suggested to extend beyond 10:00 p.m. by the applicant, permission to do so should be authorized by the City Council following a public hearing and notice to surrounding residents. This would be easier to manage for law enforcement as opposed to a hodgepodge of ending times throughout downtown.
- In residential neighborhoods (i.e. amplified sound for a backyard party), notice could be provided to surrounding neighbors for any application for an Amplified Sound Permit to ensure that the neighborhood was aware of an event. The City receives very few permit applications in residential areas annually.

ARTICLE IX. - NOISE CONTROL

Sec. 10-9-10. - Purpose.

This Article is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens of the City through the reduction, control and prevention of noise. It is the intent of this Article to establish standards that will eliminate and reduce unnecessary and excessive noise which is physically harmful and otherwise detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

Sec. 10-9-20. - Definitions.

The following words and phrases, when used in this Article, shall have the meanings respectively ascribed to them:

Ambient sound level means the A-weighted sound level of all sound associated with a given environment, exceeded ninety percent (90%) of the time (L90), measured and being a composite of sounds from many sources during the period of observation while the sound from the noise source of interest is not present.

Amplified sound means any sound produced by any means, the volume of which is amplified or increased through electronic or electromechanical means.

A-weighted sound pressure level means the sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A).

Commercial power equipment means any equipment or device rated at more than five (5) horsepower and used for building repairs or property maintenance, excluding snow removal and lawn care equipment.

Commercial premises means any developed parcel or premises where less than fifty percent (50%) of the total gross floor area of all buildings on the premises meets and satisfies the definition of residential premises as set forth below.

Construction equipment means any device or mechanical apparatus operated by fuel, electric or pneumatic power in the excavation, construction, repair, maintenance or demolition of any building, structure, lot, parcel, street, alley, waterway or appurtenance thereto.

Decibel means a logarithmic unit of measure often used in measuring magnitude of sound. The symbol is dB.

Domestic power equipment means any equipment or device rated at five (5) horsepower or less and used for building repairs or grounds maintenance, excluding snow removal, tree maintenance and lawn care equipment.

Emergency power generator means the equipment used to generate electrical power in the event of an interruption, malfunction or failure of the electrical power supplied by a service provider.

Emergency vehicle means an authorized motor vehicle that has sound warning devices such as whistles, sirens and bells which can lawfully be used when responding to an emergency or police activity, or which is required by state or federal regulations.

Emergency work means an activity made necessary to restore property to a safe condition following a severe weather incident, natural disaster or public calamity, or work required to protect persons or property from injury or exposure to imminent danger. It includes work by private or public entities for immediately providing or restoring necessary utility service, as well as all situations deemed necessary by the City.

Industrial premises means any premises where manufacturing, processing or fabrication of goods or products takes place.

Lawn care equipment means equipment used to cut, vacuum or sweep grass, blow away lawn clippings or leaf debris, or aerate turf.

Motor vehicle means any vehicle which is self-propelled and used for transporting persons or property upon public roadways, inclusive of motorcycles. The term motor vehicle shall not include: aircraft, watercraft, mechanical street sweepers, self-propelled construction equipment, motor vehicles operated exclusively on private property for recreational or amusement purposes, vehicles used exclusively on stationary rails, or specialized utility vehicles normally used only on private property in the daily course of business, such as forklifts and pallet movers.

Muffler-approved exhaust type means an apparatus which consists of a series of chambers, baffle plates or other mechanical devices designed for the purpose of receiving and transmitting exhaust gases and which reduces sound emanating from such an apparatus by at least twenty (20) decibels in the A-weighting network dB(A) from the nonmuffled condition.

Noise means sound that is unwanted and which causes or tends to cause annoyance and/or adverse psychological or physiological effects on human beings, or disturbs the peace and quiet of persons on a receptor premises.

Premises means any building, structure, land, utility or portion thereof, including all appurtenances, and also includes yards, lots, courts, inner yards and properties without buildings or improvements owned or controlled by a person.

Property line means that real or imaginary line and its vertical or horizontal extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, inclusive of the lines that separate units in a multiple-unit building.

Public premises means all real property, including appurtenances thereon, which is owned or controlled by any governmental entity, and includes streets, alleys, sidewalks, parks and waterways.

Receptor premises means a premises (residential, commercial, industrial or public) as listed in Table 10-A below which is receiving noise emitted from a source premises after crossing one (1) or more property lines.

Residential premises means any lot, parcel or premises where single-family, two-family or multiple-dwelling units exist, and shall also include schools, churches, nursing homes, long-term care and similar institutional facilities where the use of more than fifty percent (50%) of the gross floor area of the subject premises satisfies and meets this definition.

Snow removal equipment means any equipment used for removing snow from land or building surfaces and includes snowplows, snowblowers, snow sweepers and snow shovels.

Sound means an oscillation in pressure, stress, particle displacement and particle velocity which induces auditory sensation.

Sound level meter means an apparatus or instrument, including a microphone, amplifier, attenuator, output meter and frequency weighting networks, for the measurement of sound levels. The sound level meter shall be of a design and have the characteristics of a Type 2 or better instrument as established by the American National Standards Institute, Publication S1.4-1971, entitled Specification for Sound Level Meters, or its current successor publication.

Sound pressure level means twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^6 Newtons/meter²), and is expressed in decibels (dB).

Source premises means a premises (residential, commercial, industrial or public) as listed in Table 10-A that is emitting noise that is crossing one (1) or more property lines and impacting the receptor premises.

Tree maintenance equipment means any equipment used in trimming or removing trees only, and shall not be limited to chainsaws, chippers and stump removers.

Sec. 10-9-30. - Prohibitions.

- (a) It is unlawful for any person to use, keep, have in his or her possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood; provided, however, that the provisions of this Section shall not apply to hospitals licensed for the treatment of small animals.
- (b) It is unlawful for any person to carry or use upon a vehicle, other than Police or Fire Department vehicles or emergency vehicles for public use, any gong, siren, whistle or red light similar to that used on ambulances or vehicles of the Police and Fire Departments.
- (c) It is unlawful for any person to emit or cause to be emitted any noise which leaves the premises on which it originates, inclusive of a public premises, crosses a property line and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table 10-A below. In determining whether a violation of this Section is occurring, the noise and/or noise source shall be measured at any point along the property line or within the property line of the receiving or receptor premises.
- (d) When in any case it is determined that the ambient sound level at the receiving premises equals or exceeds the maximum allowable sound pressure level specified in Table 10-A, the ambient sound level of the receiving premises is the standard which cannot be exceeded by the subject or offending noise.

TABLE 10-A

Maximum Allowable Noise Levels (in dBA) with Time-of-Day Allowance

	<i>Receptor Premises</i>			
	<i>Residential</i>	<i>Commercial</i>	<i>Industrial</i>	<i>Public</i>

Source Premises	7 am— 10 pm	10 pm — 7 am	7 am— 10 pm	10 pm — 7 am	7 am— 10 pm	10 pm — 7 am	7 am— 10 pm	10 pm — 7 am
Residential	55	50	65	60	80	75	75	70
Commercial	55[60]	50[60]	65	60	80	75	75	70
Industrial	55[65]	50[65]	65	60	80	75	75	70
Public	55[60]	55[60]	65	60	80	75	75	70

Note— The numbers in brackets [] are the allowable limits that comply with Exemption (13) below.

Sec. 10-9-40. - Exemptions.

Notwithstanding the provisions of Section 10-9-30 above, the maximum allowable sound pressure levels as set forth in Table 10-A above shall not apply to sounds emitted from:

- (1) Any bell or chime from any building clock, school or church, but excluding any amplified bell or chime sounds emitted from loudspeakers.
- (2) Any siren, whistle, bell or audible warning device lawfully used by an emergency vehicle or on construction equipment, or any other alarm system used in case of fire, collision, civil defense, police activity or imminent danger; provided, however, that burglar alarms or construction equipment alarms or warning devices not terminated within fifteen (15) minutes after being activated shall be deemed a nuisance and unlawful.
- (3) Any aircraft in flight subject to federal law regarding noise control, and any helicopter in the act of landing or taking off at a helipad licensed by the City, so long as the helicopter is not landing or taking off in violation of any conditions or restrictions of the helipad's license.
- (4) Any ground-based aircraft activity, including testing or engine run-up noise; provided, however, that emission of such noise in excess of a sound pressure level of seventy (70) dB(A) when measured upon an inhabited residential premises shall be deemed an unlawful nuisance.
- (5) Any tree maintenance or lawn care equipment operated upon a residential, commercial, industrial or public premises during the time period between 7:00 a.m. and 9:30 p.m.; provided, however, that the operation of tree maintenance or lawn care equipment between the hours of 9:30 p.m. and 7:00 a.m. shall not exceed the maximum sound pressure levels as specified in Table 10-A above.
- (6) Any construction equipment or activities in compliance with Section 10-9-50(3) below.
- (7) Any domestic power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 9:30 p.m.; provided that such equipment does not exceed a sound

pressure level of eighty (80) dB(A) when measured twenty-five (25) feet from the property line of the property on which the equipment is being operated; and further provided that, between the hours of 9:30 p.m. and 7:00 a.m., such equipment does not exceed the maximum sound pressure levels as specified in Table 10-A above.

- (8) Any commercial power equipment operated upon any residential, commercial, industrial or public premises between 7:00 a.m. and 9:30 p.m., provided that such equipment does not exceed a sound pressure level of eighty-eight (88) dB(A) when measured twenty-five (25) feet from the property line of the property on which the equipment is being operated; and further provided that between 9:30 p.m. and 7:00 a.m., such equipment does not exceed the maximum sound pressure levels as specified in Table 10-A above.
- (9) The musical instruments of any school marching band while performing at any sporting event or marching band competition, and the musical instruments of any school marching band practicing on school grounds that do not exceed sixty-five (65) dB(A) when measured at the property line of any receiving residential premises.
- (10) Snow removal equipment operated on any premises following a snowstorm between the hours of 5:00 a.m. and 10:00 p.m.; provided that such equipment does not exceed the sound pressure limits of eighty-eight (88) dB(A) commercial power equipment, or eighty (80) dB(A) for domestic power equipment, when measured at a distance of twenty-five (25) feet from the property line of the property on which the equipment is being operated.
- (11) Any power generator providing emergency electrical power at any hospital, health clinic, nursing home or similar facility where the loss of electrical power poses an immediate risk to the health, safety or welfare of any person, or at any premises where such equipment is required by the Fire Department. Additionally, the noise emitted during the routine testing of emergency electrical power generators shall not exceed eighty-eight (88) dB(A) at a distance of twenty-five (25) feet from the property line for the property on which the generator is operated. Routine testing shall not exceed one (1) hour in any one-week period, or two (2) hours in any six-week period, and shall be confined to the hours of 10:00 a.m. to 4:00 p.m., or as otherwise approved.
- (12) Any industrial, commercial or public premises exceeding the standards of Table 10-A above at a receiving residential premises when the zoning classification for the receiving residential premises does not allow residential use by right (that is, the residential use is nonconforming). However, in such situation the noise emitted by the industrial, commercial or public premises shall not exceed the standards for a receiving industrial, commercial or public premises, respectively.
- (13) Any industrial, commercial or public premises exceeding the standards of Table 10-A above at a receiving residential premises when such industrial, commercial or public premises and their emitted noise level were in existence prior to the existence of the residential premises; provided, however, that the existing industrial premises does not exceed sixty-five (65) dB(A), and the commercial premises do not exceed sixty (60) dB(A), when measured at the receiving residential premises.
- (14) Any noise specifically authorized by permit duly issued by the City, inclusive of a parade permit, and noise created or caused by employees, contractors or agents of the City while performing emergency work or activities necessary to address a natural or manmade disaster, calamity or emergency.

Sec. 10-9-50. - Prohibited noise activities.

Notwithstanding the sound pressure levels and/or limits permitted in Section 10-9-30 above, the following activities are prohibited everywhere in the City:

- (1) No person shall at any time sound any horn or other audible signal device of a motor vehicle unless it is necessary as a warning to prevent or avoid a traffic accident, or is reasonably necessary to inform or warn of a vehicle presence, inclusive of audible back-up safety warning devices.
- (2) No person shall operate any trash compacting mechanism on any motor vehicle or on any premises, nor shall any person engage in any trash, rubbish or garbage collection activity, between the hours of 10:00 p.m. and 6:30 a.m. when such compacting or collection activity takes place on any premises, other than a public premises, adjacent to, or across the street or alley from, a residential premises.
- (3) No person shall operate any construction equipment, nor conduct any construction activities, that exceeds the noise limits of Table 10-A above between the hours of 9:00 p.m. and 7:00 a.m.; provided, however, that the City may grant variances from the construction restrictions if it can be demonstrated that a construction project will interfere with traffic if completed during daytime hours, or that other extenuating circumstances exist requiring relief from this prohibition; and further excepting the operation of municipal street sweeping equipment.
- (4) Except for an authorized public address system utilized to announce a sporting or recreational event, no noise shall be emitted from any radio, tape/CD player, electronic sound system or similar electronic amplified sound reproduction or receiving device on or within any public park or recreational area in excess of fifty-five (55) dB(A) unless authorized under a permit as obtained under Section 10-9-90 below.

Sec. 10-9-60. - Motor vehicle noise prohibited.

- (a) No person shall operate, nor shall the owner permit the operation of, any motor vehicle or combination of motor vehicles at any time or place when such operation exceeds the following noise sound pressure levels for the category of motor vehicles as specified in Table 10-B below. The standards in Table 10-B shall apply to all noise emitted from a motor vehicle, including any and all equipment thereon, and under any condition of acceleration, deceleration, idle, grade or load, and whether or not in motion; excepting audible backup safety warning devices.
- (b) It is unlawful for any person to drive or move, or for the owner of any motor vehicle to permit to be driven or moved, any motor vehicle which is not equipped with an approved exhaust muffler satisfying the requirements of this Section; and/or to modify or change an approved exhaust muffler, air intake muffler or any other sound-reducing device in such a manner that the noise emitted from the motor vehicle exceeds the sound pressure levels as established in Table 10-B below, or is increased above the sound pressure level of the vehicle as originally manufactured. Muffler cutouts, bypasses or other devices which increase sound pressure levels or change the original manufactured exhaust system of any motor vehicle shall be considered a violation of this Article.

TABLE 10-B**Maximum Allowable Noise Sound Pressure Levels for Motor Vehicles**

<i>Type of Vehicle</i>	<i>Time Period</i>	<i>Maximum Allowable Sound Pressure Level</i>	<i>Measurement Distance from Motor Vehicle</i>
Motor vehicles weighing less than 10,000 lbs., manufacturer's gross vehicle weight (GVWR)	At any time	80 dB(A)	25 feet
Motor vehicles weighing 10,000 lbs. or more, manufacturer's gross vehicle weight (GVWR)	At any time	86 dB(A)	25 feet

Sec. 10-9-70. - Sound level measurements.

Sound level measurements made pursuant to this Article shall be made with a sound level meter of standard design using the weighting network/scale.

Sec. 10-9-80. - Sound permits.

- (a) A permit to vary or temporarily waive the maximum allowable noise levels as specified in this Article may be applied for and obtained from the City for special events or activities, including, without limitation, musical performances or other entertainment events, fireworks displays, parades and seasonal commercial activities. Applications for a permit shall be made on approved forms and be submitted along with any application fee to the City Clerk not less than five (5) working days prior to the date for which the permit is sought. The application shall be promptly routed by the City Clerk to the City's zoning and police officials, who shall forward their comments concerning the same to the City Administrator.
- (b) The City Administrator may grant or deny a permit application taking into consideration the nature and duration of the noise/activity sought to be permitted, the location of the proposed noise/activity, the anticipated impact of the proposed noise/activity on surrounding properties and neighborhoods, and whether the public health and safety will be injured or served by the issuance of the permit. The City Administrator may also waive the permit application deadline set forth in subsection (a) above for good cause shown.
- (c) The City Administrator may conduct a public hearing to consider a permit application if he or she deems it necessary or appropriate. Notice of the hearing must be sent to the permit applicant at least three (3) days in advance thereof by either telephone, facsimile, electronic mail, regular mail or such other method

as will likely and timely reach the applicant. Notice to the public of the hearing shall be timely posted at the place or location annually designated by the City Council under Section 24-6-402(2)(c), C.R.S., as amended.

- (d) The City Administrator may prescribe such permit conditions or requirements as he or she may deem necessary to minimize the adverse impacts the proposed noise/activity may have upon the community or surrounding neighborhood, including, but not limited to, the hours of operation, maximum decibels, the type of any sound amplification equipment and the type of sound that may be amplified. A permit granted by the City Administrator under this Article shall contain all conditions upon which the permit has been granted and shall specify the locations and times that the permit shall be effective.
- (e) An applicant dissatisfied with a decision of the City Administrator may seek an appeal of the same to the City Council by submitting a written notice of appeal to the City Clerk within five (5) days from the date of the decision sought to be appealed.

Sec. 10-9-90. - Inspections.

- (a) For the purpose of determining compliance with the provisions of this Article, the Chief of Police or other designated City representative shall be authorized to make inspections of all noise sources and to take measurements and tests whenever necessary to determine the volume and character of noise. If any person refuses or restricts entry and free access to any part of a premise, or refuses to allow the inspection, testing or noise measurement of any activity, device, facility or motor vehicle where inspection is sought, the City official seeking such access and/or testing may petition the Municipal Court for a warrant for inspection requiring that such person permit entry and free access to the subject premises without interference, restriction or obstruction at a reasonable time for the purpose of inspecting, testing or measuring noise. The Municipal Court shall have power, jurisdiction and authority to enforce all orders issued under the provisions of this Article.
- (b) It is unlawful for any person to refuse to allow or permit City officials charged with enforcing this Article free access to any premises when such official is acting in compliance with a warrant or court order issued by the Municipal Court.
- (c) It is unlawful for any person to violate the provisions of any warrant or court order requiring inspection, testing or measurement of noise or noise sources.
- (d) No person shall hinder, obstruct, delay, resist, prevent in any way, interfere or attempt to interfere with any City official performing his or her duties under this Article.

Sec. 10-9-100. - Penalties.

Violations of this Article shall be punishable in accordance with the provisions of Chapter 1, Article IV of this Code. Additionally, violations of this Article are hereby deemed and declared to be public nuisances and may be abated by injunction or such other remedy as provided by law or equity.



Permit #: _____

**CITY OF SALIDA
AMPLIFIED SOUND PERMIT**

Pursuant to Article IX Section 10-9-80 S.M.C., _____ (Permittee) has been granted this permit to exceed the maximum sound levels established in Article IX Section 10-9-80, S.M.C., in accordance with the following terms and conditions:

Permittee: _____

Address: _____

Telephone: _____

Individual supervising sound (if different from Permittee): _____

Activity/event: _____

Type of sound amplification equipment authorized (if any): _____

Location: _____

(If address in a residential zone, must fill out back of application).

Date(s): _____

Hours of operation: _____

Additional terms/conditions (attach additional sheets if necessary): _____

Expiration: _____

The Permittee shall ensure that the sound/activity authorized by this permit shall be conducted in compliance with all applicable City ordinances and regulations, and a failure by the Permittee to do so, or to comply with all terms and conditions set forth hereinabove, may result in the summary revocation of this permit.

Accepted and agreed to by the Permittee: _____ Date: _____

Approved by the City Administrator on the ____ day of _____ 20____

City of Salida: _____

(City Administrator)

Updated 07.06.2019

Copies to: Police ____ Public Works ____ Fire ____ City Clerk ____

LEVELS OF NOISE In decibels (dB)

PAINFUL & DANGEROUS		
Use hearing protection or avoid	140	<ul style="list-style-type: none"> • Fireworks • Gun shots • Custom car stereos (at full volume)
	130	<ul style="list-style-type: none"> • Jackhammers • Ambulances
UNCOMFORTABLE		
Dangerous over 30 seconds	120	<ul style="list-style-type: none"> • Jet planes (during take off)
VERY LOUD		
Dangerous over 30 minutes	110	<ul style="list-style-type: none"> • Concerts (any genre of music) • Car horns • Sporting events
	100	<ul style="list-style-type: none"> • Snowmobiles • MP3 players (at full volume)
	90	<ul style="list-style-type: none"> • Lawnmowers • Power tools • Blenders • Hair dryers
Over 85 dB for extended periods can cause permanent hearing loss.		
LOUD		
	80	<ul style="list-style-type: none"> • Alarm clocks
	70	<ul style="list-style-type: none"> • Traffic • Vacuums
MODERATE		
	60	<ul style="list-style-type: none"> • Normal conversation • Dishwashers
	50	<ul style="list-style-type: none"> • Moderate rainfall
SOFT		
	40	<ul style="list-style-type: none"> • Quiet library
	30	<ul style="list-style-type: none"> • Whisper
FAINT		
	20	<ul style="list-style-type: none"> • Leaves rustling

OCTOBER IS NATIONAL AUDIOLOGY AWARENESS MONTH AND NATIONAL PROTECT YOUR HEARING MONTH

Visit www.HowsYourHearing.org to learn more about audiology and hearing loss.

Think you may have a hearing loss? Click on the "Find an Audiologist" link of the Web site to locate and set up an appointment with an audiologist in your area to get your hearing tested.

From: [Angela Winston](#)
To: [Drew Nelson](#); dan.shore@salidaelected.com; [T. Winston](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Tuesday, February 8, 2022 12:54:35 PM

Hi Drew and Dan - We find your potential changes to the music permits highly unreasonable.

Local musicians that make their income through live music would agree with us. Salida's economy is tourist based. Tourists want live music. What do you think draws people to our restaurants and venues?

Drew - you have access to our music lineup for this summer. At least 50% of our bands are local artists. The summer season is when they make the majority of their money.

Are you saying that even on holiday weekends and FibArk, we can only have 1 live show? This is unacceptable.

Chief and I would like to represent High Side! and be able to come speak at your regularly scheduled work session on Monday February 14 at 6pm. We would also like other restaurants and musicians to be able to be there.

We need to be heard on this topic.

1 show a week is unreasonable, and I think all of our local musicians, restaurants, locals, and tourists would agree with us.

Angela & Chief

On Tue, Feb 8, 2022 at 12:26 PM Drew Nelson <drew.nelson@cityofsalida.com> wrote:

Good Afternoon Stakeholders and Interested Parties – The Salida City Council will be receiving information from City staff at their regularly scheduled worksession on Monday, February 14, at 6:00 p.m. regarding amplified sound permitting. I have attached a draft memorandum that identifies slight modifications to how the City has reviewed amplified sound permits in the past. The most noticeable changes include:

- A new application form that requests additional details,
- Limits the total number of permits to 18 per calendar year, and 6 per month, unless additional permits are approved by the City Council after a public hearing,
- Limits decibels at any receiving property to 85 dBA,
- Validates a requirement for 10:00 p.m. shut-down time unless additional/later times are approved by the City Council after a public hearing, and
- Validates a requirement for careful placement of sound equipment to limit the impact to neighboring properties.

As you can see in the application, there may be additional conditions placed on permits depending on the application.

As this is a City Council worksession, the Council generally does not take public comment and it is not a public hearing. However, should you feel compelled to provide feedback on the matter, please send me written comments no later than noon on Friday and I will make sure that the City Council has the information in the packet (and it will be entered into the public record and placed on the City's website for the public to view). As noted in the memo, staff (myself, along with the City Attorney's office) compiled information that you all provided as well as reviewed the regulations in numerous other Colorado communities prior to rewriting the permit application.

I do not anticipate this will require an ordinance to change the Salida Municipal Code, unless the City Council desires different wholesale changes to the way it regulates amplified sound. Should you have any questions, please do not hesitate to reach out to me directly via this email address or by phone (listed below).

Sincerely,

Drew Nelson



Drew Nelson
City Administrator

drew.nelson@cityofsalida.com
P: 719-539-4555 | C: 719-458-0564
448 E First Street, Suite 112, Salida, CO 81201
cityofsalida.com

--

Angela
High Side! Bar & Grill
highsidesalida.com

From: [DJS](#)
To: drew.nelson@cityofsalida.com
Subject: Music permits are a terrible idea
Date: Tuesday, February 8, 2022 2:01:26 PM

Hello Drew and thank you for your time.

Just wanted to take the time to say how myself and many others in Salida are opposed to the terrible idea of limiting venues to one music permit a week. That is unacceptable and sad it's even being discussed. When did a few naysayers get to ruin art and creativity for the rest of the community? Also, it is unacceptable that amplified music has a 10pm curfew, amplified indoor music should be allowed until the bars/venue close. Salida is known for its art community and it's a shame that art and creativity is being cancelled in Salida when it is needed now more than ever. Live music brings in business and strengthens our community and culture. Music should be allowed every night of the week no permit necessary. Support local business and local music artists, not try to ruin them.

Please do the right thing and reject the one music permit a week for venues. Allow businesses to have unlimited musical acts a week at their establishments and get rid of the 10pm amplified music curfew, now.

Daniel Schwanebeck
Music Loving Salida Resident

Sent from ProtonMail for iOS

Sent from ProtonMail for iOS

From: [Daniel Flanders](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music
Date: Tuesday, February 8, 2022 2:23:18 PM

Hi Drew,

Regarding limiting permits to one live music per venue per week, I would like to voice my opposition to this.

At any point in downtown Salida's history, there has existed a vibrant downtown full of noise, mischief, art, drinking, and general revelry.

It would be a dramatic shift to discourage/restrict live performances downtown. Our culture and community depends on this. We never were a quiet little mountain town, nor should we become one.

As locals and artists have become priced out, people are shifting this town towards some thing it never has been. This is yet another example of that trend.

If city officials cannot stand up for what Salida has been, as stewards of our culture and place, then who can?

I'm sure there are lots of good arguments by people who live downtown about how their evenings are disrupted, or Airbnb's impacted.

Perhaps they should not have moved into a tourist town, downtown. A place that was known for its brothels and bars outnumbering citizens. A place for seasonal workers, blue-collar people to come and enjoy, along side wealthy folk.. or do we just want to become a quiet town with an inaccessible housing market?.. Do we just want to give one more reason for artists and locals to leave?

I would suggest a government program that issues free earplugs to those that struggle with noise pollution in our bustling, art centered district, downtown Salida.

And if that doesn't work, I'm sure they can sell their house and move with all that cash they'll pocket.

Please protect the small amount of culture and vibrancy we still have left, please protect our music and art, sincerely
Daniel

From: [Duke Sheppard](#)
To: drew.nelson@cityofsalida.com
Subject: Music Limits
Date: Tuesday, February 8, 2022 2:45:15 PM

Dear Mr. Nelson,

My name is Duke Sheppard, I am a local musician as well as a business owner in downtown Salida since 1995. I just saw the work session Memorandum for February 14th, and I thought I should send an email expressing my opposition to the limit on the number of shows venues can have. This will negatively affect the entire local music community, the businesses that have music, and the employees of the businesses. They wouldn't be having music if it did not increase their sales, which translates to revenue for everyone from the musicians, bars, and waitstaff, and it is one of the reasons we have a thriving tourism industry. As a musician that relies heavily on my music income, I think I can say that all of us have already been hugely impacted by Covid and cancelled shows, and this just adds insult to injury.

