



BOT Regular Meeting 1/4/2023

Town of Lake City

Jan 4, 2023 at 6:00 PM MST to Jan 4, 2023 at 8:00 PM MST

230 N. Bluff Street Armory Multi-purpose room

Agenda

I. Regular Workshop

- A. Update on Dark Sky Light Posts (DIRT - Kristine Borchers)**
- B. Discussion about House Bill 21-1162 concerning the management of plastic products**
- C. Discussion about Court Fee Ordinance**
- D. Discussion about General Penalty Ordinance**
- E. Discussion about advertising for a Town Clerk**
- F. Discussion about Deed Restrictions for Water and Sewer Variance at 340 South Henson**

II. Regular Meeting

- A. Call To Order**
- B. Roll Call**
- C. Executive Session Pursuant to CRS 24-6-402(4)(e)(I) for the purpose of determining positions relative to matters that may be subject to negotiations regarding the 3rd Street Construction Project**
- D. Executive Session Pursuant to CRS 24-6-402(4)(e) Determining positions relative to matters that may be subject to negotiations; regarding the 2023 Town Manager agreement with Alexander Mulhall**
- E. Minutes 12/21/2022**
- F. Bills Payable 1/4/2023**
- G. Employee Reports**
 - 1. Parks and Recreation Report (Ben Hake)**
 - 2. Public Works Report (Jameson Johnston)**
 - 3. Town Clerk/Treasurer Report (Lex Mulhall)**
 - 4. Town Manager Report (Lex Mulhall)**
 - 5. Building Official Report (Gabe McNeese)**
 - 6. Sheriff's Report (Chris Kambish)**
 - 7. Mayor/Trustee Reports**
- H. Correspondence Received**
- I. Citizen Communication**
- J. Additions to the Agenda**

K. Action Items

- 1. Discussion and Possible Action to Approve the General Penalty Ordinance**
- 2. Discussion and Possible Action to Approve 2023 Agreement For Town Manager (Lex Mulhall)**
- 3. Discussion and Possible Action to Approve Ad for a Town Clerk**
- 4. Discussion and Possible Action to Approve a Water and Sewer Tap Variance at 340**
- 5. Henson with a Single Deed Restriction**



KROB LAW OFFICE, LLC
Attorneys at Law

MEMORANDUM

To: Vance Lipsey, Lex Mulhall, Lake City Board of Trustees

From: Dan Krob

Date: December 19, 2022

Re: House Bill 21-1162 concerning the management of plastic products

In 2021, the Colorado General Assembly enacted House Bill 21-1162. Beginning January 1, 2024, the act prohibits stores and retail food establishments from providing single-use plastic carryout bags to customers. Certain retail food establishments (primarily restaurants), and small stores that operate solely in Colorado and have 3 or fewer locations may provide single-use plastic carryout bags.

Between January 1, 2023, and January 1, 2024, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located. On and after January 1, 2024, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located.

A store is required to remit, on a quarterly basis beginning April 1, 2024, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues.

The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.

Beginning January 1, 2024, all retail food establishments, including restaurants are prohibited from distributing any expanded polystyrene food containers for ready-to-eat food.

The Town may enforce a violation of the legislation against a store or retail food establishment in any reasonable manner the Town chooses. The legislation provides that a county enforcing the legislation may impose a fine up to five hundred (\$500.00) for as second violation and up to one

thousand dollars (\$1,000.00) for third or subsequent violations. No fine is provided for a first violation.

The Town may use the portion of the bag fee it receives (1) to administer and enforce the bag fee, or (2) for any recycling, composting, or other waste diversion programs including outreach and education activities.

While the bag fee is intended to begin on January 1, 2023, municipalities are not to collect the bag fees until April 1, 2024. This leaves some uncertainty as to whether the Town is to collect bag fees for only the first quarter of 2024 or for all of 2023 and the first quarter of 2024 and remit payment on April 1, 2024.

In order to address and comply with this legislation, the Town should: (1) determine which businesses within its jurisdictional boundaries are likely to be subject to the bag fee; (2) establish a public information campaign as deemed appropriate by the Town to inform the public and subject establishments of the legislation, its requirements, and its effects; (3) determine if the Town desires to adopt a fee higher than 10 cents per bag and the appropriate penalties for any violations; and (4) determine the manner in which the Town will be collecting its portion of the bag fee.¹

House Bill 21-1162 is attached. Please feel free to reach out if you have any questions concerning this matter or require any further clarification of the legislation.

¹ As of the date of this memorandum, the Sale and Use Tax System (SUTS) may not be used to remit the bag fee.

**TOWN OF LAKE CITY
BOARD OF TRUSTEES
ORDINANCE NO. _____**

AN ORDINANCE ESTABLISHING A COURT FEE

WHEREAS, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

WHEREAS, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the “Code”); and

WHEREAS, the Town operates a municipal court for enforcement and prosecution of municipal violations; and

WHEREAS, in connect with its operation of municipal court, the Town incurs costs including costs of providing a courtroom, costs of the municipal Judge, and Court support staff; and

WHEREAS, the Board finds is appropriate to establish a court fee for providing such municipal court services (the “Court Fee”) and incorporate such Court Fee into the Town’s Fee Schedule.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY AS FOLLOWS:

1. Establishment of Municipal Court Fee. A Court Fee in the initial amount of \$25.00 is hereby established to be charged on each municipal court case to cover, in part, the fees incurred by the Town to cover the required court services. This Court Fee shall be added to the Town Fee Schedule.
2. The Court Fee may be amended, from time to time, by resolution of the Town Board of Trustees.
3. Validity. If any part of this ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS 21ST DAY OF DECEMBER, 2022.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO

Alexander Mulhall
Town Clerk

By: _____
Dave Roberts
Mayor

**TOWN OF LAKE CITY
BOARD OF TRUSTEES
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING SECTION 1-14 OF THE LAKE CITY TOWN
CODE REGARDING GENERAL PENALTY**

WHEREAS, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

WHEREAS, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the “Code”); and

WHEREAS, Section 1-14 of the Town Code sets forth the general penalty for violation within the Town as not to exceed \$300 fine or imprisonment not to exceed 90 days, or both fine and imprisonment; and

WHEREAS, C.R.S. § 31-10-113 limits punishment of municipal offenses by a fine not to exceed \$2,650, or imprisonment not to exceed 364 days, or both fine and imprisonment; and

WHEREAS, the Board desires to decriminalize its municipal code; and

WHEREAS, the Board finds it to be in the best interest of the Town and its residents to update the general penalty provision of the Town Code to comply with current State statute.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES
OF THE TOWN OF LAKE CITY AS FOLLOWS:**

1. Section 1-14 of the Lake City Municipal Code shall be amended by removing the ~~strike through~~ language and adding the **bold underlined** language to read in its entirety as follows:

Sec. 1-14. General penalty; continuing violations.

(a) It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required by this Code.

(b) Whenever in this Code or any other ordinance of the town hereafter enacted or any section of an order, rule or regulation promulgated under the provisions of this Code or any other ordinance hereafter enacted, any act is prohibited, made or declared to be unlawful, an offense, nuisance or misdemeanor, where no specific penalty is provided therefor, any person who is convicted of the violation of any such provision of the Code or other ordinance, or of such orders, rules or regulations shall be punished by a fine not to exceed ~~\$300.00~~ \$2,650.00 ~~or imprisonment not to exceed 90 days, or both such fine and imprisonment.~~ In addition, such person shall pay all costs and expenses in the case, including attorney's fees.

(c) Every day any violation of the Code, any other ordinance of the town or any order, rule or regulation promulgated under the provisions of this Code or ordinances continues shall constitute a separate offense. Violations of this Code may also be abated by injunctive or other equitable relief as allowed by law.

(d) Any delinquent fines and other charges due the town may be certified to the county treasurer, together with interest or penalties as allowed by law, to be collected similarly as ad valorem taxes with respect to the real or taxable personal property concerning which such delinquent fines and charges were assessed or incurred, or in any manner authorized under C.R.S. § 18-1.3-506.

