



Board of Trustees Meeting- July 20th

Town of Lake City

Jul 20, 2022 at 6:00 PM MDT to Jul 20, 2022 at 9:00 PM MDT

230 N Bluff St Lake City, CO 81235

Agenda

I. Regular Workshop 6:00 PM

- A. 3rd Street Project Updates 6:00 PM**
- B. Discussion about Mural at Michael Underwood Photography Shop 6:10 PM**

II. Regular Meeting

- A. Call to Order 7:00 PM**
- B. Roll Call 7:01 PM**
- C. Minutes 7:03 PM**
- D. Bills Payable 7:08 PM**
- E. Committee Reports**
 - 1. Lake San Cristobal Water Activity Enterprise 7:13 PM**
 - 2. Historic Preservation Commission 7:18 PM**
 - 3. Chamber of Commerce 7:23 PM**
 - 4. Marketing Committee 7:28 PM**
 - 5. DIRT 7:33 PM**
 - 6. Gateway Communities Advisory Group 7:38 PM**
 - 7. High Alpine Region Team 7:43 PM**
 - 8. Region 10 7:48 PM**
 - 9. Planning and Zoning 7:53 PM**
 - 10. Town Manager Report 7:58 PM**
 - 11. Mayor/Trustee Reports 8:03 PM**
- F. Correspondence Recieved**
- G. Citizen Communications**
- H. Additions to the Agenda**
- I. Action Items**
 - 1. Discussion and Possible Action to Approve Ordinance for Increase of Water and Sewer Tap Fees 8:13 PM**
 - 2. Discussion and Possible Action to Approve Ordinance for miniature goats 8:28 PM**
 - 3. Discussion and Possible Action to Approve a Committee on Food Trucks 8:43 PM**

To: Town of Lake City Board of Trustees
From: Michael Underwood and Lake City DIRT Board of Directors
Re: Proposed mural on Underwood Gallery
Da: July 12, 2022
Cc: DIRT board, Michael Underwood

Michael Underwood is requesting approval to install this mural on his mobile home Underwood Photography Gallery. We presented information to the Historic Preservation Commission (HPC). Due to the noncontributing status of the structure and our emphasis on public installations of art, the Lake City DIRT board supports this project.

The professional artist proposing and installing this project is Kira Reed (www.kira-reed.com). Lake City DIRT and Mr. Underwood will develop a maintenance agreement for the proposed installation of public art to present to the Town of Lake City. This project does not fall under the sign ordinance and murals are not contemplated in the Historic Design Guidelines. Lake City DIRT is committed to partnering with the HPC to develop guidelines for future projects, if appropriate.





Public Art Mural Packet

Thank you for your interest in the process for executing exterior murals on public or private property in within the City of Ashland. The attached documents are intended to assist applicants through the approval and installation process.

- Guidelines and Process for executing/installing an exterior mural in the City of Ashland
- Public Art Mural Application
- Art Agreement between City of Ashland and Property Owner



Public Art Murals Guidelines and Process

The Ashland Municipal Code requires that exterior murals must be approved by the Public Art Commission (PAC) whose role is to ensure that each project aesthetically enhances its location and surroundings. The costs associated with developing and executing/installing a mural are the responsibility of the applicant and/or property owner of the wall where the proposed mural will be installed.

To simplify this document, the word 'mural' refers to artwork that is painted on an exterior wall and other works of art affixed to an exterior wall.

Overview

- The approval process for executing/installing murals on public or private property within the City of Ashland is administered by the City of Ashland staff liaison to the Public Art Commission.
- Applicants without professional mural experience may apply but should partner with a professional muralist.
- Applicant must provide a budget for the project and if the project is approved funding must be in place before work can begin.
- Proposed murals are reviewed by the PAC, by the Historic Commission if required, and if recommended by the PAC, approved by the City Council.
- Murals shall not be considered for installation on building facades with a public entrance in historic districts.
- Murals may be considered for installation on building with a public entrance outside historic districts.
- Murals shall not be proposed for installation on an unpainted façade surface (natural brick, stone) of a historic building.
- All property owners must sign an Art Agreement to be included with the Public Art Mural application agreeing to transfer ownership of the mural to the City pending approval of the proposed mural by the City Council.
- All murals approved through this process become part of the City's public art collection for as long as the Art Agreement remains in effect.

- The number of murals per block may be limited.
- Historically significant murals (including historic advertisements) shall not be painted over, even if faded.
- To the extent practicable, murals shall be applied only to the flat planes of walls.
- Imitative materials including but not limited to asphalt siding, wood textured aluminum, and artificial stone should be avoided on murals within historic districts.
- All applicants are required to meet with the staff liaison at least one month prior to submitting an application. To schedule an appointment, contact Public Arts Commission Staff Liason at 541-488-5305.

Murals on Historic Buildings

- Murals proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places will be forwarded to the Historic Commission for review.
- The Historic Commission will review the proposal using criteria standards stated in the Ashland Municipal Code and provide their comments to the City Council and to the Public Art Commission.

Criteria for Approval of Wall Murals

The mural should be a professionally designed, original work of exceptional quality with consideration of the following criteria:

- Work that is of enduring value for including in the City's public art collection.
- Visual imagery that enhances the aesthetic experience within the City and the character and nature of the site.
- Visual imagery that is appropriate for all audiences (not reflecting partisan politics or containing sexual or religious content or expressing a commercial aspect, etc.).
- Artwork that is appropriately designed for all view points to the mural (by pedestrians, from moving vehicles, seated audiences, etc.).
- Artwork that is appropriately sited for directional exposure to minimize fading of colors.
- Suitability of the wall surface to receive all materials that are to be used to execute the mural including the wall preparation material.
- Work that is appropriate in scale to the building and to the site.
- All installation and technical issues.

Mural Design Application

Applicants (artist, property owner, etc.) intending to execute/install a mural on an exterior wall that is visible from a public-right-of-way and within the boundaries of the City of Ashland must apply for approval through the following process. Applicant shall:

- a. Schedule an appointment and meet with the staff liaison to the PAC for an informational overview of the process and initial review of the proposed project.
- b. Complete and submit a Public Art Mural application.
- c. Submit a signed Art Agreement from the property owner.
- d. Prepare a mural presentation package as described in *Mural Design Presentation and Review*.
- e. Schedule an appointment for PAC review of mural package at a public Commission meeting.
- f. Submit a complete Mural Presentation package to staff 10 days prior to PAC review. Only packages that are totally complete will be accepted for review.

Mural Design Presentation and Review

The proposed mural application will be presented to the Public Art Commission at their monthly public meeting.

▪ **Initial PAC Presentation Meeting**

Presentation materials for the initial meeting must include:

- a. Photos of the proposed location of the mural including all wall features and features immediately adjacent to the proposed mural site; complete wall measurements.
- b. Professional portfolio of the lead artist's mural work including examples of the artist's demonstrated ability from prior projects to carry out the project as designed.
- c. A color drawing at ½ inch scale that adequately illustrates the proposed mural including actual color, finishes and materials samples with their locations designated on the mural drawing,
- d. Verbal explanation of imagery concept including:
 - how the artwork enhances the existing character of the site through scale, color, material, texture, and content,
 - how the mural considers the social dynamics of the location, and
 - how the artwork considers the historical, geographical and cultural features of the site as well as its relationship to existing architecture and landscaping.
- e. Statement regarding the durability of the artwork and its potential to require ongoing maintenance.
- f. Art Agreement signed by the property owner.

▪ **Preliminary Design Approval**

Generally, the PAC review and preliminary approval for the applicant to move forward with the proposed mural concept occurs at the regularly scheduled monthly PAC meeting

following the applicant's initial presentation. Staff will notify the applicant of the Commission's decision and if necessary, schedule a date for the second design meeting.