I am all for the 10pm stop times, for being responsible with volume (I do fear that 85dba is too low, though, and where is that measured?), but this is a downtown, in a vibrant business and creative district. Live music is essential to keep this town vibrant and thriving. I don't know how anyone could move into this downtown, then complain about the noise from music: Live music has been a part of downtown Salida forever!

Thanks for your time, and please remove the restriction on the number of days a business can have live music. And we'll try to keep our amps turned down.

Sincerely,

Duke Sheppard
Pint & a Half,
FatTees in Historic Downtown

From: [Bones](#)
To: [Drew Nelson](#); [Diesel Post](#)
Subject: Potential Changes to Amplified Sound Permitting Process
Date: Tuesday, February 8, 2022 3:29:36 PM

City of Salida,

I will not be able to attend Monday's work session so I would like to officially register my opposition to the Potential Changes to Amplified Sound Permitting Process in writing.

As a live music promoter and resident of Salida for 20+ years, I am not in favor of limiting the number of amplified sound permits nor reducing the decibel levels.

Squeaky wheels who recently moved to Salida should not influence city policy to restrict the vibrant art scene that has made Salida such an attractive place to live.

Please let me know what further actions I might take to put a stop to this proposal.

Sincerely,

Bones



Rok Skool Director

www.rokskool.org

305 F Street

Salida, CO

81201

719 207 3422

From: [Valerie Spanier](#)
To: drew.nelson@cityofsalida.com
Subject: opposing live music permits
Date: Tuesday, February 8, 2022 3:36:19 PM

Just wanted my voice heard that I oppose limiting live music to 1 permit a week. Honestly what is this town turning into, a place where second home owners, vacation rental owners have more say than locals that live and work here day after day? Or are we trying to turn into another over priced, and boring, mountain town that no longer appreciates the arts and and live music. Owners of live music should not have to stand in front of a city council and plead their case to have live music more than once a week, this is just crazy and unacceptable. We love our Arts and Live Music PLEASE do not take this away from us. Thank you for reading Michael Almeida, local business owner

From: [Suzy Moody](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music
Date: Tuesday, February 8, 2022 3:40:36 PM

Dear Drew,

I'm writing in regards to the discussion on live music in the city of Salida. I am a resident on Sackett Ave just a few blocks down from downtown. I love to hear the live music in town. I moved to Salida specifically due to the arts atmosphere including live music. It was so sad when Riverside went quiet for Covid. I will be keeping an ear out for when and if discussions arise to curb live music. I for one will be putting in my two cents to NOT curb any live outdoor or indoor music.

Sincerely,

Suzy Moody
Suzymoody@yahoo.com
256-558-2858

From: [Thomas Palka](#)
To: drew.nelson@cityofsalida.com
Subject: in support of the noise ordinance changes
Date: Tuesday, February 8, 2022 4:16:02 PM

Hello Mr. Nelson -- I expect you'll be getting a lot of opposition letters on this subject (Highside just posted on their facebook page), so I wanted to send you a support letter. Both I and my wife, Lisa Palka, are in support of these noise changes. We live near Highside, and the music noise level on the weekends is getting out of hand. We have to close all our windows (most of which face the restaurant) just about every weekend... so we'd appreciate lower decibel levels and just less music in general. It's a nice idea and I'm sure a lot of people enjoy it, but it is also a nuisance for those of us who live nearby. Thank you, best regards,

Tom Palka

From: [Rawb Scott](#)
To: drew.nelson@cityofsalida.com
Subject: This is Salida
Date: Tuesday, February 8, 2022 4:33:01 PM

Drew,

This is ridiculous. Is it because of one complainant across the river from High Side? Airbnb occupants? How else would this come about? I know this doesn't come from true Salida locals. This isn't Winter Park driven by corporate BS, this isn't Buena Vista driven by rancher demands, this is Salida. This is a very unique town that I, along with thousands, flocked to for the love of the music/art community. Monarch brings in tourism revenue and the river brings in boaters seasonally, but we all live here year round because of the people and the gifts they share to us as a community. Are you catering to one pissed off local? Catering to law enforcement? Which is it? Before COVID, the mayor's establishment was pouring into the street with music, along with most of the restaurants and bars around town. If you take away the vibe around this town, I am definitely moving because I don't want anything to do with a town that doesn't respect the importance of art, music and community. I know you have a civil duty, but base your next move on what feels right instead of catering to shitty people.

Do what you feel is right without influence.

From: [Randi McCarty](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music in Salida
Date: Tuesday, February 8, 2022 4:36:53 PM

Good Afternoon,

I am writing to you in opposition on the current proposed limitations on live music in Salida. Live music is a core part of our community, and it is part of what drives our economy and attracts tourists and locals to local businesses.

I think restricting live music would have negative effects on local artists, local businesses, and the overall fun atmosphere of downtown that we all love.

I do believe cutting music off at a certain time of night is understandable, but to limit what days a business can have live music is going a little far.

May I suggest that businesses deemed a music venue are allowed to have music any date they would like. Afterall, that is part of what drives their business. The city can implement other restrictions such as time of day, decibel level, etc. But a music venue should be able to have music as often as they would like and need to.

Thanks for your consideration!

Randi McCarty
Salida resident since 2012

From: [Barb Scheidegger](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music Permits
Date: Tuesday, February 8, 2022 4:38:09 PM

Dear Drew,

I understand that the City of Salida has started to discuss potential changes to the live music permits that are given to restaurants and outdoor venues.

I disagree with the strictness of these measures as I understand them.

I believe that music venues in Salida should be able to have live music every night out doors if they are able to. We live in a tourist town and in an Arts town. Don't take away the fun and excitement of live music and live shows in our community. Yes, there can be some consideration on noise issues but let's be reasonable. And remember this: If you don't like the noise of town - don't live in town!

There is a shut down of music at 10pm. This is unreasonable especially on the weekends. Let's compromise between an all nighter and those "senior citizen" hours.

These strict arbitrary rules hurt musicians, locals, tourists, Salida's economy and your neighbors.

I live downtown. I occasionally hear music from Bensons, The Fritz, Riverside park etc and I love the flavor that it adds to our community.

You may contact me if you would like. I work with and for many people in our city. Please work with us, not against us.

Barb Scheidegger

--

Barb Scheidegger CPA, PC
PO Box 119
Salida CO 81201
719-221-2170

From: [Brandon Cagle](#)
To: drew.nelson@cityofsalida.com
Subject: Live music permits
Date: Tuesday, February 8, 2022 4:45:55 PM

Drew,

As a resident and property owner in Salida I'm opposed to the live music permit proposal being considered. I feel that having live music in the downtown area is a valuable asset to our community. The presence of live music attracts locals and tourists alike to the downtown area benefiting the business in the area. I ask that you reconsider this proposal.

Kind Regards,
Brandon Cagle
720-276-9205

Sent from my iPhone

From: [Emily Marquis](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music
Date: Tuesday, February 8, 2022 5:01:05 PM

Hi Drew,

First, I just wanted to say thank you for all you do. I have been getting an inside seat to all that goes on and you, the staff, and the council have a lot to navigate. You handle it very well.

I have been seeing many things going around about live music and wanted to drop a note of my two cents.

-For me, I believe it's reasonable to end live music at 10pm. There is truly no need to keep the party going longer than this with the music. The bars and restaurants are still able to be open for business after the music stops (from what I understand). I see the benefit of this in compromising with a reasonable time for neighbors for noise as well as overserving people then sending them into the streets.

-If this is the correct fact, I think that restricting permits to 1 night per week per venue is a little too tight. While I don't mind being in bed around 10pm, I do love music and the arts. It is one of the reasons why I live here. Options and diversity are important. Especially with children. I hope that we could at least keep it at 2-3 events per week. Otherwise, I fear only being able to go to Bensons and that isn't always my scene so it would be nice to have other options around town with different styles of art/music.

Best of luck with this difficult decision!

Thank you,
Emily

--

Emily Marquis, NBC-HWC
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www.emilymarquis.com

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From: [Kelsey Novotny](#)
To: drew.nelson@cityofsalida.com
Subject: Music Permits
Date: Tuesday, February 8, 2022 5:08:01 PM

Hi Drew,

Please do not let the permits for 1x/week for live music pass. This is a direct limitation that will further push out those who make our community great. By imposing this restriction on live music you are limiting the opportunities for music artists to make money, money they need to pay rent (which is probably over priced) and to provide for themselves. I deeply oppose this act of permits limiting businesses/venues to 1x/week.

Please stop imposing these restrictions and allow artists to thrive in our community!

Cheers,
Kelsey

From: [lawrence S](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified noise permit
Date: Tuesday, February 8, 2022 5:11:39 PM

Drew & all of city council,

Do not be foolish, and limit the amount of days a business can have amplified music until 10pm. Do not stifle your musical community, & do not burden businesses with this terrible idea. You have an arts district, would you limit the amount of art galleries? Would you limit the amount of days rafters can be on the River? Why would you handcuff your music scene? Are you trying to send all the music to BV? Because that is what will happen if you limit the quantity of days you can have live music. Don't overstep the reach of government, we don't need a permit for everything. We already have dozens of permits: to sell food, to sell beer, to collect tax. Where will it end? A permit to have a band play at a bar is TOO far. Please think this thru, and let's take a step back from over-governing small businesses and musicians. The "season" in Salida is when many businesses make their money, don't box them in.

From: [Michael Byer](#)
To: drew.nelson@cityofsalida.com
Subject: Re: Changes to Noise Permit Application
Date: Tuesday, February 8, 2022 5:15:06 PM

Please NO! This is a terrible idea.

-Mike Byer

From: [Fun Street Arcade](#)
To: [Drew Nelson](#)
Subject: Music in Salida
Date: Tuesday, February 8, 2022 5:20:08 PM

Hey Drew,

Just doing my part and writing to ya regarding the live music concerns in town. You know me enough to know that I'm 100% against anything that limits venues to one performance a week. Is that seriously one of the requests? So odd.

Outdoor music should still end at 10pm and i support that curfew.

Just my two cents. I know you've got enough on your plate. This permit request just seems a bit much to me.

Appreciate your time.
-Scotty Hughes
Fun Street Family Arcade

From: [Jennifer Hayden](#)
To: drew.nelson@cityofsalida.com
Subject: Music in downtown Salida
Date: Tuesday, February 8, 2022 5:34:25 PM

I am writing about the amplified sound permit draft. It seems that the time limit of 10pm is too early and the frequency of 18 events per year per location is too limiting. I support music in Chaffee County as much as I can. I used to live on F street & loved walking to down town for music. I worked at Solvista Health as a therapist & highly recommend live music as stress reducing. It also helps build community & helps local businesses with income. I appreciate your work on the city council & this issue. Sincerely,

Jennifer Hayden, BA, MA

Sent from my iPhone

From: [jordan russell](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music
Date: Tuesday, February 8, 2022 5:55:25 PM

Hello Drew,

I'm emailing in opposition of the request to restaurants in town to limit live music to only once a week. Pre-covid Salida was so much more lively at night, as you could hear music coming from different bars and restaurants. Which was one of my favorite parts of going downtown to get a sense of community, brought together with music. A lot of restaurants are trying to get us back to that I think and I'm so excited for that. I miss hearing bensons and boathouse booming in my backyard when I lived on F & 1st, what I wouldn't give to have that back! I hope one day it will be back, so please please, do not limit restaurants to supporting our local musicians and repairing the sense of community we have lost with covid.

Thank you,
Jordan Russell
918-812-5830

From: [David Lawrence](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music in Salida
Date: Tuesday, February 8, 2022 7:00:07 PM

Hello Drew,

I wanted to reach out in regards to the amplified sound ordinances that are being discussed. Salida holds a very very special place in my heart. I proposed to my now wife, right next to the big S & consider Salida a second home. I am also in several bands that perform throughout Chaffee County regularly and have built a really great community of friends & fans. I have performed at Bensons, Tres Litros, High-Side, Boathouse Cantina, also in BV like The Lariat, Surf Hotel, House Rock ect.

There is something magical about your town and it's love of live music. I am a full-time musician and make my sole income from performing. The joy and love that music fans have in Salida is unparalleled to any town I perform in CO. I implore you to consider the ramifications of constraining live music. Music is a spiritual bond that ties a community together. It provides a meaningful income to artists like myself trying to provide for my family, and it helps support restaurants and family businesses that are just trying to bring music to a town that so authentically loves it.

The reason that my wife and I love Salida so much is because of its robust Arts and Creative reputation. Restaurants and bars have live music because there is a Demand! Obviously your residents and visitors are speaking with their dollars. Don't let the voices of the few, drown out the love and abundance of so many residents and visitors who so clearly want to support live music and the arts. If you let Salida turn into a community that puts Arts & Music as an afterthought it will cease to be the cultural hub that makes it so special in the first place.

Thank you for your time and consideration,
David
973-787-4502

I would be more than happy to share my perspective in person or over the phone if that is helpful.

--

LPJ Entertainment:

'David Lawrence & the Spoonful', 'LAPOMPE', 'Royal Street Ramblers' & 'The Blind Pigs'

www.davidlawspoonful.com

www.lapompejazz.com

www.theblindpigs.com

Owner and Producer:

Speakeasy Soiree LLC

www.speakeasysoiree.com

From: [Douglas Ginn](#)
To: drew.nelson@cityofsalida.com
Subject: New music rules, My take.
Date: Tuesday, February 8, 2022 7:17:04 PM

As a long term resident I think the proposed changes go against everything I've ever lived here for. Born here in 1994 in the Touber building when it was still our hospital. This town is contouring to the rich and pompous more and more. Keep Salida weird, Keep it affordable, Keep it Fun.

From: [Megan Gilpin](#)
To: drew.nelson@cityofsalida.com
Subject: Opposition of new noise ordinance
Date: Tuesday, February 8, 2022 8:26:55 PM

Good evening Drew,

This new proposal for noise ordinances within the commercial district of downtown is damaging to small businesses. These businesses have been working really hard to stay afloat and the city should be doing everything to help them succeed rather than take away opportunities for them to fully utilize their spaces. Please do not make live music harder. Salida is known for the arts and by trying to heavily regulate music destroys the essence of the city. The music industry is fast paced and bookings change all the time. Making small businesses come before the council is onerous and a waste of everyone's time.

Please do not put these limitations in place.

Sincerely,

Megan Blake

From: [alycia alycia](#)
To: drew.nelson@cityofsalida.com
Subject: Live music
Date: Tuesday, February 8, 2022 10:02:20 PM

Dear Drew,

Please do not limit musical venues and their ability to offer live musical entertainment to the patrons of this community. Live music is extremely vital to the soul of Salida. It provides jobs and revenue that are truly priceless and yet momentous.

Thank you for your consideration.

Yours truly,

Alycia Chambers

Sent from my iPhone

From: [marcus klump](#)
To: drew.nelson@cityofsalida.com
Subject: More live music
Date: Tuesday, February 8, 2022 11:29:22 PM

Please do not change the amplified music permitting. Thank you. Marcus Klump 409 Oak St.

Sent from my iPad

From: [Alyssa Boland](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified Sound Permit Applications
Date: Wednesday, February 9, 2022 12:54:25 AM

I have read the memorandum for the changes in the amplified sound permit applications, and strongly disagree that this is a move toward a positive direction for the town of Salida. I feel that 18 events per year is an extremely unreasonable number of allowed events before petitioning city council. I think our vibrant art and music scene is one of the primary heart beats of Salida, and this is not beneficial for the ongoing health of our city.

Please reconsider this.
Alyssa Boland

Sent from my iPhone

From: [stephanie davis](#)
To: [Drew Nelson](#)
Subject: live music
Date: Wednesday, February 9, 2022 6:04:18 AM

this will be quick and simple: i support live music in downtown salida; people need joy in their lives and salida needs a strong economy to survive.

i can [faintly] hear some music during the summer from my home behind S mountain and i love it... it makes me smile.

Stephanie Davis
6500 CR 176
719.966.7313

From: [Wilson - CDOT, Darryl](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music
Date: Wednesday, February 9, 2022 6:32:03 AM

In Support of Salida Businesses,
Why would you want to put more in front of an already busy council?? Not to mention hurt businesses in your town?? The ordinance has worked for a long time and staff is more than capable of handling these things.

We live in Poncha, but come into hear bands at all different locations all the time, it is the one thing we do come to Salida for.

Please keep this as a staff decision and as is.

--

Darryl Wilson
Town of Poncha Trustee and
TM II
Section 7



P 719-539-4013 |
10350 Co Rd 120, Salida, CO 81201
darryl.j.wilson@state.co.us | www.coloradodot.info | www.cotrip.org

From: [Bridgett Brady](#)
To: drew.nelson@cityofsalida.com
Subject: Keep live music alive!
Date: Wednesday, February 9, 2022 7:38:20 AM

Dear Drew,

Live music in Salida is what makes this such a vibrant town bringing community together. The impact of limiting live music will have a terrible impact on musicians' livelihood as well as the financial impact on these local venues that host. Please don't limit live music!

Bridgett Brady
125 Crestone Mesa
Salida, Co 81201

From: [Grace Morrisette](#)
To: drew.nelson@cityofsalida.com
Subject: Music in Salida
Date: Wednesday, February 9, 2022 8:03:55 AM

Dear Mr. Nelson,

I am writing to you regarding the proposed regulations on music in town. During the pandemic, the importance of live music and venues with space to dance became the highlight of many an evening in fair weather. Music is a catalyst for positive energy and joyful dancing. It is healing and supportive of emotional health. It's been a delight to have venues presenting free semi- to professional music in outside venues where COVID aware folks feel safe to enjoy it and have their spirits lifted. Many an evening, after feeling the weight of national and world issues, an evening of music has soothed my angst and improved my overall health.

The venues that provide these musical experiences, do so to the benefit of so many Salidans and promote performance opportunities for bands. It doesn't seem reasonable that a handful of folks are taking umbrage with these positive sources of good music and good will in the community. Setting sanctions on music venues and making it almost impossible to book a group on short notice does not serve the majority of folks who live in and visit Salida. Also, as there is a curfew for these performances, it seems those opposed would benefit from the positive vibes wafting across the river.

To give in to these anti-music folks would indeed be a blow to the folks who enjoy and reap the benefits of these opportunities to have a positive, healing time in community with others. We have so many restrictions placed on us since the virus raised its ugly head. Allowing a handful of naysayers to impact something so positive, does not bode well for our town.

If the music is so objectionable to these people, it is a sad commentary on what they deem valuable.

I implore you to drop this unreasonable pursuit of sanctioning and handicapping the generous venues that offer respite from the daily angst. I hesitate to call those raising this issue "bullies", but that's how it feels to me.

Thank you for your attention to this matter and I hope you can hear the quiet, stable and peaceful voices over the shouting of the dissenters.

Humbly yours,

Grace Morrisette

303-547-2917

From: [Dave Sauer](#)
To: drew.nelson@cityofsalida.com
Subject: Limiting Live Music?
Date: Wednesday, February 9, 2022 8:12:16 AM

I saw this post on Facebook from the High Side that Salida city council is considering limiting live music to 1 performance per week per venue.

If this is true I'd like to add my 2 cents. I live in Woodland Park. Compared to Salida, Woodland Park is a dumb town. Why? Because there's nothing going on here but fast food and traffic. Music scene is struggling. I come to Salida to listen to music because I am so impressed with the local talent you have in your town and all the venues that host it. Salida is a kind of cultural mecca for live music. To limit music so severely would be like New Orleans limiting their music scene... stupid! I sure hope City Council doesn't do this!

Thanks for your attention and keep on rocking!

Dave Sauer

From: [John Salvino](#)
To: drew.nelson@cityofsalida.com
Subject: City of Salida music
Date: Wednesday, February 9, 2022 8:16:16 AM
Attachments: [MPM logo.png](#)

Drew,

I am in the process of moving to Salida full time. We purchased a house here in 2019 and waiting for our last child to graduate high school in Lawrence, KS.

One of the things that attracted my wife and myself to Salida was the vibrant downtown area and especially the music scene. We live in a college town (Kansas University) and it seems most music there is focus on younger audiences - shows start after 10 and usually in cramped indoor venues and really loud. What struck me about Salida was the music scene was geared toward a more mature crowd, for which I appreciate. Earlier shows, lots of outside space and you can still talk to friends at these shows.

I wanted to encourage you to not let a few of the most vocal folks take away or diminish what is an asset to our city.

John R. Salvino
President
Midwest Property Management
1203 Iowa
Lawrence, KS 66044
www.midwestpm.com

Email: jsalvino@midwestpm.com
Call: 785.760.0638
Learn more: www.johnrsalvino.com
Connect: [LinkedIn](#)



From: [James Spehler](#)
To: drew.nelson@cityofsalida.com
Subject: Salida music
Date: Wednesday, February 9, 2022 8:41:58 AM

There should be no limits on life music in Salida, we live in Nathrop and enjoy the music scene in town and spend our money at the restaurants and bars that bring music to the area, music and our very talented musicians is what makes Salida such a special place!

From: [LESLIE JORGENSEN](#)
To: drew.nelson@cityofsalida.com
Subject: I support Live Music
Date: Wednesday, February 9, 2022 9:01:26 AM

Hi Drew

I wanted to write to let you know of my opposition to the measure limiting live music in Salida's downtown Creative District. Live music is one the greatest gems in our creative town of artists, musicians, performers and writers. It's a big part of what makes Salida special.

Our musicians are some of the best anywhere. Most towns have to import talent like ours. But These musicians need our support to be able to live here and we want to do all we can to keep this treasure in our town. They are our friends and neighbors. Allowing restaurants and bars to book them freely, on multiple nights a week, makes the music accessible to everyone. No expensive tickets to buy. And most are casual outdoor venues, making them safer in times of Covid.

These businesses benefit from the locals and visitors who support our economy. And surrounding businesses like mine can stay open late to welcome folks who stay for the music. We are fortunate that we didn't lose many businesses to Covid, and we need to continue to give local businesses tools like this to thrive and keep from making our downtown a conglomeration of chain stores and fast food.

Perhaps most importantly, It's a wholesome, beautiful form of entertainment in our town. The very young to very old often gather to sit, enjoy the company of friends, dance and laugh under the stars. Locals and visitors get to meet and make new friends. It's a happiness reset.

The many tangible and intangible benefits to the greater community hugely outweigh any complaints by the few loft owners downtown who enjoy the use of our public street parking spaces but don't want to hear the fun.

Please don't limit this with extra rules, curfews and processes. Don't take away the fun for everyone.

Leslie Jorgensen
Artist and Gallery owner
Leslie Jorgensen Fine Art
120 W 1st St, Salida CO 81201

Sent from my iPad

From: [mike ryan](#)
To: drew.nelson@cityofsalida.com
Subject: Limiting Live music downtown
Date: Wednesday, February 9, 2022 9:17:05 AM

Drew-

I was just made aware of the proposal to limit live music downtown to 18 shows/ year. It is a terrible idea, and possibly illegal to limit a venues ability to generate revenue. I understand that some people downtown are complaining- that is akin to moving in next to an airport and complaining about the noise, and the city being asked to limit the number of flights.

Please consider carefully the direction that Salida is being driven by a few. This limit is not what the majority wants.

Respectfully submitted,

Mike Ryan
711 W Second
Salida, CO 81201

From: [Susan Mayfield](#)
To: drew.nelson@cityofsalida.com
Subject: Live music in Salida
Date: Wednesday, February 9, 2022 9:20:17 AM

To Drew Nelson:

Just saw that the city of Salida might restrict the number of live music shows. My husband and I live downtown a couple blocks away from the clubs and restaurants and think restricting live music is a BAD idea for the town. We moved here partly because of the vibrant music scene- it is part of the identity of Salida and this restrictive rule will stifle that. People knew when they bought or rented houses near the downtown that there would be music playing- keep the 10:00 curfew but please don't mess this up.

Thank you,
Susan Mayfield
237 E St.
Salida, CO 81201

Sent from my iPhone

From: [Riley Wayman](#)
To: drew.nelson@cityofsalida.com
Subject: Opposed to the new potential music limit for restaurants and buisness.
Date: Wednesday, February 9, 2022 9:29:59 AM

Hello! Emailing to let you know how opposed I am and most of Salida is. For what is your true reason to pass something so ridiculous? Salida is and has been known for the ARTS. It is a part of Salida culture. It is a huge reason why locals and visitors love Salida so much. It makes it special. Brings people together, and gives Salida such a special essence. Life is about creating beautiful memories and that is exactly what businesses are trying to do when hosting music events. Life IS music. Music is a powerful thing and it has been since the beginning of history. Who are you to decide that it isn't? Why do you feel the need to take that from people? Why do you believe you need to be a person to take that from everyone? Is it hurting you watching all these people enjoy themselves and for musicians to perform? Why would you change something that is an embedded asset to Salida culture. It's truly unfair that you want to take that from everyone. It seems as if you don't truly love Salida if you pursue this act. If you don't love it then you should not dictate what the entire town of Salida should do. Unless it's for the positive, which this isn't. I just want you to know how many people and businesses you will genuinely be hurting due to this. You'll be tearing a staple out of Salida culture. There's no need to. Please keep Salida, Salida.

From: [Chris Vallier](#)
To: drew.nelson@cityofsalida.com
Subject: Please support MORE music in Salida, NOT less!
Date: Wednesday, February 9, 2022 9:42:15 AM

Hello,

My name is Chris Vallier. I'm deeply concerned that Salida's leadership is attacking music in Salida. I'd like you to eliminate musical permits in Salida. I'd like the decades of musical precedent to be re-instated in Salida. These sorts of ordinances and policies are very short sighted, and harmful to our citizens in so many ways. Please let me know your progress regarding my concerns. Feel free to call me at 719-291-3095 to discuss.

--

Chris Vallier

From: [Bruce Hayes](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified sound sanity
Date: Wednesday, February 9, 2022 9:44:48 AM

Hello Drew Nelson, Regarding limiting live music in Salida. While I assume this applies mostly to outdoor music it's noteworthy that during the pandemic outdoor is often the only option. I've made a "living" playing music in this town since the '90s. The notion that a music venue would limit it's events to one a week would eliminate the majority of entertainment. I moved here in 2003 when Clark Roberts was providing a great music venue and bringing in touring acts almost every day of the week. It's a shame a business like that can no longer survive amidst the rising cost of local real estate. I've seen this in other towns. Bars that had music had to stop and often go out of business once downtown spaces were turned into condos and the new inhabitants complained about noise. This is a commercial district. If you are to put a limit on the amount of work an artist can get then you are also limiting what a realtor, a store owner, and every other business can make. Once you shut down the heart beat that makes this town an attraction all the other businesses will follow. And what's left? A few rich people in their condos and nearby homes complaining about something else. Don't believe me? Visit Breckenridge, Aspen, Telluride, and Crested Butte; all town's I've moved from that have lost the vibrancy and sense of community that made them good places to live. It is hard for a musician to work enough as it is and it's costly for a space to be a music venue once they pay the P.R.O.s, provide the space and pay the musicians. They can't do it part time. It's a commitment... to the arts, to the people, and to the town. Live music venues must be applauded not chastised. There are ways to limit sound escaping from a venue that need to be looked at on an individual basis, not an overreaching blanket policy that squashes live entertainment even where there isn't a noise problem.