2. Validity. If any part of this ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS 5TH DAY OF JANUARY, 2023.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF LAKE CITY, COLORADO**

Alexander Mulhall
Town Clerk

By: _____
Dave Roberts
Mayor

December 30, 2022

Silver World Publishing Co.
P. O. Box 100
Lake City, CO 81235

Dear Grant,

Please run the following in the classified ad section of the Silver World in the next three issues of the Silver World:

The Board of Trustees of the Town of Lake City is accepting applications for the position of Town Clerk. This position will require 40 hours per week and will be eligible for full benefits which include health insurance, retirement, and paid leave. Pay range is \$18.94 to \$28.44. Flexible work schedules: either five 8 hour shifts or four 10 hour shifts with three day weekends. Applications must be submitted to the Town Office no later than 5:00 p.m., Monday, January 30, 2022. Applications may be mailed to Town of Lake City; P. O. Box 544; Lake City, CO 81235, emailed to townmanger@townoflakecity.co or dropped off at the Town Office at 230 N. Bluff Street in Lake City. Further information can be obtained by calling 970-944-2333 or by sending an email to townmanager@townoflakecity.co. Job Description can be found online at <https://www.townoflakecityco.gov/jobs.html>.

Sincerely,

Alexander Mulhall, Interim Town Manager
Town of Lake City

TOWN OF LAKE CITY

JOB DESCRIPTION

TOWN CLERK/TREASURER/MUNICIPAL COURT CLERK

PAY RANGE: \$18.94-\$28.44 per hour

GENERAL PURPOSE

Provides a variety of routine and complex clerical, administrative, bookkeeping and accounting tasks. Maintains Journals and ledgers.

SUPERVISION RECEIVED

Works under the general supervision of the Town Manager.

SUPERVISION EXERCISED

None.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Prepares a variety of studies, reports, and related information for decision-making purposes.

Serves as the Election Official for the Town. Conducts biennial elections in accordance with Colorado Revised Statutes.

Serves as custodian of official Town records and public documents; performs certification and recording for the Town as required on legal documents and other records requiring such certification; seals and attests by signature to ordinances, resolutions, and contracts, easements, deeds, bonds or other documents requiring Town certification; catalogs and files all Town records.

Attends regular and special Board of Trustees meetings; performs an accurate recording of the preceding, preparation of the minutes using proper legislative terminology, recording, indexing, and filing for the public record; distributes information as requested.

Prepares and distributes agendas, materials, minutes, and records of meetings.

Files ordinances and resolutions of the Board and oversees the codification of ordinances into the municipal code.

Prepares and advertises meeting agendas, bid and other advertisements, and legal notices of public hearings and special meetings.

Prepares, reviews, and approves liquor licenses.

Prepares and submits citations to the DMV.

Records and maintains municipal court records.

Receipts payments for citations.

Prepares dockets or calendars of cases to be called.

Record case dispositions, court orders, or arrangements made for payment of court fees.

Prepare documents recording the outcomes of court proceedings.

Answers inquiries from the general public regarding judicial procedures such as court appearances, trial dates, adjournments, summons, subpoenas, payment of fines, etc.

Prepare courtroom to ensure that recording equipment is working.

Keeps and maintains recordings of court proceedings.

Administers oath of office to public officials.

Registers voters.

PERIPHERAL DUTIES

Attends seminars and workshops related to Clerk and Treasurer duties and responsibilities.

Types Board Member's and Mayor's correspondence; make reservations and travel arrangements for meetings, seminars, and conventions.

Assists in the preparation of ordinances and resolutions as directed.

Accepts claims for damages and other legal papers served on the Town.

Performs a variety of office duties such as answering the phone, preparing a variety of correspondence, ordering supplies and responding to public needs. Issues receipts, excavation permits, burn permits, building permits, short term rental permits, and business licenses.

Maintains databases of permits, licenses, and citations.

Maintains and updates the Town website

Communicates with Board of Trustees, Town Manager, Town Departments, Citizens, Advisory Boards, and Commissions, and outside agencies to perform research and provide information as required.

Prepares and maintains employment records related to events such as hiring, termination, leaves, transfers, promotions, using payroll management software.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from a college or university with a associate degree in business management, records management, public administration, or a closely related field, and
- (B) Two (2) years related experience; or
- (C) Any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year for year basis.

SPECIAL REQUIREMENTS

- (A) Valid State License; or ability to obtain one

(A) TOOLS AND EQUIPMENT USED

Personal computer; productivity and accounting software; calculator; phone; copy machine; fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

November 5, 2022

Town of Lake City
P.O. Box 544
Lake City, Colorado 81235

Re: Proposed Water and Sewer Variance
340 South Henson St.
Lake City, Colorado 81235

Dear Town of Lake City:

On September 22, 2022, TFP L.L.C. purchased lots 10, 11, 12, 13, and 14 of Block 4 and a portion of land adjacent to said lots in Wade's Addition known altogether as 340 S. Henson St, Lake City, CO 81235. TFP L.L.C. is an entity owned by Cecil (Skip) and Kay Tangner. The property consists of a main house and a small out building very close to the main house. The small building was built by the previous owner, Shelley McGehee, to house her large pipe organ. The structure has electricity but no sewer or water. We would like to add the necessary utilities to convert the previous organ room to a small full time rental for a Lake City resident.

The above lots that we purchased mainly consists of lowland on the side of the river opposite the main house or land under the river that can not be built on. The lot with the two structures is full and cannot be subdivided so the small building cannot be sold separately.

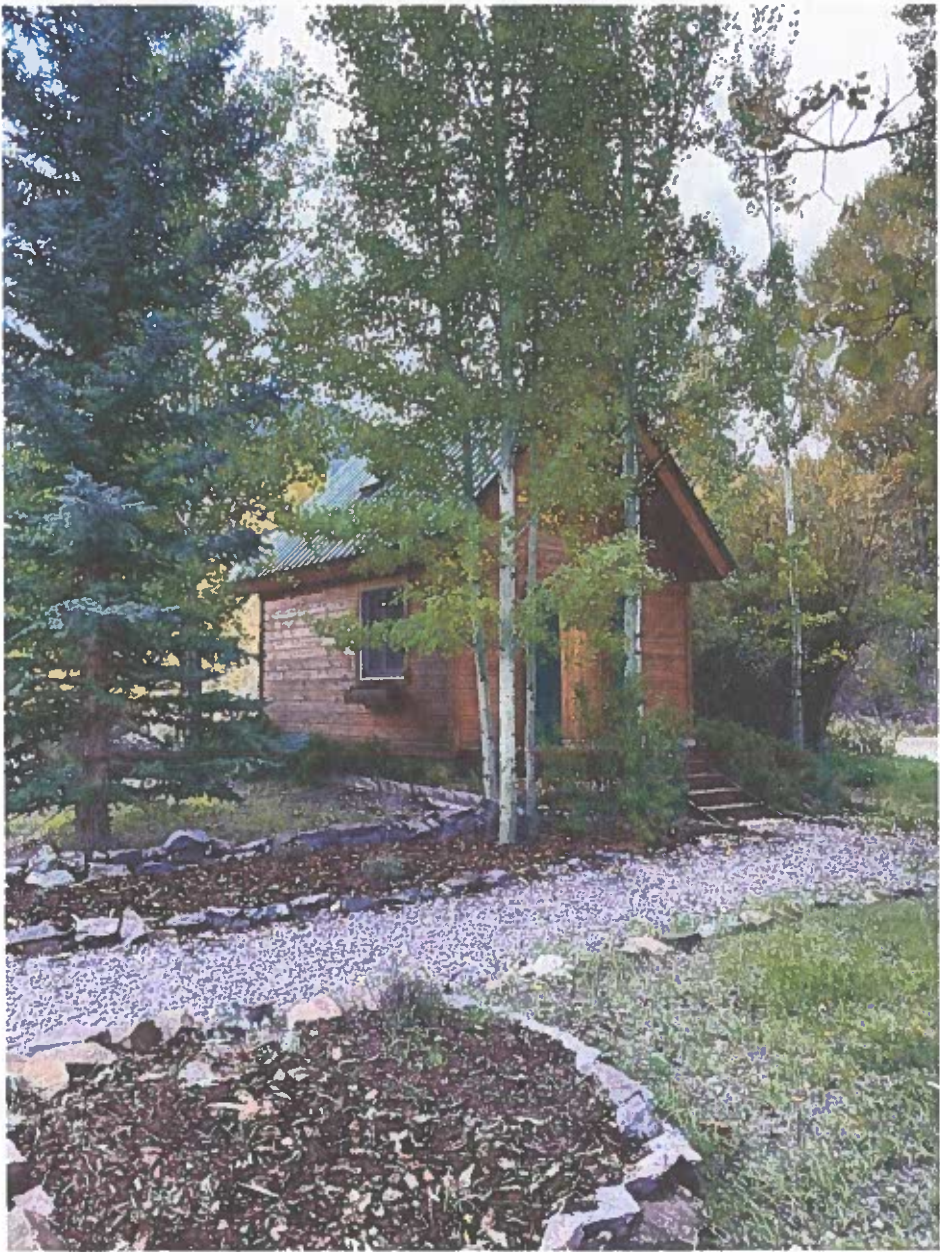
We are requesting the town of Lake City to consider allowing us a variance from the requirement of installation of separate water and sewer service to the tiny structure since it is so close to the main house and can never be sold as a separate structure.

