



BOT Regular Workshop and Meeting 08/02/2023 at 6pm

Town of Lake City

Aug 2, 2023 at 6:00 PM MDT to Aug 2, 2023 at 8:00 PM MDT

230 N. Bluff Street Armory Multi-Purpose Room

Agenda

I. Regular Workshop - 6:00pm

- A. Discussion with the DIRT about Porta-Potties**
- B. Discuss Short Term Rental Ordinance Draft**
- C. Discuss Opening a Colotrust Capital Improvements Fund Sub-Account and two Colotrust Cash Reserve Interest Sub-Accounts (One for the General Fund and One for the Water and Sewer Fund)**
- D. Discuss Transferring Balance from CBoC Capital Improvements Fund Account to the Colotrust Capital Improvements Fund Sub-Account, and Closing CBoC Capital Improvements Fund Account**
- E. Discuss Letters of Interest for the Gunnison Basin Round Table Vacancy**
- F. Discuss Economic Hardship Language for Historic Preservation Ordinance**

II. Regular Meeting - 7:00pm

- 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 proposed Triplepoint Contract.**
 - 1. The Board may take action regarding the Triplepoint contract following the executive session.**
- D. Minutes 07/19/2023**
- E. Bills Payable 08/02/2023**
- F. Employee Reports**
 - 1. Town Engineer Report (Fagan)**
 - 2. Sheriff's Report (Kambish)**
 - 3. Building Official Report (McNeese)**
 - 4. Parks and Recreation Report (Hake)**
 - 5. Public Works Report (Johnston)**
 - 6. Town Clerk Report (Broadway)**
 - 7. Town Manager Report (Mulhall)**
 - 8. Legal Update (Krob)**

9. Mayor/Trustee Reports

G. Correspondence Received

H. Citizen Communications

I. Additions to the Agenda

J. Action Items

**1. Discussion and Possible Action to Approve Resolution 2023-09 A RESOLUTION
ESTABLISHING CERTAIN ACCOUNTS WITH COLOTRUST**

**2. Discussion and Possible Action to Appoint a Candidate to the Vacant Position on the
Gunnison Basin Roundtable**

**3. Discussion and Possible Action to Direct Staff to Draft a New Historic Preservation
Ordinance**

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

**AN ORDINANCE REPEALING AND REPLACING SECTION 23-5 OF THE
LAKE CITY TOWN CODE REGARDING SHORT TERM RENTALS**

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 existing Section 23-5 of the Code permits short term rentals in residential districts as a conditional use allowed by special permit and sets forth the process for application and issuance of the same; and

WHEREAS, the Board has considered amending the licensing and regulation of short term rentals within the Town of Lake City in response to various changes in housing availability and enforceability of the existing regulations; and

WHEREAS, the Board finds it necessary and appropriate to revise the Short Term Rental (“STR”) provisions of the Code to ensure the health, safety and welfare of the residents and visitors of the Town of Lake City.

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

Section 1. Section 23-5 of the Town of Lake City municipal Code is hereby repealed in its entirety and amended by adding the following language to read in its entirety as follows:

Sec. 23-4. – Short Term Rentals

1. Permit Requirement

(a) It shall be unlawful for any person to operate or advertise to rent any short-term rental unit without a valid short-term rental (“STR”) unit permit approved by the Town Manager or their designee.

(b) The short-term rental unit permit does not run with the property, but is issued to the specific owner of the property. The permit shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner.

(c) Any person found to be advertising for rent or renting a short-term rental unit without a permit will be notified by certified mail or other delivery method requiring the signature of the recipient to cease and desist all offending actions. Upon receipt of the notice, the offending party shall have 10 business days to correct the offending action. By way of example, and not limitation, resolutions may include removing the offending advertisement, ceasing the rental of the offending unit(s), obtaining a short-term rental permit, or other corrective action deemed acceptable by the Town Manager or their designee. After the 10 business day period has ended without correction of the offending action or upon any further violation, the offending party shall be determined to be in violation of this section and may be fined \$500 for each day the offending action continued.

(d) The requirements and restrictions of this chapter shall not apply to hotels, motels, lodges, or boarding houses. Short-term rentals are required to comply with IBC/IFC requirements for R-1 occupancies.

2. Permit Application

Applicants for a short-term rental unit permit shall submit a completed application form which contains such information as required by this section and shall pay all fees required for the permit application. The application shall be reviewed administratively by the Town Manager or their designee who shall approve or deny the application within 10 working days of submittal or as soon thereafter as reasonable.

The permit application shall include:

(a) Standard town application;

(b) A separate short-term rental permit is required for every rental unit.

(c) The name, mailing address, physical address of the rental unit and contact information including a 24-hour contact phone number for the owner or the owner's property manager (responsible agent) who can be contacted in the event of an emergency and who, therefore, can promptly address the needs of guests occupying the short-term rental unit and can respond within one hour.

(d) Proof of insurance. The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.

- (e) A narrative addressing all of the short-term rental unit permit review criteria showing how they will be met.
- (f) A statement that the owner has read and understands the rules and regulations for a short-term rental unit set forth in this chapter.
- (g) The application fee of \$100.
- (h) Sales Tax License. The property owner or property manager shall provide a current sales tax license for the short-term rental issued by the Colorado Dept. Of Revenue and shall be responsible for remitting sales tax and lodging tax.
- (I) Fire Department Inspection Report. All new registrations will be required to pass an fire inspection prior to short-term renting. Inspections must be scheduled 30 days prior to applying for a short-term rental license. Existing short-term rentals will need to complete and pass an inspection within the first year of this ordinance's effective date. A copy of the fire inspection report that includes the occupancy limit shall be submitted with the application.
- (j) Proof of ownership. Proof of ownership of the subject property on which the requested use subject to the permit is to be conducted satisfactory to the Town Manager or their designee.
- (k) Certificate of Occupancy. The property owner shall provide a copy of the Certificate of Occupancy that was issued by the Hinsdale County Building Department.
- (l) Proof of citizenship or other lawful presence in the United States in conformity with provisions of Colorado legislation.
- (m) Site Parking Plan. Property owner shall submit a site parking plan that shows adequate on-property parking shall be supplied.
- (n) Property Floor Plan. Property owner shall submit a floor plan of the property that clearly shows the number of bedrooms and where they are located.
- (o) Notice with contact information. Within five calendar days of filing an application with the town, the concerned applicant(s) shall mail, by certified mail with return receipt requested, on forms provided by the town, notice of the use for which the permit is being sought and 24 Hour contact information of the applicant and the property manager, to all owners of property adjoining the property for which each permit is requested, at the addresses of such owners as is shown by then-current records of the assessor of the county. Satisfactory proof of such certified mailing of notice to all such adjoining property owners must be submitted to the town manager no more than ten calendar days following the date of filing of the pertinent application.

3. Fee Schedule and Permit.

- (a) The permit fee shall be per year per unit:

(1) Residential Zones: \$375.00.

(2) Non-Residential Zones: \$0.00

(b) No person, LLC, Corporation, or related entity shall be issued more than three (3) Short Term Rental permits with the Residential Zones of Lake City.

(c) The permit application fee is a one-time payment of \$100.00. The purpose of the fee is to finance the cost of administering and monitoring compliance of terms, conditions, and requirements for short-term rental operations.

(c) The permit must be posted within the short-term rental property within 10 days of final approval.

(d) The permit number must be included in all advertisements.

4. Permit Criteria.

The town manager or designee may approve or approve with conditions an application for a short-term rental unit permit if the following criteria and specific regulations are met:

(a) Sleeping quarters for short-term tenants shall not be in nonresidential areas within buildings or accessory structures (e.g., shed, garage, etc.), in commercial (office/retail) or outdoors (e.g., tent, etc.) or in a recreational vehicle.

(b) A separate short-term rental permit is required for each rental unit with the following limits:

1. Residential Zones

- A. Any individual, related individual, corporation, limited liability company, or other entity may not be eligible to obtain more than three (3) STR permits per person, related person or entity in the Residential Zones without
- B. Maximum number of STR Permits Issued shall be limited to 43 STR Permits (the “STR Permit Cap”), representing 15% of the total number of residential units in the Residential Zones at the time of passage of this Ordinance. Upon request, this number may be adjusted with approval of the Board of Trustees.
- C. Qualifying STR Permits will be granted in the order in which they are received up to the STR Permit Cap. If an application is received after the STR Permit Cap is reached then the applicant will be put on a waiting list. In the event that a permit is not renewed or is revoked then a permit will be issued to the next applicant on the waiting list.

2. Non-Residential Zones

- A. There shall be no restriction on the number of STR Permits issued in the Non-Residential Zones.
- B. There shall be no limit to the number of STR permits that can be issued to an individual, Corporation, limited liability company, or other entity.

(c) The owner shall maintain and provide proof of property liability insurance in the amount of not less than \$500,000 or provide proof that property liability coverage in an equal or higher amount is provided by any and all hosting platforms through which the owner will rent the short-term rental unit. Proof of liability insurance is not required if the short-term rental reservations are handled exclusively by hosting platforms (websites) that extend liability coverage of not less than \$500,000.

(d) Short-term rental units must remain compliant with all planning, zoning, building, health, fire and town codes.

(e) The owner shall not have had a short-term rental unit permit revoked within the preceding 12 months.

5. Complaint procedure

(a) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made to the town by contacting the Lake City Town Office. The subject of the complaint may include without limitations such things as violations of the parking, trash, noise or other requirements related to short-term rental units as provided in this chapter or in the issued permit.

(b) When a complaint concerning a short-term rental unit has been received, the Town Manager, code enforcement officer, or their designee will attempt to contact the responsible agent for the short-term rental unit using the contact number on file. In the event the responsible agent does not answer the officer's telephone call, the officer may leave a voice message requesting a return call. It shall be a violation of this code, for the responsible agent to fail to respond to the officer's telephone call within one hour of the officer leaving a voice message. When the responsible agent is reached by telephone, the agent will be informed of the details of the complaint.

(c) The responsible agent is required to attempt to address the issue that was the subject of the complaint within one hour of having been notified. A responsible agent shall initially respond to a complaint by contacting the renter of the short-term rental by telephone, electronic methods or in person and requesting the renter take such action as is necessary to eliminate the violation that is the subject of the complaint. A proper response to a complaint may also require the responsible agent to visit the short-term rental unit to attempt to eliminate the violation identified by the complaint.

(d) A responsible agent is not required to and should not place themselves in a situation that could cause them physical harm or cause a public disturbance in order to address a complaint.

(e) The responsible agent shall promptly notify the Town if the agent believes that the complaint has been successfully eliminated by the agent. If the town does not receive notification from the

responsible agent that the complaint has been successfully eliminated within one hour of the agent having been notified of the complaint, it shall be presumed that the complaint has not been successfully eliminated and the complaining party may follow up with the town about the complaint.

(f) If the complaint involves the immediate health or safety of any person or property and the complaint was not eliminated, the responsible agent shall immediately contact the Hinsdale County Sheriff's Office and follow all direction(s) given to the agent by the police department.

(g) If the responsible agent fails to respond to a complaint within one hour as required by this section, the Town of Lake City code enforcement officer shall investigate the matter. If the officer determines that there are reasonable grounds to conclude that a violation of this chapter has occurred a code violation citation may be issued.

(h) In the event the fire district receives a call regarding an STR unit, the fire district may contact the responsible party of the STR. In the event the responsible agent does not answer the fire district's telephone call, the fire district representative may leave a voice message requesting a return call. It shall be a violation of this code for the responsible agent to fail to respond to the fire district representative's telephone call within one hour of the representative leaving a voice message. Nothing in this section shall restrict the ability of the fire district to respond to a call for service.

6. Permit renewal and appeal process.

(a) If two or fewer code violations have been filed related to the subject property in the previous 12 months and the applicant is current on all taxes, fees and other charges owed the town, the applicant is only required to purchase a new yearly permit during the month of January of every year.

(b) If three or more code violations have been filed related to the subject property in the previous 12 months, there shall be no renewal of the permit. All future permit applications for the property shall be treated as new applications.

(c) Applicants seeking an appeal shall do so in writing within 10 business days of the date of the notice of denial or revocation to the town manager or designee. The notice of appeal shall contain the following information:

- (1) Name of property owner.
- (2) Name of registration holder.
- (3) Property address and legal description.
- (4) Date of violation(s).

- (5) Copy of notice of the violation(s).
 - (6) Brief statement of grounds for appeal.
 - (7) Any documentation the property owner or registration holder wants considered.
 - (8) Names, addresses, email address, and telephone number for contacting the appellant.
- (d) Appeals are to be heard by the board of trustees within 30 days of receipt of notice of appeal.
- (e) The board of trustees shall review the denial or revocation of a permit and shall only overturn the manager's or designee's determination if the board finds the decision to be arbitrary and capricious.

7. Rules and regulations.

It shall be a violation of this chapter for the owner or short-term rental tenants to fail to comply with the following rules and regulations:

- (a) All short-term tenants shall abide by all applicable noise, open fire, housing and public health ordinances and codes of the town and all other town fire and safety regulations.
- (b) A site plan showing adequate parking shall be supplied at the time of application. Parking in private driveways shall be utilized first with overflow parking on the street if permitted. No on street parking is allowed in residential neighborhoods without prior approval of the Town Manager. Occupants must comply with all town parking regulations.
- (c) The town-issued permit number shall be used in all rental marketing materials. It shall be considered a code violation if false or misleading occupancy marketing materials are posted.
- (d) During the term that a short-term rental unit is occupied by a short-term rental tenant, the owner and/or responsible agent shall be available 24 hours per day, seven days a week, for the purpose of responding within one hour to complaints regarding the condition or operation of the short-term rental unit and its tenants. If the local responsible agent designated by the owner changes then the owner shall update the permit on file within three business days.
- (e) A clearly defined trash storage area and Bear-proof trash containers shall be provided by the applicant if trash is to be stored outside. The property shall be free of trash and debris.
- (f) Short-term rental properties must comply with the town sign code.
- (g) The maximum occupancy of a short-term rental unit shall be determined by the Fire Department during the mandatory initial fire inspection by using the square footage of the residential unit.

(h) The property owner or property manager shall post the following information in a prominent location within the unit:

- (1) Copy of approved short-term rental permit.
- (2) Primary and secondary 24-hour contact person.
- (3) Maximum occupancy permitted. The posting shall include a statement that it is a code violation of the short-term rental permit for the number of occupants to exceed the permitted occupancy.
- (4) Maximum parking spaces and location on the property where parking is permitted and a statement that parking in non-designated areas is prohibited.
- (5) Notice of Short-Term Rental Rules shall be clearly posted in a conspicuous location
- (6) Identify the location of the garbage storage areas on the property and the location of the Hinsdale County Transfer Station and its operating hours.

(n) The unit address shall be clearly marked and visible from the roadway with a minimum of three-inch reflective or high contrast numbers.

(o) To ensure the health, safety, and welfare of short-term renters, the following safety equipment must be installed and safety measures must be taken in the Short Term Rental (“STR”) unit:

- (1) Smoke detectors inside and outside all sleeping areas of the STR (IFC 2015 907.2.11.2)
- (2) Carbon monoxide detectors on every floor of the STR near sleeping areas and near gas fueled boilers, furnaces, fireplaces, and where an attached garage exist (IFC 2015 915.1.1);
- (3) One 2A/10BC Fire Extinguisher (IFC 2015 906.1)
- (4) Egress doors and windows must remain operable and cleared of snow, debris or any other obstruction.