Yours, Bruce Hayes

Good Afternoon Stakeholders and Interested Parties – The Salida City Council will be receiving information from City staff at their regularly scheduled worksession on Monday, February 14, at 6:00 p.m. regarding amplified sound permitting. I have attached a draft memorandum that identifies slight modifications to how the City has reviewed amplified sound permits in the past. The most noticeable changes include:

- A new application form that requests additional details,
- Limits the total number of permits to 18 per calendar year, and 6 per month, unless additional permits are approved by the City Council after a public hearing,
- Limits decibels at any receiving property to 85 dBA,
- Validates a requirement for 10:00 p.m. shut-down time unless additional/later times are approved by the City Council after a public hearing, and
- Validates a requirement for careful placement of sound equipment to limit the impact to neighboring properties.

As you can see in the application, there may be additional conditions placed on permits depending on the application.

As this is a City Council worksession, the Council generally does not take public comment and it is not a public hearing. However, should you feel compelled to provide feedback on the matter, please send me written comments no later than noon on Friday and I will make sure that the City Council has the information in the packet (and it will be entered into the public record and placed on the City's website for the public to view). As noted in the memo, staff (myself, along with the City Attorney's office) compiled information that you all provided as well as reviewed the regulations in numerous other Colorado communities prior to rewriting the permit application.

I do not anticipate this will require an ordinance to change the Salida Municipal Code, unless the City Council desires different wholesale changes to the way it regulates amplified sound. Should you have any questions, please do not hesitate to reach out to me directly via this email address or by phone (listed below).

Sincerely,

Drew Nelson



BRUCE HAYES HOWARD COLORADO

BRUCE@BRUCEHAYES.COM

WWW.BRUCEHAYES.COM

(970) 209-6652

From: [Mike Whittington](#)
To: drew.nelson@cityofsalida.com
Subject: live music
Date: Wednesday, February 9, 2022 9:53:02 AM

Let's keep our downtown vibrant and alive. I support live music anytime anywhere any hour.
Mike Whittington

From: [Roxanne Hay](#)
To: drew.nelson@cityofsalida.com
Subject: Downtown music limitations
Date: Wednesday, February 9, 2022 10:13:56 AM

Drew Nelson,

As High Side replied, scheduling

Musicians does not work like that, not to mention I find it a huge waste of my tax dollars for every business who wants to have music any night of their choosing, you know, because that is their business and how they make money, to petition the council everytime their schedule might change. Please get real. It is insane to limit the amount of shows a business can have when that is their business! While I understand, for outdoor or patio venues needing to stop at 10 (always been the case), indoor venues should not be limited to that if within acceptable decibels and decibel limitation should be fair, not low balled to please a few people who complain loudly. They live in a downtown ARTS DISTRICT! That was their choice and not anybody else's problem. Music in downtown Salida should be cherished and protected by the City. If you do not agree, then you are against thriving small business in our downtown ARTS DISTRICT and do not have our best interest at heart. You must do better and we will hold you accountable.

From: michael@salidasteamplant.com
To: "Salida Administrator"
Subject: FW: Salida Creative District.
Date: Wednesday, February 9, 2022 10:16:23 AM

From: T.W. Winston <ribsnwhiskey@gmail.com>
Sent: Tuesday, February 8, 2022 2:48 PM
To: patrick@salidasteamplant.com; michael@salidasteamplant.com
Subject: Salida Creative District.

Hello Patrick and Michael,

My name is T.W. Winston aka Chief. My wife and I run the High Side Bar and Grill. I understand that you are the two in charge (for the most part) of the Creative District here in Salida.

The city has proposed that they would like to limit music permits to outdoor venues of 1 show per week per venue. They said you can apply for additional permits in front of a public hearing. This makes booking shows nearly impossible. The High Side as of Feb. 8th has already requested 28 permits for music (all requested are for weekends). Over 50% of the acts are local acts. I believe this proposed change would be extremely detrimental to our community. I also think it would go against certain positive elements of being in the creative district. The point of the Creative District is to create economic and community development. We have an amazing pool of locally talented musicians in our community. If we start imposing these types of restrictions, our musicians and artists will move away from our town. It is already hard to entice artists and musicians to move here due to the high cost of living. Something, I understand you are also working to resolve. Thank you.

The city has a bluegrass show scheduled over memorial day that is a two day event, fibark is a 4 day event with bands on consecutive days. There are the Thursday night concerts, brewfest has bands, Salida Jazz Fest, etc. Music is as much a part of this town as the Arkansas river, Monarch Mountain, and our numerous bike trails.

If we make these drastic changes it will negatively affect our community. I know there are a few people who have noise issues. There are 1000's of people who need music in their lives.

BV is boring; they don't have a creative district. Don't make us like BV.

Thank you for your time. Would appreciate any feedback.

Best regards,

T.W. Winston aka Chief

9704810303

ribsnwhiskey@gmail.com

From: [nicholas peloquin](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified Sound Permit Application 2022
Date: Wednesday, February 9, 2022 10:27:50 AM

If these regulations go through it's going to be a very large blow to the downtown businesses', venues, musicians of all types, and music lovers. This isn't a fair or reasonable compromise, 18 concerts a year is out of touch. Getting permission from city council for more is out of touch. What happens to musicians and businesses' that play beyond these limitations? Do the cops come? Do the businesses' and musicians get fined? Would this open a door to where musicians can be treated like criminals for trying to make a living? This permit application doesn't benefit the town of Salida, it benefits a few wealthy citizens who made the mistake of moving downtown because they are out of touch with what this town is.

From: [Nicole Balaun](#)
To: Drew.nelson@cityofsalida.com
Subject: Please, Please don't limit Music in Salida!!!!
Date: Wednesday, February 9, 2022 10:30:37 AM

Hello Drew,

Having unlimited music in Salida ALL TIMES OF THE YEAR is who Salida is. It's who we are as a community. We already close it down by 10pm and I'm cool with that, but to limit the number of days an entity can have music is NOT SALIDA. It can't be taken away from us!

I've been a Salida resident for 25 years. Worked as an employee in Salida for 12 years and have owned a business in Salida for 13 years (today actually!) Music is a fundamental part of all of us!!!

Respectfully,

Nicole Balaun
Su Casa! Furniture & Sleep Shop
300 F Street
Salida, CO 81201
719-539-4343
STORE HOURS: Tuesday to Saturday, 10 to 5pm

FIND US ON FACEBOOK: SuCasaSalida

From: [Casey Barnaby](#)
To: drew.nelson@cityofsalida.com
Subject: Proposed City Music Ordinance
Date: Wednesday, February 9, 2022 10:34:26 AM

Good morning Drew,

I am writing you today to voice my objections to the proposed ordinance limiting establishments to live music 1 night a week. Live music is part of what makes Salida, Salida. To limit establishments to 1 night per week, would be a crushing blow to the soul of Salida. Not only that, live music brings in valuable revenue through tourism, from the restaraunts, to the AirBNB owners, to the house cleaners. Having multiple live music venues all weekend is a win for everyone. Businesses are not being disrespectful of the laws/ordinances already in place. As someone who frequently visits these venues, i know they shut the music down by 10 in accordance with all city ordinances. For 4 people of our community to take away something thats is so beloved to so many residents would be absolutely absurd. We as a community pride ourselves in supporting the arts, whether visual or auditory. Whats next a ban on art galleries? I would propose having these citizens move if they are so unhappy with the “noise” of this town.

Thank you for your time,
Casey Barnaby

[Sent from Yahoo Mail for iPhone](#)

From: 7192981123@mypixmessages.com
To: drew.nelson@cityofsalida.com
Date: Wednesday, February 9, 2022 10:35:11 AM
Attachments: [text.000000.txt](#)

This picture message or video message was sent using Multimedia Messaging Service.

To play video messages sent to email, Apple QuickTime 6.5 or higher is required. Visit www.apple.com/quicktime/download to download the free player or upgrade your existing QuickTime Player. Note: During the download process when asked to choose an installation type (Minimum, Recommended or Custom), select Minimum for faster download.

From: [Robin Vega](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music Ordinance
Date: Wednesday, February 9, 2022 10:38:30 AM

Dear Decision-Makers of Salida,

I'm writing in response to the recent announcement regarding putting more restrictions on live music. I am a Buena Vista resident but spend a lot of time and money in Salida so I'm requesting this letter be included and considered for your Monday meeting.

To limit live music is to limit both culture and commerce. To tell small businesses like Bensons, The Highside, Woods, and Tres Litros - all who make positive impacts in your community - that they will be limited with the amount of revenue they can generate to pay their bills, pay their staff, and provide for their families is wrong and incredibly shortsighted. To tell hard-working musicians, who literally earn a living sharing their gifts and bringing joy to the world that they too are limited with what they can earn is wrong and incredibly shortsighted. This pandemic has rocked our communities, the music, and the restaurant industry. The timing of these injudicious ordinances just as the experts are saying the worst could be behind us this year is so very disconcerting. As a business owner myself - and the wife of a musician who also is a music educator - it's hard not to take this personal knowing this ordinance will create a hardship for business owners I admire, the service industry that I respect, and many musicians I'm so inspired by. I believe that knowledge is power, and when you know better, you do better. I have confidence in your leadership that once you fully understand the ripple effect and ramifications of ordinances like these, you will begin making decisions that instead lift up, support, and empower the small businesses and artists who are truly the anchor of Salida. Please do not let the loudest voices of the few, drown out the love and abundance of so many residents and visitors who so clearly want to support live music and the arts.

Respectfully,
Robin Vega

--

Robin Vega
Brand + Bash
720.289.7811

Why yes I do wear a lot of cool hats, and love it! Please allow 48 hours for email replies and in the meantime, feel free to check out some of my companies as well as brands I'm partnered with!

Creative Studio | Founder: brandandbash.com
Music Academy | Partner: colettrainmusicacademy.com
Internationally Acclaimed Band | Manager: www.rapidgrass.com
Award-Winning Disinfectant | VP + CoFounder: www.clean-republic.com
Luxury Boutique Hotel | Communications: <https://surfhotel.com/>
Working Vacation | Founder: therivergathering.com
Award-Winning CBD Spa | CoFounder: causemedicspa.com
Short-Term Rental | Host: cedarstreetretreat.com

From: [Jill Prewitt](#)
To: drew.nelson@cityofsalida.com
Subject: Re: music ban/ restrictions
Date: Wednesday, February 9, 2022 10:39:20 AM

It has been brought to my attention that there is a push to regulate live music in the restaurants and bars in Salida. I am writing on behalf of myself and many other individuals. Salida is a town built on the arts and anyone who wishes to live here should do their due diligence in researching what kind of town they are getting into. If we start regulating on this level... What is next? The art and music scene here is very respectful. The people are considerate and smart. They are not having wild keg parties like frat boys in college! I say no to this regulation. If we give in to something like this there's absolutely no turning back for Salida!

Sincerely, JB

Sent from my iPhone

From: [Paul Brown](#)
To: drew.nelson@cityofsalida.com
Subject: Live music
Date: Wednesday, February 9, 2022 10:39:24 AM

Hello Drew,

As a lover of music and a regular attendee to local live music performances in Salida, I oppose the potential changes to live music permits that are being proposed.

Thank you,
Paul Brown
330 E 3rd St
Salida, CO

From: [Telisa collins](#)
To: drew.nelson@cityofsalida.com
Cc: dan.shore@salidaelected.com; dominique.naccarato@salidaelected.com; jane.templeton@salidaelected.com; justin.critelli@salidaelected.com; mike.ollock@salidaelected.com; harald.kasper@salidaelected.com; alisa.pappenfort@salidaelected.com
Subject: Salida Live Music
Date: Wednesday, February 9, 2022 11:36:46 AM

Good afternoon Mr. Nelson and city council members. First, thank you for your service. I'm sure you have an array of messages to go through regarding the proposed music ordinances being addressed next Monday. I suppose I really do understand the concern some residents are expressing, and I respect their right to voice those concerns.

I wanted to write to you today on behalf of the voice of the musicians, businesses, and families in this area that would be affected negatively by these proposed changes. I am a teacher, a musician, and a mom in the Salida area. The last couple of years have hit us all hard, emotionally, financially, and physically as one of our very own band members has battled his bout with pneumonia brought on by the pandemic. The opportunities that we have been given to play local venues here in Salida has provided additional funds to pay medical bills, internet for my kids remote learning, the needed connection and joy we have all craved throughout these hard times, and not to mention how our music gives back to the businesses and staff that invite us into those space to play.

I have developed many relationships and much respect for the music community in this area. Good people and good family-oriented environments have allowed my kids to be a part of my passion beyond the classroom and to find their own in music. I feel blessed to be a part of this dynamic community. And although I respect the inconvenience that loud noises might be to some, I stand by the talented individuals who maybe don't have it in them to do a quiet desk job, but by golly, they can play and sing and bring smiles to people's faces after a long day sitting at a quiet desk job.

Maybe a compromise needs to be made, but I would encourage a task group representative of all affected parties to brainstorm a solution and open the discussion to the community. Thank you for taking the time to read through these. If you've made it this far, I truly appreciate your willingness to hear us out. I know tough decisions have to be made. I just hope it is what best supports our community, economy, and creative spirit that IS Salida.

Regards,
Lou Collins

From: [Ryan Raether](#)
To: drew.nelson@cityofsalida.com
Subject: Live music proposal
Date: Wednesday, February 9, 2022 11:39:09 AM

Hi Drew. It is absolutely heart breaking to hear that this live music problem has reached this level. Live music is the heart of Salida in tons of people's minds. I personally and I'm sure many others would have never moved here if it wasn't for the great live music scene. To be totally honest losing this could send myself and many other devoted out of the area as well. The whole thing seems just as ridiculous as someone buying a house next to a race track and complaining about the noise. Should a person who buys a house right next to active railroad tracks complain about the train??? If someone wants total peace and quiet but wants to enjoy what the town has to offer they move into the country near town like myself. Please don't let our broken American societal power issues destroy Salida. Live music is so much more than entertainment for so many people. The outdoor music scene literally saved my life during this challenging pandemic. Appeasing a few new or not people in town at the peril of so many dedicated and great citizens is just downright heartbreaking and wrong on so many levels. Just because a few people have money, power, or just have become a pain on the issue doesn't mean a whole community should suffer. Salida is already facing so many challenges. Please do all you can do to prevent this from being the possible action that is responsible for the demise of such a great town.

Sincerely, Ryan Raether
Sent from my iPhone

From: [Heather Soderman](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified Sound Permit
Date: Wednesday, February 9, 2022 11:43:35 AM

Mr. Nelson,

I'm writing to oppose the sound ordinance that would limit live music in our community. I've been in the service industry since I moved here in 2011. I think it's fair to say that small businesses have been through enough surviving the pandemic. To limit live music to once per week and until 10 pm is not only unreasonable, but it hurts these restaurants and venues. Buying property in the bustling downtown district comes with pros and cons. I wish I was fortunate enough to be able to afford real estate in the town which I've called home for a decade. This ordinance does nothing to support locals who actually live here year round. Salida's main industry is tourism. You are doing nothing to support tourism by placing these ridiculous limits on live music in a town which prides itself on its creative district and art culture. Perhaps consider those who live and work in our community rather than those who rent their air bnb's to exploit it.

Thanks for your time.

From: [Brad Groom](#)
To: drew.nelson@cityofsalida.com
Subject: Unrestricted music
Date: Wednesday, February 9, 2022 11:47:51 AM

Mr. Nelson -

Live music is vital part of the heartbeat of downtown Salida. As such, it's important to allow it to thrive and flourish. Bands bring people into the area, enrich the lives of our citizens and help support local businesses.

Please do not restrict this important part of our city's nightlife with 10pm ordinances and a ceiling on the number of events. Putting unreasonable limitations on performing acts will not only drain Salida of its vibrance, but impact our tourism industry as well.

Thank you.

-Brad Groom
13 Silver Spruce Drive

From: [Ant Sandoval](#)
To: drew.nelson@cityofsalida.com
Subject: Noise ordinance
Date: Wednesday, February 9, 2022 11:54:31 AM

I want to reject to new ordinance because this affects concerts and other events that are important to the city of Salida's tourism industry and as well as musicians alike.

Anthony Sandoval

From: [Rick Dumiak](#)
To: drew.nelson@cityofsalida.com
Subject: Give musics
Date: Wednesday, February 9, 2022 12:05:28 PM

As a frequent visitor to Salida I urge you to continue to allow live music with out a limit on the number of shows a venue can have.

I have been visiting Salida for over 15 years and one of the major reasons I visit is to hear and see live musical acts. By limiting the number of shows you will be encouraging me to look elsewhere for my live music needs.

Rick Dumiak

From: [Lindsay Jones](#)
To: drew.nelson@cityofsalida.com
Subject: Noise restrictions
Date: Wednesday, February 9, 2022 12:10:56 PM

Hi Drew,

My name is Lindsay Haarmeyer, and I've lived in Salida for almost 20 years now. I am currently a school nurse with the Salida School District, but prior to that (way back in the day!) I worked as a bartender in downtown Salida. My husband owns a landscape maintenance business in town, and we have a 9 year old daughter at Longfellow.

I wanted to reach out to you to tell you I oppose the current noise permit restrictions for downtown Salida. I believe that this is going to hurt the local music, restaurant and bar scene in Salida, which locals and tourists alike enjoy. This will also put an undue burden on local music venues, as they have to apply for additional permits each and every time they want a band to play after 10pm. I totally understand a midnight restriction on weekends, and perhaps a 10pm restriction during the week, however I don't support a 10pm restriction across the board.

I think that people who buy property close to the downtown businesses would do so understanding that there will be noises from those businesses. If they want quiet, then they should not have bought those properties. I live on 6th and E, and while it is quieter, I understand and accept that there will be noises. If all I wanted to hear was nature, I would have moved out of town. It is unreasonable to make the downtown businesses suffer because of some of those residents' complaints.

Salida is changing, and not always in a good way. Being a resident in town for the last 20 years, I have seen a lot of it first hand. I think that this restriction is an example of a bad change. I love sitting on my front porch in the summer and hearing bands play. I love walking downtown and having the option of going to see some live music on a whim. Music brings the community together, and with these restrictions, I believe it will take away from the amazing community of Salida.

Please consider not moving forward with the noise permit restriction. I do not think it will be a good thing for the community of Salida. I do not support it.

Thank you

Lindsay Haarmeyer
601 E St
Salida, CO
612-805-3940

- -
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From: [Kristen Moeller](#)
To: drew.nelson@cityofsalida.com
Subject: Salida music regulations
Date: Wednesday, February 9, 2022 12:21:58 PM
Attachments: [Screenshot 2022-02-08 at 8.32.04 PM.png](#)
[Screenshot 2022-02-08 at 8.32.06 PM.png](#)

Dear Drew,

As a Salida resident since 2014, and formally having lived in downtown, I say OH NO to this proposal.

I hope I am not reading this correctly - 18 events TOTAL per year??? For all of downtown Salida? And, no more than 6 per month?

There is nothing better on a summer evening than dinner in town and then taking a stroll with stops at the various outdoor music venue. Sure, end things at 10pm on weekdays (and later on weekends) but to limit the number that can be held? That's just plain crazy - and very very sad.

Please don't do this. Don't wreck what's beautiful about our town.

Best,

Kristen

Kristen Moeller, MS

www.kristenmoeller.com

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WORKSESSION MEMORANDUM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	February 14, 2022

- Additional delineation on maximum decibel levels that are received at any nearby property line. For purposes of the new application, it is suggested that a maximum level of 85 decibels (dBA) is appropriate at receiving properties. Please see the attached chart from the American Academy of Audiology for explanation of decibel levels.
- New conditions related to the arrangement of equipment to require establishments to be thoughtful about the placement of speakers and other devices that emit sound, with the intent of reducing impacts and disturbance to surrounding properties.

The draft permit application also allows for additional conditions to be placed on the event by either the City Administrator or City Council, should that be necessary. One example of this would be to limit total duration of amplified sound events, should an application be made that is excessive. Staff will monitor all applications to ensure appropriateness with the criteria outlined in the SMC.

It should be noted that the proposed conditions on the permit are in line with those imposed by other communities in Colorado. Staff was provided with examples from Denver, Frisco, and Aspen, and regulations from Greenwood Village (i.e. Fiddler's Green) and Wheat Ridge were also reviewed. It should also be noted that some other comparable communities do not have amplified sound regulations within their municipal codes; rather, they regulate events through their special event processes.

RECOMMENDATION

Staff requests City Council feedback on the changes made to the Noise Permit Application, including the standardized time limit, total number of permits available to businesses/properties during the calendar year, and decibel levels established by the permit document. We believe that the revised permit reflects the desires of the City Council and the community in balancing the needs of businesses, residents, and those looking for evening entertainment in Salida's desirable climate.



WORKSESSION MEMORANDUM

DEPARTMENT	PRESENTED BY	DATE
Administration	Drew Nelson - City Administrator	February 14, 2022

ITEM

Amplified Sound Permit Applications for 2022

BACKGROUND

In July of 2021, City staff provided the City Council with a memo (attached) regarding options for regulation of amplified sound in the Salida corporate limits. In that memo, staff analyzed a number of additional permitting regulations and conditions under which amplified sound could be administered. This analysis was done with an effort to balance the community's desire for entertainment, business interest in economic development, and requests from residents to limit the impacts of amplified sound within the downtown business district.

The Salida Municipal Code contains regulations for Noise Control under Section 10-9-10, *et seq.*, which provides that the City Administrator reviews and approves Amplified Sound Permits. Generally, Amplified Sound Permits have been approved without the need for public hearings and staff has established a standard ending time of 10:00 p.m. The City is allowed to regulate amplified sound via Colorado Revised Statutes section 25-12-103. C.R.S. § 25-12-103(1) establishes the baseline, statewide maximum decibel levels for various zones. C.R.S. § 25-12-103(11) excepts municipalities and their permittees from that provision by providing that *"this article is not applicable to the use of property by this state, any political subdivision of this state, or any other entity not organized for profit, including but not limited to, nonprofit corporation, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks displays."* As such, C.R.S. allows the City to regulate amplified sound, including through the issuance of permits for noise in excess of the baseline levels in C.R.S. § 25-12-103(1). Under normal daily conditions, noise standards are fairly restrictive based on the source/receptor chart located in table 10-A of the SMC.

ANALYSIS

Staff worked directly with the City Attorney's office to draft a new application and information form for Noise Permits to enhance the administrative process to permit amplified sound. Attached is a draft application that includes additional information required to be provided to the City, along with additional conditions that provide guardrails on what type of activities will be permissible. While the SMC provides significant discretion for the City Administrator to review permits, it has become clear that additional guidelines are necessary to set standards that both businesses and residents can rely upon. Substantial additions to the application are as follows:

- Clear establishment of 10:00 p.m. as the ending time for amplified sound in all locations. Any later ending time must be approved following a public hearing by the City Council. Notice for such public hearings is regulated in the SMC (notice is required to be posted at the regular posting site, which is the City's website).
- Limiting the total number of permitted events to eighteen (18) for the calendar year, and no more than six (6) in any given month. Any additional requested dates can only be approved following a public hearing of the City Council. This limited number is intended to allow for one (1) event per week during the summer season, which is generally established as May 15th through September 15th.

Sent from Kristen's iPhone

(Please excuse any typos. My digital device seems to have a mind of its own...)

From: [Sue Ann Hum](#)
To: drew.nelson@cityofsalida.com
Cc: [Templeton Jane](#); [Alisa](#); [Kasper Harald](#); [Bayne Dominique](#); [Pollock Mike](#); [Critelli Justin](#); [Shore Dan](#)
Subject: Live music
Date: Wednesday, February 9, 2022 12:23:26 PM

Hello Drew, and all -

Art and music are what sealed the deal for Rick & me to move to this area.

With arts as the undeniable pulse of our Creative District and downtown vibe, imposing Government regulations on the number of performances is unacceptable. Especially in a community that prides itself for supporting the arts, limiting the amount of allowed music is a huge step in the wrong direction and would have a deeply negative impact on the livelihoods of our musical artists... not to mention the economic losses for several businesses.

Yes, we can respect that some homeowners are pushing for this, but 18 performances a year per outdoor venue is a flawed compromise.

City regulation of decibels seems reasonable.

Respectfully appreciating your service,
Sue Ann

From: [Tim Brown](#)
To: drew.nelson@cityofsalida.com
Subject: Salida music
Date: Wednesday, February 9, 2022 12:36:59 PM

Hi Drew,

As a 40 year Salida local and former Fibark Commodore and big supporter of the arts of Salida, I urge you to not interfere with the music scene over a few disgruntled humans.

Is it really that hard a decision?

Thank you for your continued fine service!

Tim Brown
Salida,CO

From: [Wayne Hancock](#)
To: drew.nelson@cityofsalida.com
Subject: Music in Salida
Date: Wednesday, February 9, 2022 12:54:13 PM

Mr. Nelson,

As a city resident and musician, I do not support any restrictive measures the city may be planning to impose on our town.

Thank you,

Wayne Hancock

445 E Street

Salida

From: [Carol Cartwright](#)
To: drew.nelson@cityofsalida.com
Subject: Music Venues
Date: Wednesday, February 9, 2022 1:09:49 PM

Dear Drew Nelson,

I am writing in response to the City Council work session on Monday, February 14, addressing live music venues in our lovely artistic city. I am a professional photographer and moved here 18 years ago as the art environment was rich with opportunity and music. Those of us “old timers” remember Bongo Billy’s where there was music with live bands every weekend and at least one band during the week. Salida welcomed musicians with open arms and their music enhanced and harmonized with the lively art scene.

Restaurants and bars that hire live musicians have to book them months in advance and they sign contracts for dates and for pay. And sometimes they hear that a band may be coming through from Denver on their way to Durango or other parts of the southwest and have the opportunity to spontaneously book them for a performance. And they also have to pay high royalty fees for the songs the musicians choose to play. Salida has a huge musical audience that appreciates the free music scene and supports local restaurants and bars by buying their food and beverages. And they support local bands with generous tips. It’s a win/win for everybody!