Thanks for considering our request. You can contact me for any reason at 405 650-4495 or my email address, skiptangner@gmail.com. We are hoping we can improve the small house located on this beautiful lot to make it available to a local resident in need of affordable housing.

Sincerely yours,







TFP L.L.C.
By: Skip Tangner
3101 via Esperanza
Edmond, OK 73013

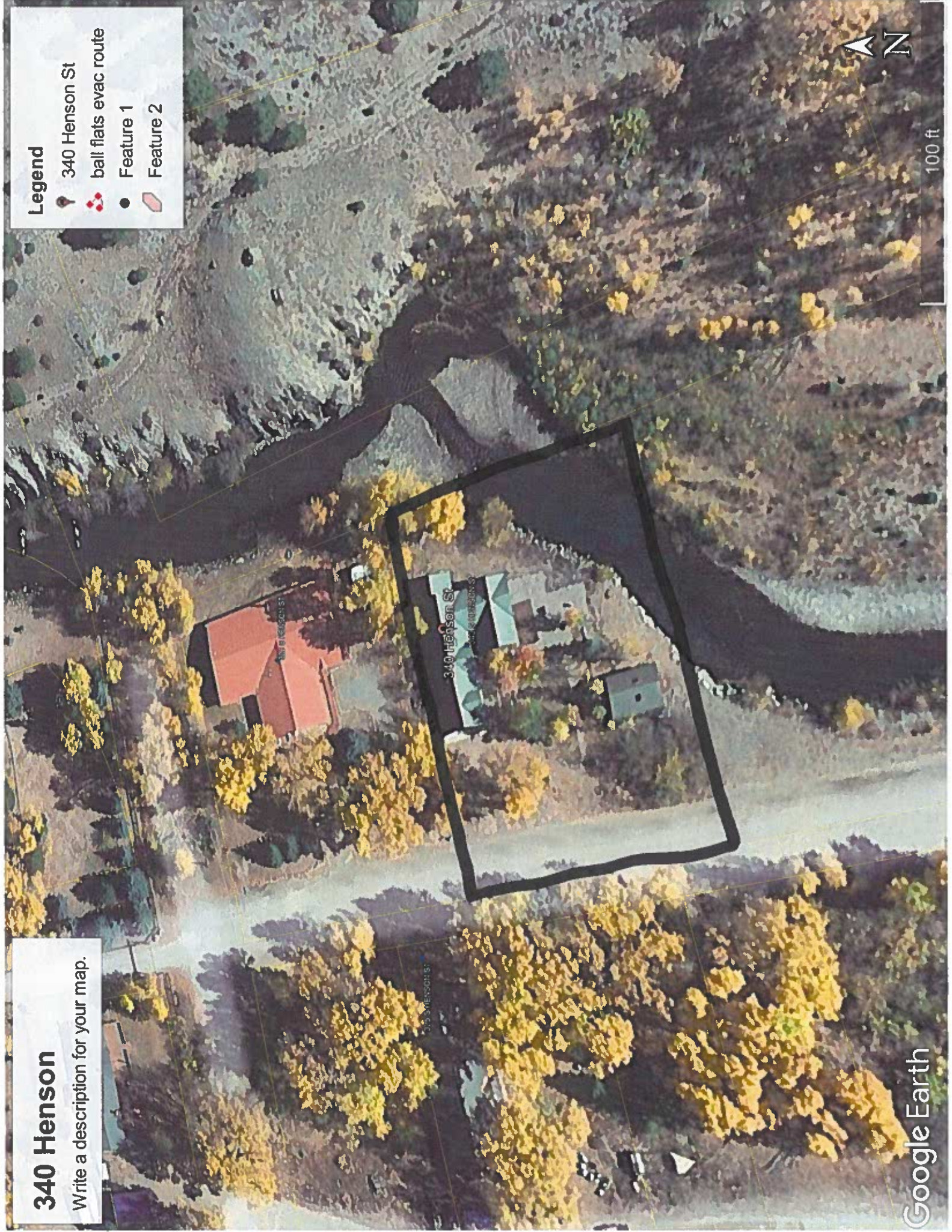


340 Henson

Write a description for your map.

Legend

-  340 Henson St
-  ball flats evac route
-  Feature 1
-  Feature 2



Plat

*Plat of
Lots 10 through 14, Block 4,
Wade's Addition to the Town of Lake City
Hinsdale County, Colorado*



Legal Description of Surveyed Parcel

Lot 10 - 4 inclusive Block 4, Wade's Addition to the Town of Lake City and the portion of land adjacent to the same in Block 4, Wade's Addition to the Town of Lake City and the portion of land adjacent to the same in Block 4, Wade's Addition to the Town of Lake City, as shown on the map and according to the public map of Wade's Addition to the Town of Lake City, as the same are and is recorded in the office of the Hinsdale County Clerk and Recorder.

340 South Henson Street

General Notes:
 1. The information used to locate the property boundaries shown on this plat was obtained from a plat of Wade's Addition to the Town of Lake City, as shown on the public map of Wade's Addition to the Town of Lake City, as the same are and is recorded in the office of the Hinsdale County Clerk and Recorder.
 2. The information used to locate the property boundaries shown on this plat was obtained from a plat of Wade's Addition to the Town of Lake City, as shown on the public map of Wade's Addition to the Town of Lake City, as the same are and is recorded in the office of the Hinsdale County Clerk and Recorder.
 3. The information used to locate the property boundaries shown on this plat was obtained from a plat of Wade's Addition to the Town of Lake City, as shown on the public map of Wade's Addition to the Town of Lake City, as the same are and is recorded in the office of the Hinsdale County Clerk and Recorder.
 4. The information used to locate the property boundaries shown on this plat was obtained from a plat of Wade's Addition to the Town of Lake City, as shown on the public map of Wade's Addition to the Town of Lake City, as the same are and is recorded in the office of the Hinsdale County Clerk and Recorder.



Engineer
 George H. Henson
 Hinsdale County, Colorado
 License No. 141042
 Exp. 12/31/2025

George H. Henson
 George Henson, Colorado PLS 25902



Alexander Mulhall <alexandermulhall@townoflakecity.co>

Tangner Plat of 340 S Henson Street

Jameson Johnston <jamesonjohnston@townoflakecity.co>

Fri, Dec 2, 2022 at 1:33 PM

To: Alexander Mulhall <alexandermulhall@townoflakecity.co>, Vance Lipsey <townmanager@townoflakecity.co>

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

From: Jameson Johnston <jamesonjohnston@townoflakecity.co>

Date: Fri, Dec 2, 2022 at 1:32 PM

Subject: Re: Tangner Plat of 340 S Henson Street

To: A Danielle Worthen <danielle@hallrealty.net>

In regards to the property 340 S Henson street,

It is my opinion to the board to allow this deferral/variance. Although the costumer may not have noted a hardship of the close proximity of the river, I do feel that is relevant. The detached building sits on it own two lots but the lots are not buildable due to the river. I propose that we allow the connection but with a deed restriction that if the property is ever divided that taps must be separated. However if the property is ever sold with all 4 lots separation is not necessary. According to the map the it looks like if an addition is built on the outlying building it could potentially be on the same lots as the house. Adding an additional tap for the current size of the outlying building seems a bit excessive. I know the current owner plans to make this an affordable housing, and I would have to assume that an addition is necessary to accomplish this. As long as a responsible size addition is constructed, I don't see a problem or a reason to upgrade the tap size. Any questions in regards to this please contact me.