*NOTE: If the mural is proposed for installation on the exterior of structures listed on the National Register of Historic Places or to a contributing property within a Historic District on the National Register of Historic Places the proposal will be forwarded to the Historic Commission for review. See **Murals on Historic Buildings** above.*

▪ **Second PAC Presentation Meeting**

Following preliminary approval of the mural concept, the applicant may be asked to attend a meeting to present the following:

- a. A color elevation drawn and gridded to ½ inch scale to illustrate how the mural concept will be translated to the site wall.
- b. Any additional information requested by the PAC.

Design Approval by City Council

- Following final design approval by the PAC and review by the Historic Commission, if required, the Commission will forward the mural concept to the City Council for approval.
- Once final approval is granted by the City Council, the applicant must:
 - a. Provide staff with the installation schedule. Applicant will be responsible for implementing all safety requirements per direction from staff (if work is occurring within the public right of way).
 - b. Provide a \$500 deposit to the City, if required. This deposit is held in reserve until the completed mural receives final installation approval by the PAC.
 - c. Enter into a contract between the applicant and the City of Ashland.

Review of Project during Installation

In order to facilitate timely PAC reviews throughout the mural prep and painting process, the applicant must provide staff a schedule of dates for completion of each mural stage addressed below.

- The PAC will review the project three separate times during the mural installation. The applicant must notify staff at the end of each of the following steps:
 - a. After the wall is prepped and ready for application. At this step, the PAC will also review paint colors and medium as well as other materials to be applied to the wall to ensure they are the same colors and materials approved during the review process and the medium is appropriate and durable.
 - b. Halfway through the application process for review of compliance with the drawings, materials and finishes.
 - c. Within seven days of completion.

- Following the third review, the PAC will determine if the completed mural is in compliance with the approved documents, drawings, materials and finishes.

Note: If the PAC finds that there are areas of the mural that are not rendered according to the approved design documents, the PAC may request the applicant adjust the mural to comply with the approved design. The PAC also recognizes that an artist may wish to make minor changes during the process that deviate from the approved concept but that enhance the overall project. The PAC and artist will agree on any changes to the approved design drawing.

- Once the PAC and applicant are satisfied that the mural is complete, the mural must be coated with a clear UV protectant paint to protect the mural from graffiti and ultra violet rays.
- The PAC will vote to accept the mural into the City's public art collection and forward their recommendation to the City Council for approval.

Other Things to Know

- The City will contract with the applicant for the execution/installation of the mural.
- The contract will require the applicant to submit proof of liability insurance.
- The Art Agreement will be in place for a period of five years. At the expiration of the five years, the Art Agreement may be terminated or extended by either party upon 30-day written notice.
- The City retains the right to remove the mural if the mural is not executed according to the approved concept documents.
- The City is responsible for the maintenance of the mural during the existence of the Art Agreement.

CITY OF ASHLAND

Public Art Commission

Mural Application

Applicant (City contracts with)

Applicant Name:

Applicant phone and email:

Applicant Address Line 1:

City: State: Zip:

Lead Artist

Artist Name:

Artist phone and email:

Artist's Address Line 1:

Artist's Mailing Address (if different):

City: State: Zip:

Artist website:

Proposed Mural Building

Name of Property Owner of proposed mural building (if different from applicant):

Owner phone and email:

Proposed Mural Building Street Address:

Property Owner mailing address:

City: State: Zip:

Dimensions of proposed mural wall:

Has the owner given permission for a mural to be painted on the proposed wall and is the owner willing to enter into an Agreement with the City?

The wall is:

brick cinderblock stucco wood other

Questions

1. Please describe the project, the specific location of the mural and why a mural will enhance the area.

2. Can the wall be seen from the public right of way (e.g. sidewalk, alley, street etc.)?

3. Describe the process you used to select a professional mural artist?

4. Describe the theme/image you envision for this mural if known at this time.

5. Why do you want a mural at this location? How will the mural benefit the neighborhood? Community?

6. Please attached a detailed budget for the project. What funding do you have for the project?

7. Describe the ground in front of the wall (condition, debris etc.) and surrounding features.



Public Art Mural Agreement

The Agreement is between _____ (Property Owner) and the City of Ashland (City).

RECITALS

- 1. The City has adopted a process for the placement of public art murals (Mural) on public and private buildings throughout Ashland.
2. The Property Owner owns the real property situated at _____ (physical address) and is willing to make an exterior wall (Wall) available for a public art mural.
3. After final approval by the PAC of the installed mural, it becomes the property of the City of Ashland and may be removed by either party after a period of five years.

The parties agree as follows:

This agreement is in effect for at least five years. After the five year minimum, the agreement may be terminated by either party upon 30 days written notice. Upon termination, the Wall will be restored to its prior condition at the expense of the party who initiated the termination.

The City is responsible for the maintenance and if necessary repair of the Mural during the life of the agreement. The City shall have the right to access the Mural and the Wall for maintenance purposes. The City may remove the Mural, if in the sole judgement of the City, the Mural cannot be maintained.

In the event of any dispute in any manner relating to this agreement, the parties shall submit the dispute to be resolved by binding arbitration. The arbitration award shall be final and binding on the parties on the parties in the same manner as the final judgment of a court.

City of Ashland, OR

Name and Title: _____

Date: _____

Property Owner

Name: _____ Mailing Address: _____

Phone: _____ Email Address: _____

Date: _____

Background

The painting of non-residential structures in a Historic District, resulting in a significant design change, as is characterized in mural art, is a substantial alteration requiring SHPC approval. Murals and other similar forms of visual art can both add or detract from the character of a building, structure or district based upon their location, size, shape, color palette, materials used and relationship to historic context.

Purpose

Murals and other similar forms of visual art have the ability to create a sense of place in a city and strengthen a community's identity.

Mural Art vs. Signage

Content distinguishes mural art from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Murals may not include trademarks, service marks, or other markings, colors or patterns which identify or associate with a business, profession, trade, occupation or calling. When an official interpretation is considered necessary, SHPC will determine if a proposal is a mural or a sign. Mural art that constitutes a sign shall conform to the signage regulations and the applicable design guidelines.

Review Criteria

A. Location

1. Murals are not permitted on unpainted contributing or landmark structures.
2. Murals may not be located on the primary façade of a building and should not obscure or damage building elements or details.
3. The number of murals per block face should be limited to discourage visual clutter.
4. A mural may be of any size, but it must be in scale with the district's character and appropriate for its location.
5. Do not paint over other historically significant murals, even if they are faded.

B. Process, Design & Materials

1. The Certificate of Appropriateness should be modified to encompass any lease agreement that may exist. A lease agreement between the building owner and the artist and/or funding source is encouraged, but not mandatory.
2. Subject matter must reflect an aspect of the district's or the city's history so that it contributes to or reinforces the historic fabric of the building or district.
3. Artists must submit a proposed mural which includes a frame of the mural, which may be the boundary of the building wall or a painted circle, square, oval or rectangle.

C. Preservation

1. Use paints and materials that will not chemically corrode nor compromise the integrity of the building's exterior and structure.
2. Prime the wall with a latex exterior paint.
3. A proper finish coat must be applied to complete the mural and protect it from graffiti or weather damage.
4. A maintenance plan, which includes graffiti removal and reapplication of paint, must be submitted to SHPC.

**HISTORIC LANDMARK COMMISSION
APPLICATION FOR A PERMIT WITHIN A NATIONAL REGISTER HISTORIC DISTRICT
DECEMBER 14, 2020
610 BRAZOS STREET
SIXTH STREET NATIONAL REGISTER HISTORIC DISTRICT**

PROPOSAL

Paint a mural on the sides of the building.