I am well aware that the complexion of our downtown has changed since I moved here. Now there are condo’s and homes in our downtown commercial and industrial district. I would like to assume that the residents who move into downtown areas would expect heavier traffic, late night revelers and yes, music. It has been my experience that the music is divided into three genres: blue grass; Americana; Rock and Roll. They are not heavy metal tunes, but danceable, sing along kind of music. It results in happy smiles, fun and new friendships with our visitors. And revenue for our businesses. And generous tips for our musicians.

We have a group page called CarMar Fan club that has 225 members who support local music. We post musical events, articles, etc devoted to music

and even have a couple live music performances here in our backyard. I believe you underestimate the love of music of our local residents. What next? Limit hikers on trails? People fishing in the river? Families enjoying water activities?

I believe the bottom line is this: Why not HELP our local businesses instead of just singling out music venues that are struggling because of Covid and consequent staff shortages. How about working WITH the venues? How about SMALL changes? Bands play until 9? Ideas to help venues lower the volume? We have several local sound engineers who could work with the venues. Our town needs to do ALL IT CAN to retain the “flavor” of an artistic, historical, warm and friendly place.

Carol Cartwright
9972 E. Cheyenne Cir.
Salida, CO 81201
719-221-1627

From: [Mike Baker](#)
To: drew.nelson@cityofsalida.com
Subject: Live music permits
Date: Wednesday, February 9, 2022 1:30:01 PM

I oppose the potential changes to the live music permits in Salida.

Salida is a creative arts district. We need less regulation on our live music. These proposed changes are ludicrous and will hurt our tourism industry in our town! This vast web of industry needs live music as a catalyst to our restaurants and art galleries that draw in money to our locals who are not retired and depend on the arts and our culture to make a living here.

I implore you to show us the benefits of these proposed regulations because as a long term resident and father of the next generation born in Salida I have extreme doubts as to why these regulations are to be made at all.

Thank you for your time
Michael Baker

From: [Cate Kenny](#)
To: drew.nelson@cityofsalida.com
Subject: Salida Music
Date: Wednesday, February 9, 2022 4:00:01 PM
Attachments: [image0.jpeg](#)
[Untitled attachment 00175.txt](#)

Hi Drew

I am reaching out in response to the Salida live music scene. Please see the attachment for the comments & reasons I believe Salida should have unlimited live music, should go later into the night & should be supported by the community!

Cheers
Cate

From: [Lauri Gorder](#)
To: drew.nelson@cityofsalida.com
Subject: Proposed Live Music Restrictions
Date: Wednesday, February 9, 2022 4:32:04 PM

Drew,

I am writing to let you know that I oppose the proposed changes to live music in Salida. We moved to this town because of the arts, including live music.

During Fibark weekend in the summer of 2021, we were listening to live music inside of a brewery when the cops came in and shut down music even before 10pm. It was a terrible way to handle the situation as there was no warning to bar owners that this was going to happen. Many people lost a lot of respect for the cops and the city that night. It was handled horribly!

Why would a limit of 1 permit per week per business be a solution? You are going to require businesses to stand in front of city council to request each additional show when they are already spread thin on time and employees. This is completely unreasonable. The city should be supporting businesses that are doing what they can to stay open during these tough times and now the city wants to handicap them. This is disappointing.

This town has thrived on music and arts for years and many of us moved here for that reason. Why do a few homeowners have the power (money) to restrict the rules on music that has been happening for years (long before they bought their homes). Are we really going to let new homeowners change the shape of this town with a few complaints?

These changes are going to hurt locals, musicians, tourists, and Salida's economy. Please do not support the proposed changes on live music in Salida. People love Salida for the arts (including music)! It sickens me to think that new people moving in can change the entire feel of this community if they have enough money and power to fight for their agenda.

Thanks,

Lauri

From: [Ryan Short](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified sound permit concerns
Date: Wednesday, February 9, 2022 4:52:54 PM

Hi Drew,

We are residents of Salida and live at 500 Ouray Ave.

We are emailing to express our concern over the proposed changes to amplified sound permits. Specifically the limit to 1 night per week. Downtown Salida is supposedly a creative district. We need businesses to be able to more freely host live music multiple times per week - especially Thursday - Saturday.

We are already in a housing crisis that is pushing creatives out of our community and this will just make that worse.

Anyone who lives in downtown has both chosen to live there and has benefited in property values from Salida being a creative district. It's downtown. It's a creative district. Music is essential to that.

Please consider removing the limits of 1 per week that will make it harder for business owners, servers and creatives to be able to afford to live here.

Thank you,
Ryan & Banner Short

--

RYAN SHORT
CEO

CIVICBRAND.COM | (719) 204-3260 | ☐



From: [Justin Allison](#)
To: drew.nelson@cityofsalida.com
Subject: Music in Salida
Date: Wednesday, February 9, 2022 4:59:44 PM

Mr. Nelson,

The restrictions around live music performances that are being considered are absurd.

Sincerely,
Justin Allison
Howard , CO

From: [Christine](#)
To: drew.nelson@cityofsalida.com
Subject: Music
Date: Wednesday, February 9, 2022 5:09:59 PM

Hi Drew, Please let our music go on! I can see a time limit of 11:00 pm - but that is it. Thanks, Christine Rochester

Sent from space

From: [Andrea Blocker](#)
To: drew.nelson@cityofsalida.com
Cc: [Barry M. Blocker](#)
Subject: Live music in Salida
Date: Wednesday, February 9, 2022 5:25:27 PM

Dear Drew,

I am writing on behalf of me and my husband regarding the live music band ordinance. We have lived in Salida for over 16 years and live on Sacket approximately 3 blocks from downtown. We have never had any issues with loud music playing late at night and the local businesses have always been curious to the locals.

I am also concerned for the small business that need live music in the summer to increase their revenues to offset slow winters. We like to see Salida thriving and if music is reduced due to a small portion of locals complaining then this is not fair to the businesses, locals and musicians that came to Salida to enjoy the town.

We are totally against this ordinance and would like to know what we can do to make sure this does not go into effect. Thank you,

Cheers!

Andrea Blocker

From: [Bryan Joslin](#)
To: drew.nelson@cityofsalida.com
Subject: Fwd: Noise ordinance
Date: Wednesday, February 9, 2022 5:48:15 PM

> Hi Drew,

> This is Bryan Joslin, owner of mountain phoenix coffeeshop and roastery. Everything about these new noise ordinances is totally wrong. Im on vacay until next week but would take some time to sot down with you. Lets please not let the voices of those who CHOOSE to live near live music change the success pattern of small business. I wont let it happen. My friends have worked way to hard to now be possibly undermined my a frActional minority (Hobbs family/we all know and loathe them at this point) who want to change the face of salida.

>

> Bryan

> Sent from my iPhone

From: [Talía Haebler](#)
To: drew.nelson@cityofsalida.com
Subject: Oppose work-session memorandum
Date: Wednesday, February 9, 2022 7:07:45 PM

Hi Drew,

I oppose the work-session memorandum for Salida businesses. Please don't take away what so many of us love about Salida. I live in the Vail Valley and trust me when I say a lot of our locals bring business to Salida due to what we might lack here. It's such a special place.

Best,

Talía

From: [Lauren Thomson](#)
To: [Drew Nelson](#)
Subject: live music
Date: Wednesday, February 9, 2022 7:35:58 PM

Hi Drew!

You have probably already been made quite aware of this, but the consensus in town is that we love live music and don't want limits put on it.

Apparently we are all supposed to email *you* to let you know...

Thanks for taking all of this into consideration.

Frankly, I think a little less bluegrass would be great but that's another conversation. #toomanynotes

Thanks,

Lauren

--

Lauren Thomson

WEB/DESIGN: www.laurenthomsondesign.com

ART: www.laurenthomsonstudio.com

410.274.5591

Salida, CO



From: [James Brown](#)
To: drew.nelson@cityofsalida.com
Subject: Music Downtown.
Date: Wednesday, February 9, 2022 7:46:55 PM

Mr. Nelson,

In my opinion, pandering to people who have moved across the river seems like a bad precedent to me. the riverside has always been a place where music thrives. Id like to continue to enjoy the entertainment as it has been, and I oppose the idea of limiting that in any way. Its what we have marketed the downtown with, and just because a few people are inconvenienced by sound that shuts down at reasonable hours, doesn't mean town has to legislate.

Thanks, please leave it alone.

Respectfully,

James Brown

From: [Tom McEnany](#)
To: drew.nelson@cityofsalida.com
Subject: Sound ordinance/performance restrictions
Date: Wednesday, February 9, 2022 8:00:18 PM

Hi Drew,

Thank you for taking a moment to read this email. I have just recently become aware of the intention of the council to impose restrictions upon local venues concerning amplified music, and particularly live performances. I realize state statutes, and research into how other Colorado cities have influenced the council's intentions in this matter. I just want to encourage you, and the council to put as high of priority as possible in favor of less restrictions in whatever way you can. My highest concern is the aspect regarding restrictions on the number of performance events a venue can provide. I see this as a problem for future councils to contend with. I realize this is a difficult situation, and thank you for taking on this responsibility that can have a big impact on the quality of life for the community.

Tom McEnany

From: [Jenny Morris](#)
To: drew.nelson@cityofsalida.com
Subject: Live music in Salida
Date: Wednesday, February 9, 2022 8:12:15 PM

Hi Drew,

As locals of Salida, we are very concerned what limiting live music to one day per week could do to the economy of our town. Salida has grown purely because of the funky art scene. If we remove that, there may not be enough other tourism activities to continue to keep the economy thriving.

Apart from tourism, live music is something that is locals cherish greatly! What is the different between live music and speakers? If this is due to complaints from second home owners or wealthy individuals who have purchases downtown homes- that should not carry more weight than the actual workers of the town.

Please don't let wealth rule policy in our town!

Sincerely,
Jenny Palmer

Sent from my iPhone

From: [Mariann Johnston](#)
To: drew.nelson@cityofsalida.com
Date: Wednesday, February 9, 2022 8:45:00 PM

Drew -

Sending you an email as a homeowner on 1st in Salida that limiting live music takes away from what make Salida great. Having the ability to walk down the street on any day in the summer to listen to amazing music make the town a destination and a place I enjoy living.

Live music brings community together. Enforcing unnecessary regulation that affects restaurants and musical artist livelihoods and reduces the enjoyment of both locals and tourist alike is a travesty.

I really hope you realize enforcing this unnecessary regulation also limits the progress of the town of Salida.

I really hope the City of Salida does not pass limiting live music venues and opportunities for the town.

Thank you - Mariann Johnston

From: [Amelia Chambers](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music Restrictions
Date: Wednesday, February 9, 2022 9:12:43 PM

Hello Drew,

I would like to communicate that, as a resident of Salida, I do not support the potential limit of live music permits for local businesses. I live at 546 F Street, close enough to downtown where I can hear many live bands and the noise does not bother my family whatsoever. In fact, we enjoy the liveliness of the music and the people walking to/from town enjoying the music. Businesses need to have the freedom to host live bands, as a means to sustain business. And as a resident who enjoys the music and wants to support small business downtown, I oppose the restriction of live music.

Thank you for your service and for listening to the opinions of community members,

Amelia Chambers

546 F St

512-818-1738

Sent from my iPad

From: [Allison Gergley](#)
To: drew.nelson@cityofsalida.com
Subject: Noise ordinance consideration for city working session
Date: Wednesday, February 9, 2022 9:52:00 PM

To the city administrator and city council members:

As an employee at the hospital, I understand how greatly the pandemic has affected all of us as individuals, as family members and friends, neighbors, as business owners and business patrons, and as community members. We have witnessed and experienced how unrelenting, time consuming and exhausting the last two years have been. If you are a business owner yourself or you are close to business owners, then I'm sure you have also seen firsthand how the pandemic exacerbated financial hardships for our local businesses in an entirely new way.

Opening a new business is a risk in itself, but throw in the proverbial 'wrench' of opening during a pandemic on top of that. Think about the years that have gone into preparation, planning and working towards your dreams only to have the timing work out perfectly for a period of inconsistency, doubt and uncertainty about what the future holds.

However, all of our Salida businesses have shown their inherent strength and ability to adapt to changing public health order guidance and make the proper adjustments to their daily business operations in order to support the safety of our community and protect each other. At times this occurred to the financial detriment of those businesses, but it was for the greater good of the community. Unfortunately, we've seen several local businesses - some that had been long-standing institutions in Salida - close permanently because of financial losses that became too much to overcome without steady patronage.

That being said, Salidans and the visitors that come to our town are lively, passionate and energetic people who want to support our local businesses while partaking in the activities they love. Our convivial community has been enjoying music and art in its various forms in Salida for decades, which are as much a cornerstone of this community as the Arkansas River that flows through our town. To consider limiting and diminishing this aspect of Salida's character would not only be disheartening for those local and out-of-town patrons who thrive in these environments and support a stronger local economy, but also for the businesses trying to breathe a sense of normalcy back into our town.

I humbly ask you to consider allowing the noise ordinance to stay as it has been in previous years, and to not put additional limitations in place. Businesses have time and time again shown their willingness and flexibility to partner closely with the city, downtown Salida homeowners and renters and members of our public health and police departments. Adjustments always have to be considered; however, it can become more challenging to stay financially stable when patronage to some local downtown businesses can depend so heavily on live events (this can be something beyond a business's control). It is time for us to consider the local health of our businesses who bring consistent value, vibrancy and growth to our community by allowing the current noise ordinance to stay as is.

Thank you so much for reading this and please reach out to me if you would like to speak further on the topic.

Warmly,

Allison Gergley

From: [Kent Ridl](#)
To: drew.nelson@cityofsalida.com
Subject: Noise Limits
Date: Thursday, February 10, 2022 6:16:00 AM

I think placing the suggested limits is a bad idea for everyone involved except for the handful of complainers. I have owned my home in Salida since 2013, have built five other houses and will be building three additional homes this year. My house is across from the elementary school. Part of the reason we bought in Salida was the downtown music. The people that purchased my houses told me that part of the charm of Salida is the ability to go downtown to enjoy the music.

My house is across the street from the elementary school. The kids make plenty of noise when they are outside playing. I knew that when I bought and was willing to accept the noise, The people that complained should have done a bit more homework before they bought. Perhaps they may want to limit playground noise next.

Any limits will force the local musicians to go someplace else to play. The limits will just make things more crowded and less enjoyable and long term may negatively affect the enjoyment of Salida. The music was here long before, I am sure they arrived.

Kent Ridl
737 H Street
Salida, CO

From: [Buss,Anna.S](#)
To: drew.nelson@cityofsalida.com
Subject: Noise ordinance
Date: Thursday, February 10, 2022 8:40:34 AM
Attachments: [image001.png](#)

Hi Drew,

I recently learned about the plan to limit live music downtown Salida and I would not like for that to happen.

We need to keep our downtown vibrant and alive and draw tourists and our community.

I do not want live music to be limited like you are proposing.

Please don't approve this.

Anna Buss, CPCU

Middle Market Field Manager



1075 Jordan Creek Pkwy- Suite 170
West Des Moines, IA 50266

p 515-635-6360 **m** 515-205-2643

annabuss@westfieldgrp.com

Underwriting Assistant

Barb Estill

Barbaraestill@westfieldgrp.com

330-887-0631

From: [Te D](#)
To: drew.nelson@cityofsalida.com; dan.shore@salidaelected.com
Subject: Pro Music Restrictions
Date: Thursday, February 10, 2022 8:56:02 AM

Hi there...

Sorry, but I cannot use my real name or list my business in the current culture and with a group that leans to pro-cancel culture. They can be vicious (just read their responses on Facebook to complaints).

While 18 events seem too restrictive for concerts, restrictions are necessary.

High Side runs concerts 5-7 nights a week in the summer (they never stop at 10 pm). Tap House has nearly as many. And now there is Sherman Market. Not to mention Bensons, the rooftop musicians, or those who pop up playing in the streets (with speakers).

Downtown during summer has become a volume contest. It's too much, and other shop owners and residents need to be considered.

We cannot hear ourselves inside our businesses. Our customers complain about the noise. And those who live nearby? They are overwhelmed.

No restrictions are silly. 18 is too tight. But please get in front of this issue. It's a problem, and it impacts other businesses and residents.

MANY downtown residents/business owners support reasonable restrictions (especially on volume and the number of events). We are just living in a time where vocally opposing such things has too many potential downsides.

Thanks

From: [Peter Mossman](#)
To: Drew.nelson@cityofsalida.com
Subject: Music permits
Date: Thursday, February 10, 2022 9:13:00 AM

Hello Drew. Peter Mossman here. Just want to put in my two cents about the issuing of outdoor music permits in the city of Salida. It would be an absolute travesty to limit the amount of music permits the city of Salida would allow. This town was a music town, before it was an art town, and many of my friends and colleagues are musicians. I live on the corner of 8th and G. Guess what I hear all day? The River Rat and drills and chatter, bulldozers, nail guns on either side of me from dawn til dusk? Why not focus on limiting building adu permits which create noise pollution and toxic material dust flying around this town.

Salida is a city and if residents live downtown, noise is just part of living in a city. How many of these complainants live here and have no idea what a cool and funky place Salida used to be? Perhaps we should change the tag line from "Follow the hearts to Salida" to: Follow the Teslas to Salida" for there shall only be the sound of silence and empty bars and ticky tacky condos and residents who are absolute bores and misers.

Gratefully,
Peter Mossman

From: [City of Salida Information](#)
To: [Drew Nelson](#)
Subject: Fwd: Form submission from: Contact Us
Date: Thursday, February 10, 2022 9:21:47 AM

FYI.

Heather

----- Forwarded message -----

From: City of Salida Colorado <salida-co@municodeweb.com>
Date: Thu, Feb 10, 2022 at 8:04 AM
Subject: Form submission from: Contact Us
To: <info@cityofsalida.com>

Submitted on Thursday, February 10, 2022 - 8:04am

Submitted by anonymous user: 38.109.215.2

Submitted values are:

First Name Beth

Last Name Gilmour

Email beth@salidaart.com

Question/Comment

This is for Mr. Nelson regarding venues in town.

I come from a historic district called Annapolis Md. which very successfully had music without harassing the locals. Though occasional special permits for concerts outside were issued for things like the Naval Academy in the park or at the courthouse, the regular bar bands were not allowed to play outside unplugged. Instead of sacrificing local quality of life for the endless stream of whining exploiters, why can't you make them play inside in a proper venue or unplug. The bar is making the money the bar should provide a proper sound proof area to play. Us locals are tired of paying the price for all of these exploiters and we don't want Salida to be the place to go for entertainment - that is what cities are for. It is disgusting watching the developers and venue owners prance in here like they are God's gift and we must allow them to have their way. Instead of selling our town like a cheap slut, please treat it more like a high price call girl. Thank you for considering this before you go sell our town out for the entire year. We should not be able to hear your code violations from Smeltertown as we currently do. If we can they are too loud.

The results of this submission may be viewed at:

<https://www.cityofsalida.com/node/7/submission/1161>

From: [Leah Knight](#)
To: Drew.nelson@cityofsalida.com
Subject: Amplified Sound Feedback
Date: Thursday, February 10, 2022 9:40:32 AM

Good morning,

I am submitting my feedback against the bulleted item of "Limits the total number of permits to 18 per calendar year, and no more than six per month, unless additional permits are approved by the city council after a public hearing."

Music and the arts bring people together. Putting a limit on art is a bit ironic. I know that people specifically visit to see the music against the backdrop of our beautiful mountains, I know I do.

Although Salida feels less and less like home every year, I appreciate the need for change and compromise. In the same sense of venues providing details, are the people that are concerned about the noise also required to provide details?

I suppose I am curious to know who is a permanent resident of the downtown area that has a bedtime before 10pm. I know that there are some folks that have lived in the downtown area since I was a child, 30 some years ago. I have never heard of this being an issue in the past, but maybe I'm mistaken.

My understanding is that there are quite a lot of vacation rentals and part time residents that own property downtown. My hope is that we aren't allowing voices that don't contribute to our very special community, besides the one week a year they are there, to steer the future. Paying property taxes doesn't mean you are contributing to the culture.

Thank you for hearing our voices.

Leah Knight

From: [karen watkins](#)
To: drew.nelson@cityofsalida.com
Subject: Worksession memorandum
Date: Thursday, February 10, 2022 10:43:00 AM

Hello Mr. Nelson, I have been a citizen, business owner, and creative here in Salida for 12 years. I ask that you to not put these restrictions on live music in Salida. The arts are an important part of our community and these restrictions will harm the vibrancy of our town and the livelihood of many creatives here. For much longer then i have been here live music in downtown has been here, and when people choose to live or have vacation rentals near downtown they must realize the consequences of being there. Please don't restrict the future of our town's rich creative community and entertainment.

Sincerely,
Karen Watkins

Sent from my iPhone

From: sjharp@gmail.com
To: Drew.nelson@cityofsalida.com
Subject: amplified sound permitting
Date: Thursday, February 10, 2022 11:01:50 AM

Why such short notice for comments, This has the look of something being rammed through. There should be ample opportunity permitted for the general public to be informed of this issue and permitted to comment. I live at 3rd and D. and I never hear amplified music and I'm probably closer to the music venues than the people who own property across the river. The abundance of live music is one thing that makes Salida a novel and enjoyable place to live, Any restriction on the amount of music is just unthinkable to me. If someone purchases a house in the flight path you don't tear down the airport. Looks like the vocal minority trying to use the city to meet their own ends to me.

Sam Harper
224 D Street
303-746-5568

Sent from [Mail](#) for Windows



This email has been checked for viruses by AVG antivirus software.
www.avg.com

From: [Cathy KF](#)
To: Drew.nelson@cityofsalida.com; dan.shore@salidaelected.com
Subject: Music
Date: Thursday, February 10, 2022 11:40:50 AM

I have been reading all of the information posted online about the change to live music. It saddens me as a resident of this city that something so important was not going to be discussed openly with the people in the community. (I do read the council minutes on a regular basis as I believe it's my responsibility as a community member.)

I agree with the detailed letter submitted by Bruce Hayes, as well as many of the local business owners. I would like to add a view thoughts of my own.

- 1) In the years since we have lived here either part and full time, music has been an important part of the community.
- 2) Many of the venues that offer music are not new even if they are now under different ownership.
- 3) In order to keep younger adults in the community, a vibrant nightlife is needed. The downtown area has provided this for many years. No music after 10 pm is not a nightlife. A demographic not only desired but sought after will not remain if they can't socialize.
- 4) The chamber music concerts in many community's last later than 10 pm. Just like in larger cities, buying or developing in the business/ENTERTAINMENT district means nightlife. Local residents have known and accepted this for years.

Regards,
C. Fouty

From: [sup Johan](#)
To: drew.nelson@cityofsalida.com
Subject: Noise ordinance
Date: Thursday, February 10, 2022 11:44:33 AM

Hello Drew. I am writing to oppose any further regulations on amplified sounds.

I have lived in Salida for 16 years. I love this city.

Although I don't go out any "party" like I did 16 years ago. When I do go out, I'm looking for some excitement and fun. I hate to imagine Salidas downtown with these limitations. Having to schedule work is enough, now we need to schedule our dance time?

I live close enough to the down town that I too can hear music some nights. I love it! It's a sound to let me know salida has some life still in it. Not to mention salida is just now in a growth spurt. Best not change horses mid stream.

And don't the current restrictions already limit sound past 10pm most nights. That's is sufficient regulation.

Thanks for being open to listen to other voices.

And thanks for all you do for our City

Kyle Johan

A burrito is a great for breaking down social barriers and inspiring spiritual enlightenment.

From: [Kamber Sokulsky](#)
To: drew.nelson@cityofsalida.com
Subject: from Kamber, please read, thank you
Date: Thursday, February 10, 2022 11:45:51 AM

Hi Drew,

I don't believe we have met. My name is Kamber Sokulsky. I am an Artist that lives here in Salida. I have been part of the community for sixteen years now. (If you are not familiar with my work, I did the Bridge Project adjacent to the Salida Steam Plant with my business partner Shark Lambdin in 2012/13, as well as the Creative Arts District next to that.... as well as many other private and public works around the City....)

I understand you are getting overwhelmed with emails and letters. However, I hope that you take the time to read this email.

I came through Salida in summer of 2003. It was a ghost town. I would say nearly 90% of downtown was boarded up. Houses were still cheap. But there was no life in the town. At the time, I was living in Austin, TX. I watched over the years how that town changed from a sleepy little town of 350K to well, what it is now. I watched over the years how money and corruption took advantage of the very artistry that created it. (and years before that, I watched the same thing happen in Deep Ellum, Dallas, TX).

You see: this is how it works. The creatives move in. They make a place "cool". Then the other people move in because.... well, it's cool. Then someone wants to bank on it and get all the money. Then, guess what? It's not cool anymore. Everything that was cool is gone.

The world doesn't need another Vail. Another soulless haven for the rich only, like a heartless shopping mall. Is that what you want Salida to become?

As the wealthy (because no one else is coming, brother, trust me....!) move in, that needs to be tempered with the concerns of the community that has been here for years. People that struggle day in and day out to deal with advancing house prices, work three jobs to stay afloat and put their hearts into the community.

Please help US to help Save Salida. The proposals outlined by City Council re: live music are preposterous! Seriously. Everyone that has ever worked in the industry (food and beverage/hospitality) can tell you that one doesn't "go out" for food. They go "out" for atmosphere. Period. You kill the music, you kill the atmosphere. And the businesses.

If people move downtown, then they need to expect a "downtown lifestyle". If they rent out an Air B n B or VRBO or whatever downtown, they need to expect that and business owners

(VRBO's need to put that on their ads for their rentals. Period.) There are plenty of "quiet" places to rent out on Highway 50 that are clean and wonderful places to stay for the night! If you don't like the downtown lifestyle, I suggest selling one's property and moving down the canyon a few miles. At today's market, one will probably make an extra 100K in just buying and flipping a house (sadly). ***But why should the good citizens of this community suffer because someone moves in from out of town then DEMANDS that 'they be satisfied' at all costs to others in the community?*** This is sick. And needs to be (and WILL be) stopped in its' tracks.

Support the community and the community will support you. Fight the community and the community will fight you.

Thank you for your time and consideration. Help us be part of the solution.

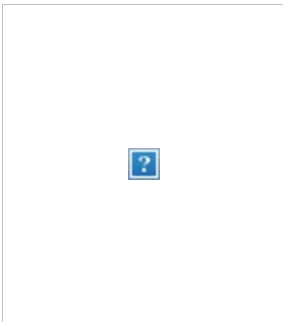
Kamber Sokulsky

kambersokulsky@hotmail.com

720-326-7594

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From: [MARTIN EPP](#)
To: drew.nelson@cityofsalida.com
Subject: Live music controversy
Date: Thursday, February 10, 2022 12:11:37 PM

Hi, Drew,

I am Martin Epp, a 50+ year resident of Salida, a lifelong musician, and a 30 year Realtor with First Colorado Land Office.