Jameson Johnston

jamesonjohnston@townoflakecity.co

9708647684

[Quoted text hidden]

--

Jameson Johnston

Town of Lake City

Public Works Director

(970)964-7684

(970)944-2351

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Jameson Johnston

Town of Lake City

Public Works Director

(970)964-7684

(970)944-2351

Surveyed

Plat of
Lots 10 through 14, Block 4,
Wade's Addition to the Town of Lake City
Hinsdale County, Colorado

Legal Description of Surveyed Parcel

Lot 10 - 1/4 Sec. 16, T. 14N, R. 10E, Block 4, Wade's Addition to the Town of Lake City and the portion of the
containing Lot 10 - 1/4 Block 4, Wade's Addition to the Town of Lake City, Colorado, as shown on the
survey map on file in the office of the Hinsdale County Clerk and Register.

340 South Henson Street



General Notes:
1. The information used to locate the property boundaries shown here is based on the record Plat of Wade's Addition to the Town of Lake City, Colorado, as shown on the survey map on file in the office of the Hinsdale County Clerk and Register.
2. The information used to locate the property boundaries shown here is based on the record Plat of Wade's Addition to the Town of Lake City, Colorado, as shown on the survey map on file in the office of the Hinsdale County Clerk and Register.
3. The information used to locate the property boundaries shown here is based on the record Plat of Wade's Addition to the Town of Lake City, Colorado, as shown on the survey map on file in the office of the Hinsdale County Clerk and Register.
4. The information used to locate the property boundaries shown here is based on the record Plat of Wade's Addition to the Town of Lake City, Colorado, as shown on the survey map on file in the office of the Hinsdale County Clerk and Register.



Property Line
Surveyed
Scale: 1" = 100'

Legend

11/22/20

George Howard, Colorado P.S. # 23502



340 Henson St.

Lot 10

Blk 4

(McGehee - 222254)

Wades Addition

CORNER BLOC

HUNT-McGehee
RES.

SWR SRVC Drops from SCL 40
@ 3' TO SDR 35 @ 5'-8"

31'-6"

60'-3"

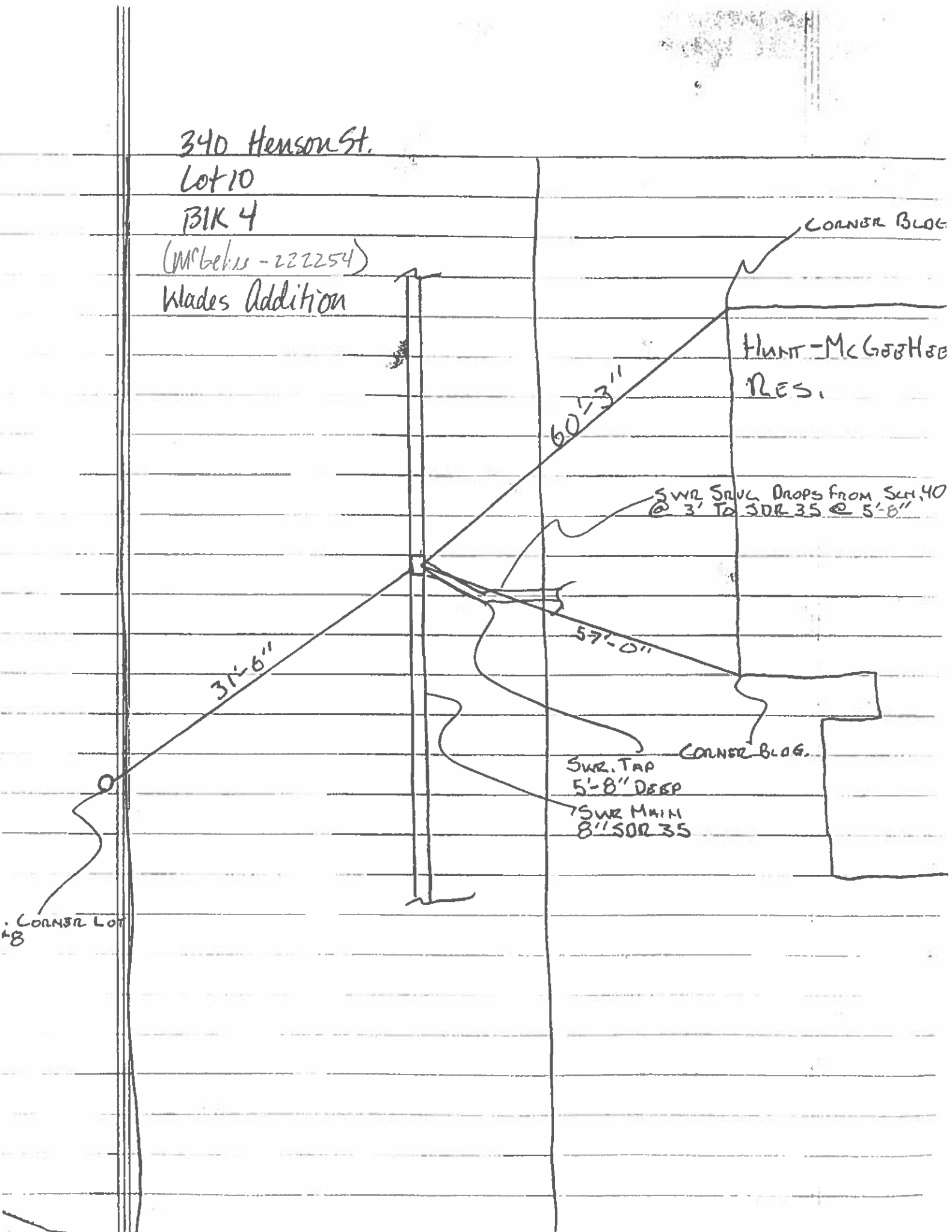
57'-0"

CORNER BLOC

SWR TAP
5'-8" DEEP

SWR MAIN
8" SDR 35

CORNER LOT
48





Alexander Mulhall <alexandermulhall@townoflakecity.co>

Variances for Tangner & Henry

Dan Krob <dan@kroblaw.com>

Thu, Dec 22, 2022 at 3:33 PM

To: A Danielle Worthen <danielle@hallrealty.net>

Cc: Alexander Mulhall <alexandermulhall@townoflakecity.co>, Dave Roberts <daveroberts@townoflakecity.co>, Jeff Worthen <jeff@hallrealty.net>, Skip Tangner <skiptangner@gmail.com>

Good afternoon,

I apologize, I was unaware this particular property was not within the Town and was in the County.

The Town Code requires a deed restriction for these types of variances that ensures the property is not sold separate from the main structure without obtaining a tap. The Town added an additional restriction to the approval of this required deed restriction to prohibit the property from being rented as a short term rental. The applicant represented to the Town that the variance was to provide long term workforce housing, so the Town's additional deed restriction would be consistent with that. It is apparent now, that Mr. Tanger may not be in agreement that the additional restriction regarding short term rental is acceptable.

If this is the case, I believe we have 3 choices; (1) approve the variance with both deed restrictions (won't sell separate and no short term rental) (2) deny the variance, or (3) revisit the variance and confirm both parties agree to the specific terms. It seems to me the first and second option are not what either party wants, but we can likely reach an agreement that allows Mr. Tanger his variance while protecting the interests of the Town. At this point it may be best to take it back to the Board and see if they would approve it without the provision of the deed restriction regarding rental, but with the code required separate sale restriction.

Please feel free to call me anytime at 970-231-8026 to discuss.

Thank you,

Dan

[Quoted text hidden]

--

Daniel S. Krob

Attorney at Law

Krob Law Office, L.L.C.