PROJECT SPECIFICATIONS

The applicant proposes painting a mural on the sides of a non-contributing building to the Sixth Street National Register Historic District. The building was recently modified and staff does not believe that it still contributes to the historic district.



Current photograph, December, 2020 (by staff)



The proposed mural will be painted on the north wall of the building and the mechanical structure on the roof; it will slightly wrap around the sides of the front wall of the building. Like the proposed mural at 506 Congress Avenue, this mural was designed by renowned Spanish artist Ruben Sanchez; Here is his website <https://www.iamrubensanchez.com>

STANDARDS FOR REVIEW

The Secretary of the Interior's Standards for Rehabilitation do not apply to artwork applied to buildings in historic districts, and the Commission has no specific guidelines or standards for proposed artwork. The mural could be removed in the future without damage to the structure.

In her paper, "Historic Preservation Considerations for Murals," Leigh Burns, the director of the Fox Theater Institute recommends that historic buildings should convey the historic message of the building and to take into consideration that murals affect the historic feel of the city and all the architecture within the district.

The City of Milwaukee, Wisconsin's Historic Preservation Commission in 2019 reviewed the following draft guidelines for murals on historic buildings:

DRAFT – NOT AN APPROVED DOCUMENT

Mural Guidelines for Historic Properties in the City of Milwaukee

For the purposes of these guidelines, a “mural” shall be defined as an artistic work applied to an exterior surface of a pre-existing structure and that does not constitute a sign under 200-08-84 of the Milwaukee Code of Ordinances.

I. APPLICATION REQUIREMENTS

In addition to those materials usually required for Certificates of Appropriateness (CoA), applicants seeking a CoA for a mural on an historic property shall submit:

- a. Written approval from the property owner for the mural, provided the applicant is not the owner of the property.
- b. A record of ownership of the mural.
- c. A maintenance plan specifying care and the parties responsible for the maintenance of the mural. Maintenance includes, but is not limited to, graffiti removal, removal of surface dirt, reapplication of coatings, touching up damaged areas, and ensuring vegetation does not harm the mural or the supporting building.
- d. An agreement between the artist and the property owner identifying who is responsible for removal of a mural.
- e. Photo documentation of the completed mural shall be supplied to the Historic Preservation Commission to provide a base line for future maintenance, conservation and restoration.

II. DESIGN STANDARDS

- a. Except as provided below, no mural may be located on elevations that directly face or are parallel to sidewalks and public rights-of-way.
- b. Murals shall be permitted for side or rear walls or alley walls (but not the primary facades) that have been refaced with non-historic materials such as replacing wood with parging.
- c. Murals shall be permitted for side or rear walls or alley walls that lack historic details (cornices, windows, entrances, etc.), are of painted common brick, includes no decorative masonry work, and that are not street-facing or adjacent to a sidewalk.
- d. No mural shall exceed 50% of the wall on which it is placed or twice the maximum size allowed by the Milwaukee Code of Ordinances for wall signage in the area, whichever is smaller.
- e. Murals shall be confined to one wall of a building and not wrap around to other sides, nor may any building have more than one mural
- f. No mural shall be permitted on an unpainted masonry wall such as brick, stone, or stucco. Murals should instead be painted on removable materials such as plywood or other suitable outdoor material. Anchoring shall be placed into masonry joints or other non-damaging areas of the walls. Framing shall be done so as not to trap water between the mural and the wall. Hanging or anchoring shall be reversible.
- g. No mural shall be permitted on wood sidings with surface detail such as, but not limited to bevel siding, board and batten siding.
- h. No mural shall be permitted on a building that has had masonry cleaning or major repointing, nor may a mural be used in lieu of cleaning or repointing on a building in need of it.
- i. No mural shall be permitted on a fence.
- j. Except as provided below, murals shall not cover over windows, doors, cornices, or other architectural elements.
 - i. Murals may be permitted on windows and doors temporarily boarded due to vandalism. They shall be permitted for no more than 90 days or the time

permitted for repairs by the Department of Neighborhood Services, whichever is greater.

ii. No mural shall be permitted on preventative boarding.

k. Lighting of a mural shall require a CoA.

l. Artists shall sign and date their work in a discreet location.

III. REMOVAL

a. A CoA shall be required for removal of a mural.

b. Upon removal, any materials used to adhere the mural shall be removed at the time the mural is removed. This includes, but is not limited to brackets, mounting hardware, caulk or grout, and adhesive glues. The surface shall be returned to its original condition.

For more considerations on murals in historic districts, see Margaret Back's 2019 Master's thesis from the University of Pennsylvania:

Back, Margaret. 2019. "Managing Community Murals in an Urban Preservation Framework." Thesis (Historic Preservation). University of Pennsylvania. https://repository.upenn.edu/cgi/viewcontent.cgi?article=1669&context=hp_theses

COMMITTEE FEEDBACK

Not reviewed.

STAFF RECOMMENDATION

Staff recommends approval of this mural with the added requirement that the applicant complete a maintenance plan. This proposed mural differs significantly from the proposed mural for 506 Congress Avenue in that it is painted on the side of the building rather than the primary façade, and the building is clearly non-contributing to the historic district. There is a precedent for other murals in downtown Austin that have been applied to side walls of the building. Although the size of the mural may be an issue, this proposed mural is more in line with the principles set forth in the City of Milwaukee's guidelines for murals in historic districts.

Historic Preservation Considerations for Murals

Leigh Burns, Director, Fox Theatre Institute

Below are a list of suggestions, questions and considerations when considering adding murals as an artistic feature of local historic districts as well as National Register of Historic Places Districts. A reminder that before you begin these projects a historic building may be individually listed on the National Register of Historic Places or individually landmarked by your local historic preservation commission individually or as part of a larger district.

Consider the following in planning mural installation.

- Is the building listed locally in the historic district? If so, have you sought involvement from the local planning office and the historic preservation commission chair to find out if the building is even permitted to have a mural. Many local districts include the review of mural and art installation and if so, do you have that process and paperwork completed? If the mural is to be painted on a historic building the applicant should consider moving the mural to a non-historic, non-contributing building to the local or national register historic district. Historic buildings have finishes and fenestration that contribute to the overall aesthetic to the building and to the larger district. These locations, on significant historic properties should not be the first location for murals.
- If the building for installation is historic and has a historic mural, that mural should be repainted or reapplied as the art or advertisement applies to that type, style or period of not just architecture, but social history of the community. The building should not have a new mural, but convey the historic message of the building.
- If the approval is given for an installation on an historic building, these precautions and best practices should be used:
 - The applicant should use treatment recommendations in the Secretary of the Interior Standards for Treatment of Historic Properties and that information may be found here <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>
 - Painting and installation materials that are used should always be reversible, and the building service should not be harshly cleaned, stripped or compromise the masonry of the building. If possible, the mural could be installed on a surface of a temporary film and applied. This means the film could be easily removed and research into this process could be supported by the Historic Preservation Commission and the applicant together.
- If an HPC (Historic Preservation Commission) reviews murals and approves murals then the city or county municipalities should be aware that murals should not become a reliant historic theme, or use the process to begin applying a theme and art to all buildings. These changes affect the historic feel of the city and all the architecture within the district. Each mural should be treated as a case by case approval and not part of a larger, mass approval. Each mural should be significant individually and not become a “petting zoo” type of environment for murals.
- It is important to note who will be responsible to maintain the mural. Who is financially responsible for keeping the mural painted, cleaned and clear of potential graffiti? The city or county government should apply the same policies for neglect of public art and maintenance

that they do for landscape and buildings. As part of the mural plan for instillation the applicant should submit a maintenance plan to the local permitting authority.