Live music in downtown Salida has been a constant well before my family moved here. When I was a kid first starting

to play clubs there were at least 3 in the downtown area that had music every Friday and Saturday night till 1:30 in the morning.

While I understand that the outdoor aspect and the fact there are more residential units in the area are different, it is still a use

that conforms to the Zoning, to a downtown business district as a whole, and to a tourist town. If people choose to live in these

parts of town they are accepting the noise that is inherent to doing so. I have barking dogs in my neighborhood and every time I

call the Police about it they tell me the same thing. It's part of living in town. I do not believe that these homeowner's rights supersede

the rights of businesses who are trying to make a living for themselves and their employees and providing entertainment to locals

and tourists as well. The turnout they have for these events is proof that they are a desired attraction to many patrons who are

spending money supporting these businesses who are in turn paying taxes to the city. I think our local government has already far

overstepped their boundaries and infringed on property owner's rights with their restrictions on short term rentals. I fear this is

going to be the icing on the cake and I believe it will take an organized group of citizens with legal representation to start suing the

City and County to put a stop to it all. Regardless of the outcome, we, the taxpayers, will end up footing the bill. I am staunchly opposed

to any government regulation of live music events in downtown Salida, and separately, on short term rental regulations as well. I

am cautiously optimistic this will be dealt with in a reasonable manner and the minority property owners complaining will hopefully

accept it or leave that part of town if they cannot.

Sincerely,

John Martin Epp

415 W 15th Street
Salida, CO 81201
719-221-1642

From: [Nancy Kay](#)
To: drew.nelson@cityofsalida.com
Subject: Music:
Date: Thursday, February 10, 2022 12:16:49 PM

Please don't take away the music downtown , you will lose a lot of revenue , and tourist trade , people come to Salida to here the local talent , and it is amazing , this city has what a lot of cities want and cannot get , The musicians here are wonderful and there is a lot of talent , PLEASE don't let their talent go to waste.
SAVE THE MUSIC

Nancy Kay

From: [Kristen Peterson](#)
To: drew.nelson@cityofsalida.com
Subject: Keep Music Alive in Salida
Date: Thursday, February 10, 2022 12:25:48 PM

Dear Mr. Nelson,

I am writing to oppose the proposed changes to live music permits in Salida, which would limit music permits to 1 permit per week per business. I have been coming to Salida for over 20 years, and have been a permanent, full-time resident for seven years. One of the major draws for Salida is that it is a town of the arts. ALL of the arts, including music.

Visitors and locals alike flock to the downtown area specifically to hear live music in the evenings. This opportunity has already been limited due to COVID restrictions, please do not limit it even further. Music helps fuel the economy and helps keep all the downtown businesses thriving. Live music is the heart of Salida. If you want people to continue to "Follow the Hearts to Salida", please let it keep beating.

Respectfully,
Kristen Peterson
Salida Resident and Art Lover

From: [Kathryn Adams](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music in Salida
Date: Thursday, February 10, 2022 12:42:06 PM

Hello Mr. Nelson;

I am writing to tell you I am against limiting outdoor music venues, it would be a shame on the City of Salida reacting to a few loud rich complaints. The Salida outdoor music is some of the best in Colorado and I for one am so thankful to have it. It helped immensely during the Coronavirus lockdown time, during which we had access to some really excellent music to distract us. It would not help businesses like Benson's or Tres Litros, or many other small venues where small bands have a chance to play. It has been such a blessing if I can say to hear some great music and also just walk into an establishment like I mentioned before, have a drink and listen. They make for excellent social settings. It would be so sad to loose that in Salida.

Please let the City of Salida Commissioners know that I am against this totally.

Thank you

Kathryn Adams,RN

From: [Jennifer Rinas](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music Permits
Date: Thursday, February 10, 2022 12:55:36 PM

To the City of Salida Administration,

It has come to my attention that a new noise ordinance regulation is being voted on soon by the City Administration. I highly oppose this proposal.

I visit Salida regularly and for years have enjoyed the wonderful variety of music and restaurant's/bars that have provided free entertainment for my family and friends. After several very rough years for the restaurant industry due to the pandemic, I find it extremely inconsiderate that as a city you would limit the number of live music shows each restaurant can have per week. They are providing a service to the community by having free live music events. This brings people to your city. In addition, the musicians that have also suffered during this period in time also have an opportunity to recoup income for this lost period in time. The restaurant/bars have had enough to deal with the last couple of years. To have them spending their time filing permits to provide entertainment to the community is absolutely ridiculous! We will be choosing another 'fun' Colorado town that promotes Art and Music to visit instead of Salida if this proposal passes. I will be sure to pass the news on to my friend's as well.

Regards,

Jennifer Rinas

Sent from my iPhone

From: [misty blue](#)
To: drew.Nelson@cityofsalida.com
Subject: Opposing Amplified sound permit
Date: Thursday, February 10, 2022 2:17:02 PM

Dear Drew Nelson and whom else it may concern,

As a service industry worker of Salida, I absolutely oppose the amplified sound permit application for 2022. Not only does it restrict us from the opportunity to draw in more business to make income as local residents, it also denies more opportunity to support our businesses. Salida has always been known for the Arts and musical talent; which brings locals and tourists enjoyment. It seems absolutely obscured that there is a bill in place to make income even harder to come by, and to put more pressure on our restaurants.

Please for love of your community do not put this bill into place!!!

- Misty Hockman

[Sent from Yahoo Mail on Android](#)

From: [Kenneth Brandon](#)
To: [Drew Nelson](#)
Subject: The city should provide free ear muffs
Date: Thursday, February 10, 2022 2:31:36 PM

Hi Drew, I'm sure you wanted yet another email about the amplified sound permit issue, but as a long time local business owner and resident of downtown Salida, I would hope the council will put the brakes on and find a more creative solution. More regulations will drive our creative sector away.

Ken Brandon

From: [Craig Greene](#)
To: drew.nelson@cityofsalida.com
Subject: Live music
Date: Thursday, February 10, 2022 2:38:29 PM

Good afternoon,

My name is Craig Greene and the head brewer of Moonlight Pizza and Brewpub. I'm contacting you about the changes to the live music permits. The music and art community is very important to our town. I do not see how this new plan will help us but only hinder us. Please rethink this idea. I just don't understand why there are so many restrictions on something so beautiful that our town provides. Thank you for your time and consideration.

From: [Kay Litz](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified Music Issue
Date: Thursday, February 10, 2022 3:49:23 PM

Mr. Nelson,

Regarding the amplified music issue in Salida, my concern is the very noticeable and disturbing volume increase of the music as of last year.

I have lived full time in my home on West 2nd Street between J and K, and First and Second streets for 19 years, and was rarely bothered by the loudness of any of the music until last summer, when the volume was much louder on a regular basis than in years past. The volume increase made it very unpleasant to sit in my backyard on summer evenings, and difficult to have a conversation.

Our outdoor music scene in Salida is rich and wonderful, and I am fine with the number of nights we have the music, but the recent increase in the volume of the music needs to be addressed. If the music this summer is again so loud that I can't enjoy spending time in my backyard, I will be calling for a Code Enforcement officer to research the level of the amplified music, and its source.

Thank you for your attention to this matter.

Kay Litz
719-221-0713
528 West 2nd Street
Salida

From: [Jenni Smith](#)
To: drew.nelson@cityofsalida.com
Subject: Salida's music scene
Date: Thursday, February 10, 2022 4:16:45 PM

Dear Mr Nelson,
So many concerns here.
I support regulations that include decibel level and numbers of events.

While I'm seldom directly impacted at 824 F Street I am really uncomfortable with the direction Salida is going. Think tourist towns like Breckenridge, Telluride, etc.

The pandemic has only amplified the stress on Salida and Chaffee County housing already impacted by housing costs and availability. When we encourage more tourism we only exasperate the problems. Sleeping in cars and vans. Dispersed camping all over the county which is unsustainable for terrain and wildlife.

I occasionally over hear someone out in public expound on how much they like Salida and are going to move here soon. I find myself switching to mother-mode and so badly want to tell them to have their 'ducks in a row' first. And then wonder later how many of them show up on FaceBook seeking help.

A popular housing trend for tourists has impacted us. The family house next door was sold/flipped and turned into an AirBandB by the new front range owners. There's a constant flow of in and out tourists. It changes the quality of life. And then there's another one down at the end of our alley owned by out of state owners. That one resulted in Salida losing a physician that lived next door because they saw the direction Salida was trending.

Not pertaining to music but still a concern to these AirBandB regulations. Two per block allowed. I have one next door so I can't have one across the street I guess. But the one at end of the alley isn't considered my block!?

I've lived here since 1999. The river was king then. Shortly after biking joined as a major attraction. There was one bike shop then. Now this small town has three. Music has been a part of Salida but I wouldn't have called it the Soul of Salida. To me it has been a part of the art community that included and shared with other forms of art.

And friends living in the blocks surrounding downtown have occasionally complained about noise levels. If all venues are allowed to have multiple events every week that's a plethora of music in a concentrated area.

And who will benefit? The venues owners. The trickle down benefits won't provide enough for performers or staff to actually live here without driving for hours.

Let's house the people we have before encouraging more, Jenni Smith

Will I come to share my feelings at the upcoming meeting? Hell no. I have learned to keep all opinions close to the vest these days. The last several years have changed how decisions are made and people react to them. I am sharing these thoughts here because I'm very afraid yet it's important to me.

Sent from my iPad

From: [CAREY HALLETT](#)
To: Drew.nelson@cityofsalida.com
Subject: Central Colorado Sound a Salida production company. Response to music in Salida...
Date: Thursday, February 10, 2022 4:46:04 PM

Hi Drew,

I am sending a response to your discussion regarding amplified sound and permitting. I am largely the sound company (Central Colorado Sound) that has handled many of Salidas events since the 90s. I am asking to be included in the discussion obviously because it is my lively hood but also because Salida is my home. My family is in our fourth generation here now, Its important to me. So if you could please include me in your discussions regarding these matters. Also I may be able to answer many questions regarding discussions on these matters.

Carey Hallett

Owner/Operator since 1997

Central

Colorado Sound

(719)221-3231

Sent from [Mail](#) for Windows

From: [Carolyn Barnett](#)
To: drew.nelson@cityofsalida.com
Subject: music limitations
Date: Thursday, February 10, 2022 4:59:02 PM

Drew Nelson: Music limitations

When we moved permanently to Salida several years ago, one of the things that made us immediately fall in love with Salida was the lively music scene. There are so many unbelievably talented musicians in the area. What a huge asset for our city.

Salida brings in national music groups because of our reputation for supporting music. Salida is often mentioned in national magazines as a best place to live, partially because of our arts scene. Music compliments our biggest events, like Fibark. Tourists come here to get a break from the big towns and the touristy feel. They come here to relax year round, enjoy outdoor activities, shop in our stores, find a great place to eat, listen to local music, then return to their place of rest, ready for another fun day in the mountains.

If this is one of the limited Creative Arts Districts in Colorado, why would Salida put a damper on the music venues that bring in a large revenue to the city? We go to local bars and restaurants specifically because of live music. We go early to get a seat close to the band. We eat a meal and then have drinks throughout the music. We've often seen standing room only for some of the local favorites. I'm sure the restaurant/bar made more money that night than any of the other nights of the week.

We can't believe one person could impact the livelihood of so many local musicians and businesses without allowing the whole community the opportunity to vote on the character of the whole town. How can Salida advertise as a Creative Arts District if we restrict certain forms of art? Have the people protesting the music scene of Salida lived here for several years and are they full time residents? The reason we chose to live in Salida is because of its small town, local feel.

If we wanted to live in a town that had the feel of outside influences we could live in Breckenridge or Crested Butte. When I moved here 10 years ago I saw bumper stickers that said, "Don't Breck Salida." We have a special town that supports local arts and businesses. Don't make a change without giving the local community the chance to vote on the direction of music in Salida. We have too much to lose!

Carolyn and Jim Barnett

From: [Sean Hines](#)
To: drew.nelson@cityofsalida.com
Subject: Live music proposal
Date: Thursday, February 10, 2022 5:39:16 PM

Dear Mr. Nelson,

I am writing because I have learned about the recent proposal to restrict certain aspects of live music in Salida, and I strongly oppose this proposal.

I have been a resident of Salida for about 6 years now, and have been visiting for far longer. Part of the reason that I live here is for the live music that is offered around town. I strongly oppose any measures to try and restrict this live music scene, including limiting the hours that live music can be performed.

I believe that this would hurt the character of Salida, as well as negatively harm the business owners who rely on this art form to attract business.

I live downtown and can hear the music from my house, this is not a disruption but a pleasant reminder that we live in a fun town that attracts many visitors due to this live music.

Thank you for listening to my comments.

Sincerely,

Sean Hines
seanjhines123@gmail.com
PO Box 1345, Salida, CO

From: [Matthew Hobbs](#)
To: [Drew Nelson](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Thursday, February 10, 2022 7:21:54 PM
Attachments: [image001.png](#)
[image002.png](#)

Thank you for the opportunity to comment. I believe this is a much needed step in the right direction. Noise is a serious problem for those experiencing it. It is regulated at all levels of government from Federal to State, and local. It can cause serious mental health problems, disturbs sleep, and is generally a known "nuisance". Further, noise does not exist in a vacuum. The effect of a noise nuisance is directly correlated with the ambient background noise. Salida is a small town that is generally quiet, even downtown. Accordingly, amplified sound here is not experienced the same here as Denver, Wheat Ridge, or even Frisco or Aspen. To constitute a substantial noise nuisance here is not even close to the same as Denver or even Aspen. Imagine how a whisper in a library can be annoying, but will have no impact in a crowded restaurant. Next it's critical to understand that noise decibel levels are based on a logarithmic scale, not a linear scale. So going from 60dB to 80 dB may not seem like much on a linear scale, but because it's a logarithmic scale, it's exponentially louder and with more impact. Here's the scale:

dB	Power ratio	Amplitude ratio
100	10 000 000 000	100 000
90	1 000 000 000	31 623
80	100 000 000	10 000
70	10 000 000	3 162
60	1 000 000	1 000
50	100 000	316.2
40	10 000	100
30	1 000	31.62
20	100	10
10	10	3.162
6	$3.981 \approx 4$	$1.995 \approx 2$
3	$1.995 \approx 2$	$1.413 \approx \sqrt{2}$
1	1.259	1.122
0	1	1

With that said below are my comments:

- Insufficient time was allowed for comment by the public and stakeholders. I received this 2/8/22 and was asked to comment 3 days later on 2/11/22. The public should have more than 3 days to formulate comments on this or any matter.
- This should be handled as an ordinance change. One of the most important things a City Council can do is mitigate competing land use impacts. It's clear amplified sound is a problem, and it's clear the current code does not provide enough guard rails for proper administration. Allowing the City Administrator to continue to control this important process without clear code guardrails is a mistake. An ordinance change would also allow for more public input and more careful consideration, and show the public the City is serious about this issue, and provide the City Staff more guardrails over what Council finds to be acceptable and an attempt at balancing competing interests.
- The current City Code is contrary to State law (another reason for an ordinance change) which has set maximum permissible noises across the State. This law has existed in some form since 1971 with the last change in 2004, so, it's not new. This proposal allows applicants to **far exceed** what the State says is a public nuisance even in an industrial area! Legally the State law is the starting point for the City. The state law clearly says "... this article shall not be construed to preempt or limit the authority of any municipality or county to adopt standards that are **no less restrictive than the provisions of this article.**" CRS 25-12-108. This proposal is clearly attempting to adopt standards that are less restrictive than the state law. That is a big problem and needs to be fixed now that the City is addressing this issue.
- Below is the State law dB level table from state statute CRS 25-12-103, which you can compare to Salida's ordinance in

your packet. (<https://codes.findlaw.com/co/title-25-health/co-rev-st-sect-25-12-103.html>)

Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.

Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

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

- 85dB is incredibly loud (not even allowed by the State in industrial areas) and as the chart submitted by City staff states, 85 dB for extended periods (like a concert??) can cause permanent hearing loss! Does the City really want to use a dB level that can cause permanent hearing loss as it's baseline not to exceed? In my personal experience noise between 50-60dB was annoyance. The State law, more closely aligns with personal experience with High Side where at 50dB it was annoying (but usually tolerable) and it became exponentially more of a nuisance above that level.
- City Staff needs to understand noise better and how it works in our community and not rely on the usual cut and paste technique of code changes of adopting what other similar communities are doing. Noise way more nuanced and is entirely unique to its surroundings. E.g., S Mountain is essentially amphitheater for sound waves. Has the City conducted any baseline studies on ambient noise in downtown to know what are baseline is so a max level can be set accordingly? This would be a fairly simple that could easily performed by city staff over a few months. If the City does not want to do any analysis, it seems that just following the State law is the easy solution.
- The applicants who receive permits should be required to monitor their noise with a noise log as a condition of permitting. This is simple and would provide the City some data with information to quantify and understand the problem.
- I support the idea of limiting the number of amplified sound permits. However, given that there are currently at least 4 venues downtown with a potential for live music (Bensons, High Side, TapHouse, Fritz) at night – this is too much. Last summer there was loud music 3-5 times per week all summer downtown. Does the City want a community where people live and work, or a Key West like tourist party town? The trend was definitely towards the latter last summer. Also, this will likely occur in the summer not the winter, so obviously all applicants will use their allotted slots during the summer, so using a calendar year does not make sense. The number should be limited to one time per week for each applicant. Further, the noise in the downtown area should be spread out should be limited to 2 times per week across all applicants, generally. Perhaps more permits are allowed one or two time a summer such as FibArk. I would also be okay exceeding 10pm cutoff provided it's very limited. I.e. 2 times per year.
- I support the idea of requiring applicants to mitigate their impacts. I believe this needs more work and clear structure. In general, applicants should be required to confine the sound waves on their property through barriers and set up. Amps should not be set up to face outwards so the sound waves go directly to neighboring property without some sound barriers.

In conclusion, if business want more music they have options – have it inside. Residents don't have options. I don't think anyone who lives downtown expects silence, but last summer was over the top, and greatly impacted my and my family mental health (including carrying over into a school year where my daughter could not sleep), and I know it greatly impacted my neighbors too, and I'm confident it impacted more people than you know or think. Residents should not have the bear the burden of noise, so that live music can occur, that is not even close to a fair trade, and it's be mistake to assume that just because no one is speaking up that they are not impacted. Anyone who lives downtown was/is almost universally impacted on some level. Thank you for addressing this problem.

Matt Hobbs

SAN LUIS VALLEY LAW FIRM
P.O. Box 609
Salida, CO 81201
719-852-0627 (Office)
719-849-9992 (Cell)

888-210-5042 (Fax)

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From: Drew Nelson <drew.nelson@cityofsalida.com>

Date: Tuesday, February 8, 2022 at 12:26 PM

To: Drew Nelson <drew.nelson@cityofsalida.com>

Subject: Potential Changes to Amplified Sound Permitting Process

Good Afternoon Stakeholders and Interested Parties – The Salida City Council will be receiving information from City staff at their regularly scheduled worksession on Monday, February 14, at 6:00 p.m. regarding amplified sound permitting. I have attached a draft memorandum that identifies slight modifications to how the City has reviewed amplified sound permits in the past. The most noticeable changes include:

- A new application form that requests additional details,
- Limits the total number of permits to 18 per calendar year, and 6 per month, unless additional permits are approved by the City Council after a public hearing,
- Limits decibels at any receiving property to 85 dBA,
- Validates a requirement for 10:00 p.m. shut-down time unless additional/late times are approved by the City Council after a public hearing, and
- Validates a requirement for careful placement of sound equipment to limit the impact to neighboring properties.

As you can see in the application, there may be additional conditions placed on permits depending on the application.

As this is a City Council worksession, the Council generally does not take public comment and it is not a public hearing. However, should you feel compelled to provide feedback on the matter, please send me written comments no later than noon on Friday and I will make sure that the City Council has the information in the packet (and it will be entered into the public record and placed on the City's website for the public to view). As noted in the memo, staff (myself, along with the City Attorney's office) compiled information that you all provided as well as reviewed the regulations in numerous other Colorado communities prior to rewriting the permit application.

I do not anticipate this will require an ordinance to change the Salida Municipal Code, unless the City Council desires different wholesale changes to the way it regulates amplified sound. Should you have any questions, please do not hesitate to reach out to me directly via this email address or by phone (listed below).

Sincerely,

Drew Nelson



Drew Nelson
City Administrator

drew.nelson@cityofsalida.com
P: 719-539-4555 | C: 719-458-0564
448 E First Street, Suite 112, Salida, CO 81201
cityofsalida.com

From: [Ron Salerno](#)
To: drew.nelson@cityofsalida.com
Subject: I Support Live Music
Date: Thursday, February 10, 2022 8:13:26 PM

Hi Drew,

I wanted to write to let you know of my Support of Downtown Live Music events and my opposition to the measure limiting live music in Salida's downtown Creative District. I was raised right here in Salida and I moved back home just a few years ago. Live music is definitely one the key reasons we decided to return to Salida and make it home again.

Growing up here in the 70s and 80s, Salida was a sleepy town with not much to do and no much in the wash of entertainment. The Salida I've returned to is revitalized and fun with plenty of entertainment. That is due in a very large part to the wealth of local artists that also make Salida Home. We are blessed to have this amazing wealth of artists, musicians, performers and writers. It's a big part of what makes Salida special.

Our local musicians are some of the best anywhere. We need to remember that most of these live performances are our very own neighbors. These musicians need our support to be able to live here and we want to do all we can to keep this treasure in our town. Allowing restaurants and bars to book them freely, on multiple nights a week, makes the music accessible to everyone. No expensive tickets to buy. And most are casual outdoor venues, making them safer in times of Covid.

These businesses benefit from the locals and visitors who support our economy. They also bring traffic to other businesses downtown. We are fortunate that we didn't lose many businesses to Covid, and we need to continue to give local businesses tools like this to thrive and keep from making our downtown a conglomeration of chain stores and fast food.

I personally see many locals enjoying the music and including their whole families. It's a big part of why I decided to bring my big city income back to our treasure of a small town where I can choose to spend my money locally while having a ton of fun! Please share this input in the upcoming hearing from a long time local supporter.

Sincerely,

Ron Salerno
720-833-8055

--

Thanks

Ron Salerno

From: [Kathleen Truluck](#)
To: drew.nelson@cityofsalida.com
Subject: Music limitations
Date: Thursday, February 10, 2022 8:20:28 PM

Hi Drew,

My name is Kathleen Truluck and so am a resident of Salida/Chaffee County. We moved to Salida for our love of the arts. One of our most favorite things is to listen to the live music. I know right now there are people that live on the other side of the river, that are attempting to restrict the music being played in town. The thought of having our fun taken away because people chose to purchase property on the river is ridiculous. The music was being played long before they purchased property and built homes. We, as a community, shouldn't be punished by not allowing us to have music, because residents chose a place where music is regularly played. One would think that prior to purchasing property and building a home, research should be done about your surroundings.

I hope you are able to reconsider putting limitations on the music played in town as Salida really is a very artistic town.

Thank you,

Kathleen Truluck

Sent from my iPhone

From: [Tyler Murphy](#)
To: drew.nelson@cityofsalida.com
Subject: RE: Music permits
Date: Thursday, February 10, 2022 8:34:22 PM

Hello Drew,

As a property owner in Salida, I would like to voice my concern around the proposed limitation on live music permits. Live music is an important component of the town culture. I hope the city reconsiders introducing such limits.

Regards,

Tyler Murphy
113 Crestone Mesa Drive

Sent securely from my iPhone using Proofpoint Enterprise Email Protection.

From: [Broken String Guitars](#)
To: drew.nelson@cityofsalida.com
Subject: Salida Petition on live music!
Date: Thursday, February 10, 2022 9:00:54 PM

Hello Drew & salida council members. I'm not in favor of this new proposal the city council of salida is thinking of doing. Limiting the number of days live music can happen @ venues, restaurants, and bars (outside) .If you want our economy to sustain in this area then this is not a good proposal. Coming off a pandemic has been a big challenge for all ! Hello we are a "creative district". Please do some research on decibel levels. There are different forms of decibels levels (they are called weights) They are all measured differently. This is a complex and sometimes misunderstood term. We understand curfews for outside performances, this is a reasonable discussion. I strongly suggest the city council please put some deep thought behind your proposal. Thank you for reading my email on this issue .

Sincerely chris nasca

From: [George A Mossman](#)
To: drew.nelson@cityofsalida.com
Subject: Music Permits
Date: Thursday, February 10, 2022 8:57:29 PM

Dear Drew Nelson and the Salida City Council,

I came to Colorado in 1995, dropped everything to move to the mountains. Not to ski, raft, or mountain bike, but to play music. Every career I've plied over the last 27 years was to support my music habit in the town I love, Salida.

I've played coffee houses, listening rooms, festivals, bars and weddings. In blues, country, R&B, and even blue-grass bands. I remember when Canned Heat played the Vic. The music scene has evolved over the past 25 years. Prior to COVID I was playing in three bands and gigging an average of 4 times a month. This past summer as Salida emerged from lockdown, the music scene reopened with several new outdoor music venues to the delight of musicians and audiences.

Visitors and locals alike, walked down the streets to enjoy multiple genres of music. Salida was alive again. This rebirth and vitality had nothing to do with the real estate boom and mass exodus from the Front Range to the mountains. It had to do with the heart and soul of the art district, joyful noise made by local, regional and national acts coming together to share their passion and musical talent with a broader, larger audience.

Most locals can't afford a house, a steak at a local restaurant or a piece of art to hang on their walls. But they, as well as Salida's affluent transplants can afford to walk around town and sample the art form that pulses through the streets of our town, Music.

Limiting local venues' ability to support this art form is a ridiculous and preposterous proposition incompatible with the vibe that the Art District and City of Salida has tried to brand and market to sell this mountain town to affluent Colorodans. As a community we have embraced most of these changes and welcomed our new neighbors whose new houses block our mountain views and whose Sprinter vans congest our intersections. We can't forget who made Salida the place people want to call home...Artists and local entrepreneurs.

We need to support the local artistic and business community. The limits proposed in the music ordinance will stifle the heartbeat and vibrance that is Salida. Furthermore, the sound ordinances and curfews currently in place are reasonable for the establishments that support local music and for those living within city limits.

Don't let a few individuals who don't get that contributing to and supporting local businesses and artists is what Salida, in fact, is...a community of creative people expressing themselves and making a living in a town they have helped mold and shape into a place worthy of being called home.

Controlling and limiting how artists and local business owners survive is not only ludicrous, it's inequitable. Don't threaten musicians' and business owners' livelihoods to appease a minority of people with deep pockets, who don't quite understand what makes Salida an amazing place to be: The very artists and business owners this short-cited ordinance will undermine and punish.