(p) Within 60 days of application for an STR permit or application for renewal of such permit, the town manager or his/her designated representative may enter upon and inspect the STR to ensure compliance with the provisions of this chapter. Such entry and inspection shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m. and after providing the responsible agent of the STR at least three days’ written notice of the town’s intent to inspect.

8. Penalties and revocation.

(a) Code and permit violation penalties for violation occurring within a 12-month rolling period may be enforced as follows:

(1) First offense: warning.

(2) Second offense: \$500.00.

(3) Third and subsequent offenses: up to \$2,650 and/or revocation of permit.

Section 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.

Section 3. 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 ____ DAY OF AUGUST, 2023.**

Votes Approving: _____

Votes Opposed: _____

Absent: _____

Abstained: _____

ATTEST:

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

Jonathan Broadway
Town Clerk

By: _____
Dave Roberts
Mayor



Jonathan Broadway <townclerk@townoflakecity.co>

Gunnison Basin Roundtable (GBRT) Hinsdale Municipalities vacancy

1 message

Cindy Dozier <cindy.dozier@yahoo.com>

Wed, Jun 7, 2023 at 8:39 AM

Reply-To: Cindy Dozier <cindy.dozier@yahoo.com>

To: Alexander Mulhall <alexandermulhall@townoflakecity.co>

Cc: Wendell Koontz <wkoontz@deltacountyco.gov>, Dan Murphy <dan@m4ranchgroup.com>

To: Town of Lake City Board of Trustees

Regarding: Gunnison Basin Roundtable, Hinsdale Municipalities vacancy

Good afternoon,

It has come to my attention that there is a current vacancy on GBRT that was previously filled by Dan Murphy. As a property owner in Hinsdale County and as a resident of the Gunnison Basin, I would like to be considered for that position. This position is filled by Board of Town Trustees appointment and should be filled prior to the July 17th GBRT meeting so that there is no interruption in representation.

I have been attending GBRT meetings, as a member of the public, for some time. I have lived in Montrose County for 3 years and on the Western Slope for almost 20 years, including 16 years in Hinsdale County.

I currently serve on the Executive Committee of Club 20 (as Secretary), and the Rocky Mountain Restoration Initiative Leadership Team. I have previously served as a 2-term Hinsdale County Commissioner, including time on GBRT (representing Hinsdale County) and Board Chair of Club 20, among other positions.

I have a high level of interest as well as commitment to water issues in the Gunnison Basin. I appreciate your consideration of my application. If you have any questions or desire more information, please don't hesitate to contact me.

Respectfully,

Cindy Dozier
Club 20 Executive Committee, RMRI
970.275.8212
10799 5860 Road
Montrose, CO 81403

Henry E. Woods
P.O. Box 655
Lake City, Colorado
81235
970-209-8167

To: Honorable Mayor and Trustees
Town of Lake City, Colorado

I am writing this letter to voice my interest in representing the Town of Lake City on the Gunnison Basin Roundtable. The mission of the Roundtable is to be "*your source of information on water resources in the Gunnison River Basin.*" They also funnel State funds to many water projects in the basin.

I think you are aware that I am very interested in water issues and I have experience and knowledge in the water area.

I have attended numerous water classes and water conferences. I am one of the Town of Lake City's representatives on the Lake San Cristobal water activity enterprise and the only one on that board that has been involved since the start of the project. I have attended practically every meeting since the project started.

If appointed I will represent the Town's interests. I will do my best to attend every meeting. I will try to think of Lake City projects that could use funding available from the Roundtable. I feel strongly that the Lake City representative should be a Town resident.

Thank You for your consideration.

Henry E Woods

Preservation Law Educational Materials . . .

ASSESSING ECONOMIC HARDSHIP CLAIMS UNDER HISTORIC PRESERVATION ORDINANCES

Historic preservation ordinances in effect around the country often include a process for administrative relief from preservation restrictions in situations of “economic hardship.” Under typical economic hardship procedures, an applicant may apply for a “certificate of economic hardship” after a preservation commission has denied his or her request to alter or demolish a historic property protected under a preservation ordinance. In support of an application for relief on economic hardship grounds, the applicant must submit evidence sufficient to enable the decisionmaking body to render a decision. The type of evidence required is generally spelled out in preservation ordinances or interpreting regulations. The burden of proof is on the applicant.

The exact meaning of the term “economic hardship” depends on how the standard is defined in the ordinance. Under many preservation ordinances economic hardship is defined as consistent with the legal standard for an unconstitutional regulatory taking, which requires a property owner to establish that he or she has been denied all reasonable beneficial use or return on the property as a result of the commission’s denial of a permit for alteration or demolition.

Requests for relief on economic hardship grounds are usually decided by historic preservation commissions, although some preservation ordinances allow the commission's decision to be appealed to the city council. In some jurisdictions, the commission may be assisted by a hearing officer. A few localities have established a special economic review panel, comprised of members representing both the development and preservation community.

Economic Impact

In acting upon an application for a certificate of economic hardship, a commission is required to determine whether the economic impact of a historic preservation law, as applied to the property owner, has risen to the level of economic hardship. Thus, the first and most critical step in understanding economic hardship is to understand how to evaluate economic impact.

Commissions should look at a variety of factors in evaluating the economic impact of a proposed action on a particular property. Consideration of expenditures alone will not provide a complete or accurate picture of economic impact, whether income-producing property or owner-occupied residential property. Revenue, vacancy rates, operating expenses, financing, tax incentives, and other issues are all relevant considerations. With respect to income-producing property, economic impact is generally measured by looking at the effect of a particular course of action on a property’s overall value or return. This approach allows a commission to focus on the “bottom line” of the transaction rather than on individual expenditures.

In addition to economic impact, the Supreme Court has said that “reasonable” or “beneficial use” of the property is also an important factor. Thus, in evaluating an economic hardship claim based

on the constitutional standard for a regulatory taking, commissions will need to consider an owner's ability to continue to carry out the traditional use of the property, or whether another viable use for the property remains. In *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978), the landmark decision upholding the use of preservation ordinances to regulate historic property, the Supreme Court found that a taking did not arise because the owner could continue to use its property as a railroad station.

The Supreme Court has also said that the applicant's "reasonable investment-backed expectations" should be taken into consideration. Although the meaning of this phrase has not been delineated with precision, it is clear that "reasonable" expectations do not include those that are contrary to law. Thus, an applicant's expectation of demolishing a historic property subject to a preservation ordinance at the time of purchase, or likely to be subject to a preservation ordinance, would not be "reasonable." Also pertinent is whether the owner's objectives were realistic given the condition of the property at the time of purchase, or whether the owner simply overpaid for the property. Under takings law, government is not required to compensate property owners for bad business decisions. Nor is the government required to guarantee a return on a speculative investment.

Commissions may also be able to take into account whether the alleged hardship is "self created." Clearly relevant is whether the value of the property declined or rehabilitation expenses increased because the owner allowed the building to deteriorate.

Application of the takings standard in the context of investment or income-producing property is usually fairly straightforward. The issue can be more complex, however, in situations involving hardship claims raised by homeowners. In the context of home-ownership, it is extremely difficult for an applicant to meet the standard for a regulatory taking, that is, to establish that he or she has been denied all reasonable use of the property. Even if a commission insists that houses be painted rather than covered with vinyl siding, and windows be repaired rather than replaced, the applicant can still live in the house. The fact that these repairs may be more costly is not enough. Even if extensive rehabilitation is required, the applicant must show that the house cannot be sold "as is," or that the fair market value of the property in its current condition plus rehabilitation expenditures will exceed the fair market value of the house upon rehabilitation. See *City of Pittsburgh v. Weinberg*, 676 A.2d 207 (Pa. 1996). It is also important to note that "investment-backed expectations" are different in the context of home ownership; owners often invest in home improvements or renovations without the expectation of recouping the full cost of the improvement in the form of increased property value.

In addressing hardship claims involving historic homes, commissions must be careful to be objective and consistent in their approach. Otherwise, a commission may undermine the integrity of its preservation program and raise due process concerns as well. Ideally, grant money, tax relief, and other programs should be made available to historic homeowners who need financial assistance.

Special standards for economic hardship may apply to nonprofit organizations. Because these entities serve charitable rather than commercial purposes, it is appropriate to focus on the beneficial use of their property, rather than rate of return, taking into account the particular circumstances of the owner (i.e., the obligation to serve a charitable purpose.) In such situations, hardship analysis generally entails looking at a distinct set of questions, such as: the organization's charitable purpose; whether the regulation interferes with the organization's ability to carry out its charitable purpose; the condition of the building and the need and cost for

repairs; and whether the organization can afford to pay for the repairs, if required? (Note, however, that while consideration of financial impact may be appropriate, a non-profit organization is not entitled to relief simply on the basis that it could raise or retain more money without the restriction.)

The Proceeding

Under a typical hardship process, the applicant will be required to submit specific evidence in support of his or her claim. Once a completed application has been filed, a hearing will be scheduled, at which time the applicant generally presents expert testimony in support of the economic hardship claim on issues such as the structural integrity of the historic building, estimated costs of rehabilitation, and the projected market value of the property after rehabilitation. Once the applicant has presented its case, parties in opposition or others may then present their own evidence. The commission may also bring in its own expert witnesses to testify. As noted above, the burden of proof rests on the property owner.

In hearing economic hardship matters, commissions must be prepared to make a legally defensible decision based on all the evidence presented. In the event of conflicting expert testimony, which is often the case in economic hardship proceedings, the commission must be prepared to weigh the evidence, making specific findings on the relative credibility or competency of expert witnesses.

In evaluating the evidence, the commission should ask itself five distinct questions:

- 1) **Is the evidence sufficient?** Does the commission have all the information it needs to understand the entire picture, or is something missing. The application is not complete unless all the required information has been submitted. If additional information is needed, ask for it.
- 2) **Is the evidence relevant?** Weed out any information that is not relevant to the issue of economic hardship in the case before you. Commissions may be given more information than they need or information on issues that are not germane to the issue, such as how much money the project could make if the historic property were demolished. The property owner is not entitled to the highest and best use of the property.
- 3) **Is the evidence competent?** Make an assessment as to whether the evidence establishes what it purports to show.
- 4) **Is the evidence credible?** Consider whether the evidence is believable. For example, ask whether the figures make sense. A commission will need to take into consideration the source of the evidence and its reliability. (If the evidence is based on expert testimony, the commission should determine whether the expert is biased or qualified on the issue being addressed. For example, it may matter whether a contractor testifying on rehabilitation expenditures actually has experience in doing historic rehabilitations.)
- 5) **Is the evidence consistent?** Look for inconsistencies in the testimony or the evidence submitted. Request that inconsistencies be explained. If there is contradictory evidence, the commission needs to determine which evidence is credible and why.

In many instances the applicant's own evidence will fail to establish economic hardship. However, in some situations, the question may be less clear. The participation of preservation organizations in economic hardship proceedings can be helpful in developing the record. Commissions should also be prepared to hire or obtain experts of their own. For example, if a

property owner submits evidence from a structural engineer that the property is structurally unsound, the commission may need to make an independent determination, through the use of a governmental engineer or other qualified expert, as to the accuracy of that information. It may be impossible to evaluate the credibility or competency of information submitted without expert advice.

The record as a whole becomes exceedingly important if the case goes to court. Under most standards of judicial review, a decision will be upheld if it is supported by substantial evidence. Thus, in conducting administrative proceedings, it is important that evidence provides a true and accurate story of the facts and circumstances and that the commission's decision is based directly on that evidence.

EVIDENTIARY CHECKLIST

The following checklist is a useful tool for local commissions and other regulatory agencies considering economic hardship claims:

1. **Current level of economic return**

- Amount paid for the property, date of purchase, party from whom purchased, and relationship between the owner of record, the applicant, and person from whom property was purchased;
- Annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- Remaining balance on the mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years;
- Real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations;
- All appraisals obtained within the last two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other;
- Any state or federal income tax returns relating to the property for the last two years.

2. **Any listing of property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:**

- Any real estate broker or firm engaged to sell or lease the property;
- Reasonableness of price or rent sought by the applicant;
- Any advertisements placed for the sale or rent of the property.

3. **Feasibility of alternative uses for the property that could earn a reasonable economic return:**

- Report from a licensed engineer or architect with experience in rehabilitation as to the

- structural soundness of any buildings on the property and their suitability for rehabilitation;
- Cost estimates for the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the requirements for a certificate of appropriateness;
 - Estimated market value of the property: (a) in its current condition; (b) after completion of the proposed alteration or demolition; and (c) after renovation of the existing property for continued use;
 - Expert testimony or opinion on the feasibility of rehabilitation or reuse of the existing structure by an architect, developer, real estate consultant, appraiser, and/or other real estate professional experienced in historic properties and rehabilitation.
4. **Any evidence of self-created hardship through deliberate neglect or inadequate maintenance of the property.**
 5. **Knowledge of landmark designation or potential designation at time of acquisition.**
 6. **Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.**

PRESERVATION LAW REPORTER

Editor-in-Chief Julia Hatch Miller
Managing Editor Paul W. Edmondson
Copy Editor & Circulation Manager Andrew C. Carroll
Production Assistant Jennifer Dooley
Special Contributor: Andrea C. Ferster

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ECONOMIC HARDSHIP

Providing for Economic Hardship Relief in the Regulation of Historic Properties

by Julia H. Miller*

This article is the first in a three-part series on the issue of economic hardship. Part 1, published below, provides an overview on the economic hardship review process, highlighting basic questions such as why should economic hardship provisions be included in a historic preservation ordinance, and what does "economic hardship" mean. Part 2, to be published early next year, will discuss alternative standards for measuring economic hardship and offer guidance on how to evaluate those standards, with particular emphasis on the constitutional standard for a regulatory taking. Finally, Part 3, to be published in mid-1997, will focus on the process for considering economic hardship claims. It will explore fundamental issues such as who should consider economic hardship claims, the importance of building a record, and who has the burden of proof.

PART 1. Administrative Relief From Economic Hardship: An Overview

Preservation of historic resources, whether an individual building, historic neighborhood, or archaeological site, has come to be viewed as an important community objective. In an era marked by rapid change, the need to protect familiar buildings and other visual links to the past has never been more apparent. Historical, architectural, cultural and archaeological structures and sites play a key role in helping a community define what it is, and what it would like to be.

While alternative forms of preservation may exist, protection of historic resources is primarily achieved by regulating privately-owned property through local ordinances. These laws generally provide for the identification or designation of important resources, accompanied by specific controls limiting how those properties may be changed. Permission to alter or demolish designated resources is generally conferred by a historic preservation commission or other review board in the form of a

*B.A. 1978, Columbia University, J.D. 1983, University of Wisconsin School of Law. Ms. Miller is the editor of the PRESERVATION LAW REPORTER.

"certificate of appropriateness."¹

Protecting historic resources has consistently been upheld as a legitimate use of governmental authority, commonly referred to as "the police power."² In *Penn Central Transportation Co. v. City of New York*, the U.S. Supreme Court observed that protection of historic, architectural, and culturally significant structures and areas through historic preservation controls is "an entirely permissible governmental goal."³ Numerous studies have shown that the regulation of historic properties through local ordinances often benefits individual communities through increased property values, tourism, and overall economic stability.⁴

On the other hand, historic preservation laws, as with other forms of land use regulation, directly affect individual property owners. Historic preservation laws generally impose restrictions on changes to property, which can result in increased expenditures or foregone opportunities. While many historic property owners benefit from local preservation laws, in some cases the impact of a specific action may be so severe that administrative relief should be provided. This is especially true when a constitutional "taking" might otherwise result.⁵

This article focuses on the situation where the impact of historic preservation controls on a particular piece of property is unfairly burdensome. It attempts to explain how local communities can address hardship claims, and at what point relief from historic preservation controls should be made available. It explores a range of issues such as: how to assess the economic impact of the regulation on the property; when does economic impact result in "economic hardship," how should "economic hardship" be defined; how and when should economic hardship claims be considered; who has the burden of proving hardship; and what opportunities should be made available to the community to alleviate hardship once established.