ORDINANCE O-17-14

AN ORDINANCE AMENDING ZONING CODE ARTICLE 7 TO PROVIDE GUIDELINES FOR AND LIMITATIONS ON MURALS ON COMMERCIAL STRUCTURES IN THE BISBEE HISTORIC PRESERVATION OVERLAY ZONE

WHEREAS, the unregulated application of murals has the potential to overwhelm the historic authenticity of the Historic District; and

WHEREAS, guidelines for murals in the historic district are a means of ensuring the continued visual aesthetic of the historic district while allowing for creative expression in appropriate locations and designs; and

WHEREAS, review criteria should provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work; and,

WHEREAS, the Planning and Zoning Commission unanimously approved a proposed amendment to add a section to Article 7 (Signs) to the Zoning Code, Section 7.8, to provide such guidelines, as set forth in Exhibit A hereto; and

WHEREAS, if the proposed amendment is adopted, subsection 7.2.2(K) of the Zoning Code, attached hereto as Exhibit B, which addresses some of the same subject matter, will no longer be necessary and should be deleted; and

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Zoning Code set forth on Exhibit A hereto and delete subsection 7.2.2(K) set forth on Exhibit B.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

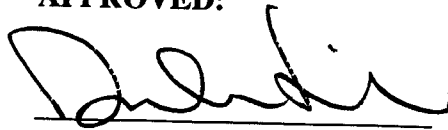
Section 1. The amendment to Article 7 of the Zoning Code, by adding a new section 7.8, as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.

Section 2. Having adopted said amendment to the Zoning Code, subsection 7.2.2(K), attached hereto as Exhibit B, addressing some of the same subject matter, is hereby deleted.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

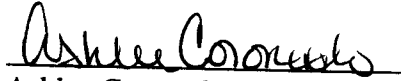
PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 21st day of November, 2017.

APPROVED:



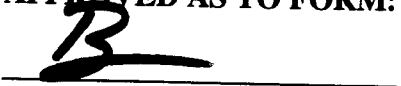
David Smith, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Britt Hanson, City Attorney

EXHIBIT A

AMENDMENT TO ZONING CODE ARTICLE 7 BY ADDING SECTION 7.8

ARTICLE 7.8

Murals in the Historic District

7.8.1 Purpose: City of Bisbee's Design and Review Board to adopt guidelines for murals on commercial properties within the historic district. These guidelines for murals in the historic district were formulated as a means of ensuring the continued visual aesthetic of the historic district while allowing for creative expression in appropriate locations and designs. The established review criteria provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work. Murals and other similar forms of visual art can both add or detract from the character of a building, structure, or district based upon their location, size, shape, color palette, materials used, and relationship to historic context.

7.8.2 Review Criteria

When a building owner is considering adding a Mural to their building or wall an application must be made to the Design and Review Board for consideration. When the building or wall is public property of the City of Bisbee the application process will follow the city's Art and Monuments in Public Space Application and Instructions.

7.8.3 Mural Art vs. Signage

Content distinguishes mural art from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Murals may not include trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or entity. When an official interpretation is deemed necessary, Bisbee's Community Development Department will determine if a proposal is a mural or a sign. Mural art that constitutes a sign shall conform to the signage regulations of the zoning ordinance and applicable design guidelines.

7.8.4 Guidelines

A. Location

1. Murals are not permitted on unpainted contributing or landmark structures.
Murals on unpainted non-contributing buildings or walls will be considered on a case-by-case basis.
2. Paint or mount all murals or other similar forms of visual art on the side or rear walls of the building, and not on its primary façade, above its roof line, or on any of its decorative elements.
3. The installation of a mural should complement and enhance the building or wall and be incorporated architecturally into the character of the historic district.

4. The location of a mural on the building should not cover or detract from significant or character-defining architectural features.
5. The location, size, nature, or type of mural shall not create a hazard to the safe and efficient operation of vehicles, or create a condition that endangers the safety of persons or property thereon. Murals may not extend beyond the eaves, parapet, or sides of a building.
6. If a mural is allowed to be mounted onto the building it must be done to prevent damage from moisture/condensation behind the attached panel. Generally, the hanging and/or anchoring of a mural should be reversible.

B. Design & Materials

1. The mural shall not obscure key features of the building or wall.
2. Paint utilized should be intended for exterior use and which will not compromise the integrity of the material to which it is applied. Reflective neon and fluorescent paint should not be used.
3. The application of murals on historic material should follow all relevant Preservation Briefs as published by the National Park Service's; "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services."

EXHIBIT B

AMENDMENT TO ZONING CODE ARTICLE 7 BY ELIMINATING SUBSECTION 7.2.2(K)

~~K. Murals located on private walls or structures, with the exception of unpainted brick structures and the surface area of existing signs located within the Historic District, which are subject to the requirements of Article 3.5.2. An exempt mural may not include the name or logo of a business or enterprise, hours of operation, or references to goods or services to be provided. This exemption does not authorize the use of private property without the permission and consent of the property owner.~~

ARTICLE IV. MURALS

Section 8-10 Murals

A. Definitions

1. Mural: Painted graphics that are murals, mosaics, or any type of graphic arts that are painted on a wall or fence and do not contain copy, advertising symbols, lettering, trademarks, or other references to the premises, products or services that are provided on the premises where the graphics are located or any other premises.

B. Murals shall be permitted in the Institutional, Urban Industrial, Heavy Industrial, Neighborhood Mixed Use, Suburban Mixed Use, Central Mixed Use, Urban Mixed Use and Riverfront Mixed Use Districts. Murals shall also be permitted through conditional use permit on governmental and institutional structures.

1. Murals are not permitted on the primary façade of a building. A primary façade is defined (for purposes of this section) as the building elevation that faces the adjacent street right-of-way and is the primary customer entrance.

C. Mural Permit

1. No mural shall be installed unless a mural permit therefore shall first be obtained by the owner, or his agent, from the Director of Planning Services, or his/her designee.

D. Application Requirements

Permit application shall contain, but not be limited to, the following information:

1. Site plan showing the lot and building dimensions and indicating the proposed location of the mural.
2. Pictures of the building elevations.
3. A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural.
4. A colored drawing of the proposed mural.
5. A description of the proposed maintenance schedule that includes the timeframe for the life of the mural and method for removal, if applicable.

E. Fees

The Fee for application for a Mural Permit shall be as established by Resolution of the Common Council.

F. Prohibited Mural Types

1. Murals or other representations which imitate or appear to imitate any official traffic sign or device which appears to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.
2. Murals affixed, applied or mounted above, upon or suspended from any part of the roof of a structure.
3. Murals shall not project from the wall surface, other than the minimum necessary protrusion to mount the mural to the wall or structure.
4. Murals containing any gang affiliation symbols.
5. Murals containing any commercial messages or advertising.
6. Murals containing obscene content. For purposes of this section, any material is obscene if applying contemporary community standards:
 - a) The predominant appeal is to a prurient interest in sex; and
 - b) The average person would find the material depicts or describes sexual content in a patently offensive way; and
 - c) A reasonable person would find the material lacks serious literary, artistic, political, or scientific value.

G. Standards

1. Surface Preparation. Sand and high pressure water blasting are not permitted as a cleaning process for either surface preparation or for mural maintenance purposes in any historic district or any building eligible for inclusion on the State or National Register of Historic Buildings. Treatments that cause damage to historic materials shall not be used.

H. Maintenance

1. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the Director of Planning Services, or his/her designee.
2. The display surface shall be kept clean and neatly painted and free from corrosion.
3. Any mural that is not maintained, faded, or is in disrepair shall be ordered removed or covered with opaque paint, similar to the primary building materials/colors or other appropriate material by the Director of Planning Services, or his/her designee.