Keep the heart of Salida pumping Clty Council by rejecting this preposterous and short sighted ordinance. I'll see you at the next gig!

Respectfully,

George, Andrea, Ruby and Georgie Mossman

Merrell Bergin
PO Box 868
Salida, CO 81201-0868
mberginco@gmail.com

February 11, 2022

Mr. Drew Nelson
City Administrator
City of Salida
448 East First Street, STE 112
Salida, CO 81201

Amplified Sound Permit Applications for 2022

VIA EMAIL

Mr. Nelson, Mayor, Council and Attorney:

I'm writing as a private citizen, business and homeowner; a full-time resident of 126-1/2 F Street for 18 years and mixed use condominium owner at 126-1/2-132 F Street since 1999. I am pleased to see the City seeking input from ALL stakeholders regarding improvements to the amplified sound permit process.

Having read the work session memo and the prior document from July 2021, the suggested changes represent **a step in the right direction** towards balancing the increasingly conflicting interests of businesses, musicians and residents.

However, the measures do not go far enough. The question foremost is: what do we want Salida to look, sound and feel like moving forward? Will it be well-balanced with a mellow vibe or become solely music or bar focused? This happened rapidly (and painfully) in LoDo Denver before we moved here. Where too much of a good economic idea rapidly turned a blighted industrial area into a 24/7 sports bar "mecca": from one extreme to the other – neither good.

It became a turnoff and forced numerous apartment dwellers to seek legal action against businesses and the City of Denver. We cannot afford to let excess like that ruin our downtown, nor should we overburden staff or Council with endless paperwork or appeals.

I (and most people) want a vibrant live-work-play environment that draws locals and visitors and generates sales tax dollars from our core downtown. Yet the key word is **balance**. Food, bars, a mix of music, the river, fine and performance arts, green space *and yes, a measure of peace and quiet* all comprise what makes Salida unique and *livable*. While that rich tapestry was not present when we bought and rehabilitated our building in 1999, we hoped it would come – it has, and then some. People are fleeing to here from the Front Range, escaping from the "too much", too loud, "too congested" it has become

Back in the day, there was Bongo Billy's (where High Side! Bar & Grill is now) and the Vic. Not a lot else. There was no ongoing outdoor amplified music per se. Yet Bongo Billy's was a sought-after venue; a magnet for small, but national touring musicians to stop by and play a few sets while on tour across the state. The vibe was laid back and most important, it was **the** community center where people of all political views, musical tastes and persuasions felt at home and could relax. We miss those days. It's one reason why we moved here.

Over the years, the food and bar scene has grown steadily and with it came issues with live music emanating from both inside and outside patios/gardens. I have emails and letters dating to the summer of 2010 when Benson's outdoor music first got out of hand, resulting in numerous complaints to the Police Chief.

Fast forward to 2018 and my letters to your predecessor and Chief Clark specifically addressed a live, on the air radio broadcast in front of Free the Monkey. This was in in clear violation of a related code ***Section 7-2-100 – Noisemakers. “The use of music, noisemakers or loudspeakers on the streets of the City for the sale or vending of products, advertising or other commercial purposes is hereby declared to be a nuisance and is prohibited by the terms of this Chapter.”*** That Section is still on the books today and not enforced. Why not?

Since then, we see outdoor speakers mounted, not just at restaurants, but at numerous retail outlets downtown. I counted seven stores in 2018 alone and they have proliferated since. Why should Fantasy Games & Comics have speakers at First and F Streets? Or, for that matter at KHEN studios?

What happens now, is each business picks a different sound and turns up the volume - they end up competing with each other. All this is controllable, given the will and without that it is **purely noise pollution**. I know this is not what the amplified sound permit discussion is focused on. Yet it adds to the cacophony of downtown and in my view, this Section needs to be reviewed and enforced.

The sheer number of permit dates (18) per venue adds up over the summer and much of it will be concentrated on Friday and Saturday. We're used to and accept special events like FIBArk, Beer Festival and the Concerts in the Park. It's the ongoing music coming from an increased number of venues downtown that is already becoming a threat to the quiet enjoyment of our homes.

A 10 p.m. cutoff is absolutely a minimum. Many of us want to enjoy time spent on our second story decks or just leaving our off-street windows open. The way sound reflects off the hard building surfaces, even if venues try to direct the source, it still causes noise overall, forcing us to flee indoors, depriving us the use of our space and fresh air. We'd like to relax after the sun is down, when it cools off and get a decent night's sleep, which is very hard to do these days.

Setting a decibel level is again, a good start, but the provided American Academy of Audiology chart clearly states that anything over 85 dB is considered as Loud to Very Loud and ***“for extended periods can cause permanent hearing loss”***. I have a decibel meter and have measured sound levels in excess of this at our property – a block or more away from, or around the corner from the source.

Clear excesses like this will continue to result in my filing formal complaints. And that includes against persons (with or without permits) sitting on top of a one-story West First Street building with an amplified guitar that can be heard over a block away. That is not a legitimate venue in any case.

Table 10-A Maximum Allowable Noise Levels shows where a Commercial entity is the source, and commercial the receptor, that only 65 dBs are allowed from 7am-10pm and only 50-60 dBs are allowed at a residential receptor location. Downtown Salida has been a mix of commercial and residential uses since its beginning. A jump from Moderate - 60 dBs to the proposed 85 dBs (Loud-Very Loud) is a huge and injurious change for venue staff, locals and visitors.

On a more optimistic note, I met today with a new owner of The Sundry (former Storyville Cinema). As neighbors across our shared back alley, we exchanged positive feedback on the proposed use of the INSIDE space – for films, live music and other events.

We also expressed concern about any possible use of a rooftop deck for amplified music. And if so used, the need for plexiglass sound walls and other mitigation. This site would be barely 35 feet (at eye level) from there to our deck and other expanded residences underway in the area.

We had a fruitful dialogue and came away feeling that there would be a solid attempt to be good neighbors with them and the residences that now surround us on all sides. My hope is that some of the great feeling and good times of the former Bongo Billy's as a music and food venue and community gathering place will return in The Sundry. Time will tell.

My ask is that staff and Council capitalize on the current opportunity and take a more holistic look into the topic of amplified sound. **Cut back on the decibel level** and consider the **cumulative burden** of potentially 18 dates for each permit holder. And take a hard **look at ALL outside speakers on retail and restaurant/bar businesses**. Do any of them really need music to hook more customers inside when there are lines waiting on the street and not enough staff to serve the crowds already? Or are they just trying to outshout their competitors, not realizing it is a turnoff to their own customers, who can't carry on a conversation while dining, let alone annoying pedestrians and residents?

Downtown Salida does not need to look, feel or sound like the inside of a Best Buy audio/video showroom, Manitou Springs, or for that matter Bourbon Street during Mardi Gras.

Finally, please think about what you want downtown Salida to look, feel and sound like in the years ahead? If you wanted to buy, rent or develop a residence or business here, what would attract you to live where you work and would noise pollution send you away from downtown? Or even force existing residents and investors to sell out and move?

Now is the time to act decisively, balancing the needs of varied stakeholders and finding a consensus that works for all. Live music is vital yes, but it's only one part of the mix. We need to serve the people who shop, work, pay taxes and live here 12 months a year, not just cater to a summer season

Merrell Bergin
Tel. 303-601-1785

CC: Mayor and Salida City Council Members

From: [Anita Mumm](#)
To: drew.nelson@cityofsalida.com
Subject: Expressing opposition to proposed live music policies
Date: Thursday, February 10, 2022 11:27:26 AM

Dear Mr. Nelson,

I'm writing to oppose the proposed changes to live music permits in Salida, which would limit music permits to 1 permit per week per business.

Salida is a town of the arts, and in the wake of the pandemic, the changes (such as shutting down music at 10pm) have had a detrimental effect on our cultural scene and economy. Live music attracts locals and visitors alike to our businesses and it keeps them there, fueling the success of those businesses and by extension, our wider economy.

I'm in favor of MORE opportunities for live music and a later end time, not further restrictions.

Respectfully,

Anita Mumm

Salida resident, editor & ghostwriter
www.anitamumm.com

[Sent from Yahoo Mail for iPhone](#)

From: [Matthew Hobbs](#)
To: [Drew Nelson](#)
Cc: [Dan Shore](#); [jane.templeton@salidaelectd.com](#); [justin.critelli@salidaelectd.com](#); [mike.pollock@salidaelectd.com](#); [harald.kasper@salidaelectd.com](#); [alisa.pappenfort@salidaelectd.com](#); [Nina Williams](#); [dominique.naccarato@salidaelectd.com](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Friday, February 11, 2022 6:24:17 AM
Attachments: [image001.png](#)
[image002.png](#)

Sorry for the multiple emails (a product of the rushed comment period). Some additional thoughts and comments:

- Because amplified sound is nuisance it should be the exception not the rule from policy perspective. I don't believe City Council envisioned a blanket permit for allowing amplified all summer like what occurred last year at High Side's permit. In talking with Salida PD about this they said they never saw a permit like that before and were a bit confused by it too. In the past they said each event was permitted separately, which makes more sense. Each event should be permitted separately or at minimum limited in scope. This will allow feedback if any, and adjustment, and not allowing additional permits where warranted. If multiple events are permitted under one permit, then the City needs to have a revocation process if permit parameters are not being followed. There does not appear to process for revocation. It is far easier to deny future permits based on prior violations, then revoking a permit already granted.
- The City should consider providing permittees with dB meters and require they log the event from an area on their property boundary. Again, this would provide data and ensure it uniform so the City can better understand this issue with evidence rather than anecdotes. These meters are relatively cheap and could be built into the cost of the permit. Also if there's a noise complaint the police can arrive and simply check the dB meter. Aspen has such program where citizens can also "check out" dB meters on request. The City should also consider a webpage dedicated to this issue. See Aspen's "noise" webpage. <https://www.cityofaspen.com/329/Noise> Also note that Aspen's dB limits align with the State law, unlike Salida's. Also note that Aspen does not have a process for bars to make excess noise like Salida has done and is proposing to continue to do and. Bars in Aspen and most communities in Colorado have live music inside when it's put on by private entity. While Aspen does allow amplified noise to reach levels of 100 dB these are for special events not for bars, they are for events like FibArk and other special public events. A bar in Aspen (and most communities in Colorado) would not be able to get a amplified sound permit like is being proposed here. These type of special events are allowed under the State noise law to exceed the state noise levels, when they occur on public property, not private property.
- To reiterate – the starting point for this process needs to see the City having a process that ensures the State law is being followed.

Matt Hobbs

SAN LUIS VALLEY LAW FIRM

P.O. Box 609
Salida, CO 81201
719-852-0627 (Office)
719-849-9992 (Cell)
888-210-5042 (Fax)

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From: Matthew Hobbs <matt@slv-law.com>
Date: Thursday, February 10, 2022 at 7:21 PM
To: Drew Nelson <drew.nelson@cityofsalida.com>
Subject: Re: Potential Changes to Amplified Sound Permitting Process

Thank you for the opportunity to comment. I believe this is a much needed step in the right direction. Noise is a serious problem for those experiencing it. It is regulated at all levels of government from Federal to State, and local. It can cause serious mental health problems, disturbs sleep, and is generally a known "nuisance". Further, noise does not exist in a vacuum. The effect of a noise nuisance is directly correlated with the ambient background noise. Salida is a small town that is generally quiet, even downtown. Accordingly, amplified sound here is not experienced the same here as Denver, Wheat Ridge, or even Frisco or Aspen. To constitute a substantial noise nuisance here is not even close to the same as Denver or even Aspen. Imagine how a whisper in a library can be annoying, but will have no impact in a crowded restaurant. Next it's critical to understand that noise decibel levels are based on a logarithmic scale, not a linear scale. So going from 60dB to 80 dB may not seem like much on a linear scale, but because it's a logarithmic scale, it's exponentially louder and with more impact. Here's the scale:

dB	Power ratio	Amplitude ratio
100	10 000 000 000	100 000
90	1 000 000 000	31 623
80	100 000 000	10 000
70	10 000 000	3 162
60	1 000 000	1 000
50	100 000	316.2
40	10 000	100
30	1 000	31.62
20	100	10
10	10	3.162
6	$3.981 \approx 4$	$1.995 \approx 2$
3	$1.995 \approx 2$	$1.413 \approx \sqrt{2}$
1	1.259	1.122
0	1	1

With that said below are my comments:

- Insufficient time was allowed for comment by the public and stakeholders. I received this 2/8/22 and was asked to comment 3 days later on 2/11/22. The public should have more than 3 days to formulate comments on this or any matter.
- This should be handled as an ordinance change. One of the most important things a City Council can do is mitigate competing land use impacts. It's clear amplified sound is a problem, and it's clear the current code does not provide enough guard rails for proper administration. Allowing the City Administrator to continue to control this important process without clear code guardrails is a mistake. An ordinance change would also allow for more public input and more careful consideration, and show the public the City is serious about this issue, and provide the City Staff more guardrails over what Council finds to be acceptable and an attempt at balancing competing interests.
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- Below is the State law dB level table from state statute CRS 25-12-103, which you can compare to Salida's ordinance in your packet. (<https://codes.findlaw.com/co/title-25-health/co-rev-st-sect-25-12-103.html>)

Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.

Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

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Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

- 85dB is incredibly loud (not even allowed by the State in industrial areas) and as the chart submitted by City staff states, 85 dB for extended periods (like a concert??) can cause permanent hearing loss! Does the City really want to use a dB level that can cause permanent hearing loss as it's baseline not to exceed? In my personal experience noise between 50-60dB was annoyance. The State law, more closely aligns with personal experience with High Side where at 50dB it was annoying (but usually tolerable) and it became exponentially more of a nuisance above that level.
- City Staff needs to understand noise better and how it works in our community and not rely on the usual cut and paste technique of code changes of adopting what other similar communities are doing. Noise way more nuanced and is entirely unique to its surroundings. E.g., S Mountain is essentially amphitheater for sound waves. Has the City conducted any baseline studies on ambient noise in downtown to know what are baseline is so a max level can be set accordingly? This would be a fairly simple that could easily performed by city staff over a few months. If the City does not want to do any analysis, it seems that just following the State law is the easy solution.
- The applicants who receive permits should be required to monitor their noise with a noise log as a condition of permitting. This is simple and would provide the City some data with information to quantify and understand the problem.
- I support the idea of limiting the number of amplified sound permits. However, given that there are currently at least 4 venues downtown with a potential for live music (Bensons, High Side, TapHouse, Fritz) at night – this is too much. Last summer there was loud music 3-5 times per week all summer downtown. Does the City want a community where people live and work, or a Key West like tourist party town? The trend was definitely towards the latter last summer. Also, this will likely occur in the summer not the winter, so obviously all applicants will use their allotted slots during the summer, so using a calendar year does not make sense. The number should be limited to one time per week for each applicant. Further, the noise in the downtown area should be spread out should be limited to 2 times per week across all applicants, generally. Perhaps more permits are allowed one or two time a summer such as FibArk. I would also be okay exceeding 10pm cutoff provided it's very limited. I.e. 2 times per year.
- I support the idea of requiring applicants to mitigate their impacts. I believe this needs more work and clear structure. In general, applicants should be required to confine the sound waves on their property through barriers and set up. Amps should not be set up to face outwards so the sound waves go directly to neighboring property without some sound barriers.

In conclusion, if business want more music they have options – have it inside. Residents don't have options. I don't think anyone who lives downtown expects silence, but last summer was over the top, and greatly impacted my and my family mental health (including carrying over into a school year where my daughter could not sleep), and I know it greatly impacted my neighbors too, and I'm confident it impacted more people than you know or think. Residents should not have the bear the burden of noise, so that live music can occur, that is not even close to a fair trade, and it's be mistake to assume that just because no one is speaking up that they are not impacted. Anyone who lives downtown was/is almost universally impacted on some level. Thank you for addressing this problem.

Matt Hobbs

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From: Drew Nelson <drew.nelson@cityofsalida.com>
Date: Tuesday, February 8, 2022 at 12:26 PM
To: Drew Nelson <drew.nelson@cityofsalida.com>
Subject: Potential Changes to Amplified Sound Permitting Process

Good Afternoon Stakeholders and Interested Parties – The Salida City Council will be receiving information from City staff at their regularly scheduled worksession on Monday, February 14, at 6:00 p.m. regarding amplified sound permitting. I have attached a draft memorandum that identifies slight modifications to how the City has reviewed amplified sound permits in the past. The most noticeable changes include:

- A new application form that requests additional details,
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As you can see in the application, there may be additional conditions placed on permits depending on the application.

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I do not anticipate this will require an ordinance to change the Salida Municipal Code, unless the City Council desires different wholesale changes to the way it regulates amplified sound. Should you have any questions, please do not hesitate to reach out to me directly via this email address or by phone (listed below).

Sincerely,

Drew Nelson



Drew Nelson
City Administrator
drew.nelson@cityofsalida.com
P: 719-539-4555 | C: 719-458-0564
448 E First Street, Suite 112, Salida, CO 81201
cityofsalida.com

From: [Matthew Hobbs](#)
To: [Drew Nelson](#)
Cc: [Dan Shore](#); [jane.templeton@salidaelect.com](#); [justin.critelli@salidaelect.com](#); [mike.pollock@salidaelect.com](#); [harald.kasper@salidaelect.com](#); [alisa.pappenfort@salidaelect.com](#); [Nina Williams](#); [dominique.naccarato@salidaelect.com](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Friday, February 11, 2022 7:11:42 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[denver noise-fact-sheet.pdf](#)

Last email for now, I promise. Sorry again. Because City Staff has represented that it looked at Denver, Aspen, Wheat Ridge, and Frisco as examples, I believe it's important that Council actually know what these cited communities are doing rather than being left with an impression that Salida's proposal aligns with these communities. It does not. Attached is Denver's noise fact sheet - again aligning dB levels with the State law, and permitting special events that use public property. Wheat Ridge and Frisco appear to be aberrations in allowing bars and private individuals to have amplified sound contrary to state law. Most communities in Colorado allow amplified sound in conjunction with special events and regulate with special events permits. "Amplified sound permits" are an anomaly.

Wheat Ridge only allows 8 amplified sound permits per year per location.

<https://ci.wheatridge.co.us/1779/Noise-Regulations#:~:text=OASEPs%20will%20only%20be%20issued,which%20the%20sound%20is%20audible.>

Frisco has a very detailed application permit process which is below and likely discourages applicants. Here's that ordinance. Also Frisco went through a detailed ordinance process to get to this point, which included collecting baseline data on dB levels.

J. Permit to Exceed Limits; Appeal.

1. Permit Application. Any person desiring to obtain a permit to exceed the noise levels designated in this section may make an application to the town manager. The town manager shall have the authority to grant a permit to exceed the maximum permissible noise levels designated in this chapter in accordance with the provisions of this section. In determining whether to grant a permit under this section, the town manager shall give consideration to: 1) the time of day that the noise is proposed to be created, 2) the duration of the proposed noise, 3) the loudness of the proposed noise relative to the required limits, 4) the potential impact of the noise on others in the vicinity of the noise source, 5) whether the proposed noise is temporary or continuous in nature, 6) the extensiveness of the proposed noise, and 7) the source of the noise and the reason the noise is needed or desired, and the technical and economic feasibility of bringing such proposed noise source into conformance with the provisions of this section. Fourteen (14) days prior to a decision, the town manager shall provide notice of such request to exceed noise limitations to property owners within 300 feet of the subject property where such noise will be generated. The town manager shall consider the comments provided and may prescribe any reasonable conditions or requirements on the permit which she deems necessary to minimize the adverse effects upon the community or the surrounding neighborhood, including, but not limited to, specific decibel limitations, limitations on time(s) and location(s) of the noise source, and equipment limitations or requirements. Any permit granted by the town manager under this section shall be effective only for the location and times designated within the permit, and shall be further subject to such conditions as may be set forth in such permit. There shall be no charge for an application submitted to the town manager under this section.

None of the cited communities that allow it, allow for multiple events under one permit.

Thanks again!

Matt Hobbs

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From: Matthew Hobbs <matt@slv-law.com>

Date: Friday, February 11, 2022 at 6:24 AM

To: Drew Nelson <drew.nelson@cityofsalida.com>

Cc: Dan Shore <dan.shore@salidaelectd.com>, jane.templeton@salidaelectd.com <jane.templeton@salidaelectd.com>, justin.critelli@salidaelectd.com <justin.critelli@salidaelectd.com>, mike.pollock@salidaelectd.com <mike.pollock@salidaelectd.com>, harald.kasper@salidaelectd.com <harald.kasper@salidaelectd.com>, alisa.pappenfort@salidaelectd.com <alisa.pappenfort@salidaelectd.com>, Nina Williams <nina@wilsonwilliamsllp.com>, dominique.naccarato@salidaelectd.com <dominique.naccarato@salidaelectd.com>

Subject: Re: Potential Changes to Amplified Sound Permitting Process

Sorry for the multiple emails (a product of the rushed comment period). Some additional thoughts and comments:

- Because amplified sound is nuisance it should be the exception not the rule from policy perspective. I don't believe City Council envisioned a blanket permit for allowing amplified all summer like what occurred last year at High Side's permit. In talking with Salida PD about this they said they never saw a permit like that before and were a bit confused by it too. In the past they said each event was permitted separately, which makes more sense. Each event should be permitted separately or at minimum limited in scope. This will allow feedback if any, and adjustment, and not allowing additional permits where warranted. If multiple events are permitted under one permit, then the City needs to have a revocation process if permit parameters are not being followed. There does not appear to process for revocation. It is far easier to deny future permits based on prior violations, then revoking a permit already granted.
- The City should consider providing permittees with dB meters and require they log the event from an area on their property boundary. Again, this would provide data and ensure it uniform so the City can better understand this issue with evidence rather than anecdotes. These meters are relatively cheap and could be built into the cost of the permit. Also if there's a noise complaint the police can arrive and simply check the dB meter. Aspen has such program where citizens can also "check out" dB meters on request. The City should also consider a webpage dedicated to this issue. See Aspen's "noise" webpage. <https://www.cityofaspen.com/329/Noise> Also note that Aspen's dB limits align with the State law, unlike Salida's. Also note that Aspen does not have a process for bars to make excess noise like Salida has done and is proposing to continue to do and. Bars in Aspen and most communities in Colorado have live music inside when it's put on by private entity. While Aspen does allow amplified noise to reach levels of 100 dB these are for special events not for bars, they are for events like FibArk and other special public events. A bar in Aspen (and most communities in Colorado) would not be able to get a amplified sound permit like is being proposed here. These type of special events are allowed under the State noise law to exceed the state noise levels, when they occur on public property, not private property.
- To reiterate – the starting point for this process needs to see the City having a process that ensures the State law is being followed.

Matt Hobbs

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From: Matthew Hobbs <matt@slv-law.com>
Date: Thursday, February 10, 2022 at 7:21 PM
To: Drew Nelson <drew.nelson@cityofsalida.com>
Subject: Re: Potential Changes to Amplified Sound Permitting Process

Thank you for the opportunity to comment. I believe this a much needed step in the right direction. Noise is a serious problem for those experiencing it. It is regulated at all levels of government from Federal to State, and local. It can cause serious mental health problems, disturbs sleep, and is generally a known "nuisance". Further, noise does not exist in a vacuum. The effect of a noise nuisance is directly correlated with the ambient background noise. Salida is a small town that is generally quiet, even downtown. Accordingly, amplified sound here is not experienced the same here as Denver, Wheat Ridge, or even Frisco or Aspen. To constitute a substantial noise nuisance here is not even close to the same as Denver or even Aspen. Imagine how a whisper in a library can be annoying, but will have no impact in a crowded restaurant. Next it's critical to understand that noise decibel levels are based on a logarithmic scale, not a linear scale. So going from 60dB to 80 dB may not seem like much on a linear scale, but because it's a logarithmic scale, it's exponentially louder and with more impact. Here's the scale:

dB	Power ratio	Amplitude ratio
100	10 000 000 000	100 000
90	1 000 000 000	31 623
80	100 000 000	10 000
70	10 000 000	3 162
60	1 000 000	1 000
50	100 000	316.2
40	10 000	100
30	1 000	31.62
20	100	10
10	10	3.162
6	$3.981 \approx 4$	$1.995 \approx 2$
3	$1.995 \approx 2$	$1.413 \approx \sqrt{2}$
1	1.259	1.122
0	1	1

With that said below are my comments:

- Insufficient time was allowed for comment by the public and stakeholders. I received this 2/8/22 and was asked to comment 3 days later on 2/11/22. The public should have more than 3 days to formulate comments on this or any matter.
- This should be handled as an ordinance change. One of the most important things a City Council can do is mitigate competing land use impacts. It's clear amplified sound is a problem, and it's clear the current code does not provide enough guard rails for proper administration. Allowing the City Administrator to continue to control this important process without clear code guardrails is a mistake. An ordinance change would also allow for more public input and more careful consideration, and show the public the City is serious about this issue, and provide the City Staff more guardrails over what Council finds to be acceptable and an attempt at balancing competing interests.
- The current City Code is contrary to State law (another reason for an ordinance change) which has set maximum permissible noises across the State. This law has existed in some form since 1971 with the last change in 2004, so, it's not new. This proposal allows applicants to **far exceed** what the State says is a public nuisance even in an industrial area! Legally the State law is the starting point for the City. The state law clearly says "... this article shall not be construed to preempt or limit the authority of any municipality or county to adopt standards that are **no less restrictive than the provisions of this article**." CRS 25-12-108. This proposal is clearly attempting to adopt standards that are less restrictive than the state law. That is a big problem and needs to be fixed now that the City is addressing this issue.
- Below is the State law dB level table from state statute CRS 25-12-103, which you can compare to Salida's ordinance in your packet. (<https://codes.findlaw.com/co/title-25-health/co-rev-st-sect-25-12-103.html>)

Every activity to which this article is applicable shall be conducted in a manner so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.