[8400 E. Prentice Ave.](#)

Penthouse

Greenwood Village, CO 80111

(303)694-0099

(303)694-5005 fax



Alexander Mulhall <alexandermulhall@townoflakecity.co>

Variances for Tangner & Henry

A Danielle Worthen <danielle@hallrealty.net>

Thu, Dec 22, 2022 at 1:35 PM

To: Alexander Mulhall <alexandermulhall@townoflakecity.co>, Dave Roberts <daveroberts@townoflakecity.co>

Cc: Jeff Worthen <jeff@hallrealty.net>, Skip Tangner <skiptangner@gmail.com>, Dan Krob <dan@kroblaw.com>

Lex & Mayor Roberts,

Thank you for the information regarding the Town of Lake City Water Sewer Variances that were granted. I apologize that I could not attend the meeting last night.

Please note that the Tangner property at [340 South Henson Street](#) is in **Hinsdale County**. I understand the need for the Town of Lake City Attorney to draft a Deed Restriction prohibiting the property from being split and sold separately without first separating the water/sewer taps.

What I do not understand and cannot comprehend is how the Town of Lake City believes they can dictate to a property owner in Hinsdale County whether their property can be restricted from short or long term rentals where it is already a use by right. Although Dr. Tangner intends to use the detached building as a long term rental currently, that does not mean that he should be prohibited from using that same building as a short term rental if at some point he desires to do so in the future.

I am of the opinion that the Town of Lake City does not have any jurisdiction or right to place use restrictions on Hinsdale County owned properties.

If you can send a link to the December 21, 2022 meeting I would greatly appreciate it.

Regards,
Danielle

A. Danielle Worthen
Owner/Broker Associate
Hall Realty, Inc.
P.O. Box 280
Lake City, CO 81235
970-944-8100 Office
www.hallrealty.net



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[Quoted text hidden]



Alexander Mulhall <alexandermulhall@townoflakecity.co>

340 s. Henson Water and Sewer Variance

Skip Tangner <skiptangner@gmail.com>

Thu, Dec 22, 2022 at 2:06 PM

To: Alexander Mulhall <alexandermulhall@townoflakecity.co>

That's partially great news. I greatly appreciate receiving the variance and will gladly sign the deed restriction. It seems to me that the BOT may have exceeded their authority by dictating what I can do with my private property. Also one of the main assumptions I had when considering what a huge amount I was paying for the property was that I could do enough rental to qualify for depreciation on the property. My opinion is that the BOT should make some allowance for people who recently purchased property prior to this rule being enacted.

I heard the discussion about employee pay. My experience with you and others was great. Everyone was professional, knowledgeable, kind and out of their way helpful. I'm very appreciative of that.

Thanks. I hope you and your family have a wonderful Christmas.

Sent from my iPhone

> On Dec 22, 2022, at 2:21 PM, Alexander Mulhall <alexandermulhall@townoflakecity.co> wrote:

>

>

[Quoted text hidden]

DEED RESTRICTION

The undersigned, TFP, LLC (“Owner”) is the owner of the following described property:

Lots 10, 11, 12, 13, & 14, Block 4, Wade’s Addition, Lake City, Hinsdale County, Colorado

(“Property”) more commonly referred to as:

340 S. Henson Street, Lake City, Colorado 81235

The Owner does hereby restrict use of the Property with the following deed restrictions (“Restrictions”):

At no time may the Primary Dwelling Unit, or any Accessory Dwelling Unit on the Property be sold individually or used as a primary structure without first obtaining individual water and waste water taps for each structure pursuant to Chapter 21, Article II of the Lake City Municipal Code, as amended from time to time.

These restrictions shall continue in full force and effect from the date of execution of this Deed Restriction until amended or terminated in the manner specified in this document.

The Owner agrees that these restrictions inure to the benefit of the Town of Lake City (“Town”). The Owner hereby grants the Town the right to enforce these restrictions by any lawful means, including filing an action a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the Town substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the Town shall be entitled to recover damages, reasonable attorney’s fees, and court costs. For further remedy, the Owner agrees the Town may withhold any permits necessary for the lawful use of the Property until the restrictions are complied with. The right of the Town to enforce these restrictions shall not be waived, expressly or otherwise.

The Owner agrees to defend, indemnify, and hold harmless the Town from and against all claims or liabilities arising out of or in connection with the provisions of this Deed Restriction.

The provisions of this Deed Restriction are hereby declared covenants running with the land and are binding on all successors, heirs, and assigns of the Owner who acquires any right, title or interest in or to the Property, or any part thereof. Any person who acquires any right, title or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this Deed Restriction.

Notwithstanding any provision to the contrary, if the Town Municipal Code is amended to permit the Property, the Primary Dwelling Unit, or any Accessory Dwelling Unit on the Property to be sold or used as a primary structure without first obtaining individual water and waste water taps for each structure pursuant to Chapter 21, Article II of the Lake City Municipal Code, as amended from time to time, these restrictions shall be of no further force or effect and shall be released by the Town upon request of the Owner.

The Owner understands and agrees this Deed Restriction shall be governed by the laws of the State of Colorado.

The invalidation of any provision in this document by any court shall in no way affect any other provisions, which shall remain in full force and effect, and to this end, the provisions are declared to be severable.

EXECUTED this ____ day of _____, 2023.

OWNER:

Printed Name

Skip Tangner, Managing Member TFP LLC

STATE OF)

) ss.

COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of

_____, 20__ by _____.

Witness my official hand and seal.

My commission expires: _____

(S E A L)

Notary Public

Minutes

Meeting Name: Regular BOT Meeting

Meeting Start Time: 7:00 PM MDT

Meeting Start Date: 12/21/2022

Meeting End Time: 9:00 PM MDT

Meeting End Date: 12/21/2022

Meeting Location: 230 N. Bluff Armory Multi-purpose Room

Agenda:

- I. Regular Workshop – Start time 6:00pm
 - A. Discussion about Town of Lake City Short Term Rental Data and Research
 - B. Discussion about 2022 Budget Amendment
 - C. Discussion about Bonuses for Town Staff
 - D. Discussion about SRF Reimbursement Resolution
 - E. Discussion about Ordinance 2022-16 Design and Engineering Loan Agreement with CWRPDA
 - F. Discussion about Ordinance for Provision of Penalty

End time – 6:45pm

- II. Regular Meeting – Start time 7:00pm
 - A. Call to Order
 - B. Roll Call - Present: Mayor Roberts and Trustees Bruce, Hamel, Heaton, Horn, Kendall, and Woods.
 - C. Executive Session Pursuant to CRS 24-6-402(4)(E) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators in regards to the Town Manager position.
 - D. Executive Session Pursuant to CRS 24-6-402(4)(E)(I) for the purpose of determining positions relative to matters that may be subject to negotiations regarding the 3rd Street Construction Project
 1. Motion to enter into Executive Session made by Trustee Bruce, seconded by Trustee Kendall. Motion passed with all present voting yes in a roll call vote.
Executive Session start time: 7:05pm
 2. Motion to exit Executive Session made by Trustee Bruce, seconded by Trustee Woods. Motion passed with all present voting yes in a roll call vote.

Executive Session end time 8:03pm

- E. Approval of Minutes – December 7th 2022. Motion made by Trustee Woods, seconded by Trustee Bruce. The motion passed with Mayor Roberts and Trustees Bruce, Kendall, and Woods voting yes. Trustees Hamel, Heaton, and Horn abstained due to being absent at that meeting.
- Approval of Minutes - December 14th 2022. Motion made by Trustee Hamel, seconded by Trustee Woods. Motion passed with all present voting yes in a roll call vote.
- F. Approval of Bills Payable – December 21st 2022 in the Total of \$99,807.09. Motion made by Trustee Hamel, seconded by Trustee Bruce. The motion passed with all present voting yes in a roll call vote.

III. Employee Reports:

1. Lake San Cristobal Water Activity Enterprise (Woods)
2. Historic Preservation Commission (Fox)
3. Chamber of Commerce (Kendall)
4. Marketing Committee (Bruce)
5. DIRT (Hamel)
6. High Alpine Region Team (Woods)
7. Region 10 (Hamel)
8. Planning and Zoning (Dozier)
9. Town Manager (Lipsey)
10. Mayor/Trustee Reports

IV. Correspondence Received – None

V. Citizen Communication – None

VI. Additions to the Agenda - None

VII. Action Items

- A. Discussion and Possible Action to Approve Historic District Tax Credit Resolution 2022-14. Motion made by Trustee Woods, seconded by Trustee Kendall. Motion passed with all present voting yes in a roll call vote.
- B. Discussion and Possible Action to Approve SRF Reimbursement Resolution 2022-15. Motion made by Trustee Horn, seconded by Trustee Bruce. Motion passed with all present voting yes in a roll call vote.