I. Design Standards

1. The proposed mural will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic; and
2. The proposed mural is well integrated with the building's façade and other elements of the property and enhances the architecture or aesthetics of a building or wall; and
3. The mural will not have a detrimental effect on the structural integrity of the wall on which it is applied/affixed; and

J. Mural Permit Approval

1. No mural permit shall be approved unless the Director of Planning Services, or his/her designee, shall find that the requirements of this Section have been fulfilled.
 - a) Permit Denial. A mural permit applicant may appeal the decision of the Director of Planning Services to deny a mural permit. Said appeal shall be made in writing to the Director of Planning Services and said appeal shall be made within 30 days of the decision by the Director of Planning Services to deny the permit. Appeals will be heard by the Public Art and Beautification Committee to determine if the Director of Planning Services' decision to deny the permit is consistent with the provisions of this Section of the Municipal Code.

**City of Port Townsend
DESIGN GUIDELINES
for
MURALS
in the
Special Overlay Design Review &
National Landmark Historic Districts**

PURPOSE

These Design Guidelines are established for the following purposes:

1. To supplement land use regulations which encourage and promote public health, safety and welfare of the citizens of Port Townsend.
2. To provide guidance to urban design decisions that will promote development of high environmental and visual quality throughout the City.
3. To assist applicants in the preparation of development applications.
4. To assist decision-making by the Historic Preservation Committee in the review of development applications.

INTRODUCTION

The design guidelines for murals in the commercial areas of the Port Townsend National Landmark Historic District and in the Special Overlay Design Review District are intended to be used as an aid to appropriate design and not as a checklist for compliance. The purpose of the guidelines is to create awareness of the unique character of the District during the design of murals. These guidelines identify the design elements deemed important in reviewing murals for appropriateness and are the basis for decisions made by the Historic Preservation Committee.

DEFINITIONS

For the purpose of these guidelines, the following definitions shall apply:

Mural Signs are wall signs containing advertising, which consist exclusively of paint applied to the wall of a building without application of any other material or framing. The Port Townsend Municipal Code 17.08 defines advertising as: any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects, or registered trademarks which serve to call to the attention of the public products, services, businesses, buildings, premises, events, candidates, or ballot propositions.

Artistic Murals consist exclusively of paint applied to the wall of a building without application of any other material or framing, and which contain no advertising.

GUIDELINES

I. MURAL SIGN GUIDELINES

A. New Mural Signs on Unpainted Surfaces:

No new mural signs shall be permitted on unpainted brick, unpainted and painted stone, wood sidings with surface detail (i.e., bevel siding or board and batten siding, etc.) or any other material which does not have a flat planar character.

B. New Mural Signs on Other Surfaces:

New mural signs on surfaces other than those identified above in Item A shall meet the following criteria.

1. Mural signs shall be designed to complement the architectural and historic Character of the Historic District.
2. Mural signs shall not interrupt detract, or overwhelm the historic architectural features of the building. Rather, they shall comply with the guidelines below:
 - a. Mural signs shall not be located only on planar or flat surfaces of buildings and shall not overlap architectural features such as cornices, beams, columns, trim, windows, doors, vents, control joints in plaster, etc.
 - b. Mural signs shall reinforce the size, shape and proportions of building features such as column bays, window proportions and placement, planar wall proportions, etc.
 - c. Mural signs shall be placed within column bays, windows, planar walls, etc. so as to have a minimum border separation of 25% of the shortest mural dimension from architectural features.
 - d. Mural signs shall be laid out parallel and orthogonal (at a right angle) to the buildings architectural elements such as columns, beams, trim, cornices, parapets, etc.
 - e. Mural signs shall be laid out or composed within the building's architectural framework to reinforce a sense of balance of the overall mural/architectural composition.
3. Mural signs shall not be located on the primary street façade of buildings.
 - a. For buildings located on corners, murals shall not be located on the primary street façade but may be located on the secondary street façade provided the murals conform with the other requirements of these guidelines.
4. Mural signs shall not exceed 60 square feet in area. Exception: Where large expansive planar walls over 2,000 square feet in uninterrupted area occur, larger murals may be permitted provided they meet other mural sign guidelines and

provided that the murals do not overwhelm the size, scale, design and historic integrity of the building as determined by the Historic Preservation Commission.

5. Murals shall be located, designed, and proportioned to reinforce the building façade proportions and to reinforce the vertical nature of the district.
6. Colors shall be drawn from the Port Townsend National Landmark Historic District Approved Color Palette; other colors must be approved by the Historic Preservation Committee.
7. Applicants shall demonstrate that preparation, priming and finish painting materials shall not damage the surface of the building and that the finished application shall not lead to the surface deteriorating in an accelerated fashion over time.
8. New mural signs shall not be painted over “Historic” murals.
9. New mural signs shall protect the historical significance of the district by making a visual distinction between old and new murals; new murals shall reflect the late 19th century period without imitating it and applying the following:
 - a. Since the historic murals primarily emphasize lettering with simple trademarks, new murals shall be simple in nature and direct in approach with a complimentary emphasis on lettering and simple trademarks without copying historic images.
 - b. New murals shall have simple, rectangular fields, which contain all lettering, trademarks, and imagery. Borders or implied borders are suggested to reinforce the containment of images within the mural and minimize the impact on the architectural character of the building.

C. Repainting Existing Recent Murals

1. Recent murals are those believed to have been painted within the last 50 years and are in existence on December 31, 1992. Recent murals include, but are not limited to:
 - a. Tree of Heaven, Mount Baker Block (Artistic Mural)
 - b. Children’s Mural, Police Station (Artistic Mural)
 - c. Lizzie’s, Hastings Building (Mural Sign)
 - d. Holly’s Flowers, McCurdy Building (Mural Sign)
 - e. Port Townsend Athletic Club, 229 Monroe (Mural Sign)
 - f. Mary Kaiser Design, 807 Washington (Artistic Mural)
 - g. Abundant Life Seed Foundation, 1029 Lawrence (Mural Sign)
 - h. The Gym, 1530 Franklin (Mural Sign)
 - i. Cinammon’s Apparel, 1005 Water (Mural Sign)
 - j. R & D – PT Paint, 215 Decatur St. (Mural Sign)
 - k. PT Outdoors, 1001 Water Street (Mural Sign)
 - l. Cheeks Bistro-1001 Water Street (Mural Sign)

2. Existing recent mural signs may be repainted with Historic Preservation Committee review if the applicant can show that repainting would not likely accelerate deterioration of the brick.

D. Abandoned Mural Signs

1. Recent and new mural signs, which become abandoned, shall be allowed to remain until such time as a new mural is approved for the site.

E. Historic Murals

1. No existing murals other than those listed under paragraph C(1) above, may be repainted, painted out, removed or otherwise disturbed or altered, except where structural integrity of the building is at stake.
2. Historic Preservation Committee review of the restoration of historic murals.
3. If the building is repainted, it must be done in a way that follows the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. After repainting, new grout should be painted to match the color and surface quality of the existing sign.
4. Prior to tuck pointing, photographic documentation of the historic signs shall be undertaken. Photographs shall be taken by a professional photographer using a large format camera (not 35 mm) at as near straight-on-view as possible. The photographs (at least four 8 x 8 inch color prints) shall be provided to the Historic Preservation Committee.
5. Historic photographic documentation of the signs (if any) shall also be collected and chronicled and made available to the Historic Preservation Committee upon request.

II. ARTISTIC MURALS

Further discussion of artistic mural guidelines is postponed until after April, 1993, so the Historic Preservation Committee may further research the subject.

Adopted this 26th day of January, 1993.