¹See, generally, Teresh Boasberg, Thomas A. Coughlin and Julia H. Miller, *Historic Preservation Law and Taxation*, Ch. 7 (Matthew Bender 1986); Richard A. Roddewig, "Preparing a Historic Preservation Ordinance," *PAS Report No. 374* (American Planning Ass'n 1983).

²A survey of state court decisions in this area is set out at 10 PLR 1117 (1991).

³438 U.S. 104, 129 (1978).

⁴See, generally, Donovan D. Rypkema, *The Economics of Historic Preservation: A Community Leader's Guide* (National Trust for Historic Preservation 1994); Government Finance Research Center, *Government Finance Research Center, The Economic Benefits of Preserving Community Character: Case Studies from Fredericksburg, Virginia and Galveston, Texas* (National Trust for Historic Preservation 1991); and *Virginia's Economy and Historic Preservation: The Impact of Preservation on Jobs, Business and Community* (Preservation Alliance of Virginia 1995).

⁵Note, however, that the U.S. Supreme Court stated in *Penn Central* that the fact that a landmarks law may have "a more severe impact on some landowners than others" does not mean, "in itself . . . that the law effects a 'taking.'" 438 U.S. at 133.

I. Affording Administrative Relief

All property owners are protected from overly burdensome regulations through the Fifth Amendment to the U.S. Constitution, made applicable to the states under the Fourteenth Amendment (and through corresponding state provisions). The Fifth Amendment prohibits the taking of private property for public use without just compensation.⁶ Commonly referred to as the "takings clause" or the "just compensation clause," this provision has been interpreted by the U.S. Supreme Court to require compensation when a regulation goes so far as to deny an owner the "economically viable use of his property."⁷

So why should relief from "economic hardship" be provided at the administrative level? Despite the protection afforded individual property owners through the federal and state constitutions, a steadily increasing number of jurisdictions are opting to incorporate "economic hardship procedures" into individual laws, including historic preservation ordinances. The reasons for this are fairly straightforward.

First, administrative proceedings addressing economic hardship concerns help to avoid litigation. They offer an opportunity for communities and property owners to hammer out the issues and resolve any differences in a less formal and inherently less expensive forum that is not hindered by rules of evidence and procedural limitations. Economic hardship provisions enable communities to address fundamental issues of fairness on an individual basis.

A second and related reason is that economic hardship review helps to assuage concerns expressed by property owners over the potentially adverse impact of historic preservation regulation. Economic hardship provisions provide assurance to property owners that relief is available in situations where the impact of a particular action proves to be especially harsh.

Economic hardship review also provides communities with the opportunity to put alternative plans together. In the event that a property owner is able to demonstrate economic hardship, a community can explore alternative actions to alleviate that hardship. A community may be able to provide relief through tax incentives, zoning variances, and other means. Demolition would proceed only if an acceptable alternative could not be

Economic hardship provisions provide assurance to property owners that relief is available in situations where the impact of a particular action proves to be especially harsh.

⁶The Fifth Amendment states: "[N]or shall private property be taken for public use, without just compensation."

⁷*Agins v. City of Tiburon*, 447 U.S. 255, 260 (1980); *First English Evangelical Lutheran Church v. County of Los Angeles*, 107 S. Ct. 2378, 2388 (1987). For a detailed discussion of the takings standard articulated by the U.S. Supreme Court, see J. Kayden, "Historic Preservation and the New Takings Cases, Landmarks Preserved," 14 PLR 1235 (1995).

developed.⁸

Fourth, consideration of hardship concerns at the administrative level can enhance a local community's ability to protect individual properties if challenged in court. Courts generally afford review boards considerable deference in reviewing administrative decisions. Under most administrative review acts, judicial review is limited to the record made at the administrative hearing, and a decision must be upheld if supported by "substantial evidence."⁹ If there is a reasonable basis in the record for the decision then it must be permitted to stand.¹⁰

Correspondingly, economic hardship review helps to limit the number of cases ultimately decided under constitutional grounds. The general rule of thumb is that takings claims may not be considered until a decision is final.¹¹ Thus, a property owner is required to utilize the economic hardship process before challenging the constitutionality of a particular action in court.¹²

This is important for at least two reasons. First, economic hardship

⁸In Chicago, for example, a finding of economic hardship must be accompanied by a plan to relieve economic hardship. Sections 21-88 through 92 of the Chicago Municipal ordinance provides that the plan—

may include, but is not limited to, property tax relief, loans or grants from the City of Chicago or other public or private sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations including a transfer of development rights, or relaxation of provisions of this ordinance sufficient to allow reasonable beneficial use or return from the property. If the economic hardship relief plan developed by the Chicago Landmarks Commission, and reviewed and modified, as necessary, by the Finance Committee of the City Council, is not approved within 30 days, the plan will be deemed denied and the applicant's permit will be approved.

⁹Most jurisdictions require either the application of a "rational basis" or "substantial evidence" standard of review. However, in practice, the distinction between the two standards are often blurred.

¹⁰See, e.g. *International College of Surgeons v. City of College*, No. 91 C 1587 (N.D. Ill. Dec. 30, 1994)[14 PLR 1087 (1995)], in which a federal district court, addressing both a takings claim and economic hardship claim, reviewed the takings claim under a *de novo* standard of review and reviewed the economic hardship claim in accordance with the standard of review set forth under the Illinois Administrative Review Act. This standard asks whether the contested action was "arbitrary or capricious" or "against the manifest weight of the evidence." See, also, *Kalorama Heights Limited Partnership v. District of Columbia Department of Consumer and Regulatory Affairs*, 655 A.2d 865 (D.C. App. 1995)[substantial evidence supported the local agency's determination that the owner had failed to establish "unreasonable economic hardship."]

¹¹As applied" takings claims are not ripe for review until all avenues of administrative relief have been pursued. See, e.g., *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172 (1985) and *MacDonald, Sommer and Frates v. County of Yolo*, 477 U.S. 340 (1986).

¹²Economic hardship provisions can also help to obviate facial challenges since a permit must be granted under the ordinance if the owner would be denied any viable economic use for his or her property.

review at the administrative level can help to avoid the payment of compensation, assuming that a taking would otherwise have been found if the issue had been litigated in court. Second, it allows reviewing courts to resolve challenged actions on statutory rather than constitutional grounds, thereby limiting the impact of potentially damaging decisions.¹³

II. Assessing Economic Impact

Assuming that a process for considering economic hardship should be made available, the question then becomes: at what point do the economic impacts of local preservation laws rise to the level of economic hardship? The first and most critical step in answering this question is to understand fully what is meant by "economic impact." In other words, how does one measure the true impact of a particular action on a particular piece of property in objective terms?

Economic impact is generally measured by looking at the effect of a particular course of action on a property's overall value or return.

Experts in this area most frequently look at the individual factors addressed by real estate developers, appraisers, and lenders in valuing property or a particular investment. Consideration of expenditures alone will not provide a complete or accurate picture of the overall impact of a specific course of action. Revenue, vacancy rates, operating expenses, financing, tax incentives and other issues are all relevant considerations.¹⁴

Economic impact is generally measured by looking at the effect of a particular course of action on a property's overall value or return.¹⁵ Alternative courses of action are then evaluated by comparing anticipated "rates of return." This methodology allows the administrative review body to focus on the "bottom line" of a proposed transaction rather than individual expenditures. It also provides a useful gauge for measuring the appropriateness of a particular action by comparing the expected rate of return with long-term investment rates, such as the going rate for U.S.

¹³In *BSW Development Group v. Dayton Board of Zoning Appeals*, No. 13218 (Ohio Ct. App. May 7, 1993)[12 PLR 1065], the Ohio Court of Appeals elected to resolve a challenge to the denial of permission to demolish a historic warehouse on administrative rather than constitutional grounds, stating that "it is well established that a court is not permitted to pass upon the constitutionality of a statute unless such a determination is necessary to its decision."

¹⁴For a detailed discussion on the factors which are typically considered in evaluating real estate opportunities, see Donovan Rypkema, "The Economics of Rehabilitation," *Information Series* No. 53 (National Trust for Historic Preservation 1991).

¹⁵Property value is derived from four sources: cash (net proceeds from rents after expenses), appreciation (ability to sell property for amount greater than paid), amortization (reduction of debt/increased equity in property), and tax savings (through mortgage deductions, depreciation, deferred income, tax credits and other incentives available to historic property owners). *Id.* at 1.

Treasury bonds.¹⁶

"Reasonable" or "beneficial" use is also a critical factor. Historically, economic impact has been measured in such situations by looking at the owner's ability to continue and carry out the traditional use of the property¹⁷ or whether a "viable use" for the property remains.¹⁸ Thus, for example, it may be difficult to establish economic hardship in situations where a house may continue to serve as a personal residence, or be converted into office space.¹⁹

A number of other factors frequently are taken into consideration in addressing the issue of economic impact in the context of historic property regulation. It may be appropriate to consider what efforts have been undertaken to sell or rent the property at issue or the feasibility of alternative uses.²⁰ The owner's prior knowledge of the restrictions²¹ (actual or constructive) are sometimes factored in along with the reason-

ableness of the owner's "investment-backed expectations."²² The fact that the hardship alleged has been "self-created" may also be deemed relevant.²³

Special considerations also come into play in assessing the impact of a particular regulatory action on non-profit organizations. Because these entities serve charitable rather than commercial purposes, it becomes appropriate to look at beneficial use rather than reasonable return and to take into consideration the individual circumstances of the property owner. For example, a hardship analysis will generally entail looking at a distinct set of factors such as: what is the organization's charitable purpose, does landmark designation interfere with the organization's ability to carry out that purpose, what is the condition of the building and the need and cost for repairs, and finally, can the organization afford to pay for the repairs, if required.²⁴ Note, however, that while consideration of the financial impact of a particular action on a non-profit organization may be appropriate, a non-profit organization is not entitled to relief simply on the basis that it would otherwise earn more money.²⁵

Economic hardship is not synonymous with economic impact.

III. Defining Economic Hardship

Once the nature and degree of the impact is understood, the next step is to determine whether that impact is so severe that it amounts to "economic hardship." Economic hardship is not synonymous with economic impact. The term economic hardship is purely legal. Its meaning is derived from statutes and cases interpreting those statutes. In some jurisdictions the term "economic hardship" may be the equivalent of the

¹⁶Richard J. Roddewig, "Responding to the Takings Challenge," *PAS Report No.* 416 (National Trust for Historic Preservation/American Planning Ass'n 1989), pp. 16-17.

¹⁷In *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104, 136 (1978), the fact that the owner could continue to use the property as a railroad terminal weighed heavily in the court's analysis on the issue of whether New York's denial of permission to construct an office tower on the landmarked building resulted in an unlawful taking.

¹⁸See, e.g., *Shubert Organization, Inc. v. Landmarks Preservation Commission*, 570 N.Y.S.2d 504 (1991), *appeal dismissed*, 78 N.Y.2d 1006 (1991), *cert. denied*, 112 S.Ct. 2289 (1992)[11 PLR 1071] ("no prohibition against [the owners] receiving economic benefit from continuing use of the buildings as theaters.")

¹⁹The issue can become more complicated, for example, in situations where the condition of the property is so poor that extensive renovations are required to make the property habitable. In such instances, it may be necessary to consider both "economic feasibility" and "viable use" in evaluating a hardship claim. For example, in *City of Pittsburgh Historic Review Commission v. Weinberg*, 676 A.2d 207 (Pa. 1996)[15 PLR 1086], the owners (albeit unsuccessfully) had sought to overturn a commission decision denying permission to demolish a historic house on the grounds that the cost of renovation would exceed the fair market value of the house.

Note also that some communities have been successful in alleviating potential economic hardship concerns by rezoning historic residential property to allow limited office use or by preventing property from falling into disrepair through "demolition by neglect" provisions. For further discussion on this issue, see "Oliver Pollard, "Minimum Maintenance Provisions: Preventing Demolition by Neglect," 8 PLR 2001 (1989).

²⁰See, e.g., *Maier v. City of New Orleans*, 516 F.2d 1051 (5th Cir. 1975); *Pittsburgh Historic Review Commission v. Weinberg*, 676 A.2d 207 (Pa. 1996)[15 PLR 1086].

²¹*Pittsburgh Historic Review Commission v. Weinberg*, 676 A.2d 207 (Pa. 1996)[15 PLR 1080]; *Kalorama Heights Limited Partnership v. District of Columbia Department of Consumer and Regulatory Affairs*, 655 A.2d 865 (D.C. App. 1995)[14 PLR 1197].

²²*Penn Central Transportation Co. v. City of New York*, 438 U.S. 104, 124 (1978).

²³*Pittsburgh Historic Review Commission v. Weinberg*, 676 A.2d 207 (Pa. 1996)[15 PLR 1085] (owner paid more than fair market value for property and failed to obtain estimate for renovation costs prior to purchase.)

²⁴Section 25-309a(2)(c) of New York City's landmark preservation ordinance, for example, provides that hardship may be established by demonstrating, among other things, that the structure at issue "has ceased to be adequate, suitable, or appropriate for use for carrying out both (1) the purposes to which it had been devoted and (2) those purposes to which it had been devoted when acquired unless such owner is no longer engaged in pursuing such purposes." The judicial equivalent of this statutory standard was upheld by the U.S. District Court for the Southern District of New York in *Rector, Wardens, and Members of the Vestry of St. Bartholomew's Church v. City of New York*, 728 F. Supp. 958 (S.D.N.Y.), *aff'd*, 914 F.2d 348 (2nd Cir. 1990), *cert. denied*, 111 S.Ct. 1103 (1991).

²⁵See, e.g., *Rector, Warden, and Members of the Vestry of St. Bartholomew's Church v. City of New York*, 914 F.2d 348 (2nd Cir. 1990)[10 PLR 1041].

constitutional standard for a regulatory taking.²⁶ In other jurisdictions, the term may mean something entirely different.²⁷ In a few jurisdictions, a term other than "economic hardship" may be used,²⁸ but in all situations it is important to understand that economic hardship applies to the property not the property owner.²⁹ The particular circumstances of the owner independent of the property in question should be irrelevant to the question of whether the property at issue can realize a reasonable return on investment, or whether a viable use of the property remains.³⁰

The term "economic hardship," or its equivalent, can mean whatever a local jurisdiction has prescribed it to mean, subject to state enabling law.³¹ As a general rule, however, a high showing of hardship is required

²⁶In Chicago, for example, an applicant may apply for an economic hardship exception on the basis that the denial of the permit to construct, alter or demolish property protected under the ordinance will result in "the loss of all reasonable and beneficial use of or return from the property." Chicago, Ill. Municipal Code § 21-68.