- C. Discussion and Possible Action to Approve Ordinance 2022-16 Design and Engineering Loan Agreement with CWRPDA. Motion made by Trustee Bruce, seconded by Trustee Hamel. Motion passed with all present voting yes in a roll call vote.
- D. Discussion and Possible Action to Discussion and Possible Action to Approve 2023 Fee Schedule. Motion made by Trustee Bruce, seconded by Trustee Horn. Motion passed with all present voting yes in a roll call vote.
- E. Discussion and Possible Action to Approve Bonuses for Town Staff. Motion made by Trustee Bruce, seconded by Trustee Heaton. Motion passed with all present voting yes in a roll call vote.
- F. Discussion and Possible Action to Approve Request for Water and Sewer Tap Variance at 809 Silver Street by Mark Henry. Motion made by Trustee Kendall, seconded by Trustee Hamel. Motion passed with all present voting yes in a roll call vote.
- G. Discussion and Possible Action to Approve Request for Water and Sewer Tap Variance at 340 S. Henson by Skip Tangner. Motion made to approve with the following deed restrictions: 1. Property cannot be sold separately without first separating the water and sewer services. 2. The outbuilding that will be sharing a common tap with the primary residence cannot be used as a short term rental. Motion made by Trustee Kendall, seconded by Trustee Bruce. Motion passed with all present voting yes in a roll call vote.
- H. Discussion and Possible Action to Appoint Lex Mulhall as the Interim Town Manager. Motion made by Trustee Bruce, seconded by Trustee Horn. Motion passed with all present voting yes in a roll call vote.
- I. Discussion and Possible Action to Approve Alexander Mulhall as a Signatory for the Town at Community Banks of Colorado. Motion made by Trustee Horn, seconded by Trustee Kendall. Motion passed with all present voting yes in a roll call vote.

Adjournment – 9:00 pm.

Mayor

ATTEST:

Town Clerk

Town of Lake City
Bills Payable
January 4, 2023

Vendor Name	Description	Invoice Amount	GL
1 Blue Spruce Building Materials, Inc	PR- Operating supplies	\$6.49	GF
2 Blue Spruce Building Materials, Inc	PR-Janitorial supplies	\$17.16	GF
3 Blue Spruce Building Materials, Inc	PR-Ice Wall parts, screw sabers, screws, drill bit, chain oil, hose connections	\$417.94	GF
4 Blue Spruce Building Materials, Inc	PR- SKi Hill R&M Supplies	\$15.43	GG
5 Blue Spruce Building Materials, Inc	WS- Operating supplies, extension cords, reflector lamps, halogen bulbs	\$256.25	WS
6 Card Member Service	TH - Paypal Strategic Government Resources Town Manager Ad	\$175.00	GF
7 Card Member Service	TH - City Market Water for BOT	\$5.79	GF
8 Card Member Service	USPS - Stamps	\$64.00	GF
9 Card Member Service	USPS - Postage for certified mail 809 S. Water Street	\$7.25	GF
10 Card Member Service	Zoom	\$41.16	GF
11 Card Member Service	Google Gsuite	\$132.00	GF
12 Card Member Service	Norton Antivirus 3 computers	\$61.14	GF
13 Card Member Service	Nextrust Billflash October 31 W&S Bills	\$440.02	GF
14 Card Member Service	TH- Microsoft Subscription/ Google Cloud services	\$100.14	GF
15 Card Member Service	Interest Charges	\$236.51	GF
16 Card Member Service	TH - City Market/walmart supplies for open house	\$390.36	GF
17 Card Member Service	PR- Packwalltent Miners Tent	\$3,187.00	GF
18 Card Member Service	PR- Protherm Industries - Ice Wall Heat tape	\$3,936.88	GF
19 Card Member Service	PR-CED Ice wall electrical breaker	\$183.31	GF
20 Card Member Service	PR-Crutchfield Yamaha NS-AW150, Received and speakers for ice wall	\$289.39	GF
21 Card Member Service	PR- Amazon Briggs and Stratton 25ft rubber garden hose x 5	\$183.42	GF
22 Card Member Service	PR-Vistaprint Lake City Ice Climbs membership	\$26.53	GF
23 Card Member Service	PR- Matterhorn Maintenance	\$85.00	GF
24 Card Member Service	PR-Zoro Tools 70W bulbs x 5	\$102.51	GF
25 Card Member Service	PR-Blue Lake Plastics 60x70 plastic liner for ice skating rink	\$493.00	GF
26 Card Member Service	PR-Conoco Gasoline	\$21.59	GF
27 Card Member Service	PR- Safeway Recreation supplies	\$201.32	GF
28 Card Member Service	PR-Public Lands Jacket Paid for By Ski Team donations	\$194.17	GF
29 Card Member Service	PR- Wal-mart ski hill operating supplies	\$220.27	GF
30 Card Member Service	PR- Sirius XM Radio	\$23.56	GF
31 Card Member Service	PR-Garmin GPS	\$34.95	GF
32 Card Member Service	PW- UPS Frieght charges	\$88.47	WS
33 Card Member Service	PW- Hanna Instruments	\$1,108.13	WS
34 Card Member Service	PW-Colorado certified water professionals, water class D- examination	\$50.00	WS
35 Card Member Service	PW- Quill Operating supplies	\$131.14	WS
36 Card Member Service	PW- Google Microsoft app for tablet	\$6.99	WS
37 Card Member Service	PW-Dola Grant Presentation, 2 rooms, 1 meal, gas	\$349.07	WS
38 Card Member Service	PW- ABC Wastewater Class D exam	\$100.00	WS
39 CEBT	Health & Dental Insurance Town Admin	\$864.80	GF
40 CEBT	Health & Dental Insurance Park and Rec	\$1,729.60	GF
41 CEBT	Health & Dental Insurance W&S	\$1,729.60	WS
42 CIRSA	Property Casualty insurance - GF	\$3,241.50	GF
43 CIRSA	Property Casualty insurance - W&S	\$3,241.49	WS
44 City of Gunnison	November WWTP Water Lab	\$238.00	WS
45 CivicPlus, LLC - Municode	Online code hosting 3/1/2023 to 2/29/2024	\$995.00	GF
46 Colorado Rural Water Assoc	2023 System Membership	\$200.00	WS
47 Fullmer's Ace Hardware	Ice wall parts Premium garden hose and 7 buster all steel"	\$117.97	GF
48 Fullmer's Ace Hardware	Ice wall parts, Galv couples and nipples various sizes	\$81.91	GF
49 Fullmer's Ace Hardware	Ice wall parts, extension cord, breaker	\$179.97	Gf
50 Gunnison Construction & Septic, Inc.	Delivery of 3 porta potties to ice wall	\$305.00	GF
51 Michelle Pierce	Consulting Services December 2022	\$575.00	GF
52 NAPA Auto Parts	PW -Hartmans Bottle C02	\$51.00	WS
53 Pinnacol Assurance	Workman's compensation-GF	\$634.00	GF
54 Pinnacol Assurance	Workman's compensation-W&S	\$634.00	WS
55 Silver World Publishing	Public Comment budget, Town Manager ad, HPC ad's	\$216.40	GF
56 Silver World Publishing	Happy New year ad	\$20.00	GF
57 Silver World Publishing	legal Bills payable x 4 , 2022-08 Ord.	\$1,245.40	GF
58 Silver World Publishing	Water/wasterwater operator Ad, RFP fpr wastewater plant equipment	\$182.60	WS
59 UNCC	RTL Transmissions	\$1.30	WS

Total Bills Payable January 4, 2023: \$29,867.88

ATTEST:

TOWN CLERK

MAYOR

MONTHLY REPORT DECEMBER 2022

Lake City Parks and Recreation

Ski Hill

There's still not enough snow to open the ski hill for the season. We responded to the tramway board by providing the wire rope inspection report. This was the only item that was considered a deficiency for the pre start up inspection. We received the operating license for the season and will open as soon as there is enough snow to do it safely. Both Danny and I have taken our Marker Binding tests. I still need to have two more of the staff take the test before opening. We also need to complete the lift operator training which Henry does for us every season.