Sound levels of noise radiating from a property line at a distance of twenty-five feet or more therefrom in excess of the db(A) established for the following time periods and zones shall constitute prima facie evidence that such noise is a public nuisance:

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

- 85dB is incredibly loud (not even allowed by the State in industrial areas) and as the chart submitted by City staff states, 85 dB for extended periods (like a concert??) can cause permanent hearing loss! Does the City really want to use a dB level that can cause permanent hearing loss as it's baseline not to exceed? In my personal experience noise between 50-60dB was annoyance. The State law, more closely aligns with personal experience with High Side where at 50dB it was annoying (but usually tolerable) and it became exponentially more of a nuisance above that level.
- City Staff needs to understand noise better and how it works in our community and not rely on the usual cut and paste technique of code changes of adopting what other similar communities are doing. Noise way more nuanced and is entirely unique to its surroundings. E.g., S Mountain is essentially amphitheater for sound waves. Has the City conducted any baseline studies on ambient noise in downtown to know what are baseline is so a max level can be set accordingly? This would be a fairly simple that could easily performed by city staff over a few months. If the City does not want to do any analysis, it seems that just following the State law is the easy solution.
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- I support the idea of limiting the number of amplified sound permits. However, given that there are currently at least 4 venues downtown with a potential for live music (Bensons, High Side, TapHouse, Fritz) at night – this is too much. Last summer there was loud music 3-5 times per week all summer downtown. Does the City want a community where people live and work, or a Key West like tourist party town? The trend was definitely towards the latter last summer. Also, this will likely occur in the summer not the winter, so obviously all applicants will use their allotted slots during the summer, so using a calendar year does not make sense. The number should be limited to one time per week for each applicant. Further, the noise in the downtown area should be spread out should be limited to 2 times per week across all applicants, generally. Perhaps more permits are allowed one or two time a summer such as FibArk. I would also be okay exceeding 10pm cutoff provided it's very limited. I.e. 2 times per year.
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In conclusion, if business want more music they have options – have it inside. Residents don't have options. I don't think anyone who lives downtown expects silence, but last summer was over the top, and greatly impacted my and my family mental health (including carrying over into a school year where my daughter could not sleep), and I know it greatly impacted my neighbors too, and I'm confident it impacted more people than you know or think. Residents should not have to bear the burden of noise, so that live music can occur, that is not even close to a fair trade, and it's a mistake to assume that just because no one is speaking up that they are not impacted. Anyone who lives downtown was/is almost universally impacted on some level. Thank you for addressing this problem.

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From: Drew Nelson <drew.nelson@cityofsalida.com>
Date: Tuesday, February 8, 2022 at 12:26 PM
To: Drew Nelson <drew.nelson@cityofsalida.com>
Subject: Potential Changes to Amplified Sound Permitting Process

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- A new application form that requests additional details,
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As you can see in the application, there may be additional conditions placed on permits depending on the application.

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I do not anticipate this will require an ordinance to change the Salida Municipal Code, unless the City Council desires different wholesale changes to the way it regulates amplified sound. Should you have any questions, please do not hesitate to reach out to me directly via this email address or by phone (listed below).

Sincerely,

Drew Nelson



Drew Nelson
City Administrator

drew.nelson@cityofsalida.com
P: 719-539-4555 | C: 719-458-0564
448 E First Street, Suite 112, Salida, CO 81201
cityofsalida.com

From: [Mike Wood](#)
To: drew.nelson@cityofsalida.com
Subject: Revised Amplified Sound Permitting
Date: Friday, February 11, 2022 7:23:32 AM

Please DO NOT approve the proposed changes to the Salida Amplified Sound Permit process. Art and music go hand in hand and ARE the reason for the designation of Salida as a "Creative District." I know of no other city in Colorado that has so much excellent music, and that is one of the things that makes Salida such a special place to live. Rather than further restricting the availability of live music, we should loosen the restrictions. There should be no restriction on the number of permits as long as the other criteria are met. And if anything, the curfew should be later than 10:00pm, especially on weekends when 11:00pm would seem entirely reasonable. With wealthy outsiders driving up the cost of rent, it is more and more difficult for local bars and restaurants to remain afloat. Venues like The High Side, Bensons, 146 Tap House, Soulcraft, and others are absolute treasures that should be supported as critical infrastructure for the wonderful quality of life that Salida provides. Why in the world would we want to do anything to make it more difficult for them, especially when we are just now on the verge of coming out of a huge economic slowdown as the result of the pandemic? Rather than further restricting live music, we should gather a panel of local venue owners and musicians to come up with proposals to increase our support for a robust live music scene in Salida.

Please make live music a priority!

Sincerely,
Mike Wood

From: [Kelley Jones](#)
To: drew.nelson@cityofsalida.com
Subject: Sound permitting changes
Date: Friday, February 11, 2022 7:28:29 AM
Attachments: [Screen Shot 2022-02-11 at 6.57.24 AM.png](#)

Hi Drew! Thank you for allowing this conversation to be transparent and allowing the space for understanding from all perspectives. Hopefully this promotes unity because that is what I think we all need:). I have been in Salida for 16 years. I have two kids (14 and 17). I am a teacher at the middle school. The music scene has been a huge part of our family's life. Being able to walk to town and hear the beautiful sounds of local artists has been what I consider the heartbeat of downtown.

I write this email from also another perspective. My oldest son's life passion is music. On several occasions he has played locally and brought kids out of their homes to come together to dance, hang out, and enjoy the fruits of what live music from someone you know locally can bring. These moments as a parent and teacher bring me so much joy because it encourages kids to put themselves out there, be vulnerable, and go for dreams. The times Kai has played have been as spontaneous as a teenager's behavior. I do not want these opportunities to be lost for future young artists to get the opportunity to play locally and bring our community's youth out to local music venues. I am including a screen shot of one of Kai's spontaneous performances that brought kids out during a very stressful time. He wanted to do a fundraiser for a friend and he was able to do that last minute. It was amazing.

I hope we can really unpack what the unforeseen consequences of what the future permit changes may bring as we are on the eve of potential "normalcy" while living with Covid.

Thank you,

Kelley Jones
719-239-1058



From: [Chris Skagen](#)
To: [Drew Nelson](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Friday, February 11, 2022 7:36:29 AM

Good morning Drew,

This email is to provide my opposition to the proposed sound permitting process. Specifically, I would ask that the permitted number of events be raised higher than 18. I understand the proposed process would provide an opportunity for an additional permit after a public hearing, but for businesses and professional musicians that rely on these events for their livelihood I would ask that they are able to provide more events under a single permit before having to be subjected to the increased administrative burden and time commitment to have a public hearing to discuss the matter.

The community of Salida appreciates your thoughtful consideration of all sides on this matter and I look forward to continuing to help find a solution that fosters the artistic community that helped me fall in love with this area!

Kindly,

Chris

Christopher D. Skägen, Esq.
Managing Partner
Skagen Law
9996 W US Highway 50, Suite 1223
Salida, CO 81201
Phone: (970) 227 - 6234
Fax: (503) 208 - 7181
[Email: chris@skagenlaw.com](mailto:chris@skagenlaw.com)
www.skagenlaw.com

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To: Drew Nelson <drew.nelson@cityofsalida.com>

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Sincerely,

Drew Nelson

<image003.jpg>

<Amplified Sound Memo 02-14-2022.pdf>

From: [Jennifer Veazey](#)
To: drew.nelson@cityofsalida.com
Subject: Music
Date: Friday, February 11, 2022 8:01:41 AM

Dear Salida,

Live Music and the relaxed vibe of Salida is being threatened, with the help of the city. Downtown is and always has been a vibrant, festive and sometimes loud district. We do not need to compromise our town for newcomers. If they don't like live vibrant music events they should not rent or buy in the downtown business district.

Again, there is no compromise to be made!

Our artists and small businesses are already threatened by the explosive market prices. This measure (And the act of shutting down music at 10:00 PM) is threatening to our town.

Stand for Salida and quit changing it to a suburban setting!

Jennifer Veazey

Sent from my iPhone

From: [Shawn Waggoner](#)
To: drew.nelson@cityofsalida.com
Subject: A heartfelt request: Do NOT limit live music in Salida
Date: Friday, February 11, 2022 8:21:43 AM

Dear Drew,

I am Shawn Waggoner, resident of Salida and lead singer for the Salida Band, Blue Recluse. We were voted best band by the Mountain Mail in 2020 and 2021.

The musicians in this town have just been through the most challenging years of our careers due to Covid. Many lifelong gigs no longer exist due to the pandemic. What we've heard most during these difficult days is how much live music was missed. In fact, many felt it was the thing they missed most. Because it's not only creative expression, but community and life and hope and all the positive effects the arts have on us as people.

The limitations proposed are too extreme. The already existing 10pm music curfew is something we've learned to work around. By taking those limitations further, the City of Salida would be limiting our ability to make a living while also changing the very nature of this arts town. Music and art are a huge part of why many residents moved here and stay here. It is the top reason tourists visit here.

Tourism- the lifeblood for many small businesses here- will be negatively affected if these proposals pass. As much as visual art, music brings people to this town. I've heard from innumerable out-of-towners what a wonderful things it is to have so many talented musicians in Salida.

Please don't make us leave this community by placing over-reaching limitations on our ability to make money, to live, to create, to offer something irreplaceable to our community.

Salida's Next Last Waltz is next week at the SteamPlant. I hope you will make it a point to come and see who and what your decisions will affect. This town is not just for rich people who want a second home to come to in the summer. It's for us, too.

Sincerely,
Shawn Waggoner

From: [Matthew Coen](#)
To: drew.nelson@cityofsalida.com
Subject: Local musician opposed to limiting live music
Date: Friday, February 11, 2022 8:41:03 AM

Dear Mr. Nelson,

As a local musician and Salida resident, I wish to express my opposition to limiting our local venues from hosting live performances.

Thank you for your consideration.

Matthew Coen
970 309-2893

From: [Barbara Van Wyck](#)
To: drew.nelson@cityofsalida.com
Subject: Music limitations proposal
Date: Friday, February 11, 2022 8:49:15 AM

Salida's downtown commercial district is a distinct, unique and vibrant place. A large contributing factor to this is it's music scene and variety. To limit it's availability will change and lessen the attraction people have to our town. We're already losing so much of what makes this community special and tightly knit. Having a variety of venues and music choices in the evenings is such a treat. I would hate to think a few complainers will change all this. When I moved here full time in 2008, one of my favorite things was the option to go downtown any night of the week and be able to listen to live, local, beautiful music. (And maybe dance!). And the timing of this couldn't be worse. People are so fatigued with all the rules, regulations, and limitations placed on us from the pandemic. And now you want to limit our enjoyment of the arts and music??? And to have a shutdown time of 10pm just makes us an "old folks town". Don't you remember when you were young and used to not even venture out for the evening till 9pm or later?! It just feels like you want to take away fun, enjoyment, and community. People who live downtown and complain of noise should have taken that into consideration before choosing to live there. I also think by limiting music the venues can provide will deeply impact their ability to survive as a small business, which is already getting more and more difficult.

Please reconsider your decision

Sincerely,

Barbara Van Wyck
200 Wood Ave
Salida

From: [Jack Chivvis](#)
To: drew.nelson@cityofsalida.com
Subject: Amplified sound
Date: Friday, February 11, 2022 8:59:45 AM

Drew, and city council,
You know me as a member of the H.P.C. but probably don't know that I have been in Salida 40 years. My wife and I were pioneers on N. F. st. buying our building in 1985 and establishing the first nicer business on a very rundown side of town. We were instrumental in promoting and helping save that area. For the last 15 years we have lived @ 28 Hillside doing major work on an old adobe house. We have a beautiful large patio with a sunken fire pit where we have had many guests over to play music. Now it seems we cannot enjoy it for 2 or 3 or more nights a week all summer as the music from several downtown venues is louder than us. This last summer was a nightmare for us and we had to leave and go camp out numerous times so as not to become overly stressed out. Louder than our TV inside with the windows closed! Everyone on this side of the river was also impacted as I am sure some on Sackett and other close areas. This level of noise is not even close to being reasonable. Put yourself in our shoes. We have already discussed selling and moving if Salida continues to be louder and louder and that makes us sad.

Jack Chivvis and Linda Lovell

From: [dan.zettler](mailto:dan.zettler@cityofsalida.com)
To: Drew.nelson@cityofsalida.com
Subject: Letter in opposition to proposed changes on amplified sound permitting
Date: Friday, February 11, 2022 9:10:49 AM

Letter in support of local musicians and downtown businesses, oppose recommended changes to amplified sound permitting

Date: 2/11/2022

Esteemed Members of the Salida City Council,

As a citizen of the Town of Salida, I oppose the recommended changes to amplified sound permitting in downtown Salida.

First, the changes will be the death knell for many local musicians who rely on the vibrant downtown music scene for their livelihood. The limit on the number of permits and the bureaucratic hurdles to request additional permits will greatly reduce the number of events and thereby income for local musicians.

Second, the reduced income stream will not only harm local musicians but also the many businesses that depend on these events to keep their businesses afloat and people employed. The timing of this change could not be worse. Musicians, many downtown businesses, and their employees are already suffering reduced income streams due to COVID; permanently reducing that income stream even further will result in some of them having to close, people losing their jobs, and musicians putting their instruments away.

Finally, the changes will alter the heart and soul of downtown Salida. Downtown Salida is a vibrant and wonderful place, in large part because of our local artist and musicians. It has changed in recent years, with more and more VRBOs and second homes for wealthy Front Rangers. They have come to downtown Salida because it is a vibrant, living community filled with art and music, but now some would prefer it be less vibrant, more controlled, more regulated, and more like a suburban setting. A sterile place without frequent outdoor live music and without local artists.

Please do not set our downtown on the same track as downtown CB, Aspen, and Telluride. Do not turn it into a sterile, controlled, over regulated environment made comfortable for only wealthy second homeowners, VRBOs, and suburban transplants. Keep downtown Salida a vibrant, colorful, musical place made real by its members. Keep Salida a community filled with local artist, local musicians, and locally owned business.

Thank you for your time and consideration.

Daniel Zettler

228 Crestone Ave.

Salida, Colorado 81201

From: [Jim Ruggles](#)
To: drew.nelson@cityofsalida.com
Cc: alisa.pappenfort@salidaelecteds.com; pgoetz@mountainmail.com
Subject: Music downtown
Date: Friday, February 11, 2022 9:20:10 AM

Dear Drew, Alisa, Mtn. Mail, etc,
I have lived Salida since 1978. I have played in bands at the Office Bar,(now the Tap House), the Victoria Tavern, and Bongo Billy's (now THE High Side) at VERY HIGH VOLUME MANY TIMES, USUALLY STARTING AT 9:30, PLAYING UNTIL 2 a.m.! I have enjoyed countless bands at the Vic, ALWAYS playing 9:30 until 1:30 or 2 a.m. At HIGH VOLUME. I've also seen MANY bands at Benson's, playing outside 9:30 until closing time. With covid, ALL these businesses STRUGGLE. The heart and soul of the ARTIST COMMUNITY, Salida Colorado. My MANY musician friends are also STRUGGLING. Covid IS easing up.

I KNOW MANY of the complainers in Hollywood and downtown in the red light district. COMPLAINERS !!! It was their CHOICE to buy and live down in the red light district where there has been LOUD music until 2 a.m. FOREVER, OR BUILD IN Hollywood DIRECTLY across from the Steam Plant and the High Side, MUSIC VENUES !!! YES, 2- 3 years off from loud music down there. I don't see ANY reason for closing down music at 10, the USUAL STARTING TIME, or RESTRICTING it to three nights a week because of the COMPLAINERS ????

Who the heck do they think they are thinking they can PRESSURE this change, CUTTING THESE BUSINESSES + MUSICIANS THROATS ??? It makes me SICK !!!

I suggest these people sell their places for a HUGE profit, and move away, NOT TRY to change a LONG TRADITION of LOUD music in bars downtown !!! Those struggling businesses and musicians DEPEND on it. THAT'S WHAT THEY DO ! You might as well pass an ordinance FORCING them to close, and make the musicians work at Walmart or monarch etc.

The city council is on the WRONG track trying to implement these changes. Covid changed a lot, I don't believe it empowers these people to restrict the businesses and musicians from making a living. Grow up, Get a CLUE, FACE THE MUSIC !!!

If implemented, I hope these businesses get a GREAT out of town lawyer, NOT beholden to our judges, and sue the heck out of SALIDA and the CITY COUNCIL MEMBERS who voted on this. By law you CAN + WILL be held accountable. I'll be there to TESTIFY WITH OTHERS !

Thank you, sincerely, Jim Ruggles

From: [Jason Maxwell](#)
To: [Drew Nelson](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Friday, February 11, 2022 9:43:14 AM

Hi Drew,

Thank you for making us all aware of this issue, as it is very important to us business-owners and also the citizens of Salida. As a business-owner, I am very concerned with the proposed changes as it will negatively affect my business in several ways. As a fan of live music and arts, I am also very upset at the terms of the proposal. As a citizen of Salida, I am aware of the negative impacts these changes could have on the local economy, and the culture of the city that I live in and that attracts many tourists throughout the year.

We opened our business during the first few months of the pandemic and it wasn't easy. We created our business plan, set it in motion, spent tons of time, money and effort to get to a point where we could open, only to have a global pandemic thrown at us at the last minute. It didn't derail us, but it sure made things a lot more difficult. The first year we were open, we only dipped our toes in the live music scene with a handful of open-mic nights. It was immediately clear how vital hosting live music would be to our success. After taking the safety of our patrons and staff into account as the weather cooled, necessitating the closing of our doors and windows, and the COVID spike we saw in the fall of 2020, we stopped hosting those open mic nights. Afterwards, we fielded multiple questions daily about when we would have more live music and when we'd have actual bands playing. Salida citizens yearned for live music, something they had missed since all of the shutdowns started, and artists yearned to play. Part of the great culture that Salida is known for was missing.

During the summer of 2021, a lot of people had been vaccinated, COVID case numbers were at a fair place and warmer temps allowed us to re-open our doors and windows, so we decided we would start hosting music again. It was awesome. Locals loved it, tourists loved it, the bands on stage loved it and it was great for business. The sales dollars spiked during live music nights. We received much gratitude from our patrons, from our staff and from the musicians. As COVID Delta started spiking in the fall, we decided to shut things down again for the winter season.

I have been so excited in the last few months looking forward to what I hoped would be a spring and summer full of live music. To get this email with the proposed changes a few days ago was like a punch to the gut. How could the city deal us another blow? We were finally going to hit our stride. Maybe we'd start to see the kind of numbers we were hoping to see when we wrote our business plan. We'd finally realize our dream of having a brewery and a taproom that also regularly hosted live music. Now all that is in jeopardy with these proposed changes.

From an economic standpoint, these proposals don't make much sense. Live shows mean more sales for businesses, more sales for business means more tax dollars for the city. Tourists are more likely to visit Salida and to go out in the evenings to spend money if they have live music to entertain them. Why would the city want to reduce the amount of tax dollars it receives?

From a culture standpoint, these proposals also are hard to fathom. Limiting the number of shows means that the bands and musicians residing in the town will have less shows to play.

Many of the musicians make a large portion of the annual earnings by playing gigs. If they have less shows, then they won't be able to afford living in Salida, so we'll lose out on some really talented people. We like to support local artists, but if we only have 18 shows a year to work with, it's going to be hard to get them on stage as much as we'd like.

Salida is full of live music fans. Limiting shows will take something special away from this city which boasts about its downtown arts district. Tourists will have less reasons to visit the town and locals will have less reason to go out, which will make the culture less vibrant. Salida should embrace live music and all the people who enjoy it. Places like Boulder do that, places like Austin, Memphis, New Orleans, Nashville. They're known for live music, and people travel to those places for the arts and culture available there.

The draft memorandum cites some cities in Colorado that have similar restrictions in place. Salida is unique and shouldn't try to align with places like Aspen. I think most locals would be really upset if Salida was trying to become more like Aspen. Plenty of places don't have such restrictions and plenty of places lean into the live music scene because they realize how rich it can make the culture, how vibrant it can make the lifestyle and how healthy it can make the economy. Some businesses, ours included, rely on the financial bump that live music can give. Taking that away could result in businesses struggling financially, and possibly having to close down. Businesses that add value to the city, the culture and the economy.

Please take all of this into consideration when choosing whether or not to impose further restrictions. The current restrictions of sound level and curfew were already hard enough to navigate when we first started hosting music last year. But once we learned what those were, we followed them because we want to be good neighbors to those living close and we want to keep live music thriving in our brewery and town. Sticking to those rules should be enough and we should be allowed to run our businesses based on what our patrons want and what is good for our bottom line without having to navigate further restrictions.

Thanks for reading and thanks for considering.

--

Jason Maxwell
Co-founder/Co-owner
Tres Litros Beer Company
303-596-9138

On Tue, Feb 8, 2022 at 2:26 PM Drew Nelson <drew.nelson@cityofsalida.com> wrote:

Good Afternoon Stakeholders and Interested Parties – The Salida City Council will be receiving information from City staff at their regularly scheduled worksession on Monday, February 14, at 6:00 p.m. regarding amplified sound permitting. I have attached a draft memorandum that identifies slight modifications to how the City has reviewed amplified sound permits in the past. The most noticeable changes include:

- A new application form that requests additional details,
- Limits the total number of permits to 18 per calendar year, and 6 per month, unless additional permits are approved by the City Council after a public hearing,
- Limits decibels at any receiving property to 85 dBA,

- Validates a requirement for 10:00 p.m. shut-down time unless additional/later times are approved by the City Council after a public hearing, and
- Validates a requirement for careful placement of sound equipment to limit the impact to neighboring properties.

As you can see in the application, there may be additional conditions placed on permits depending on the application.

As this is a City Council worksession, the Council generally does not take public comment and it is not a public hearing. However, should you feel compelled to provide feedback on the matter, please send me written comments no later than noon on Friday and I will make sure that the City Council has the information in the packet (and it will be entered into the public record and placed on the City's website for the public to view). As noted in the memo, staff (myself, along with the City Attorney's office) compiled information that you all provided as well as reviewed the regulations in numerous other Colorado communities prior to rewriting the permit application.

I do not anticipate this will require an ordinance to change the Salida Municipal Code, unless the City Council desires different wholesale changes to the way it regulates amplified sound. Should you have any questions, please do not hesitate to reach out to me directly via this email address or by phone (listed below).

Sincerely,

Drew Nelson



Drew Nelson
City Administrator

drew.nelson@cityofsalida.com
P: 719-539-4555 | C: 719-458-0564
448 E First Street, Suite 112, Salida, CO 81201
cityofsalida.com

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Jason Maxwell

Co-founder/Co-owner
Tres Litros Beer Company
303-596-9138

From: [Lisa DeYoung](#)
To: [Drew Nelson](#)
Cc: [Tim DeYoung](#)
Subject: Re: Potential Changes to Amplified Sound Permitting Process
Date: Friday, February 11, 2022 9:59:51 AM

Hi Drew,

Tim & I appreciate that you have updated us on the status of 'noise' permits and the steps being initiated to address the noise issue for the community – although the time allowed for our comment (with seemingly no request for input from the community in general) is too short.

It seems appropriate that the issue should have been put out to the community for comment – not just the people you have heard from. I have talked to many people in the community and have had agreement that this is an important issue for the city to review, and set parameters for, at this stage in the city's development.

That being said, here are some of our thoughts:

- It will be helpful to have the permittee to take measures to baffle/reduce the sound impacts to neighbors, and the 10pm permit time seems reasonable.
- Regarding the decibel (dB) levels measurement –
'No noise authorized in excess of the maximum limit of 85 dB(A), as measured from any point along the property line or within the property line of the receiving premises' does not make sense.
Does that mean the sound will only be measured by the city if a complaint is called in? It seems the onus should be on the establishment requesting the noise permit to limit the dB output from their equipment at their property line – a band's sound manager knows what is going out of the speakers of the band's equipment – because they are managing it.
If I am sitting on my deck having dinner, I am not listening to the music – I am quite literally listening to noise that ebbs & flows with the air movement. And although it may not measure 85 decibels at my property line (especially by the time I could get someone from the city to come measure with their equipment) it makes it impossible to hold a normal conversation and/or just relax on my property.
- Limiting the number of permits is also a good idea – and since the season is limited (and won't be an issue in the winter) 18 dates seems like a lot, especially with the number of venues (at least 4 at the moment + the city itself having concerts in the park) that will likely be seeking permits – with more to come in the future.
 - We would also like clarification if on one date an establishment is having a happy hour band (e.g 4-6p), and then another evening band (e.g.7-10p) – music for 6-7 hours. Is that considered one permit or two?
 - Is recurring music (every Thursday as was your example) considered one permit or a permit for each of those Thursdays

This needs to be clarified for the permittees, as well as the community members interested in knowing when to expect 'noise'.

- In addition – it seems reasonable that permit dates and times be posted on the city website so that the community can check to see when to expect 'noise'. The handwritten

permit system is antiquated and would be more efficient and effective using some kind of online form. The city clerk can make signed permits public.

We look forward to an update on the outcome of the work session – and to establishing guidelines that will work for the community and businesses.