²⁷In New York City, the term "reasonable return" is defined as "a net annual return of six per centum of the valuation of an improvement parcel" where "net annual return" includes "the amount by which the earned income yielded by the improvement parcel during a test year exceeds the operating expenses of such parcel during such year." Mortgage interest and amortization is specifically excluded from the calculation, but a 2 percent allowance for depreciation of the assessed value of the property may be included, unless the property in question has already been fully depreciated. The test year is generally the most recent full calendar or fiscal year. *See generally*, New York City Landmarks Preservation Ordinance § 25-302v.

²⁸For example, Portland, Maine, provides relief from "economic hardship" (Portland City Code, ch. 14, art. IX § 14-660), while St. Louis, Missouri, affords protection against "unreasonable beneficial use or return." St. Louis, Mo. Ordinance § 24.12.440.

²⁹Note, however, that with respect to non-profit organizations, an alternative standard may apply, making it appropriate to look at the special circumstances of the property owner.

³⁰Local jurisdictions may provide alternative forms of relief, unrelated to "economic hardship" claims, to assist property owners in individual cases where maintenance of historic properties imposes exceptional burdens on a property owner with special needs or economic circumstances. Relief, for example, may be provided through direct financial aid, "in kind" assistance, or income or property tax abatement. For example, it may be appropriate to provide an elderly historic homeowner with assistance in painting or otherwise maintaining his or her property.

³¹The enabling statute for local landmark ordinances in Illinois provides, for example:

The denial of an application for a building demolition permit by reason of the operation of this Division, or the denial of an application for a building permit to add to, modify, or remove a portion of any building by reason of the operation of this Division, or the imposition of any regulation solely by reason of the provisions of this Division . . . shall not constitute a taking or damage for a public use of such property for which just compensation shall be ascertained and paid, unless the denial of a permit application or imposition of a regulation, as the case may be, deprives the owner of all reasonable beneficial use or return. 24 Ill. Rev. Stat. § 11-

to justify overriding a commission determination. The impact must be substantial.³² Otherwise, the application of the historic preservation ordinance could become administratively infeasible, and the underlying objectives of the preservation ordinance—to save historic resources—would not be met.

As a result, hardship claims generally arise only when permission for major alterations or the demolition of historic property has been denied.³³ While lesser alterations may have an economic impact on a property owner (aluminum siding, rear addition, re-roofing), it is unlikely that the resulting impact will rise to the level of a legally cognizable economic hardship.

IV. Other Miscellaneous Issues

A number of other issues relate to the question of economic hardship, apart from the issue of what constitutes economic hardship. For example, when should economic hardship claims be considered and upon which party should the burden of proof lie? Set forth below is a brief overview of some of the concerns raised in addressing these issues. Further discussion will follow under Part 3 of this article, to be published in 1997.

Timing. Economic hardship claims may arise at any time, but when should they be considered? While property owners often raise economic issues at the time of designation, communities should resist the temptation to consider economic hardship at that time. The reasons for this are readily apparent. The economic impact of

While property owners often raise economic issues at the time of designation, communities should resist the temptation to consider economic hardship at that time.

48.2-5.

³²The D.C. Court of Appeals reiterated the high burden of proof placed on property owners to establish economic hardship in *Kalorama Heights Limited Partnership v. District of Columbia Department of Consumer and Regulatory Affairs*, 655 A.2d 865 (D.C. App. 1995)[14 PLR 1197]. Quoting from *900 G Street Assocs. v. Department of Housing & Community Dev.*, 430 A.2d 344 (D.C. 1982)[1 PLR 3001], the court explained economic hardship as follows:

[I]f there is a *reasonable* alternative economic use for the property after the imposition of the restriction on that property, there is no taking, and hence no unreasonable economic hardship to the owners, no matter how diminished the property may be in cash value and no matter if "higher" or "more beneficial" uses of the property have been proscribed.

³³In the District of Columbia, economic hardship is considered only in the context of applications for demolition. Section 5-1005(f) of the District of Columbia's historic preservation law provides: "No permit [to demolish a historic landmark] shall be issued unless the Mayor finds that issuance of the permit is necessary in the public interest, or that failure to issue a permit will result in unreasonable economic hardship to the owner."

the regulation is purely speculative at this point. Economic hardship must be established by "dollar and cents" proof,³⁴ in the context of a specific proposal for alterations or demolition. Although it is occasionally argued that designation alone gives rise to immediate and real impacts, those impacts generally do not rise to the level of economic hardship under the applicable legal standards.³⁵

Consideration of economic claims at the designation stage also tends to cloud the issue at hand: whether the property meets the criteria for designation. Preservation commissions or other review boards must be careful to base their decisions on actual criteria in the ordinance.

The burden of establishing economic hardship generally rests on the property owner.

Moreover, it would be a waste of administrative resources to consider economic hardship claims at each stage of the administrative review process. As will be discussed in further detail under Parts 2 and 3 of this article, economic hardship review generally requires full consideration of the economic viability of the property in its present condition, along with various alternative proposals.

Many experts advise that the economic hardship issue should be addressed in a separate proceeding after a permit application has been denied on the merits. Where there is no clear differentiation of the two issues (appropriateness versus economic hardship), economic impacts that would not otherwise meet the criteria for "hardship" may improperly affect the outcome of the permit application.

Burden of Proof. The burden of establishing economic hardship

³⁴In consideration of a takings claim, the New York Court of Appeals stated in *De St. Aubin v. Flacke*, 68 N.Y.2d 66, 76-77, 496 N.E.2d 879, 885, 505 N.Y.S.2d 859, 865 (1986), "the property owner must show by 'dollar and cents' evidence that under no use permitted by the regulation under attack would the properties be capable of producing a reasonable return, the economic value, or all but a bare residue of the economic value, of the parcels must have been destroyed by the regulations at issue."

³⁵A number of courts have ruled that historic designation does not result in an unconstitutional taking. See, e.g., *Estate of Tippet v. City of Miami*, 645 So.2d 533 (Fla. App. 1994) [takings claim at designation stage is premature] [13 PLR 1179]; *Canisius College v. City of Buffalo*, 629 N.Y.S.2d 886 (App. Div. 1995) ["failed to present evidence that the designation physically or financially prevents or seriously interferes with the carrying out of its charitable purpose"]; *Shubert Organization, Inc. v. Landmarks Preservation Commission*, 570 N.Y.S.2d 504 (App. Div. 1991), appeal dismissed, 78 N.Y.2d 1006 (1991), cert. denied, 112 S.Ct. 2289 (1992) [11 PLR 1071]. [Broadway theater owners failed to carry burden of proof that landmark designation denied them "essential use of their property"]; *Church of St. Paul and St. Andrew v. Barwick*, 67 N.Y.2d 510, cert. denied, 107 S.Ct. 574 (1986) [5 PLR 3017] [claim that historic designation effects unlawful taking not ripe for review]; *United Artists Theater Circuit, Inc. v. City of Philadelphia*, 635 A.2d 612 (Pa. 1993) [12 PLR 1165] [historic designation is not a taking requiring compensation].

generally rests on the property owner.³⁶ The owner must be able to demonstrate that denial of the requested action will result in "economic hardship" as defined under the prevailing statute. The evidence that must be provided in consideration of an economic hardship claim will vary from jurisdiction to jurisdiction. For example, a number of communities, such as Pittsburgh and Chicago, require a property owner to establish, among other things, that the property cannot be sold.³⁷ The general rule of thumb, however, is to require the submission of evidence sufficient for the reviewing body to analyze a hardship claim.³⁸

Note that, while the burden of proof rests on the applicant, a reviewing court will often look at the "record as a whole" to determine if substantial evidence supports the commission's determination, or whether the commission's decision was "arbitrary or capricious." Thus, it is important to ensure that a complete record is developed.³⁹ Economic hardship procedures should generally provide commissions with the opportunity to develop the record by hiring its own experts⁴⁰ and hearing evidence presented by both the property owner as well as interested organizations.

Providing Relief. As previously noted above, economic hardship provisions typically offer communities a second chance to save a building by allowing the local government to develop a relief package once hardship

³⁶See, e.g. West Palm Beach, Fla. Ordinance No. 2815-95 § 15(b). ("The applicant has the burden of proving by competent, substantial evidence, that the denial of a permit has caused or will cause an Unreasonable Economic Hardship to the owner of the property.")

³⁷Note that some courts have ruled that a property owner must demonstrate that the property could not be sold to establish a regulatory taking. See e.g. *Maier v. City of New Orleans*, 516 F.2d 1051 (5th Cir. 1975) and *City of Pittsburgh Historic Review Commission v. Weinberg*, 676 A.2d 207 (Pa. 1996) [15 PLR 1086].

³⁸This may require the submission of detailed information such as the price paid for the property, the value of the property before and after the proposed action, the amount of debt service/equity in the property; historical levels of income and expenses, the ownership structure and income tax position, the condition of the property and feasibility for renovation, and so forth. See, generally, Richard J. Roddewig, "Preparing a Historic Preservation Ordinance", *PAS Report No. 374* (American Planning Ass'n 1983), pp. 25-28.

³⁹In *Indianapolis Historic Partners v. Indianapolis Historic Preservation Commission*, No. 49D01-9107-CCP-0813 [Ind. Sup. Ct. Sept. 15, 1992] [11 PLR 1139], for example, the court ruled that the owner had established by "clear and convincing" evidence that an office building could not "be put to any reasonable economically beneficial use for which it is, or may be reasonably adapted without approval of demolition" where the evidence in the record almost entirely reflected the owner's position. In ruling against the commission in this case, the court found the owner's experts to be especially convincing where the commission had made no attempt to refute the evidence or offer any support for its position that alternative uses may be feasible.

⁴⁰See, e.g. section 15(a) of the West Palm Beach Ordinance authorizing its historic preservation board to solicit expert testimony or require that the applicant submit specific information.

has been established. The process and form of relief available to property owners upon demonstration of economic hardship will necessarily vary from property to property and from jurisdiction to jurisdiction.⁴¹ Examples range from substantial modification of a current proposal to property tax abatement to direct financial support through a combination of grant money and favorable loans so as to make renovation an economically viable option.

⁴¹New York City, for example, requires the formulation of a plan for relief upon a "preliminary" finding of hardship, while Chicago provides for the development of a plan after an actual finding of hardship has been made. Some experts suggest that the New York approach places a community in a stronger bargaining position and allows more time for development of an acceptable proposal for relief. An actual finding of hardship is made only upon a determination that adequate relief is not available. Both the New York and Chicago approach will be discussed in greater detail in Part 3 of this article.

- ii. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties;
 - iii. Any impact to the Integrity of Buildings, Structures, or Objects located on the Property and adjacent Properties; and
 - iv. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the Demolition process.
- 3. Review Criteria for Partial Demolition. Applicants requesting a Certificate of Appropriateness for partial Demolition must provide data to clearly demonstrate all of the following criteria:
 - a. The partial Demolition is required for the preservation, restoration, or rehabilitation of the Property; and
 - b. The Applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:
 - i. Any impact on the Historic Significance of the Buildings, Structures, or Objects located on the Property and adjacent Properties; and
 - ii. Any impact on the Integrity of the Buildings, Structures, or Objects located on the Property and adjacent Properties.

Section 8. Alteration Exemptions

- 1. General
 - a. If an application for a Certificate of Appropriateness is denied, the Applicant may request an exemption from such certificate requirement pursuant to this Section.
 - b. A request for exemption shall be initiated by the Owner(s). Such application shall be submitted to the City for consideration on a form provided by the Commission. The Applicant shall have the burden of proof to establish hardship.
 - c. The Commission may request additional information from the Applicant as necessary to make informed decisions according to the applicable criteria for decision-making.
 - d. If the City determines the application is complete, the City shall promptly refer the application to the Commission. If the City determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
 - e. Certificate of Appropriateness exemptions are granted only to the specific Owner and are not transferable.
- 2. Criteria for Exemption
 - a. Economic Hardship
 - i. The Commission may solicit expert testimony and require that the Applicant make submissions concerning any or all of the following information before it makes a determination:
 - 1. Estimate of the cost of the proposed Construction, Alteration, Demolition, or removal and an estimate of any additional cost that would be incurred to comply with the conditions of approval set out in Sections 5, 6 and 7 above.
 - 2. A report from a licensed engineer or architect with experience in rehabilitation of Historic Properties as to the structural soundness of any Buildings, Structures, or Objects on the Property and their suitability for rehabilitation.
 - 3. In the case of a proposed Alteration, the cost of the project proposed by the Applicant compared with the changes required by the Commission.
 - 4. In the case of a proposed Demolition, the estimated market value of the Property in its current condition, after rehabilitation, and after Demolition shall be compared, in addition to actual project costs.
 - 5. Amount paid for the Property, the date of purchase or acquisition, and the party from whom purchased, including a description of the relationship, if any, between the Owner of record or Applicant and the person from whom the Property was purchased.

6. All appraisals obtained within the previous two (2) years by the Owner or Applicant in connection with the purchase, financing, or ownership of the Property.
 7. Any listing of the Property for sale or rent, price asked, and any written offers received within the previous two (2) years.
 8. The actual or market value of the land and improvements thereon according to the most recent assessment.
 9. Real estate taxes for the previous two (2) years.
 10. Any proposal for a replacement Building, Structure, or Object for the Property and financial proof of the ability to complete the replacement project.
 11. For income producing Property, the annual gross income from the Property for the previous two (2) years and itemized operating and Maintenance expenses for the previous two (2) years.
- ii. The following factors, evidence, and testimony are to be considered:
 1. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
 2. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
 3. For investment or income producing Properties, the ability to obtain a reasonable rate of return on the Property in its present condition, or in a rehabbed condition pursuant to the requirements of this ordinance.
 4. For non-income producing Properties consisting of owner-occupied single-family dwellings and/or non-income producing institutional Properties not solely operating for profit, the ability to maintain or to convert the Property to a reasonable residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this ordinance or the ability to transfer the Property for a reasonable rate of return.
 5. The consideration for economic hardship shall not include any of the following:
 - a. Willful or negligent acts by the Owner;
 - b. Purchase of the Property for substantially more than its market value;
 - c. Failure to perform normal Maintenance and repairs;
 - d. Failure to diligently solicit and retain tenants;
 - e. Failure to prescribe a rental amount which is reasonable; or
 - f. Failure to provide normal tenant improvements.
- b. Undue Hardship. An Applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation that is substantially inadequate to meet the Applicant's needs because of specific health and/or safety issues.
 - c. Inability to Use
 - i. Two years after denial of a Demolition permit approval, if no feasible use or ownership is found for the designed Site or Structure, the Owner may request a waiver of all or a part of the restraint of Demolition.
 - ii. The Commission may solicit expert testimony and require that the Applicant make submissions concerning any or all of the following information before it makes a determination:
 1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the Owner to make necessary repairs, to find an appropriate user or to find a purchaser for the Property.
 2. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the Owner to locate and obtain available assistance for making the Property functional without Demolition.