/s/ Mike Yawman, Chair

Adopted by Ordinance 2871
November 29, 2004

Jeff Randall, Director
Long Range Planning



Town of Lake City
Historic Preservation Commission
Motions Made
7/5/2022

COA 2022-10, 200 N Gunnison Ave, Underwood, mural: A motion was made stating that we have decided that this is not under the purview of the Historic Preservation Commission at this time due to a lack of guidance from the Lake City Design Guidelines or Town or Historic Preservation ordinances and would defer decision to the Town of Lake City, with the request that our ordinances be updated to include guidance on this issue.

When Public Art and Historic Preservation Clash

Alex Pline May 24, 2017

Alex Pline is a founding member of Strong Towns and blogger at TeamPline.org. The following essay is inspired by our recent Public Art Week. [Read more on public art from Strong Towns.](#)

Annapolis is the historic capital city of Maryland and harkens back to the colonial days of the United States. The city's core contains a lot of the historic fabric from the 1700s, 1800s and 1900s including gems such as the Maryland State House where the Continental Congress met in the 1780s, the William Paca House (1760s) and many others.

While there was some significant demolition in parts of the city over time, fortunately the ravages of the urban renewal years did not gut any large sections of the core downtown and the influence of the automobile was minimal on the street size and configuration. The preservation of historic character is, in large part, due to the efforts of organizations such as [Historic Annapolis](#) and through Maryland and Annapolis Statutes as implemented by the city [Historic Preservation Commission](#) (HPC). Without these heroic efforts beginning in the 1950s and 1960s, much more of the historic fabric might have been lost.

Fast forward to the present. Annapolis is generally a healthy and thriving city and is a very strong tourist attraction thanks to the aforementioned history. However, like many towns and cities, it struggles at times to keep the core areas thriving for locals beyond the standard tourist attractions. Unlike the Main Street area which is governed by historic preservation rules, the area around nearby West Street has undergone quite a renaissance over the last 20 years with new shops and

restaurants thanks to an innovative group of restaurant owners, artists and entrepreneurs who have coalesced the area into an “arts district”. This is partly the result of relaxed regulatory scrutiny on the neighborhood during a time of economic depression, or [as Andres Duany says, “when government is not watching”](#). The neighborhood hosts grassroots events that would please any [strong citizen](#) like street festivals and a weekly “Dinner Under the Stars.”

A Clash of Control

Compare these two approaches to Main Street and West Street—one top-down with codified rules and regulations at multiple levels of government and one bottom-up, with a “try lots of ideas and see what works” mentality led by local citizens. When these two meet, in the case of public art, there is a clash of control.

While much of the arts district is outside the historic area boundary, there are a few buildings that aren't, and when one owner was cited for peeling paint, he enlisted a well known local artist to do the painting – with a mural. You can watch a time-lapse of that mural's creation below.

The response from the city was heavy handed, serving a court order to either repaint it or apply for a retroactive permit. While the HPC code does not specifically regulate paint, it does regulate “architectural alteration”. This means the owner would have been completely within his right to paint it a non-historically accurate (whatever that is) color, but the fact that there was “art” in the image made it an “alteration”. After boiling away all of the legal minutiae of this disagreement, it comes down to a control issue, not unlike those around [little free libraries](#). To be fair, the city says they might approve this particular mural, but they want to make that determination themselves.

From our local [press](#):

“We choose not to regulate paint,” said Lisa Craig, the city’s chief of historic preservation, in October 2015, “but when paint gets to the point where it obstructs or detracts from the architectural characteristics of the building, then they (commission members) have to make a judgment call.” [...]

Buckley [the property owner] sees it as an attempt to merge West Street’s historic nature with Annapolis’ artistic sector. “We look at beautiful cities all over the world in Prague and in Paris and

these cities they make things work with historic buildings and they understand juxtaposition," Buckley said Friday. "But I feel like we're not getting that same thing here. So, as it became bigger than us, we decided we would stand up."

Beyond the specifics of this particular interpretation of the Annapolis historic preservation code, this situation is a prime example of two schools of thought on how to build great places, but with diametrically opposed approaches. It represents the somewhat bipolar nature of Annapolis' culture—some view change as positive while others see it as negative.

For better or worse, the court case – at least this edition of it – was just **resolved** in favor of the city.

Tension between these cultures is certainly healthy, as monocultures are **fragile**. But when the argument is more about control than substance, in my opinion, the balance has shifted away from historic preservation's original intent. Paint is truly ephemeral, as the arts community showed in their cheeky response by staging a "**mural funeral**" when a second mural was cited by the city.

While historic preservation is critical for cities such as Annapolis, with all of the problems that Annapolis has (and yes, even though we are a small city, we have many of the same problems larger cities have) spending money and effort on legal challenges is not an effective way to improve our city. Additional hurdles to revitalization based not on substance but control are the last thing America's cities and towns need.

[About Our Mural Program - HeritageMurals.org](https://heritagemurals.org)

<https://heritagemurals.org> › [about-our-mural-program](https://heritagemurals.org/about-our-mural-program)

[Chapter 15.720 MURALS - Ellensburg - Code Publishing ...](https://www.codepublishing.com)

<https://www.codepublishing.com> › [Ellensburg15720](https://www.codepublishing.com/Ellensburg15720)

<https://hudsonvalleyone.com> › [2017](https://hudsonvalleyone.com/2017) › [October](https://hudsonvalleyone.com/2017/october) › [16](https://hudsonvalleyone.com/2017/october/16)

[Proliferation of murals raises questions about Kingston's ...](https://hudsonvalleyone.com/2017/october/16)

[Preservation committee tables request for murals in downtown ...](https://www.abqjournal.com)

<https://www.abqjournal.com> › [Entertainment](https://www.abqjournal.com/entertainment) › [Arts](https://www.abqjournal.com/entertainment/arts)

Minutes

Meeting Name: Regular BOT Meeting

Meeting Start Time: 6:00 PM MDT

Meeting Start Date: 7/6/2022

Meeting End Time: 9:30 PM MDT

Meeting End Date: 7/6/2022

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

Agenda:

- I. Public Hearing – 6:00pm
 - A. Public Hearing to Receive Public Input Regarding Renovations to Town's Wastewater Treatment Plant and Preliminary Needs Assessment
- II. Regular Workshop – start time 6:50 pm
 - A. Discussion about 3rd Street Project
 - B. Discussion about Drafting of Miniature Livestock Ordinance
 - C. Discussion about Purchase of Property for Employee Housing
 - D. Discussion about Committee Reports Assignments
 - E. Discussion about Food Trucks

Workshop end time – 8:37 pm

- III. Regular Meeting
 - A. Call to Order: 8:44 pm
 - B. Roll Call: Present: Mayor Roberts. Trustees Bruce, Heaton, Horn, Kendall, and Woods. Absent: Trustee Hamel
 - C. Approval of Minutes – Jun 15 and June 29, 2022: Motion made by Trustee Bruce, seconded by Trustee Heaton. Motion passed with all present voting yes in a roll call vote.
 - D. Approval of Bills Payable totaling \$296,664.64. Motion made by Trustee Heaton, seconded by Trustee Kendall. Motion passed with all present voting yes in a roll call vote.

E. Employee Reports:

1. Recreation Director (Hake)
2. Public Works Director (Johnston)
3. Town Clerk/Treasurer (Mulhall)
4. Town Manager (Lipsey/Pierce)
5. Building Official (McNeese)
6. Sheriff's Report (Kambish)
7. Mayor
8. Trustees

F. Correspondence Received – NONE

G. Citizen Communication – NONE

H. Additions to the Agenda – NONE

IV. Action Items

- A. Discussion and Possible Action to Accept Recommendation of the Planning Commission for Lot Line Vacation Request for Lots 6 & 7 Lake City Height Subdivision. Motion made by Trustee Heaton, seconded by Trustee Bruce.