Best,
Lisa & Tim

On Tue, Feb 8, 2022 at 12:26 PM Drew Nelson <drew.nelson@cityofsalida.com> wrote:

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Sincerely,

Drew Nelson



Drew Nelson
City Administrator

drew.nelson@cityofsalida.com
P: 719-539-4555 | C: 719-458-0564
448 E First Street, Suite 112, Salida, CO 81201
cityofsalida.com

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Lisa DeYoung
Virtual Business Support • Graphic Design
lisadeyoung.com

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"Whatever you can do or dream you can do...begin it.  
Boldness has genius, power & magic in it."  
~Johann Wolfgang von Goethe  
~~~~~

From: [Margaret Reddy](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music in Salida
Date: Friday, February 11, 2022 10:05:53 AM

Hello Mr Nelson,

My name is Margaret Reddy, and I have lived in Salida since 2007, moving here from the Larkspur, CO area.

My husband and I considered many factors before choosing Salida, and access to live music played an important role in our decision making process.

Live music is part of the fabric of Salida, as much as is access to outdoor recreation and our commitment to our artistic community. It is one of the reasons that 2 of our adult children have followed us to the Valley and have made their homes here with their families.

Live music is also a major draw for tourism in our area, and tourism is what makes our community more robust and economically successful. Without the many small businesses that support visitors, our major employers in the valley are only the prison and the hospital. I'm glad we have them, but they aren't going to drive people to visit or live here. Few people say "I want to move to Salida - they have a great prison scene."

Many other towns have used music to create a culture that draws people in and that embodies the spirit and energy of their community, and we should do the same.

We aren't a Nashville or an Austin, but we ARE an epicenter for music in Central Colorado. If we actively limit our ability to have spontaneous live music in Salida; I'm guessing that Buena Vista is well positioned to take on the role and erode our tourism and economy as a result.

Thank you for taking the time to hear my thoughts.

Sincerely,
Margaret Reddy

From: [kathy mcquillan](#)
To: drew.nelson@cityofsalida.com
Subject: Keeping music live in Salida
Date: Friday, February 11, 2022 10:07:54 AM

Dear Mr Nelson,

I am joining my fellow locals in writing you this morning . This letter is a plea to you to listen to your community. We need to have live music and not be dictated to on where, when , and how much we dance to it! Salida is known as a Art community . That is why I moved to this mountain town some 13 years ago . It was difficult enough, with all of us having to shelter in place. We braved through it, we're responsible and ban together. Life needs to be celebrated ! The arts keep us sane. Please do not be threatened by individuals that have their own ideals of how our community thrives. Just think of the many talented artist that call Salida home. We need to celebrate them !

Not that long ago we were awarded the community arts grant. And now, we are being challenged from a person that chose to move to the downtown area to silence us ?!

Salida means "Dream City" , named by our

Italian settlers . Please help keep the dream alive ! Thanks for your attention on this manner!

Local,
Business owner,
Patron Saint of the arts ,
Kat McQuillan

Sent from my iPhone

From: [kathy mcquillan](#)
To: drew.nelson@cityofsalida.com
Subject: Keeping music live in Salida
Date: Friday, February 11, 2022 10:07:54 AM

Dear Mr Nelson,

I am joining my fellow locals in writing you this morning . This letter is a plea to you to listen to your community. We need to have live music and not be dictated to on where, when , and how much we dance to it! Salida is known as a Art community . That is why I moved to this mountain town some 13 years ago . It was difficult enough, with all of us having to shelter in place. We braved through it, we're responsible and ban together. Life needs to be celebrated ! The arts keep us sane. Please do not be threatened by individuals that have their own ideals of how our community thrives. Just think of the many talented artist that call Salida home. We need to celebrate them !

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Italian settlers . Please help keep the dream alive ! Thanks for your attention on this manner!

Local,
Business owner,
Patron Saint of the arts ,
Kat McQuillan

Sent from my iPhone

From: [roger ward](#)
To: drew.nelson@cityofsalida.com
Subject: music permits
Date: Friday, February 11, 2022 10:20:12 AM

Drew Nelson, my wife and I moved here 12 years ago and have thoroughly enjoyed the music scene in downtown Salida. The establishments and musicians earn their living by entertaining locals and tourists with music. People moving to the area should know the circumstances ahead of time before purchasing or leasing a property. It's similar to someone moving next to a golf course and complaining about golf balls hitting their home. Please don't let a few disgruntled residents dictate to Salida's music lovers. There's always options, enjoy the wonderful tunes or move to a quieter environment. Clamping down with these unrealistic permit quotas will only be detrimental to our vibrant, artsy downtown. Thank you, Roger and Juanita Ward

Sent from [Mail](#) for Windows

From: [Evette Twyford](#)
To: drew.nelson@cityofsalida.com
Subject: Don't Breck Salida, folks.
Date: Friday, February 11, 2022 10:25:17 AM

Ask anyone. What makes Salida so desired? What's the attraction? What is it? What makes it so special?
Our ARTISTIC COMMUNITY!

Our brothers and sisters, fathers, mothers, grand folks, cousins, uncles n aunts, friends, and friends yet to know.
Performers of Music are the backbone of Salida.

MUSIC.

Music makes Salida. Musicians make the mountains sing!
Musicians provide soothing salve to the soul!
Heal exhausted minds!
Musicians put a skip in our dull hearts, and tap in our weary toes!
Salida's community overwhelmingly revolves around Our Music.
Those rare bad ass unicorns that bleed their hearts and wrench tears from their souls to share their magic with us!
How do we honor our most valuable precious resources?
Most assuredly with protections? Yes?
NO!
Putting our performers in a cage!
Choking them with restrictions!
Shameful and piteous...
Any restrictions to the art community in general are both incredibly selfish & egotistical. Deleterious to the entire town; let alone directly harming the modest earnings potential of individual performers (& the venues that support them).
Putting time limits (recently enacted) and other short-sighted restrictions directly damage our community as a whole. This targeted attack against MUSICIANS and the gifts they share with us is contradictory to what Salida boasts: Music and her Art.

The season is so short, as it is!
Be Smart, Salida!
Music is grandfathered in from way back when...don't shoot yourself in the foot.

Free the Unicorn!
Lift all restrictions!
Let Freedom Sing!

Music-n-Art 4-ever,
Evette Twyford

From: [Brian Beaulieu](#)
To: Drew.nelson@cityofsalida.com
Subject: Amplified Sound Permitting
Date: Friday, February 11, 2022 10:28:06 AM

Dear Drew:

I write today to thank you, city council and city staff for taking on the issue of sound permitting. As a condo owner and downtown, full-time resident (140W 1s Street, Unit E), I am a firm believer in small down density and the vibrancy it affords to everyone in Salida. I also consider myself a first-rate music fan and appreciator.

The noise in my condo during the "music season" is, often, overwhelming and often disturbing. Music shakes my walls and vibrates on all sides; it overwhelms conversations, and any music I myself might want to play inside my condo. I cannot hear anything besides music pounding from the Tap House, Bensons, High Side and other music venues, but mostly the outdoor venues.

Yes, I chose to live downtown. And yes, I AM a music fan. But outdoor music venues have overwhelmed the experience the past few years, even during covid. From Wed through Sunday the shaking, vibrating and pounding of music, even acoustic sets, is disturbingly loud.

As a working class resident of Salida (downtown is not just home to extreme wealthy but also blue collar residents*), I appreciate the city taking on this challenge and welcome a mediated solution that benefits all. Music and sound are wonderful, but not when 5 outdoor venues are hitting my condo at the same time 4 nights a week. I cannot sleep, read, hear the television or listen to my own music inside* my own condo.

Thanks to the city team for moving this important conversation forward. I look forward to seeing progress and a resolution that works for all, including downtown, working class residents, like myself.

Brian Beaulieu
140 W First Street, Unit E
Salida, CO 81201

From: [Salida Council for the Arts](#)
To: erin.kelly@cityofsalida.com; drew.nelson@cityofsalida.com
Subject: Letter re: Proposed Amplified Sound Measures
Date: Friday, February 11, 2022 10:34:01 AM
Attachments: [SCFTA Letter to City.pdf](#)

Hi Drew

Please pass along this letter from the Salida Council for the Arts to the City Council. This is regarding the upcoming measures to limit amplified sound.

Thanks,
Salida Council for the Arts

From: [Jim Reddy](#)
To: drew.nelson@cityofsalida.com
Subject: Live Music
Date: Friday, February 11, 2022 10:44:54 AM

I've been a resident for 15 years, and wanted to share my views on proposed changes to licensing live music..

Please do NOT restrict live music in Salida.

Jim

From: [John McNeil](#)
To: [Drew Nelson](#)
Subject: Sound Permitting Changes
Date: Friday, February 11, 2022 10:46:44 AM

Dear Drew Nelson,

How disappointing that the city is considering draconian measures to limit musicians and entertainment, I think the proposed limits do a big disservice to the community. Arts and music are the soul of Salida. I believe that these limitations do a disservice to musicians and budding musicians and citizens looking to enjoy interactions with each other. These few residents that proposed changes affect turn the downtown moribund every city that we fled. These regulations are quintessential government overreach. They are also indicative of over representation of government for the select few.

Sincerely,

John McNeil
801 Poncha Boulevard
Salida

From: pabf666@gmail.com
To: drew.nelson@cityofsalida.com
Subject: Amplified sound permitting changes
Date: Friday, February 11, 2022 11:00:45 AM

To Mr. Nelson and City Councilmembers:

With regard to restricting live music downtown, we heartily agree with Bruce Hayes and Robin Vega. A large part of what drew us to Salida nearly 15 years ago was how vibrant it was. It was no longer the sleepy little place it was when we started coming to run the river more than 40 years ago.

Downtown before COVID was busy – lively arts scene and lots of entertainment choices. Restricting downtown venues, whether bars, the Steamplant, or music in the park will hurt the community. Our advise to those who complain would be to live with it. If you are new in town most of these places have been in business for years. If you didn't want to be in a busy area you should have looked in other parts of town for housing. If you have lived here awhile most of these places have been here for years so why start complaining now? To us the idea of killing downtown entertainment, and with it most of the town's economy, to satisfy a few disgruntled citizens makes about as much sense as buying a house near a busy airport and then petitioning to change the existing flight patterns. Like it or not our community is a tourist town. Mining is virtually gone and ranching has been in steady decline for decades. Without tourism how do we support our amazing new hospital, or our schools? Let's keep our town looking to a bright future!

Best Regards,

Pat and Frank Fisher



Virus-free. www.avg.com

From: [Joellyn Mendelson](#)
To: Drew.nelson@cityofsalida.com
Subject: Amplified Sound Changes
Date: Friday, February 11, 2022 11:11:22 AM

Hello Mr. Nelson,

Having just started reading The Mountain Mail of today I see you'd like comments regarding proposed limits on our local music, by noon today!

This is a bad idea for several reasons. The majority of Salidans have great appreciation for our local musicians and our unique ability to enjoy multiple music venues each week. Limits on performances only benefit the uber-wealthy who buy second homes here that mostly sit empty except on weekends, when we locals are enjoying, dancing to, and supporting our musicians and venues.

Please keep Salida the fun, artistic and joyful community we have been for years.

Sincerely,

Joellyn Mendelson
910 J St, E1, Salida

From: [Suzanne Mountfort](#)
To: drew.nelson@cityofsalida.com
Subject: Keep Live Music as is!
Date: Friday, February 11, 2022 11:12:40 AM

Live music is why we retired to Salida from Denver! We love the multiple live music choices we have on different days of the week. If live music is limited, it becomes crowded and a turn off to patrons. I think limited live music access will make it difficult for the start up musicians who love to come to Salida to get exposure. Our restaurants will suffer most. The amplified sound permit for 2022 is unreasonable!! Please reconsider.

Lover of live music
Suzanne Mountfort
Poncha Springs resident

Sent from my iPhone

From: jbgoldenlookout@aol.com
To: drew.nelson@cityofsalida.com
Subject: Response and Objection to the proposed changes to Music Permits for bars, restaurants and outdoor venues
Date: Friday, February 11, 2022 11:15:59 AM

Dear Mr. Nelson,

This email letter is in response and objection to the proposed changes regarding live music in Salida, Colorado, a town known for its Live Music and Love of the Arts. These changes would limit and, in many cases, eliminate a majority of live musical entertainment that is part of the heart and soul of Salida. Our musicians are some of the best anywhere and need our support to be able to live and be part of our community and continue to be a treasure of what we are so fortunate to have. They are our friends, neighbors and significant part of our Salida Family. We should be doing all we can to support and keep them. Salida has a huge musical audience that support the hosting bars, restaurants and venues by buying food, beverages and tipping the musicians, servers, bartenders that is often shared with other staff members.

Often times live music promotes dancing resulting in healthy happy smiles, exercise, fun, new friends with our locals, visitors and families of friends that share the joy live music brings. Most, if not all of the hosting venues are child friendly so when we look around, all generations of happy locals and visitors are happily sharing the musical and dance experience.

The businesses that host live music benefit our citizens and visitors and our local economy not only during their shows but by bringing business and revenue to other local businesses as well that also brings tax dollars to the City of Salida. Limiting the number and hours of performances hurts their ability to stay in business.

It is apparent the composition of Salida's downtown area has changed with the Condo's and homes in our downtown arts district. It is reasonable to expect the residents who move into our downtown district would expect and, in some cases favor heavier people traffic and yes, live music.

It has been revealed some of the complaining residents are on the other side of the river from the Salida Arts District where some of the hosting music venues are located. The residences across the river are in an area zoned as Industrial and it is reasonable to conclude they should have had different expectations prior to buying or building about what might be considered or allowed.

The City of Salida should be doing things to assist in the success of these music venues not putting unduly and expensive restrictions on them that could hurt their survival. Having to go through the hearing process or even full permitting process whenever another performance could be scheduled is extraordinarily burdensome and not warranted or smart business.

One other issue that is close to be unconscionable is the interpretation of the decibel levels (or weights), allowable and where they emanate from. The term "Receiving Property" has been incorporated and misconstrued to not be the person or residence where the sound levels are heard or actually received but by where they come from or in the case of live music, where the music is being played. This is totally misleading and certainly would not pass a "Reasonable Man" interpretation. It makes no sense whatsoever and needs to be changed or interpreted in a realistic manner. Additionally in the case of the complaining parties from across the river, when the music is outside, the sound level is lessened by the thick and numerous trees that block a reasonable amount of the sound coming from the music.

Doing research on decibel levels (weights), is warranted as this quite complex and needs research to be truly and fairly understood.

Please, City Council, put some heart, research, and the writings and words of the people of Salida into consideration of this proposal. If you want our economy to sustain in this area, this is not a good proposal. This is a Creative District that deserves to exist in a reasonable manner and continue without

the constraints of this proposal.

John Blood
6894 County Road 105
Salida, Co 81201
jbgoldenlookout@aol.com

From: [The Mountforts](#)
To: drew.nelson@cityofsalida.com
Subject: Keep live Music
Date: Friday, February 11, 2022 11:26:57 AM

We are recent residence to the Salida area and one of the draws is the variety of live music options. We take friends and family whenever they visit to enjoy the town and music options. Please keep the music as is for the good of the restaurants, vendors and visitors to our beautiful city.

Tom Mountfort

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: [Terri Walter](#)
To: drew.nelson@cityofsalida.com
Cc: alisa.pappenfort@salidaelected.com; harald.kasper@salidaelected.com; mike.pollock@salidaelected.com; Justin.critelli@salidaelected.com; jane.templeton@salidaelected.com; dan.shore@salidaelected.com; dominique.naccarato@salidaelected.com
Subject: Live Music in Salida...
Date: Friday, February 11, 2022 11:28:17 AM

To Drew Nelson & City Council Members,
This is in regard to Amplified Music in Salida. I agree with the 10pm curfew (unless its for a special event) & keeping the Decibels to a reasonable level, however there should be NO OTHER restrictions regarding this matter. A lot of our downtown Businesses rely on "live music" especially thru the summer months. If you haven't noticed TOURISM is the key. The restaurants, bars, Breweries, our distillery & shops use music to enhance their businesses! Putting more restrictions by limiting these small music venues To one a week is a detriment to these businesses. It just limits the income potential to our small businesses & hurts the owners/employees That work so hard to make a living in this town! This is utterly ridiculous. We should ALL be supporting our downtown in every way Possible! Why are you (city council) trying to appease the few folks that have a beef with all this? When the masses agree to leave it the Way it is!!...This town belongs to ALL of us...we are ALL neighbors...there are lots of things that bother people as neighbors BUT if we want to Live IN TOWN we have to try and get along! If you moved to a town across the street from a park and then complained about the kids making Noise in the park would you take the park away???...Summer is a very short window here in Salida and the people making their income from having A downtown business need it to carry them thru the winter months. Music is one of the most pure forms of entertainment...it makes up for A huge part of the SOUL of a town...DO NOT limit that...especially if YOU support our town. Thank you for your time.

Respectfully Yours,

Terri Dunn
410 H Street
Salida CO 81201
719-221-1133

Sent from [Mail](#) for Windows

From: [Stew Pappenfort](#)
To: drew.nelson@cityofsalida.com
Subject: Salida Outdoor Music Proposed Restrictions
Date: Friday, February 11, 2022 11:33:30 AM

Dear Salida Mayor, City Council and City Administrator,

This email is to voice my opposition to the proposed outdoor live music restrictions being considered by the City.

I moved to Salida 43 years ago. At that time I had been a performing musician for over 15 years. The music opportunities were limited to a few indoor venues (except for FIBArk) and quality musicians were scarce. Since then I've watched the music scene become vibrant with numerous venues and many excellent musicians.

When Covid made gathering indoors hazardous, the venues reacted by moving music outdoors where possible, providing a safer environment for their patrons. The proposed actions the City is considering will force people into gathering back to indoor settings. This seems dangerous to me. Covid has been very challenging to music venues as well as musicians. The resilience both have shown is admirable. To take away their ability to stay in business and make a living could be a liability for the City.

Limiting venues to a few dates per month and requiring them to apply for additional dates is too restrictive and is an unreasonable expectation. The 85db limit is very low and will be difficult to enforce. I have experience enforcing db limits on motorcycles. The process is very exact with calibrated meters and trained operators. Results can and have been challenged in court.

Don't let threats of lawsuits make the City react in unreasonable ways. Once someone is successful with intimidating you they will learn that threats are useful in getting their way, i.e. more threats and lawsuits. This has happened in the City's not too distant past,

I could go on about taking people's livelihoods away and the liabilities that it could create but I'll leave it here.

Thanks for considering my input!

Best Regards,
Stewart Pappenfort
Retired State Park Ranger
Musician

From: [Greg Walter](#)
To: drew.nelson@cityofsalida.com
Cc: dan.shore@salidaelected.com; dominique.naccarato@salidaelected.com; jane.templeton@salidaelected.com; justin.critelli@salidaelected.com; mike.pollock@salidaelected.com; harald.kasper@salidaelected.com; alisa.pappenfort@salidaelected.com
Subject: Live Music Venues
Date: Friday, February 11, 2022 11:34:22 AM

Hi All, Greg Here. Hope you are all doing well.

As some of you on City Council are aware the music business is tough. without further City inspired restrictions it is already the most restricted of all art forms that i know of. Lawyers love the music industry. The "Taxation" of Venues from BMI, ASCAP, etc... in and of itself is burdensome to any business promoting music.

I could go on about the absurdity of the recommendations from city staff, who incidentally have nothing to do from deriving their income from being a "Venue", Such as; Limiting the amount of dogs allowed in town because of their nuisance barking, feces, etc... or how we should alternate the use of trails for bikes and peds. on and on. Where does it stop, I mean everything bugs me. But alas, I choose to live in town.

Obviously for these businesses live music must be good for them otherwise they wouldn't do it and it helps create a sense of community. We already have the rules in place lets just enforce them, not add to what is already too cumbersome, and let's face it, nobody except for BMI, ASCAP, is getting rich.

I find it interesting that a group of people, a minority for that matter, want a river park, bike trails, skate park and we give it to them at no expense or restrictions to the end user and yet if you want live music, well, by god, it will be restricted and somebodies gonna pay. It's like, Trouble...right here in river city. It starts with a T and that rhymes with P and that spells pool. I know why we support these "amenities", it is because ultimately they pay for themselves in increased tax revenue and obviously is very good for the unrestricted real estate market. Well i would say that our "Music Scene" has been just as instrumental.

The music synergy that exists in this town is decades in the making and currently we have our own version of a Laurel Canyon happening here and it is a beautiful thing, something in which I have been soulfully invested in since "94". Why do we teach music in schools, encourage and help finance Bones rock school only to limit that creativity once one has become an adult. We are, after all, a Creative Art Town and that is what helped put us on the map. Once again we want to bite the hands that feed us and our souls for that matter.

In closing i would say that i am also financially invested in the local music scene. Not just as a musician but also as the landlord of 146 Tap House. It was our intention that the Tap House become a Music Venue as we felt that would be the best use of the outdoor space as well as providing a service to the Music Community. I could Develop that land behind the store and put another three story addition in town but i choose not to, deliberately, because i believe, for me, that would be a

soul less decision.

I wonder, how many db's a Train makes??

Sincerely and with respect.

Greg Walter

410 H Street, Salida Co. 81201

719-221-1133

From: [Bob Gomez](#)
To: drew.nelson@cityofsalida.com
Subject: RE: Live Entertainment Noise issue here in Salida
Date: Friday, February 11, 2022 11:49:28 AM

[Drew Nelson](#)

City Administrator

719-530-2629

drew.nelson@cityofsalida.com

Drew,

Please accept my personal opinion for consideration on the Live Entertainment Noise issue here in Salida

The Idea to limit any business that promotes live music which the Businesses pays for at their own cost to entertain our community and guest is ludicrous. Not all Salida business pay to have live entertainment which helps attracts people to our Salida Entertainment District (Ordinance No. 11). This free enterprise system helps promote and draws people to down town, which all contribute to Salida's tax base as they go through the many shops that promote goods of sale.

Have we all forgotten what happened to the Salida down town business district in the 80's when climax closed down. We lost about 90 percent of the established businesses; it has taken almost 30 years to recover. You need shops to establish tax base for the City, you need people attracted to down town to promote tax base enterprise. The community as a whole have volunteered and worked hard over the years to promote and have events almost every week and week-end down town with live entertainment. This is what has attracted people to our community again.

Limiting a business the ability to market, promote and attract clients to their business which can and will affect their revenue stream is not free enterprise and may even be unconstitutional in a democratic free base society which we are. Revenue which these businesses bring is a positive function of jobs, sales and promotes sales tax base which pays for the community infrastructure.

Salida evolved from a railroad community where it thrived right next to a railroad yard directly across the river. For years there were trains

engines and all kinds of cargo box cars being worked on and switch out, this commerce happened 24 hours a day and it was beyond nosy. In the 80's we still had trains using the rail road line, going up and down the river line using their horns at all intersections at all hours of the night and day. Noise was not an issue!

We now have a select few who built new homes in an Industrial/Commercially Zoned area across the river and noise now effects them. This is what happens when you allow a residential area to be established in a commercially zoned area and developing against the grain of the Salida's Comprehensive Plan. Now a select few want the City Government to make new rules to appease them without the vote of the people. They should have consider these issues before they build their homes in a commercially zoned area. This neighborhood doesn't attract commerce or give anything to our community it will just continue to draw complaints about city activities; they should have moved their structures farther out of town. Being next and close to town can be convenient, but you have to accept all that it offers and city community noise is one of them.

Community members worked hard over the years to establish The Salida Entertainment District, this was to promote our communities activities. Now a few citizens are trying to strong arm our city leaders to make new rule for them. This will go against what the community has work so hard to establish. If new rules are to be forced on Businesses to force them on how they can market their businesses through entertainment means and their hours this issue should NOT be through government executive power it should be through the vote of the People!

The river Restaurants build on the river to establish marketable commerce to provide a pleasant environment, with a view. This has been costly! These establishments have been there years before the new neighborhood across the river.

Respectfully,

Bob Gomez
222 9 Street
Salida, Colorado 81201
719-221-1730
Moonscity9010@gmail.com

--



Bob Gomez

Broker Associate

Re/Max Mountain Vista Properties

[719-221-1730](tel:719-221-1730) [cell]

[719-539-6060](tel:719-539-6060) [office]

<https://www.buenavistasalidaremax.com/>

BobGomez@Salidaremax.com

www.bobgomez.remaxagent.com

bobgomez.m.remaxagent.com

<http://bgomez.salidaremax.com>

Mailing Address

RE/MAX MOUNTAIN VISTA PROPERTIES

112 F Street

Salida CO 81201



From: [Chris Bainbridge](#)
To: [Drew Nelson](#)
Subject: Music Letter
Date: Friday, February 11, 2022 11:50:30 AM

Drew,

Since I didn't get a response from anyone the first time I sent this letter (9/21/21). I'll submit it as a stakeholder per your email that was sent a couple of days ago.

Chris

All,

I'm reaching out to voice my concerns, as a business owner, related to the live music that's held at The 146 Taphouse. I opened the Taphouse Labor Day weekend of 2018. We have live music almost every weekend throughout the year. In the winter months we move the music inside. When it warms up we move to the outdoor stage and utilize what brings everyone to Salida; great views, recreation, and the best downtown area in all of Colorado.

Restricting live outdoor music venues because of one concerned citizen is not a good financial decision for the downtown businesses or the City. The downtown area is promoted as a Arts/Entertainment district for the tourism industry, and people travel here expecting that. The Bar/Restaurant industry already took a huge hit last year with Covid, and adding additional restrictions and a ton of hoops to jump through doesn't help anyone trying to succeed in this industry.

I'm asking that we allow for later times for music and no restrictions on how many live shows I book for my business. Business is better when you have live music. The process for getting an amplified sound permit should be simple and set for a period of time, so when we add an additional venue we won't have to go through the process again. Additionally, the rules need to be the SAME for all businesses. Throughout most of last year I did not see any other amplified sound permits being required on other downtown businesses that also held live music. It seems unfair that my business was so closely scrutinized while other businesses were not required to go through the same process that I did.

Please feel free to contact me with any questions. I'm sorry that I have to send this by email, due to a prior commitment, I cannot attend the meeting in person. I look forward to talking with you all.

From: [Andrea Earley Coen](#)
To: drew.nelson@cityofsalida.com
Subject: Letter to City Council re: proposed amplified sound restrictions
Date: Friday, February 11, 2022 11:57:55 AM
Attachments: [AEC Letter to Salida City Council 2-11-22.pdf](#)

Hi Drew,

This is Andrea Coen, emailing from my personal account/ wearing my local musician hat. I am writing to express my concern regarding the proposed restrictions to limit live music offerings due to amplified sound issues. I hope I am still within the timeframe to submit this letter!

Thank you for the opportunity to provide comment.

Best,
Andrea

--

If intention is a seed, gratitude is the ideal soil, the most fertile soil, for blossoming your dreams.

-Rod Stryker

From: [Katie Patti](#)
To: drew.nelson@cityofsalida.com
Subject: Potential Changes to Amplified Sound Permitting Process
Date: Friday, February 11, 2022 11:58:38 AM

Hi Drew,

My name is Katie Patti and I live on Hillside Dr, at the bottom of S Mtn. I wanted to add my comments regarding the potential changes to the amplified sound permitting process.

First, I love live music and what it brings to our town and local businesses. To me, this is not about whether or not the town supports live music, To me, it's clear that it does.

What I ask and hope for is a more acceptable decibel level. I support a range of 60 db to 70 db. Given the extent to which sound travels, I feel this is a very reasonable range. Among other things, when you have 2-3 bars with competing sound at 85 db, that collision of sound is obnoxious. Lastly, I know regulating db levels is a bit of a challenge -- inevitably, the band will be good, the crowd will get into it and there will be loud nights. I get that. But with this type of ordinance, perhaps bands will think about the number of amps they have, maybe even unplug one if it gets too loud or if there is a complaint. This sounds like a perfectly logical solution to me. Lots of music, less amps, less intensity in sound.

Thanks for considering this,
Katie

From: [Sue Kosek](#)
To: drew.nelson@cityofsalida.com
Subject: Permit
Date: Friday, February 11, 2022 12:15:12 PM

We are advocating for the High Side Bar and Grill and other venues to have music, not limiting unreasonably the number of times and hours of entertainment.

To the best of our knowledge the music is being provided at no cost to Salida citizens- no cover charge!

Please protect the freedoms of our small businesses to thrive and provide free entertainment in a world that has turned upside down.

Sincerely,
Ernie & Sue Kosek

[Sent from the all new AOL app for Android](#)

From: [Deke Spillyards](#)
To: drew.nelson@cityofsalida.com
Subject: Increase in Live Music restrictions
Date: Friday, February 11, 2022 2:25:53 PM

Drew & City Council,

I am writing to express my opposition to the proposed increase of restrictions on the businesses within the Art District within Salida city limits. As a long term resident, home owner and business owner, I feel the proposed reduction in Diebels and the reduced time and dates allowed for music, without additional city permission, are ridiculous. Salida has for a long time, many many years been an arts & musical center for the central rockies. One of the things we loved most when we moved here was there were several music selections per evening, several nights a week. We are a booming town for tourists and new residents alike, for the reasons that we have a vibrant, energetic and entertaining downtown area.

I feel your proposed changes to the way these businesses operate will have several repercussions.. They all struggled enough through the pandemic and this just further limits their ability to operate and monetise as they have for several years...

Thanks for you time and consideration,
Deke Spillyards
204 River Left Lane Salida
303.263.6987 - for further comments