- iii. The following factors, evidence and testimony shall be considered:
 - 1. Efforts to locate and secure a potential user or purchaser for the Property.
 - 2. Efforts to locate and obtain available assistance for making the Property functional without Demolition.
 - 3. The consideration for inability to use shall not include any of the following:
 - a. Willful or negligent acts by the Owner;
 - b. Purchase of the Property for substantially more than its market value; or
 - c. Failure to perform normal Maintenance and repairs.
- 3. Decision
 - a. If the Commission deems the criteria of this Section are met, the Commission shall issue an order of exemption and send a Certificate of Economic Hardship to the City within 30 days.
 - b. If the Commission deems the criteria of this Section are not met, the Commission shall deny the exemption request and notify, in writing, the City and the Applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.
 - c. The Commission may issue an order continuing the exemption process for a period of not to exceed 90 days from the date of the application if the Commission would like additional information necessary to make a decision.
 - d. The Applicant may resubmit an amended application, reapply for an exemption that takes into consideration the recommendations of the Commission, or appeal the denial to the City Council.
 - e. If an application for an exemption is denied, no person may submit a subsequent application within one year for the same from the date of the final action upon the earlier application.
- 4. Appeal for Denial of Exemption
 - a. If an exemption is denied by the Commission, the Applicant may appeal the denial to the City Council by filing a written notice with the City within 15 days of the date of the receipt of the Commission's denial.
 - b. Notice of the City Council's consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the City Clerk shall perform the responsibilities of the Secretary.
 - c. The City Council shall hold a public hearing to consider the appeal, and consider any evidence (including new evidence) it deems relevant to the application.
 - d. The City Council shall apply the criteria in this Section in making its decision.
 - e. The decision of the City Council shall be final.

Section 9. Alteration to Non-Designated Properties Greater Than 50 Years Old

- 1. Requirements
 - a. Any permit application for Alteration, Relocation, or Demolition of a non-designated Property greater than 50 years old shall be reviewed by the Commission to determine the eligibility of such Property for listing on the City Register.
 - b. Permit applications for work on the interior of a Property, minor repair as determined by the Building Official, and/or replacement of materials in-kind are exempt from this requirement.
 - c. In order to determine eligibility for listing on the City Register, the Applicant must submit a Determination of Eligibility Form requiring ownership, Construction and Alteration information, and photos of all facades of all Buildings, Structures, and Objects located on site.
- 2. Commission Review
 - a. The Commission shall act officially on each application within 30 days after the hearing thereon.
 - b. The Commission shall review the eligibility of the Property following the eligibility criteria and review procedure as outlined in Section 3.
 - c. The Commission shall determine that the Property is:
 - i. Eligible for listing; or
 - ii. Not eligible for listing.

Section 8. Alteration Exemptions

1. General

- a. If an application for a Certificate of Appropriateness is denied, the Applicant may request an exemption from such certificate requirement pursuant to this Section.
- b. A request for exemption shall be initiated by the Owner(s). Such application shall be submitted to the City for consideration on a form provided by the Commission. The Applicant shall have the burden of proof to establish hardship.
- c. The Commission may request additional information from the Applicant as necessary to make informed decisions according to the applicable criteria for decision-making.
- d. If the City determines the application is complete, the City shall promptly refer the application to the Commission. If the City determines the application is incomplete, the Applicant shall be advised of the reasons in writing within 30 days of submittal.
- e. Certificate of Appropriateness exemptions are granted only to the specific Owner and are not transferable.

2. Criteria for Exemption

- a. Economic Hardship. The following factors, evidence, and testimony are to be considered:
 - i. The structural soundness of any Buildings or Structures on the Property and their potential for rehabilitation.
 - ii. The economic feasibility of rehabilitation or reuse of the existing Property in the case of a proposed Demolition.
 - iii. For investment or income producing Properties, the ability to obtain a reasonable rate of return on the Property in its present condition, or in a rehabbed condition pursuant to the requirements of this ordinance.
 - iv. For non-income producing Properties consisting of owner-occupied single-family dwellings and/or non-income producing institutional Properties not solely operating for profit, the ability to maintain or to convert the Property to a reasonable residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this ordinance or the ability to transfer the Property for a reasonable rate of return.
 - v. The consideration for economic hardship shall not include any of the following:
 1. Willful or negligent acts by the Owner;
 2. Purchase of the Property for substantially more than its market value;
 3. Failure to perform normal Maintenance and repairs;
 4. Failure to diligently solicit and retain tenants;
 5. Failure to prescribe a rental amount which is reasonable; or
 6. Failure to provide normal tenant improvements.
- b. Undue Hardship. An Applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation that is substantially inadequate to meet the Applicant's needs because of specific health and/or safety issues.

3. Decision

- a. If the Commission deems the criteria of this Section are met, the Commission shall issue an order of exemption and send a Certificate of Economic Hardship to the City within 30 days.
- b. If the Commission deems the criteria of this Section are not met, the Commission shall deny the exemption request and notify, in writing, the City and the Applicant within 30 days of such denial. Such denial shall state the reasons for the denial and the procedures for appeal to the City Council.
- c. The Commission may issue an order continuing the exemption process for a period of not to exceed 90 days from the date of the application if the Commission would like additional information necessary to make a decision.

Should demolition of a historic resource be permissible?

<i>Pros</i>	<i>Cons</i>
❖ <i>Demolition may be necessary if the historic resource has been determined conclusively to be a threat to public health and safety that cannot otherwise be mitigated.</i>	❖ <i>Demolition never meets the Secretary of the Interior's Standards for the Treatment of Historic Properties.</i>
❖ <i>Ordinances can be written to allow demolition only in extreme circumstances.</i>	❖ <i>Demolition is permanent.</i>
❖ <i>Ordinances can also provide for a stay of demolition to allow parties time to come up with an alternative.</i>	❖ <i>Demolition of one property may infer to property owners that demolition is a viable option.</i>

6.4 Exemption

6.4.1 Exemption Review

Any Commission enforcing design review should have a process of exemption. However, no exemption should be allowed until an application for alteration, relocation, or demolition has been heard and denied.

6.4.2 Exemption Criteria

Exemptions from compliance on alteration, relocation, or demolition should be based on the following:

- Structural soundness
- Economic feasibility
- Potential rate of return
- Potential use

However, consideration of these items should not be based on the owner's preferred use, but on any and all reasonable use of the property. In addition, previous or current actions of the owner that lessen value, increase costs, or decrease re-use potential of the property should not be allowed to provide the basis of a hardship exemption.

6.4.3 Exemption Review Process

Exemption review should generally take place in front of the Commission in a public meeting. The decision as to whether or not an exemption is granted should rest with the Commission in order to allow for the City Council to hear appeals. An appeal process should be clearly stated in the ordinance. A reasonable timeline should also be established for each step in the process so that an applicant will know the length of time required from submission to approval or denial of an exemption application.

6.5 Non-Designated Properties Greater than 50 Years Old

As historic resource surveys take time to complete, owners may propose actions on properties that have not been researched or evaluated to determine if that property may be eligible for designation. In order to protect properties of unknown status, some Commissions require that an owner seeking a permit for alteration, relocation, or demolition of a property that is over 50 years old and has not previously been reviewed for eligibility, be reviewed for eligibility before a permit is issued. Should the property be determined eligible for listing and the proposed action does not meet the *Secretary of the Interior's*

Standards for the Treatment of Historic Properties, a stay will be placed on that action for a specified period in order to allow a nomination to be put forward by any interested parties or to assist the property owner in determining alternatives to the proposed action.

ORDINANCE NO. 6
Series 2000

AN ORDINANCE OF THE TOWN OF LAKE CITY, COLORADO, REPEALING AND RE-ENACTING SUBSECTION 15.5-8E OF THE LAKE CITY MUNICIPAL CODE TO PROVIDE NEW CRITERIA FOR AND LIMITATIONS UPON DEMOLITION, REMOVAL AND/OR RELOCATION OF STRUCTURES IN THE TOWN'S HISTORIC PRESERVATION DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Trustees has determined that these ordinance provisions are necessary to implement the purposes of the Town's general regulations concerning its Historic Preservation District and to otherwise promote the public welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO, as follows:

SECTION 1:

Section 15.5-8E is hereby repealed and re-enacted to read as follows:

- E. In order for a Removal Permit to be issued, the applicant must show that the building or structure:
- (1) has no preservable historic significance and that its removal from the existing site will have no material adverse effect upon the overall character of the Historic Preservation District, taking into consideration the specific factors set forth in Subsection 15.5-4(B), or
 - (2) is to be relocated elsewhere within the Historic Preservation District, a Building Permit and Certificate of Appropriateness are or will be issued under Subsection 15.5-3 and either (a) it has no particular historic significance in relation to its historic site, or (b) keeping it at its historic site will work severe and unreasonable economic hardship on its owner, or
 - (3) is unsafe for any practical occupancy or use, and the cost of necessary repairs or improvements to allow a practical occupancy or use will exceed the structure's value upon completion or will otherwise result in a severe and unreasonable economic hardship for its owner.

In assessing the existence and degree of economic hardship to an applicant for obtaining a Removal Permit, the Historic Preservation Committee, or its lawful delegate, may solicit and consider expert opinion or may require the applicant to submit any or all of the following information:

- (a) An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- (c) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- (e) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- (f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
- (g) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
- (h) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
- (i) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;

- (j) Assessed value of the property according to the two most recent assessments;
- (k) Real estate taxes for the previous two years;
- (l) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
- (m) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Preservation Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

No approval for demolition of a building or structure in the Historic Preservation District shall be granted unless the Historic Preservation Commission finds that all of the following standards are met:

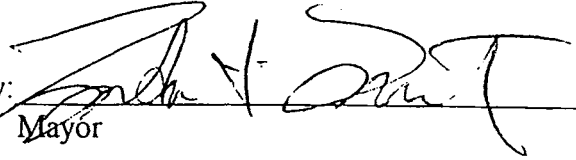
- (1) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure, and
- (2) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property, and
- (3) The structure cannot be practicably moved to another site in Lake City, Colorado, and
- (4) The applicant demonstrates that the proposal mitigates to the greatest extent practical, the following:
 - (a) Any impacts that occur to the character of the neighborhood where demolition is proposed to occur; and
 - (b) Any impact on the historic significance of the structure or structures located on the parcel and adjacent parcels; and
 - (c) Any impact on the architectural character and integrity of any other structure or structures located on the parcel and on adjacent parcels.

SECTION 2:

The Board of Trustees hereby declares an emergency and finds this ordinance to be necessary for the immediate preservation of the public peace and welfare, and it shall take effect immediately upon adoption.

INTRODUCED, READ AND ADOPTED by majority vote of the Board of Trustees of the Town of Lake City, Colorado, this 20 day of September, 2000.

TOWN OF LAKE CITY, COLORADO

By: 
Mayor

ATTEST:


Town Clerk

Municipality	Economic/Noneconomic Hardship Language
Alamosa	No
Aspen	Yes - For Certificates of Demolition/Relocation Only

Aurora

Yes

Black Hawk

Yes - For Certificates of Demolition/Relocation and COA's

Boulder

No - Mandatory review with mandatory compliance

Brighton

Yes for demolition only.

Broomfield

Yes for Demolition/Relocation and COA's

Carbondale

Yes for Demolition/Relocation and COA's

Castle Rock

Yes for Demolition/Relocation

Colorado Springs Yes, for COA's and Demolition

Cortez No - Mandatory design review with voluntary compliance

Crested Butte	No - Mandatory design review with mandatory compliance
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Cripple Creek	Yes- For COA's and Demolition
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Denver

For Demolition Only

Durango

Yes for COA's and Demolition

Erie

Yes for COA's and Demolition

Fort Collins

Yes for COA's and Demolition

Fort Lupton

No

Georgetown

No

Glenwood Springs

Yes for COA's and Demolition

Greeley

Yes for COA's, Demolition and if granted removes the property from the historic register

Idaho Springs

No

Lafayette

Yes for COA's and Demolition

Lake City

Yes for Demolition/Relocation Only

La Veta

No but exemptions are allowed

Leadville

No but economic hardship is considered for demolitions

Littleton

No- Mandatory review with mandatory compliance, does offer economic incentives

Longmont

Yes, for COA's and Demolition

Louisville

Yes for COA's and Demolition

Loveland

Yes for COA's and Demolition

Manitou Springs -***

Yes for COA's and Demolition/Relocation

New Castle

NO - Only has a definition but no criteria or procedure.
"Unreasonable economic hardship" means severe economic impact to the property as determined on a case by case basis.

Pueblo ***

Yes for COA's and Demolition/Relocation

Saguache

No- Mandatory review with mandatory compliance. Does have "Exemption Language" that does not refer to hardships of any kind.

Salida

For Demolition Only but not defined

Economic Hardship Criteria

None

Standard of review. The standard of review for a determination of economic hardship will be whether refusing to allow the property owner to demolish the property would result in a violation of the prohibitions of the U.S. and Colorado Constitutions against taking of private property for public use without just compensation as those prohibitions are interpreted by the courts of Colorado and the United States. In applying the standards, the economic benefits of financial, developmental and technical assistance from the City and the utilization of any federal and state rehabilitation tax credit programs may be considered.

Hardship Variance - a. The Hardship Variance is necessary because literal enforcement of the provisions of this UDO will result an unnecessary, and unreasonable hardship to the applicant caused by a unique site condition that is not generally applicable to other lots in the surrounding area; and

b. The need for the Hardship Variance was not knowingly created or created without investigation of UDO provisions by the owner, lessor, or operator of the property; and

c. The grant of the Hardship Variance will not injure the appropriate use of, or the supply of light and air to, adjacent conforming property within the same zone district; and

d. The effect of the granting the Hardship Variance is to allow the applicant development potential similar to, but not greater than, other lots in the same zone district in the surrounding areas.

(a)The Commission may authorize, upon request in specific cases, exceptions from the requirements of this Article and its implementing guidelines. When the Commission finds that the strict application of any requirement enacted herein will result in unreasonable economic hardship to a landowner or that such exception is necessary in the public interest, an exception from the requirements of this Article and its implementing guidelines may be authorized.(b)Burden. The burden of proof shall be upon the person claiming hardship to show that the existing use is economically unfeasible and that sale, rental or rehabilitation of the property is not possible

None

a. Economic hardship exemption. An economic hardship exemption may be granted if: (1) For investment or income-producing properties, the owner is unable to obtain a reasonable return on investment in the cultural resource's present condition or in a rehabilitated condition; (2) For non-income-producing properties, the owner is unable to resell the property in its current condition or if rehabilitated; or, (3) The economic hardship claimed is not self-imposed.

An exemption based on economic hardship may be found by the board applying the following standards:(1)The applicant's knowledge of the designation at the time of acquisition, or whether the property was designated subsequent to acquisition;(2)The current level of economic return on the property as considered in relation to the following:a.The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two years.b.The infeasibility or feasibility of alternative uses that can earn a reasonable economic return for the property.c.Economic incentives or funding available to the applicant through federal, state, city, or private programs. Economic hardship does not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

Sec. 16-4-110. - Exemptions.

If a landmark alteration certificate is denied, the applicant may request an exemption from the certificate requirements from the CHPC, in which case the applicant shall have the burden to prove hardship. A hardship application shall include any information the applicant believes is relevant to the consideration of the hardship imposed by denial of the landmark alteration certificate. The applicant may provide, or be requested to provide, information including appraisals, cost estimates, income projections, expenses and any nonfinancial hardship. Upon a finding by the CHPC that, without approval of the proposed work, all reasonable use of, or return from, a designated landmark will be denied a property owner, then the application shall be delayed for a period not to exceed 90 days. During this period of delay, the CHPC shall investigate plans to allow for a reasonable use of, or return from, the property, or to otherwise preserve the subject property. Such plans and recommendation may include, but are not limited to: a relaxation of the provisions of this Chapter, a reduction in real property taxes, financial assistance, building code modifications and/or changes in zoning regulations.

4. Hardship appeal criteria. a. Economic Hardship. The applicant has presented facts and circumstances which establish Economic Hardship. Consideration for Economic Hardship shall not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements; or b.