Armory

Upstairs apartment....

The fire marshall gave me an updated list of requirements to turn the 2nd floor into an apartment. We need to first build the closets that we need for the unit so they can design the sprinkler system around them. We need to add a fire rated window to the window under the fire escape. This is an insert and not a window replacement. We also need a second layer of drywall on the ceiling of the town office. As soon as I have time I will frame in the closets so we can get the sprinkler system installed. Once that is done, I'll get good quotes on plumbing and electrical before moving on.

We may buy a second auto belayer for the rock wall in the armory. The kids have been requesting one for a while.

Ice Rink

The ice rink has been heavily used all season, especially over the holidays. I had enough money left in the budget that I did purchase a shed for storing ice skates and any other recreation items that will need to be moved out of the second floor of the armory. There are skates and hockey sticks and goals that are there for public use. We coat the rink as often as the temperature allows.

Ice Park

The ice park is doing well this season. We have had people climbing since Thanksgiving and the whole way through New Years. There were 30 cars parked at the three areas over New Year's weekend. The climbers all love the new Dynamite Shack area. The heights of the new area range from 170' to 200+. We finally found our freezing problem which was water running into a receptacle box at the Beergarden area. We haven't had any problems since fixing this issue.

Parks - The tree lighting went well. Nothing else to report.

Trees

Nothing to report

Public Works Report

December, 2021

For the month of December, the Town of Lake City produced 12,982,800 gallons of safe drinking water and the Wastewater Treatment Plant processed 1,675,362 gallons of wastewater. For the same period last year the Town produced 11,483,000 gallons of water and processed 1,980,973 gallons of wastewater.

Water : December was relatively quiet in December. We did have a couple of properties that had frozen water lines with the cold temperatures in early December. Thanks to quick response, the owner's meters were not damaged. We assisted home owners by installing lights in meter pits to prevent freezing meters along with other issues. We also replaced some equipment in the wells before any issues occurred. We also did the quarterly tank inspections that we perform. We completed the meter read with minimal issues, and then we did the high usage list. We found a few leaks and notified the customers of the issue. We have been working on data entry for the new LCRR spreadsheet.

Wastewater: We have been busy helping Joanne with anything she needs for the new plant. On the 6th I went to Pueblo with Joanne, Michelle and Dave to ask DOLA for money for the new plant. I am pleased to announce that we will receive the full amount of funding: \$750,000. This is a huge step for the Town. I would like to thank all who worked on this presentation and for the support! We could not have done it without you. We have also been working on data collection for Joanne to help with design. With the cold temperatures we have had several frozen service lines. We helped customers thaw the lines and treated the service lines for roots. Plans to redo the lines were made for spring.

Streets and Alleys: In December we finally got some snow but still need much more. We did snow removal many days in December. With the small amounts of snow we did some plowing to keep the roadways accessible for the holidays. On Wildflower Rd we discovered an old cistern that is supplied with water from a natural spring. The cistern was flooding the road and causing a dangerous ice flow. We worked to keep the road safe and resolve the issue with the property owner's permission. Work will have to be done in the spring to fix this issue, but currently it is not causing a problem. We also received all of the manhole and water valve extensions that Untied Co was to install on the 149 paving project. Unfortunately, the materials were not received in time so now Public Works has to fix the problem. We will need to cut the asphalt, raise the infrastructure, and then repave. This is a lot of work due to the amount of items that need to be adjusted. This will take place this spring.

Other: Public works assisted Parks and Rec with tree removal and flooding the ice rink as well as the ice walls. Public Work participated in the parade of lights and we had amazing turnout. All of staff played a part in the open house on the 9th. We also worked on maintenance on all Town vehicles. The Armory's generator was also serviced.

Respectfully Submitted,
Jameson Johnston
Public Works Director



BUILDING DEPARTMENT
Gabe McNeese
311 N. Henson St., Lake City, CO, 81235.
Phone: 970-901-9570, email gabem@hinsdalecountycolorado.us

TOWN OF LAKE CITY MONTHLY MEETING

December, 2022

The normally quiet month of December produced a total of eight permits, four for Town, and four in the County. The building department has been busy with snow removal, Christmas lights and decorations, replacing a door with a window for our finance employee's office, and officially de-cluttering the Commissioner's meeting room.

The Town of Lake City saw an increase of permits for 2022, up ten from 2021, and 2023 looks to be just as busy. The building department is already getting emails for projects inside of Town limits for 2023, including a punch list from the Fire Marshall for the apartment above the Town office.

The building department continues to improve and looks forward to a busy, and productive 2023. For now, I am studying for my Colorado State small water system exam, which I hope to test out sometime next month, and continue to catch up with paperwork.

Sincerely,

Gabe McNeese.

Sheriff's Report

December 2022

12/2: Undersheriff Kaminski took a report of check fraud with the school as the victim. School personnel noticed a fraudulent check had been cashed for the sum of over \$3000. According to the investigation the physical check had been altered and then deposited by a Shubham Verma in Bryan, TX. It is unknown how the check was acquired.

12/5-26: Sheriff Kambish attended the New Sheriff's Institute in Littleton. This 2-week training is held once every 4 years and is put on by the County Sheriffs of Colorado and fulfills the statutorily required 80 hours of training for sheriffs newly elected to 4-year terms. Topics covered include labor law, statutory requirements for sheriffs, liability issues, and more.

12/5: Deputy Pantleo took a report of criminal mischief at Memorial Park. Upon arrival Pantleo discovered damage had been done to the stall dividers in both the men's and women's bathrooms. Town employees quickly made repairs to both facilities.

12/11: Deputy Pantleo responded to a motor vehicle accident on county road 20. According to the report the minor driver of the vehicle was driving well over the speed limit when he lost control of the vehicle and it left the roadway coming to rest on its roof in the river. All occupants of the vehicle were checked for injuries and released, the driver was cited for careless driving and is awaiting their court date.

12/20: Sheriff's Office personnel, led by Bobbi McDonald, distributed food boxes and toys to local families. In total 15 families received food boxes and or toys for their children. The Sheriff's Office thanks the Women's Club and the Country Store for their massive support in this program.

12/22: Undersheriff Kaminski and Sheriff Kambish responded to assault that occurred in the 300 block of Gunnison Ave. A family argument suddenly turned physical when two members threw punches at each other. Involved parties were treated for minor injuries and summons were issued for 3rd degree assault.

Traffic Citations:

Careless

Drove OHV without DL

**TOWN OF LAKE CITY
BOARD OF TRUSTEES
ORDINANCE NO. 2022-17**

**AN ORDINANCE AMENDING SECTION 1-14 OF THE LAKE CITY TOWN
CODE REGARDING GENERAL PENALTY**

WHEREAS, the Board of Trustees of the Town of Lake City, Colorado (the “Board”), pursuant to Colorado Statute is vested with the authority of administering the affairs of the Town of Lake City, Colorado (the “Town”); and

WHEREAS, the Town codified its ordinances in the Town of Lake City Town Municipal Code (the “Code”); and

WHEREAS, Section 1-14 of the Town Code sets forth the general penalty for violation within the Town as not to exceed \$300 fine or imprisonment not to exceed 90 days, or both fine and imprisonment; and

WHEREAS, C.R.S. § 31-10-113 limits punishment of municipal offenses by a fine not to exceed \$2,650, or imprisonment not to exceed 364 days, or both fine and imprisonment; and

WHEREAS, the Board desires to decriminalize its municipal code; and

WHEREAS, the Board finds it to be in the best interest of the Town and its residents to update the general penalty provision of the Town Code to comply with current State statute.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES
OF THE TOWN OF LAKE CITY AS FOLLOWS:**

1. Section 1-14 of the Lake City Municipal Code shall be amended by removing the ~~strike through~~ language and adding the **bold underlined** language to read in its entirety as follows:

Sec. 1-14. General penalty; continuing violations.

(a) It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful or to fail to do or perform any act required by this Code.