Motion passed will all present voting yes in a roll call vote.

Adjournment – 9:30 pm.

Mayor

ATTEST:

Town Clerk

Town of Lake City
Bills Payable
7/20/2022

Vendor Name	Description	Invoice Amount	GL
1 Aflac	Insurance Premium	\$494.20	GF
2 Amerigas	Propane GENERATOR tank rental	\$121.43	GF
3 Caselle	Contact Support August 2022	\$896.00	GF
4 CenturyLink	Townhall phone and fax line	\$286.96	GF
5 CenturyLink	ski hill phone	\$57.51	GF
6 CenturyLink	well houses Telemetry	\$167.44	WS
7 CenturyLink	wastewater telephone	\$217.54	WS
8 Gunnison County Electric	679600 230 Silver	\$71.37	GF
9 Gunnison County Electric	1905200 160 Spring st Restroom	\$97.84	GF
10 Gunnison County Electric	2218400 230 Bluff st	\$328.60	GF
11 Gunnison County Electric	2311100 Lake City Ice Wall - CR20	\$33.00	GF
12 Gunnison County Electric	2361100 North Ice wall	\$35.50	GF
13 Gunnison County Electric	1287001 5th & Henson Xmas lights	\$35.50	GF
14 Gunnison County Electric	664300 Ski lift	\$57.41	GF
15 Gunnison County Electric	#3 pump in county yard	\$1,357.40	WS
16 Gunnison County Electric	23800 Lake City Substation water tank	\$35.50	WS
17 Gunnison County Electric	551001 Water Tank Hill	\$36.79	WS
18 Gunnison County Electric	155201 Sewer plant	\$2,802.02	WS
19 Gunnison County Electric	155301 #2 pump on henson creek	\$1,764.13	WS
20 Gunnison County Electric	1637000 Sewer Plant MTR house North Hotchkiss st	\$41.49	WS
21 Hinsdale County	Shared Dumpster half	\$70.00	GF
22 Hinsdale County	Road and Bridge machine hire - roller and water truck	\$12,030.00	GF
23 Hinsdale County	PW Dump fees	\$441.65	WS
24 Hinsdale County	Fuel -PW	\$719.94	WS
25 Johlin Measurement Ltd.	Water fill station parts	\$18,007.00	WS
26 Lake City Auto	PR- Gas	\$131.21	GF
27 Lake City Auto	WWTP- operating supplies	\$22.29	WS
28 LAKE CITY CHAMBER OF COMMERCE	refund of deposit minus dumpster fees \$500-\$245.00 = \$255.00	\$255.00	GF
29 Lake City Computer Solutions	Printer, scanner, phones, camera, internet, NVR hard drive	\$976.70	GF
30 Lake San Cristobal Water Activity E	Lake city area well & pipeline and ball field well	\$8,120.00	WS
31 Lake San Cristobal Water Activity E	Member Entities annual assessment for base units	\$6,151.50	WS
32 NAPA Auto Parts	PW -Hartmans Bottle C02	\$51.00	WS
33 Professional Document Solutions, Inc	Printing and copier usage	\$5.79	GF
34 Professional Document Solutions, Inc	Printing and copier usage	\$83.49	GF
35 Quill Corp	Quill Sapphire membership renewal	\$69.99	GF
36 USA Blue Book	PW - Operating Supplies	\$71.90	WS
37 USA Blue Book	PW- WWTP Operating supplies	\$405.78	WS
38 USA Blue Book	PW- WWTP Operating supplies	\$67.42	WS
39 Utah's Inc.	Armory & Parks Trash Removal	\$682.50	GF
40 Verizon	BOT iPads	\$109.14	GF
41 Verizon	Employee cell phones	\$223.74	GF
42 Verizon	PW Tablet internet	\$45.02	WS
43 Wilbur Ellis	440 Gallons sodium chloride	\$3,379.20	WS
44 Xerox Corp	Lease payments for may and june	\$531.94	GF
	Total Bills Payable July 20, 2022	\$61,589.83	

ATTEST:

MAYOR

TOWN CLERK



Vance Lipsey <townmanager@townoflakecity.co>

Fwd: Lake San Cristobal Report

Henry Woods <henrywoods@townoflakecity.co>
To: Vance Lipsey <townmanager@townoflakecity.co>

Tue, Jul 19, 2022 at 5:35 PM

Sent from my iPad

Begin forwarded message:

From: Henry Woods <henrywoods@townoflakecity.co>
Date: July 19, 2022 at 5:33:26 PM MDT
Cc: Town Consultant <consultant@townoflakecity.co>
Subject: Fwd: Lake San Cristobal Report

Sent from my iPad

Begin forwarded

Date: July 19, 2022 at 4:41:16 PM MDT
From henrywoods@townoflakecity.
Subject: FW: Lake San Cristobal Report

Vance

Here you go.

Lake Fork at Gateview Flows 379 cfs	166 cfs – well below the historical average for this date of
Lake Fork Below LSC 206 cfs	77.3 cfs – well below the historical average for this date of
Lake Elevation	8995.23 feet

Projected Aspinall Operations

Blue Mesa Current Content - 380,090 AF which is 46% of capacity

Releases from Crystal Dam – approximately 1,450 cfs

Gunnison Tunnel Diversions – in process and approximately 1,030 cfs

Flows in the Gunnison River/Black Canyon - currently are being maintained at 430 cfs

Blue Mesa Reservoir maximum fill = 391,000 AF which is 47% of capacity

Projected Blue Mesa Reservoir conditions at end of WY22 = 281,000 AF which is 33% of capacity

Here are the drought conditions currently in the basin:

Hinsdale County has rebounded slightly in that now 100% of the county area is in the Moderate (D1) drought conditions, while just a month ago 100% was experiencing Severe (D2) drought conditions. With La Niña weather patterns expected to continue, the seasonal forecast will likely continue toward below-normal precipitation and above-normal temperatures in much of the southwestern part of Colorado.



PUBLIC RECORDS NOTICE: Under Title 24, Colorado Revised Statutes, this email and responses, unless otherwise made confidential by law, may be subject to the Colorado Open Records Act and may be subject to public inspection under § 24-72-203.

Town Manager Report

- Reminder CIRSA Training is scheduled for August 10th at 6 PM, You may attend virtually if need be.
- Dana from DOLA will be at the meeting August 3rd to discuss Capital Improvement Plan with the board.
- Continue to work on Affordable Workforce Housing, meeting with DOLA (DOH) and CHFA July 21st with Sandy Hines from the County.
- Continue to work on our 2021 Audit
- Completed training for the Caselle Document Management Software, which will be implemented soon.
- Working on getting Government Windows Integrated with Caselle. Within the next couple of weeks, it should be up and running.
- Starting the certified public manager program through CU-Denver in August
- On a personal note will be out of the office end of this week and potentially early next week due to a passing of a family member.
- Continuing my education through NCU with my PHD, which I hope that will be beneficial to the Town with gained knowledge from the program.



Upper Gunnison River Water Conservancy District

210 West Spencer Avenue, Suite B • Gunnison, Colorado 81230
(970) 641-6065 • www.ugrwd.org

July 15, 2022

Board of Trustees
Town of Lake City
230 North Bluff Street
PO Box 544
Lake City, CO 81235

Re: Lake San Cristobal Augmentation Contract Number LSC14-01

Dear Augmentation Customer:

This letter is being provided to you along with your 2022 invoice for Purchase of an Augmentation Certificate for Water Service from Lake San Cristobal. Also included is a return envelope for your convenience.

The Lake San Cristobal Water Activity Enterprise (LSCWAE) has set the 2022 annual payment rate for Lake San Cristobal Augmentation water at \$4.50 per base unit. The LSCWAE Board of Directors has also set their annual administrative charge at \$20.00 per contract which assists the Enterprise in recovering the annual costs associated with administering the Lake San Cristobal Augmentation Water program.