(i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot obtain any reasonable economic return from the property; (c) The Board shall issue a certificate of economic hardship authorizing the work or demolition if, at the end of the postponement period:

(i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot obtain any reasonable economic return from the property;

(ii) The applicant has not withdrawn its application for a Building Permit; and

(iii) The applicant otherwise complies with this UDC and other City codes and regulations.

(d) If the Historic Preservation Board does not find that all three (3) of the conditions in Subsection (c) above have been met, it shall deny the application or motion for a certificate of economic hardship.

None

None

(b) Standard to be Applied.

(1) The Council shall approve an application for a Certificate of Economic Hardship only upon a determination that the denial of

approval of the proposed Work or Activity, or of the proposed demolition, will result in the loss of all reasonable use of the

structure. Undue hardship shall not include mere inconvenience or incidental financial loss,

(2) In applying this standard, the Council shall consider, among other things, any evidence presented concerning the following:

(a) Any opinions from a licensed engineer or architect with experience in renovation, restoration, or rehabilitation as to

the structural soundness of the structure and its suitability for continued use, renovation, restoration or rehabilitation.

(b) Any estimates of the cost of the proposed alteration, construction, demolition or removal and an estimate of any

additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary

for it to be approved;

(c) Any estimates of the market value to the property in its current conditions; after completion of the proposed alteration, construction, demolition or removal; after any expenditures necessary to comply with the recommendations

of the Commission for changes necessary for it to approve a Certificate of Appropriateness; and, in the case of a proposed

demolition, after renovation of the existing structure for continued use;

(d) In the case of a proposed demolition, any estimates from architects, developers, real estate consultants, appraisers, or

other real estate professionals experienced in rehabilitation, and without a vested interest in the property, structure or site

as to the economic feasibility of restoration, renovation or rehabilitation of any existing structure or objects

(8) Procedure to demonstrate economic hardship. (a) Economic hardship is proven when the denial of the application for demolition of a structure for preservation or a contributing structure in a district for preservation would prevent the owner's reasonable beneficial use of the structure. Consideration of a request for a determination of economic hardship may not include any of the following: i. The review of proposed elective alterations to a structure; ii. The review of the financial ability of the owner to rehabilitate a property; iii. The review of self-imposed hardships, such as demolition by neglect or intentional destabilization of a structure; or iv. The lack of due diligence by the owner, or an inopportune economic climate. (b) Application to demonstrate economic hardship shall be made on a form prepared by the commission. The application may include, but is not limited to, the valuation of the property, estimates of the costs for rehabilitation of the building, estimates of the costs for new construction on the site, and reports as to the condition of the building prepared by professionals with experience in preservation and rehabilitation.

Economic Hardship Exemption.

For investment or income producing properties, an exemption may be granted if the owner is unable to obtain a reasonable rate of return on the property in its present condition, or in a rehabilitated condition pursuant to the requirements of this LUDC.

For non-income producing properties consisting of owner-occupied single-family dwellings and / or non-income producing institutional properties not solely operating for profit, an exemption may be granted if the owner is unable to convert the property to institutional use in its present condition, or in a rehabilitated condition pursuant to the requirements of this LUDC.

The consideration for economic hardship shall not include any of the following:

Willful or negligent acts by the owner.

Purchase of the property for substantially more than its market value.

Failure to perform normal maintenance and repairs.

Failure to diligently solicit and retain tenants.

Failure to provide normal tenant improvements.

1. Economic hardship: An economic hardship exemption may be granted if the applicant demonstrates, after consideration of all facts and circumstances, that they are unable to obtain a reasonable return on his investment. 2. Health/safety hardship: A health or safety hardship exemption may be granted if the applicant shows that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of health or safety issues, but not if the health or safety issues were created by the action or inaction of the applicant. Such documentation or testimony must be substantiated by professional opinion or through explanation of how the information was obtained, and at the applicant's expense, during the public hearing. The Board of Trustees shall determine whether the application meets the criteria and standards set forth in this Chapter

Sec. 14-5. - Waiver of conditions.

(a) Upon a showing of substantial hardship or to protect against an arbitrary result, and following notice as provided in § 14-34 of this Chapter, the Commission may waive such conditions and requirements as are set forth in this Chapter provided the Commission finds that the spirit and purpose of the Chapter are not substantially eroded and that the requested waiver meets one (1) or both of the following criteria: (1) The requested waiver is the minimum necessary to accommodate exceptional physical conditions or other extraordinary and exceptional situations unique to the affected property, which may include, but are not limited to, physical conditions such as exceptional narrowness, shallowness or topography, and such difficulties or hardship are not caused by the act or omission of the applicant; and/or (2) The requested waiver as submitted will not diverge from the conditions and requirements of this Chapter except in nominal and inconsequential ways, and will continue to advance the purposes of this Chapter. (b) Any finding made under Paragraph (a)(1) or (a)(2) above shall be supported by specific findings showing how the proposal, as submitted, meets the requirements and criteria of said Paragraph (a)(1) or (a)(2).

None

None

(1)Economic Hardship Exemption. The following standards that describe factors, evidence, and testimony will be considered by the GSHPC:

- a.The structural soundness of the landmark and its suitability for rehabilitation.
- b.The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.
- c.The current level of economic return on the property in relation to the following:
 - 1.The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased.
 - 2.A substantial decrease in the fair market value of the property that would result in the event that the landmark alteration certificate was denied.
 - 3.The fair market value of the property at the time the application was filed.
 - 4.Real estate taxes for the previous three (3) years.
 - 5.Annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years.
 - 6.Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years.
 - 7.All appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 - 8.Any state or federal income tax returns on or relating to the property for the previous three (3) years.
- d.The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
 - 1.Any real estate broker or firm engaged to sell or lease the property;
 - 2.Reasonableness of the price or rent sought by the applicant; and
 - 3.Any advertisements placed for the sale or rent of the property by the owner or applicant.
- e.The lack of feasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
 - 1.A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings/structures on the property and their suitability for rehabilitation.
 - 2.At least three (3) estimates indicating the cost of the proposed construction, alteration, relocation, or demolition and estimates of any additional cost that would be incurred to comply with the recommendations of the GSHPC or City Council for changes necessary for the issuance of landmark alteration certificate.
 - 3.Testimony from a Colorado-licensed engineer or architect with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of

1.Economic Hardship Exemption. An economic hardship exemption may be granted if:

- (a)The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
- (b)For non-income-producing properties, the owner is unable to resell the property in its current condition or if rehabilitated.
- (c)The economic hardship claimed is not self-imposed, including from lack of maintenance.

None

Sec. 47-21. - Exemptions.

If the request to the board for a certificate of appropriateness does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this chapter is not significantly compromised, and provided that adequate documentation is submitted to the board, either in writing or by testimony, to establish qualification for one of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained, and at the owner's expense.

(a)Economic hardship. An economic hardship exemption may be granted if the applicant demonstrates, after consideration of all facts and circumstances, that he is unable to obtain a reasonable return on his investment.

Criteria Not Defined, Only Information to be Submitted by Applicant is Defined(See Additional Information Column--->). This comes from Ordinance 2000-6 : In order for a Removal

Permit to be issued, the applicant must show that the building or structure:

- (1) has no preservable historic significance and that its removal from the existing site will have no material adverse effect upon the overall character of the Historic Preservation District, taking into consideration the specific factors set forth in Subsection IS.5-4(B), or
- (2) is to be relocated elsewhere within the Historic Preservation District, a Building Permit and Certificate of Appropriateness are or will be issued under Subsection 15.5-3 and either (a) it has no particular historic significance in relation to its historic site, or (b) keeping it at its historic site will work severe and unreasonable economic hardship on its owner, or
- (3) is unsafe for any practical occupancy or use, and the cost of necessary repairs or improvements to allow a practical occupancy or use will exceed the structure's value upon completion or will otherwise result in a severe and unreasonable economic hardship for its owner.

19.04.170 Exemptions from an alteration certificate.

If an application for an alteration certificate does not conform to the applicable criteria set forth in this chapter, the applicant may request an exemption from the usual alteration certificate requirements. The applicant may be required to attend a public finding of fact hearing and must provide adequate documentation and/or testimony to establish qualification for an exemption. The data provided by the applicant must be substantiated by either a professional in an applicable field or through documentation of how the information was obtained. The historic preservation committee may request additional information from the applicant as necessary to make informed decisions and may approve, modify or reject the applicant's plans as it deems appropriate. Any request for an exemption must be approved by at least two thirds of the members of the preservation committee. (Ord. 197 (7/7/98) (part), 1998)

Not defined

Economic Incentive - Rebate a portion of property tax; grant program for Main Street Historic District

A. The commission may issue a certificate of hardship to an owner of a designated landmark or property within a designated district based on evidence that an economic or other hardship prohibits the owner from complying with one or more provisions of this Code. The applicant shall have the burden of proof that a hardship exists under the following criteria:

1. For economic hardship:
 - a. Compliance with the regulations of this chapter will result in a substantial economic burden on the applicant.
 2. For other hardship:
 - a. The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines; or
 - b. No reasonable means of saving the property from deterioration, demolition or collapse other than the applicant's proposal exists.
- B. All requests shall require a public hearing by the commission. The procedure shall be as follows:
 1. The applicant shall submit an application form provided by the liaison.
 2. The application shall be scheduled for a public hearing on the agenda of the next commission meeting, provided that application is completed at least three weeks before the meeting.
 3. The commission shall approve, approve with conditions or deny the request for a certificate of hardship.
 4. Immediately following the public hearing, the liaison will send written disposition, including any conditions, to the applicant and the building inspection division. No building permit or any other permit shall be issued until the time for appeal has expired and a certificate of hardship has been issued.

B. Economic hardship exemption. Economic hardship exemptions are granted only to the specific owner and use, are not transferable, and are subject to the following review criteria: 1. For investment or income producing properties: the owner must demonstrate an inability to obtain a reasonable rate of return on the property in its present condition or if rehabilitated. Reasonable rate of return does not mean highest rate of return. 2. For non-income producing properties consisting of owner occupied single-family dwellings or non-income producing reasonable use properties not solely operating for profit: the owner must demonstrate an inability to convert the property to reasonable use in its present condition or if rehabilitated. 3. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

A. Economic Hardship Exemption. An economic hardship exemption may be granted if:

1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
3. The economic hardship claimed is not self-imposed.

1.The commission may consider the nature and extent of economic hardship or of limitation(s) on the reasonable economic return or use of the property that could result should the application be denied, or the decision of staff upheld. The commission may require and consider any information, including documents and testimony of expert witnesses, as to the nature and extent of any economic hardship to the applicant which could result from the specific decisions of the city.

2.To prove the existence of a condition of economic hardship, the applicant must establish, and the commission must find the resource is incapable of earning a reasonable economic return without making the alterations or demolition proposed. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, the following factors:a.That an undue economic hardship to the applicant would result from denial or a recommendation of disapproval of the application, or from upholding the decision of staff; andb.That no feasible alternatives or mitigation measures are available to the applicant; andc.That the applicant would not enjoy reasonable economic use or return from the property should the proposed project be disapproved, or the decision of staff upheld; andd.That the nature or extent of economic hardship that would result from the disapproval of a proposed project application would exceed the historic or cultural value of the resource; ande.The hardship is not created by the conduct of the applicant.

3.The current level of economic return on the resource shall be established by considering, and the applicant shall submit to the commission evidence establishing, the following information:a.The amount paid for the resource, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the resource was purchased;b.The annual gross and net income, if any, from the resource for the previous four years; itemized operating and maintenance expenses for the previous four years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;c.The remaining balance on any mortgage or other financing secured by the resource and annual debt service, if any, during the prior four years;d.Real estate taxes for the previous four years and assessed value of the resource according to the two most recent assessed valuations;e.All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the resource;f.The current fair market value of the resource at the time the application is filed;g.Form of ownership or operation of the resource;h.Any state or federal income tax returns on or relating to the

None

(b) HPC may, at its discretion, solicit testimony, schedule a public hearing, or require that the Owner for a Certificate of Economic Hardship make submissions concerning any or all of the information set forth below before it makes a determination on the application.

(1) An estimate of the cost of the proposed alteration, restoration, construction, removal, restoration or demolition and an estimate of any additional cost that would be incurred to comply with the recommendations of HPC for changes necessary for the issuance of a Certificate of Appropriateness;

(2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the Landmark or element within a Historic District and its suitability for rehabilitation;

(3) The estimated market value of the Landmark or element within a Historic District in its current condition; after completion of the proposed alteration, restoration, construction, removal, relocation or demolition; after any changes recommended by HPC; and, in the case of a proposed demolition, after renovation for continued use;

(4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing Landmark or element within a Historic District; City of Pueblo Historic Preservation Code, p. 13

(5) The amount paid for the Landmark or element within a Historic District, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the Owner and the person from whom the Landmark or element within a Historic District was purchased, and any terms of financing between them;

(6) If the Landmark or element within a Historic District is income-producing, the annual gross income therefrom for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(7) The remaining balance on any mortgage or other financing secured by the Landmark or element within a Historic District and annual debt service, if any, for the previous two (2) years;

(8) All appraisals obtained within the previous two (2) years by the Owner in connection with the purchase, financing, or ownership of the Landmark or element within a Historic District;

(9) Any listing of the Landmark or element within a Historic District for sale or rent, the purchase price asked and offers received if any within the previous two (2) years;

NONE - But there is "Exemption Language"

Exemptions from an alteration certificate. If an application for an alteration certificate does not conform to the applicable criteria set forth in this section, the applicant may request an exemption from the usual alteration certificate requirements. The applicant may be required to attend a public finding of fact hearing and must provide adequate documentation and/or testimony to establish qualification for an exemption. The data shall be provided by either a professional in an applicable field or through documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions and may approve, modify or reject the applicant's plans as it deems appropriate. Any request for an exemption must be approved by at least two-thirds (2/3) of the members of the Commission.

Demolition or relocation of a building, structure or site shall include the following: 1. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed demolition or relocation.

Noneconomic/Undue hardship Criteria

None

None

None

None

None

None

(A)An exemption based on noneconomic hardship may be found by the board when designation creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues

None

Noneconomic hardship. The applicant has presented specific facts which establish that the property poses either an imminent threat to public health and safety or specific health and/or safety issues, the costs of which to remedy are substantially greater than the benefits of designation.

4. Determination of Noneconomic Hardship: As an alternative to the Determination of Economic Hardship described in Subsection 3 above, if the Historic Preservation Board denies an application for a report of acceptability submitted by an applicant acting in a religious, charitable or otherwise not for profit tax exempt capacity, it may, upon application or on its own motion, consider issuing a certificate of noneconomic hardship.

(i) The Historic Preservation Board finds that, after review of all of the alternatives, without authorization of the proposed work or demolition, the property owner still cannot adequately use the property for legitimate needs, or is either physically and/or financially prevented or seriously hindered from advancing religious, charitable or otherwise not for profit purposes;

None

None

None

None

Undue Hardship. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation that is substantially inadequate to meet the applicant's needs because of specific health and / or safety issues.

None

None

None

None

Undue Hardship. An applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

2. Health/Safety Hardship Exemption. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.

None

(b)Health/safety hardship. A health and/or safety hardship exemption may be granted if the applicant shows that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues, but not if the health and/or safety issues were created by the action or inaction of the applicant.

None

None

None

None

None

Undue hardship. An applicant requesting an exemption based on undue hardship must show that the application of the alteration certificate criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues.