(b) Whenever in this Code or any other ordinance of the town hereafter enacted or any section of an order, rule or regulation promulgated under the provisions of this Code or any other ordinance hereafter enacted, any act is prohibited, made or declared to be unlawful, an offense, nuisance or misdemeanor, where no specific penalty is provided therefor, any person who is convicted of the violation of any such provision of the Code or other ordinance, or of such orders, rules or regulations shall be punished by a fine not to exceed ~~\$300.00~~ \$2,650.00 ~~or imprisonment not to exceed 90 days, or both such fine and imprisonment.~~ In addition, such person shall pay all costs and expenses in the case, including attorney's fees.

(c) Every day any violation of the Code, any other ordinance of the town or any order, rule or regulation promulgated under the provisions of this Code or ordinances continues shall constitute a separate offense. Violations of this Code may also be abated by injunctive or other equitable relief as allowed by law.

(d) Any delinquent fines and other charges due the town may be certified to the county treasurer, together with interest or penalties as allowed by law, to be collected similarly as ad valorem taxes with respect to the real or taxable personal property concerning which such delinquent fines and charges were assessed or incurred, or in any manner authorized under C.R.S. § 18-1.3-506.

2. Validity. If any part of this ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have approved this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent collection of any fees assessed pursuant to the provisions of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED AND ADOPTED A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AND SIGNED THIS 5TH DAY OF JANUARY, 2023.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF LAKE CITY, COLORADO**

Alexander Mulhall
Town Clerk

By: _____
Dave Roberts
Mayor

TOWN OF LAKE CITY

JOB DESCRIPTION

TOWN CLERK/TREASURER/MUNICIPAL COURT CLERK

PAY RANGE: \$18.94-\$28.44 per hour

GENERAL PURPOSE

Provides a variety of routine and complex clerical, administrative, bookkeeping and accounting tasks. Maintains Journals and ledgers.

SUPERVISION RECEIVED

Works under the general supervision of the Town Manager.

SUPERVISION EXERCISED

None.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Prepares a variety of studies, reports, and related information for decision-making purposes.

Serves as the Election Official for the Town. Conducts biennial elections in accordance with Colorado Revised Statutes.

Serves as custodian of official Town records and public documents; performs certification and recording for the Town as required on legal documents and other records requiring such certification; seals and attests by signature to ordinances, resolutions, and contracts, easements, deeds, bonds or other documents requiring Town certification; catalogs and files all Town records.

Attends regular and special Board of Trustees meetings; performs an accurate recording of the preceding, preparation of the minutes using proper legislative terminology, recording, indexing, and filing for the public record; distributes information as requested.

Prepares and distributes agendas, materials, minutes, and records of meetings.

Files ordinances and resolutions of the Board and oversees the codification of ordinances into the municipal code.

Prepares and advertises meeting agendas, bid and other advertisements, and legal notices of public hearings and special meetings.

Prepares, reviews, and approves liquor licenses.

Prepares and submits citations to the DMV.

Records and maintains municipal court records.

Receipts payments for citations.

Prepares dockets or calendars of cases to be called.

Record case dispositions, court orders, or arrangements made for payment of court fees.

Prepare documents recording the outcomes of court proceedings.

Answers inquiries from the general public regarding judicial procedures such as court appearances, trial dates, adjournments, summons, subpoenas, payment of fines, etc.

Prepare courtroom to ensure that recording equipment is working.

Keeps and maintains recordings of court proceedings.

Administers oath of office to public officials.

Registers voters.

PERIPHERAL DUTIES

Attends seminars and workshops related to Clerk and Treasurer duties and responsibilities.

Types Board Member's and Mayor's correspondence; make reservations and travel arrangements for meetings, seminars, and conventions.

Assists in the preparation of ordinances and resolutions as directed.

Accepts claims for damages and other legal papers served on the Town.

Performs a variety of office duties such as answering the phone, preparing a variety of correspondence, ordering supplies and responding to public needs. Issues receipts, excavation permits, burn permits, building permits, short term rental permits, and business licenses.

Maintains databases of permits, licenses, and citations.

Maintains and updates the Town website

Communicates with Board of Trustees, Town Manager, Town Departments, Citizens, Advisory Boards, and Commissions, and outside agencies to perform research and provide information as required.

Prepares and maintains employment records related to events such as hiring, termination, leaves, transfers, promotions, using payroll management software.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from a college or university with a associate degree in business management, records management, public administration, or a closely related field, and
- (B) Two (2) years related experience; or
- (C) Any equivalent combination of education and progressively responsible experience, with additional work experience substituting for the required education on a year for year basis.

SPECIAL REQUIREMENTS

- (A) Valid State License; or ability to obtain one

(A) TOOLS AND EQUIPMENT USED

Personal computer; productivity and accounting software; calculator; phone; copy machine; fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

December 30, 2022

Silver World Publishing Co.
P. O. Box 100
Lake City, CO 81235

Dear Grant,

Please run the following in the classified ad section of the Silver World in the next three issues of the Silver World:

The Board of Trustees of the Town of Lake City is accepting applications for the position of Town Clerk. This position will require 40 hours per week and will be eligible for full benefits which include health insurance, retirement, and paid leave. Pay range is \$18.94 to \$28.44. Flexible work schedules: either five 8 hour shifts or four 10 hour shifts with three day weekends. Applications must be submitted to the Town Office no later than 5:00 p.m., Monday, January 30, 2022. Applications may be mailed to Town of Lake City; P. O. Box 544; Lake City, CO 81235, emailed to townmanger@townoflakecity.co or dropped off at the Town Office at 230 N. Bluff Street in Lake City. Further information can be obtained by calling 970-944-2333 or by sending an email to townmanager@townoflakecity.co. Job Description can be found online at <https://www.townoflakecityco.gov/jobs.html>.

Sincerely,

Alexander Mulhall, Interim Town Manager
Town of Lake City

DEED RESTRICTION

The undersigned, TFP, LLC (“Owner”) is the owner of the following described property:

Lots 10, 11, 12, 13, & 14, Block 4, Wade’s Addition, Lake City, Hinsdale County, Colorado

(“Property”) more commonly referred to as:

340 S. Henson Street, Lake City, Colorado 81235

The Owner does hereby restrict use of the Property with the following deed restrictions (“Restrictions”):

At no time may the Primary Dwelling Unit, or any Accessory Dwelling Unit on the Property be sold individually or used as a primary structure without first obtaining individual water and waste water taps for each structure pursuant to Chapter 21, Article II of the Lake City Municipal Code, as amended from time to time.

These restrictions shall continue in full force and effect from the date of execution of this Deed Restriction until amended or terminated in the manner specified in this document.

The Owner agrees that these restrictions inure to the benefit of the Town of Lake City (“Town”). The Owner hereby grants the Town the right to enforce these restrictions by any lawful means, including filing an action a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the Town substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the Town shall be entitled to recover damages, reasonable attorney’s fees, and court costs. For further remedy, the Owner agrees the Town may withhold any permits necessary for the lawful use of the Property until the restrictions are complied with. The right of the Town to enforce these restrictions shall not be waived, expressly or otherwise.

The Owner agrees to defend, indemnify, and hold harmless the Town from and against all claims or liabilities arising out of or in connection with the provisions of this Deed Restriction.

The provisions of this Deed Restriction are hereby declared covenants running with the land and are binding on all successors, heirs, and assigns of the Owner who acquires any right, title or interest in or to the Property, or any part thereof. Any person who acquires any right, title or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this Deed Restriction.

Notwithstanding any provision to the contrary, if the Town Municipal Code is amended to permit the Property, the Primary Dwelling Unit, or any Accessory Dwelling Unit on the Property to be sold or used as a primary structure without first obtaining individual water and waste water taps for each structure pursuant to Chapter 21, Article II of the Lake City Municipal Code, as amended from time to time, these restrictions shall be of no further force or effect and shall be released by the Town upon request of the Owner.

The Owner understands and agrees this Deed Restriction shall be governed by the laws of the State of Colorado.

The invalidation of any provision in this document by any court shall in no way affect any other provisions, which shall remain in full force and effect, and to this end, the provisions are declared to be severable.

EXECUTED this ____ day of _____, 2023.

OWNER:

Printed Name

Skip Tangner, Managing Member TFP LLC

STATE OF)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____.

Witness my official hand and seal.

My commission expires: _____

(S E A L)

Notary Public