If you have any questions or concerns regarding this letter or invoice, please feel free to contact us at (970) 641-6065.

Sincerely,

Beverly Richards
Water Resource Specialist

Enclosures

Vance,
I have also included
the invoice for the
unsold base units.



Vance Lipsey <townmanager@townoflakecity.co>

Resignation from the Lake San Cristobal Water Activity Enterprise Board

Camille Richard <c.richard@lfvc.org>

Mon, Jul 18, 2022 at 12:46 PM

To: Vance Lipsey <townmanager@townoflakecity.co>, Michelle Pierce <m.pierce@lfvc.org>

Dear Town Mayor and Trustees,

I am resigning as Town of Lake City Representative to the Lake San Cristobal Water Activity Enterprise (LSCWAE) Committee, effective immediately. I have too much going on in my personal life to be a meaningful contributor.

Thank you for the opportunity to serve the Board of Trustees in this capacity.

--

Camille Richard
Executive Director, Lake Fork Valley Conservancy
PO Box 123
Lake City, CO 81235
970-944-5382

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

**AN ORDINANCE AMENDING SECTIONS 21-23 (b) AND (c) OF THE TOWN
CODE REGARDING WATER AND SEWER PLANT INVESTMENT FEES**

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 Sections 21-23(b) and (c) of the Town of Lake City Town Municipal Code (the “Code”) sets forth, *inter alia*, water and sewer plant investment fees for various tap sizes; and

WHEREAS, the Board had the Town Engineer conduct a study to establish an updated and accurate cost of both water and sewer plant investment fee costs (the “Study”); and

WHEREAS, the Board finds it necessary to update the water and sewer plant investment fees located in Sections 21-23 (b) and (c) of the Town Code to reflect the updated and actual costs calculated by the Study.

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

1. Section 21-23(b) of the Lake City Municipal Code shall be amended by removing the ~~striketrough~~ language and adding the **bold underlined** language to read in its entirety as follows:

(b) Water plant investment fees shall be due as follows:

Size of Tap	Plant Investment Fee
¾" or smaller	\$2,750.00 <u>\$6,000.00</u>
1"	\$3,000.00 <u>\$10,667.00</u>
1¼"	\$3,750.00
1½"	\$4,500.00 <u>24,000.00</u>
2"	\$7,000.00 <u>\$42,667.00</u>
<u>3"</u>	<u>\$96,000.00</u>

4"	\$170,667.00
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No water tap larger than two inches shall be approved unless the town determines that adequate capacity is available to serve the use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity. The town board shall determine the plant investment fee for any such taps on a case-by-case basis.

2. Section 21-23(c) of the Lake City Municipal Code shall be amended by removing the ~~strickthrough~~ language and adding the **bold underlined** language to read in its entirety as follows:

(c) Sewer plant investment fees shall be due as follows:

Size of Tap	Plant Investment Fee
¾" or smaller	\$2,750.00 <u>\$7,000.00</u>
1"	\$3,000.00 <u>\$12,444.00</u>
1¼"	\$3,750.00
1½"	\$4,5000.00 <u>\$28,000.00</u>
2"	\$7,000.00 <u>\$49,778.00</u>
<u>3"</u>	<u>\$112,000.00</u>
<u>4"</u>	<u>\$199,111.00</u>

No sewer tap larger than four inches shall be approved unless the town determines that adequate capacity is available to serve the proposed use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity. The town board shall determine the plant investment fee for any such taps on a case-by-case basis.

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 15TH DAY OF JUNE, 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

DRAFT

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

AN ORDINANCE AMENDING TOWN CODE SECTIONS 4-80, 4-80, AND 16-23(e) REGARDING MINIATURE SHEEP, GOATS, AND HORSES

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 of Lake City Town Municipal Code (the “Code”) sets forth requirements and procedures regarding livestock within the Town limits; and

WHEREAS, Section 4-80 of the Code prohibits any person from keeping or harboring any hogs, pigs, swine, sheep or goats within the Town; and

WHEREAS, Section 4-80 of the Code permits cattle and horses to be kept within the Town under certain limited circumstances; and

WHEREAS, the Board received public comment regarding allowing miniature livestock within Town; and

WHEREAS, the Board has received a request from citizens within the Town to amend the Code to allow certain animals currently prohibited by Section 4-80 to be allowed within the Town limits by virtue of a special use permit similar to those considered in Section 4-81 of the Code; and

WHEREAS, the Board heard public testimony regarding concerns of pollution, noise, and smells as well as the historic presence of certain animals within the Town limits; and

WHEREAS, the Board desires to permit certain miniature livestock within the Town under certain specific circumstances pursuant to a permit similar to those currently in place under Section 4-80.

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

1. Section 4-80 of the Lake City Municipal Code shall be amended by adding the

underlined bold language and removing the ~~strikethrough language~~ to read in its entirety as follows:

Sec. 4-80. Hogs, ~~sheep and goats~~ prohibited.

It shall be unlawful for any person to keep or harbor within the corporate limits of the town any hogs, pigs, **or** swine, ~~sheep or goats~~.

2. Section 4-81 of the Lake City Municipal Code shall be amended by adding the **underlined bold language** and removing the ~~strikethrough language~~ to read in its entirety as follows:

Sec. 4-81. Cattle, **miniature goat, miniature sheep, miniature horses** and horses.

It shall be unlawful for any person to herd, keep, or harbor any cattle or horses, or other livestock within the town, except for horses, burros, donkeys, ~~or~~ mules, **miniature goat, miniature sheep, or miniature horses** allowed by special permit issued pursuant to the town zoning ordinance **and in conformity with the requirements of Section 23-16(c)**.

3. Section 23-16(e) of the Lake City Municipal Code shall be amended by adding the **underlined bold language** and removing the ~~strikethrough language~~ to read in its entirety as follows:

(e) *Miniature horses, **miniature goats, and miniature sheep**.*

- (1) Class "A" miniature horses measuring not more than 34 inches at the withers, **a miniature goat measuring 20 inches at the shoulders, or miniature sheep measuring 20 inches at the shoulders,** may be kept within the town as an accessory use to a residence in the residential RE or R-1 district if a permit is approved pursuant to this subsection (e).
- (2) Applications for a permit shall be submitted to the town on forms supplied by the town accompanied by an application fee as set out in the town fee schedule, which forms may require all information appropriate to determine if the requirements of this subsection (e) will be met including a scale drawing of the premises.
- (3) Notice of such an application and the meeting, at which the board of trustees shall consider the matter shall be delivered by the applicant to the owners of all property within 100 feet of the premises on which said horses, **goats, or sheep** will be kept at least 15 days prior to the meeting and proof of such delivery shall be filed with the town.

- (4) The board of trustees may grant or deny the application and may impose such conditions as it deems necessary to protect the public health, safety and welfare, to prevent a nuisance and to mitigate any adverse effects on account of odor, insects, dust, noise or other factors. The number of horses, **goats, or sheep, or any combination thereof,** to be allowed shall be determined by the board based upon the size of the pasture, provisions for control and mitigation of any potential nuisance, the proximity of other businesses, residences or buildings and all other relevant factors.
 - (5) Any permit issued shall expire in one year. Permits may be renewed upon reapplication and the submittal of an additional fee as set out in the town fee schedule. The permit shall contain such conditions as necessary to implement the provisions of this subsection (e).
 - (6) The board of trustees may revoke any permit following reasonable notice and hearing if it determines that the criteria of this subsection (e) or conditions of the permit have not been met.
4. 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.
5. 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 20TH DAY OF JULY, 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