B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

ECONOMIC HARDSHIP CRITERIA CONTINUED

4.If the owner and/or applicant claims that the resource is not marketable or able to be sold when listed for sale or lease, the commission shall consider, and the applicant shall submit evidence establishing, the following:a.The sale price asked, and offers received, if any, within the previous two years;b.Any statements or testimony offered by a real estate broker or firm engaged to sell or lease the resource;c.Reasonableness of the price or lease sought by the owner;d.Any advertisements placed for the sale or lease of the resource.

5.If the owner and/or applicant claims that there are no feasible alternative uses which enable the resource to earn a reasonable economic return, the commission shall consider, and the applicant shall submit evidence establishing, the following:a.A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the resource and its suitability for restoration or rehabilitation;b.At least two competitive estimates of costs for the proposed alteration and any additional costs that would be incurred to rehabilitate the structure in accordance with the design guidelines;c.Estimated market value of the resource in the current condition and after completion of the proposed alteration; and, in the case of proposed demolition, after rehabilitation of the resource for continued use;d.In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing resource;e.The unfeasibility of new construction around, above, or below the resource.

6.The commission may also consider any potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

7.Notwithstanding the foregoing enumerated factors, the applicant may also provide other appropriate factors applicable to economic return that they deem necessary.B.To decide on the above issues, the commission shall have the authority to request additional facts, documents or expertise beyond those provided by the applicant. The cost(s) to the applicant, if any, to provide such additional facts, documents or expertise as may be requested by the commission may be considered if or when the nature and extent of relief to be granted, if any, is decided.C.The commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the resource, the availability of incentives and the economic impacts of approval or disapproval of a MCAC application.D.Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a MCAC application

None

ECONOMIC HARDSHIP CRITERIA CONTINUED

(c) In the event that any of the information is not reasonably available to the Owner, cannot be obtained by the Owner, or may not be disclosed without a substantial adverse impact on the Owner, the Owner may file with HPC a description of the information which

cannot be provided and describe the reasons that the information cannot be provided.

(d) HPC shall review all the evidence and information required of an Owner for a Certificate of Economic Hardship and make a determination whether the denial of a Certificate of Economic Hardship has deprived, or will deprive, the Owner reasonable use of, or economic return on, the Landmark or element within a Historic District. Failure of HPC to act within sixty (60) calendar days after the date a completed application is received, unless an extension is agreed upon in writing by the Owner and HPC, shall be deemed to constitute approval and a Certificate of Economic Hardship shall be issued by HPC authorizing the proposed alteration, restoration, construction, removal or demolition.

(e) Upon a finding by HPC that without approval of the proposed alteration, restoration, construction, removal, relocation, or demolition, all use of, or economic return from a Landmark or element within a Historic District will be denied the Owner, HPC shall issue a Certificate of Economic Hardship authorizing the proposed alteration, restoration, construction, removal or demolition.

(f) Upon a finding by HPC that without approval of the proposed alteration, restoration, construction, removal, relocation or demolition, the Landmark or the element within a Historic District cannot be put to reasonable use or the Owner cannot obtain a reasonable economic return therefrom, HPC shall issue a Certificate of Economic Hardship authorizing alteration, restoration, construction, removal, relocation or demolition which may not be in strict conformance with the Standards of Appropriateness but are consistent with the purposes of this Chapter. If HPC finds differently, it shall deny the application for a Certificate of Economic Hardship

Unsafe and Dangeries conditions exempted

NONE

Appeals Process

Historic Preservation Board makes recommendations to City Council who has the last say

An applicant may appeal the decision of the hearing officer to District Court pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

Appeals to City Council.

The decision of the Commission may be appealed to the City Council.

A decision of the landmarks board approving, disapproving or suspending action on an application for a landmark alteration certificate is final unless called up by the city council as provided in Section 9-11-16, "Call-Up by City Council," B.R.C. 1981.

Call-Up by City Council.

(a)The city council may call up for review any decision of the landmarks board approving or suspending action on a landmark alteration certificate application by serving written notice on the board within sixteen days of the board's decision and notifying the applicant of the call-up. It may call up for review any decision of the landmarks board disapproving a landmark alteration certificate within thirty days of the board's decision and notifying the applicant of the call-up.

Appeals. The applicant may appeal a decision of the Historic Preservation Commission to the City Council. The applicant may present evidence relevant to the application and the grounds for the appeal. Following the hearing, the City Council may uphold the decision of the Historic Preservation Commission, approve the application, approve the application with conditions, or deny the application.

No appeals process. Any decision of the board approving or disapproving a certificate of historic appropriateness shall be final in thirty days.

Sec. 16-4-150. - Appeals.

Anyone aggrieved by any action of the CHPC may file an appeal with the Board of Trustees within 30 days of the CHPC decision. An aggrieved person, for purposes of this Chapter, may be the applicant, any lessee of the designated property or any adjacent landowner.

3. Public hearing and Council decision. Within 60 days after the appeal is filed, the Council shall hold a public hearing on the matter. The applicant and the public shall have reasonable opportunity to express their opinions regarding the application for Alteration Certificate. After considering the written findings and conclusions of the Board, whether the proposed Alteration meets the established review criteria set forth in Subsection C, the applicant's testimony, comments from the public and the hardship appeal criteria set forth in Paragraph F.4, the Council shall approve, approve with conditions or modifications, or disapprove the application.

No Appeals process. Historic Preservation Board has the last say on economic and noneconomic hardship applications for COA's and Demolition permits

None

None

None- City Council has first and last say

(4)A final decision or action of the commission may be appealed to Denver District Court in accordance with the Colorado Rules of Civil Procedure Rule.

Appeals to City Council.

Board of Trustees Reviews Economic Hardship Applications and has the last say.

Appeals to commission when decision was made administratively.
Appeals to City Council when decision was made by commission.

Decisions of the Historic Preservation Board regarding the acceptability of applications for building permits under Section 18-354 or applications for approval of work not requiring a building permit under Section 18-355 shall be considered final decisions. There shall be no appeals or variances to the City Council or Board of Adjustment.

(b)An applicant aggrieved of a decision of the Design Review Commission may appeal same to the Board of Selectmen

Appeals to planning commission

Appeals to City Council.

Historic Preservation Commission has first and last say

The applicant/owner may appeal the stay decision of the board to the city council.

Appeals goto BOT

19.04.180 Appeals and Permits.

A. Appeal Rights. Any final decision of the historic preservation committee may be appealed by any property owner or resident of the town of La Veta to the town of La Veta board of trustees.

City Council has first and last say

Community Development Director has last say on COA's, HPC has last say on demolitions

B. Appeals from final decisions by the liaison on administrative certificates of appropriateness. 1. A party aggrieved by a final decision of the liaison on a certificate of appropriateness may appeal to the commission. "Party aggrieved" is defined as follows: a. The applicant; or b. The owner of the subject property. 2. All appeals to the commission shall be filed in writing with the city clerk within seven days from the date of the liaison's decision. The appeal shall specify the reasons why the challenged decision should be amended or reversed. The commission shall take action on the appeal at a noticed public hearing within 60 days from the close of the appeal period in accordance with the procedures of the commission. The appellant shall have the burden of demonstrating that the application complies with the applicable review criteria. C. Appeals from final decisions by the commission. 1. A party aggrieved by a final decision of the commission may appeal to the city council. Appeals to the city council shall be filed in writing with the city clerk, with a copy to the liaison, within seven days from the date of the commission's decision. The appeal shall specify the reasons why the commission's action decision is incorrect. Party aggrieved means the following: a. The applicant; b. The owner of the subject property; c. Any person or organization entitled under this chapter to written notice of the public hearing on the application; d. Any person who testified at a public hearing on the application; e. Any person who submitted written comments on the application at the public hearing on the application, but not including persons who only signed mass petitions; f. The city council as represented by the request of a single member of the city council; g. The liaison. 2. The city council shall take action on the appeal within 60 days from the close of the appeal period.

A.[Decision final unless appealed.] A decision of the commission disapproving on an application for a landmark alteration certificate or exemption is final unless appealed by the applicant or called up by the city council as provided in this section.B.Appeal by applicant. Within 30 days after the date of a commission decision denying an alteration certificate or an application for an exemption, the applicant may appeal the commission's denial to the city council. The appeal shall be filed with the city clerk and shall state in detail the basis of the appeal. The city council shall hold a public hearing on the appeal within 45 days after the date of filing of the appeal. Notice of the time, date, place and subject matter of the appeal hearing shall be given per Table 1 in section 15.36.240.C.Call up proceedings by the city council. Within 30 days after the date of a commission hearing denying an alteration certificate or an application for an exemption, the city council may by motion call up the denial for city council review. The city council shall hold a public hearing on the application within 45 days after the date of the city council motion calling up the application. Notice of the time, date, place, and subject matter of the hearing shall be given per Table 1 in section 15.36.240.

Appeals to City Council.

Administrative Decisions appealed to HPC. HPC decisions appealed to City Council

Appeals to City Council.

(j) The decision of HPC on an application for a Certificate of Appropriateness shall be final.

HPC has final say

Administrative Decisions appealed to HPC. HPC decisions appealed to City Council

Additional Information

(3) Information to be Supplied by Applicant.

(a) The Applicant shall submit by affidavit the following information for an application to be considered to be complete:

- i. The assessed value of the property and /or the structure in the case of a demolition
 - ii. Real property taxes paid for the previous two (2) years;
 - iii. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
 - iv. The current balance of any mortgages or any other financing secured by the property, and the annual debt service, if any, for the previous two (2) years;
 - v. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or state that none were obtained;
 - vi. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four (4) years, or state that none were obtained;
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- vii. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures, or objects on the property for alternative use, or a statement that none were obtained;

Documentation. The applicant must provide adequate documentation and / or testimony to establish qualification for one of the above listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or thorough documentation of how the information was obtained. The Historic Preservation Board may request additional information from the applicant as necessary to make informed decisions according to the applicable criteria for decision-making.

In assessing the existence and degree of economic hardship to an applicant for obtaining a Removal Permit, the Historic Preservation Committee, or its lawful delegate, may solicit and consider expert opinion or may require the applicant to submit any or all of the following information:

- (a) An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Preservation Commission for changes necessary for the issuance of a Certificate of Appropriateness;
- (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- (c) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Preservation Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- (e) The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
- (f) If the property is income-producing, the annual gross income from the

2.56.090. - Economic incentives for preservation.

A. Any owner of a property designated as a landmark, or located within a designated historic district, under this chapter may be eligible for the rebate of city permit and development fees for improvements made to the exterior of a structure. The rebate applies to the following development fees: 1. Building permit fees as stated in section 16.04.090; 2. Electrical permit fees as stated in section 16.08.050; 3. Mechanical permit fees as stated in section 16.12.050; 4. Plumbing permit fees as stated in section 16.16.060; 5. Development application fees as stated in appendix A to title 15. B. The applicant will be entitled to a rebate of 100 percent on the first \$1,000.00 of the aggregate fees, and 75 percent of the fees above \$1,000.00. The fees shall be rebated to the applicant upon the issuance of a certificate of occupancy or, if a certificate of occupancy is not required, upon approval of any construction at final inspections by the building inspection division. C. To be eligible for the rebate, a minimum of 30 percent of the total cost of the project shall be used on the exterior walls, windows, or other exterior architectural features of the structure, unless the commission designates a lesser amount consistent with their findings under the certificate of appropriateness. D. All applications shall be submitted to the liaison within 30 days of issuance of a certificate of occupancy or, if a certificate of occupancy is not required, upon receiving approval of any construction at final inspections by the building inspection division. The application shall include the following materials: 1. An application form provided by the liaison; 2. All receipts for labor and materials for the completed work; 3. A line item list of costs used to meet eligibility for the rebate; and 4. Color photographs of all completed work used to meet eligibility for the rebate. E. The liaison shall make a determination on the request. The liaison shall provide written notice to the applicant of the determination. If the request is denied, the liaison shall provide reasons for the denial in the written notice. If the applicant disputes the determination of the liaison, the matter shall be placed on the next agenda of the commission for resolution.

Meeting Minutes

Meeting Name: Regular BOT Meeting

Meeting Start Time: 5:30 PM MDT

Meeting Start Date: 7/19/2023

Meeting End Time: 8:05 PM MDT

Meeting End Date: 7/19/2023

Meeting Location: Town Hall and Virtual via Zoom

Agenda:

I. Regular Workshop Start Time – 5:30 pm

- A. Presentation of 2022 Audit Financial Statements with David Greene
- B. Discuss Willa Williford Proposal for Professional Services – RFP for Workforce Housing Development Partner
- C. Update on the Waste Water Treatment Plant Project (Joanne Fagan)
- D. Discuss Letter of Support for Hinsdale County's Energy Impact Assistance Fund Grant Application for County Operations Building
- E. Discuss Lake City Arts Council Request for Permission to Hang 13 Art Banners on Town Lamp Posts
- F. Discuss Ordinance 2023-08 Extending Water and Sewer Tap Installation Deadline from August 19th to November 19th, 2023
- G. Discuss Trustee Jeff Heaton Resignation Letter

Regular Workshop End Time – 6:51 pm

II. Regular Meeting Start Time – 7:00 pm

- A. Call to Order
- B. Roll Call: Present: Mayor Roberts and Trustees Bruce, Hamel, Horn, Kendall and Woods. Absent: Trustee Heaton.
- C. Public Hearing for 701 Buttercup Lane Short Term Rental Application – 7:08pm. Please see the attached sign-in sheets, protest letters, and protest emails. Video testimony is recorded and can be found at: July 19, 2023 Public Hearing Recording <https://us06web.zoom.us/rec/share/O8tOT7X6nEvf3EL9->

[zfSn3pg_5QjAZs_-cD-](#)

[Y4deNTMaYY7ihtJEfnZTdXBX8vgN.43B1TrRvWKs8Qs2D](#)

1. Discussion and Possible Action to Approve, Approve with Conditions, or Deny 701 Buttercup Lane Short Term Rental Application. Motion made to approve 701 Buttercup Lane Short Term Rental Application without conditions by Trustee Hamel, seconded by Trustee Bruce. Motion passed with all present voting 5 to 1 in a roll call vote.

5 Yes – Trustees Bruce, Hamel, Horn, Kendall & Mayor Roberts.

1 No – Trustee Woods.

End Time – 7:27pm

- D. Approval of Minutes – July 5, 2023: Motion made by Trustee Bruce, seconded by Trustee Kendall. Motion passed with all present voting yes in a roll call vote.
- E. Approval of Bills Payable Totaling \$90,155.41. Motion made by Trustee Kendall, seconded by Trustee Woods. Motion passed with all present voting yes in a roll call vote.
- F. Committee Reports
 1. Lake San Cristobal Water Activity Enterprise (Woods)
 2. Historic Preservation Commission (Fox)
 3. Chamber of Commerce (Kendall)
 4. Marketing Committee (Bruce)
 5. MAC Committee (Bruce)
 6. DIRT (Hamel)
 7. High Alpine Region Team (Woods)
 8. Region 10 (Roberts/Hamel)
 9. Planning and Zoning Commission (Pierce)
 10. Town Manager/Treasurer Report (Mulhall)
 11. Legal Update (Krob)
 12. Mayor/Trustee Reports
- G. Correspondence Received – Town Mail Hwy 149 OHV Program, Town Mail Christie Reeves OHV Program, Town Mail Becky Phillips OHV's on Highway

149, Town Mail Lorie & Bill Stewart Dust Control Correspondence Received
07.18.2023

H. Citizen Communications – NONE

I. Additions to the Agenda – NONE

J. Action Items

1. Discussion and Possible Action to Approve Willa Williford Proposal for Services for Workforce Housing Funding. Motion made by Trustee Horn, seconded by Trustee Kendall. Motion passed with all present voting yes in a roll call vote.
2. Discussion and Possible Action to Approve Letter of Support for Hinsdale County's Energy Impact Assistance Fund Grant Application for County Operations Building. Motion made by Trustee Hamel, seconded by Trustee Bruce. Motion passed with all present voting yes in a roll call vote.
3. Discussion and Possible Action to Approve, Approve with Conditions, or Deny Lake City Arts Council Request for Permission to Hang 12 Art Banners on Town Lamp Posts. Motion made by Trustee Bruce, seconded by Trustee Hamel. Motion passed with all present voting yes in a roll call vote.
4. Discussion and Possible Action to Approve Ordinance 2023-08 Extending Water and Sewer Tap Installation Deadline from August 19th, 2023 to November 19th, 2023. Motion made by Trustee Horn, seconded by Trustee Hamel. Motion passed with all present voting yes in a roll call vote.
5. Discussion and Possible Action to Accept Trustee Jeff Heaton's Resignation from the Board of Trustees and Declare a Vacancy on the Board of Trustees. Motion made by Trustee Woods, seconded by Trustee Bruce. Motion passed with all present voting 5 to 1 in a roll call vote.
5 Yes – Trustees Bruce, Horn, Kendall & Mayor Roberts.
1 No – Trustee Hamel.
6. Discussion and Possible Action to Advertise Vacancy on the Board of Trustees July 21st through August 11th, 2023. Motion made by Trustee

Bruce, seconded by Trustee Kendall. Motion passed with all present
voting yes in a roll call vote.

Regular Meeting Adjournment – 8:05pm

Mayor

ATTEST

Town Clerk

Town of Lake City
Bills Payable
8/2/2023

Vendor Name	Description	Invoice Amount	GL
1 Aflac	Aflac Insurance	\$494.20	GF
2 Back County Base Camp	PR - One Cord of Firewood for Ski Hill	\$305.00	GF
3 Biolynceus	PW - Probiotic Scrubber II - 5 Gallon Pails	\$2,905.00	WS
4 Blue Spruce Building Materials, Inc	PR - Drill Bits, Screws, Plastic Anchors, etc.	\$11.89	GF
5 Blue Spruce Building Materials, Inc	PR - Concrete Dri-Mix, Posts, Level Line, Hinge, etc.	\$1,167.83	GF
6 Blue Spruce Building Materials, Inc	PR - Microban Cleaner, Entry Lock, Toilet Bowl Cleaner	\$59.55	GF
7 Blue Spruce Building Materials, Inc	PR - Nuts, Washer, PVC Piping, etc.	\$5.27	GF
8 Blue Spruce Building Materials, Inc	PW - Tape, Gloves, Sandpaper, Flare Nut, Foam Window, etc.	\$737.60	WS
9 Blue Spruce Building Materials, Inc	PW - 10' Cedar Split Rails, 2-Hole Split Rail End Posts	\$398.15	WS
10 Card Member Service	PR - Meal (Ben's Trip to Bring Lex Keys at CML)	\$38.89	GF
11 Card Member Service	PR - Gas (Ben's Trip to Bring Lex Keys at CML)	\$57.20	GF
12 Card Member Service	PR - Lodging (Ben's Trip to Bring Lex Keys at CML)	\$169.00	GF
13 Card Member Service	CML Trip Meal	\$80.76	GF
14 Card Member Service	CML Conference Activity	\$149.74	GF
15 Card Member Service	CML Conference Meal	\$10.85	GF
16 Card Member Service	CML Conference Meal	\$170.57	GF
17 Card Member Service	CML Conference Room Trip Horn	\$1,034.58	GF
18 Card Member Service	CML Conference Meal & Parking	\$254.21	GF
19 Card Member Service	CML Conference Room Henry Woods	\$678.84	GF
20 Card Member Service	CML Conference Room Diane Bruce	\$715.22	GF
21 Card Member Service	CML Conference Meal	\$65.86	GF
22 Card Member Service	CML Conference Gas	\$72.62	GF
23 Card Member Service	CML Conference Parking	\$8.00	GF
24 Card Member Service	CML Conference Room Dave Roberts	\$678.84	GF
25 Card Member Service	TA - BOT Waters	\$8.77	GF
26 Card Member Service	TA - Postage/Stamps	\$66.00	GF
27 Card Member Service	TA - Google Cloud	\$0.21	GF
28 Card Member Service	TA - Google GSuite	\$165.60	GF
29 Card Member Service	TA - BillFlash Monthly Support & Utility Bills	\$464.66	GF
30 Card Member Service	TA - CDW MS Office 365	\$8.30	GF
31 Card Member Service	TA - Zoom Cloud Recording	\$40.00	GF
32 Card Member Service	CMCA Conference Meal	\$43.41	GF
33 Card Member Service	CMCA Conference Gas	\$142.39	GF
34 Card Member Service	CMCA Conference Meal	\$32.98	GF
35 Card Member Service	CMCA Conference Parking	\$15.00	GF
36 Card Member Service	CMCA Conference Meal	\$41.39	GF
37 Card Member Service	CMCA Conference Meal	\$11.93	GF
38 Card Member Service	CMCA Conference Lodging	\$861.00	GF
39 Card Member Service	CMCA Conference Meal	\$23.79	GF
40 Card Member Service	CMCA Conference Gas	\$74.84	GF
41 Card Member Service	CMCA Conference Meal	\$15.85	GF
42 Card Member Service	TA - Emergency Broadcast Radio Charger Shipping Refund	-\$6.99	GF
43 Card Member Service	TA - Emergency Broadcast Radio Charger	\$24.98	GF
44 Card Member Service	PR - Disc Golf Tournament Gift Card Prize	\$50.00	GF
45 Card Member Service	PR - Disc Golf Tournament Gift Card Prize	\$35.00	GF
46 Card Member Service	PR - Disc Golf Tournament Gift Card Prize	\$20.80	GF
47 Card Member Service	PR - Garmin	\$34.95	GF
48 Card Member Service	PW - UPS Shipping	\$33.22	WS
49 Card Member Service	PW - Keen Work Boots	\$145.00	WS
50 Card Member Service	PW - Microsoft 365	\$6.99	WS
51 CDPHE	Drinking Water Annual Fee	\$220.00	WS
52 CEBT	Health & Dental Insurance Town Admin	\$1,729.60	GF
53 CEBT	Health & Dental Insurance Park and Rec	\$1,729.60	GF
54 CEBT	Health & Dental Insurance W&S	\$2,594.40	WS
55 CommWest	TA - Town Hall Phone System	\$84.00	GF
56 Dana Kepner Co.	PW - Water Meters, Copper Setters, Meter Washers, etc.	\$9,134.28	WS
57 DARS Cleaning Supplies	PR - Liners, Toilet Paper & Pine Sol	\$402.24	GF
58 DARS Cleaning Supplies	PR - Toilet Paper, Liners, Towels	\$928.64	GF
59 Dave Roberts	Mileage to and From CML Conference in Aurora, CO	\$357.63	GF
60 GMCO Corporation	SA - Mag Chloride Bulk Material	\$14,257.10	WS
61 Grand Junction Pipe & Supply	PW - PVC, Couplers, etc.	\$1,606.23	WS
62 Grand Junction Pipe & Supply	PW - Non Corrosive Seal, Couplers, Seal Lube, etc.	\$2,297.43	WS
63 Grand Junction Pipe & Supply	PW - HDPE Blue Pipe	\$1,593.50	WS
64 Hinsdale County	PR - Chamber Dumpster Share with TOLC	\$166.25	GF
65 Lake San Cristobal Water Activity E	PW - Annual Assessment for Base Units of Water in LSC	\$6,151.50	WS
66 Lake San Cristobal Water Activity E	PW - Lake City Area Well & Pipeline and Ball Field Well	\$8,120.00	WS
67 Mountain Windows	Employee House Windows	\$455.51	GF
68 Mountain Windows	Employee House Windows	\$455.51	WS
69 Pinnacol Assurance	GF - Workers Compensation	\$337.00	GF
70 Pinnacol Assurance	PW - Workers Compensation	\$336.00	WS
71 Quill Corp	TA - Yearly Membership Fee	\$69.99	GF
72 SGS North America, Inc	PW - Fecal Coliform Test	\$39.29	WS
73 SGS North America, Inc	PW - Biochemical Oxygen Demand, Total Suspended Solids, Disposal Fee	\$194.04	WS
74 SGS North America, Inc	PW - Tests (Nitrogen, Ammonia, Nitrite, etc.)	\$230.25	WS
75 UNCC	PW - RTL Transmissions	\$65.79	WS
76 WEBCO Excavation	SA - 3/4 Road Base Delivered"	\$720.00	WS

Total Bills Payable August 2, 2023: \$66,905.52

ATTEST:

MAYOR

TOWN CLERK

Sheriff's Report

July 2023

BOCC/ BOTT

All persons charged with a crime are innocent until proven guilty.

7/1: Deputy Pantleo took a report from a citizen of an individual speeding on a dirt bike on 8th street in the Ball Flats. Deputy Pantleo responded to the area and the motorist was identified and located. The motorist was issued a summons for careless driving. The reporting witnesses provided written statements and agreed to appear in court to testify.

7/1: Deputy Starnes patrolled the Gunnison Forest.

7/3: Undersheriff Kaminski assisted the Bureau of Land Management with an investigation occurring in both Hinsdale and Gunnison counties.

7/3: Deputy Zeckser wrote a summons to an individual lighting off fireworks from the walking bridge over the Lake Fork. Upon arrival, Zeckser witnessed quite the impressive armature fireworks display. Although the suspect took all reasonable precautions to conduct a safe pyrotechnical show, the fact he possessed fireworks that both exploded and launched into the air satisfied the elements of being in Possession of Illegal Fireworks. Having been cooperative and forthcoming, and due to a very busy evening, the perpetrator was issued a summons 2 days later.

7/3: Deputy Pantleo made an arrest for Driving Under the Influence (DUI). Upon witnessing a motorist on a small dirt bike, who was driving well under the posted speed limit and weaving. After stopping the vehicle Pantleo discovered the operator had crashed the bike earlier, this was apparent by the scrapes and blood on both legs as well as the right hand of the motorist. Pantleo investigated the motorist's sobriety and found him to be intoxicated, the individual was placed under arrest and charged with DUI. It was also discovered the individual had a felony warrant out of the state of Texas. The DUI charge was later, unjustifiably dismissed by the District Attorney's Office citing no probable cause for the stop.

7/4: Deputy Poet took a report of a hit and run accident occurring the previous evening. Witnesses reported a vehicle backing out of a parking spot on Silver and 4th street struck a vehicle on the opposite side of the road. The struck vehicle had damage to the front bumper. No information identifying the run vehicle was given.

7/4: While on foot patrol on Silver Street, Sheriff Kambish and Deputy Poet watched a man stumble across the vacant property on Silver and 2nd Street, as they continued to observe him, he crossed Silver St. into the town park and fell. Kambish and Poet contacted him and could immediately tell he was severely intoxicated. The female, who was accompanying him stated there was someone coming to pick them up and take them home. About an hour later, Kambish observed the same individual standing near the alley on 2nd street, between Silver and Bluff with a glass in his hand. Kambish approached him again and was told he was drinking a whiskey and coke. The man was given the opportunity to return to the brewery with the drink or be given a summons for drinking in public. The man chose to return to the brewery.

7/4: Around 7:00PM, Deputy Pantleo was flagged down by a citizen who reported he and his 11-year-old son had been fishing at Lake San Cristobol when a vehicle drove past them and two individuals inside shot at them with some kind of pellet gun, then sped away. Pantleo was given a description of the vehicle which he passed on to Deputy Poet. At approximately 9:00PM Poet located the vehicle and contacted the owner. Through questioning the owner, the following was discovered: On the afternoon of July 4, three individuals, equipped with "Splat guns", decided it would be fun to drive around town and shoot at people they knew. Not being satisfied with shooting people they knew the fun soon turned to shooting people they did not know, including the father and son who were fishing. The additional 2 involved in the antics (both juveniles) were also located and questioned with their parents present. All three individuals eventually confessed to their actions, and all were charged with 3rd degree assault (knowingly causing injury to another), due to the young boy having a visible injury above his eye. The two juveniles attended Juvenile Diversion court and were given useful public service hours and a diversion on the assault charge. The adult individual involved awaits court on charges of Assault 3 and Contributing to the Delinquency of a Minor.

7/5: Deputy Zeckser took a report of a dog attacking another dog. The victim dog sustained puncture wounds from the attack, the owner of the suspect dog was served a summons for vicious dog and awaits their court date.

7/5: Sheriff Kambish took a report of an OHV accident occurring on CR 30 around mile post 10. While driving the axel broke causing the machine to veer right and strike a tree. The driver, not wearing a helmet, struck his head on an object inside the machine causing a loss of consciousness. The driver was transported to Gunnison Valley Hospital.

7/6: Sheriff Kambish received a call from a Detective with the Montrose County Sheriff's Office. After making a warrant arrest of an unsavory individual in the Montrose area, an emergency responder radio was found in the possession of the arrestee. When the radio was turned on it was tuned to Montrose Dispatch, the detective called because they could also hear radio traffic from Hinsdale County. After speaking with Kambish it was discovered the radio had belonged to the Lake City Area Medical Center and had not been reported missing. The radio has since been returned.

7/8: Deputy Starnes patrolled the Rio Grande Forest.

7/9: A visitor reported they noticed their license plate missing from their vehicle after a day at the lake. Deputy Zeckser took the report.

7/10: Deputy Pantleo patrolled the Rio Grande Forest.

7/13: A visitor brought a bat to the Sheriff's Office. Deputy Poet returned the bat to the wild near Henson Creek. On last sighting the bat appeared to be happy and healthy.

7/14: Deputy Pantleo led an in-house arrest control training. Attendees practiced arrest control and handcuffing techniques.

7/16: Deputy Pantleo took a report of an OHV accident on Pine St. The driver was backing down a driveway and struck a tree. No injuries reported.

7/16: Deputy Pantleo attempted to stop a vehicle displaying expired registration in the Ball Flats neighborhood. Upon contact with the driver Pantleo suspected the driver was intoxicated. After

volunteering to do Standardized Field Sobriety Testing (SFSTs), the driver was placed under arrest for Driving Under the Influence. The driver is awaiting their court appearance.

7/17: A male individual came to the Sheriff's Office with blood on his face. He reported a verbal argument with his wife, who then threw a coffee mug at him. The mug caused a cut on the man's lip, the man's wife was placed under arrest for 3rd degree assault/ domestic violence and transported to jail. During the court appearance of the suspect, the victim husband asked to address the court. The victim stated he "provoked" his wife into the altercation and demanded charges be dropped. The District Attorney's Office was quick to cooperate and immediately dropped the charges against the wife.

7/18: Deputy Zeckser served a summons for a dog vs. person. On a day in late June a woman was visiting with a local proprietor when she was bitten by a dog, causing pain and a visible injury to her leg. The owner of the dog then failed to work with the victim in paying medical bills which led to the issuance of the summons. Remember, anyone who owns a dog is responsible for the behavior and actions of their animal at all times.

7/18: Sheriff's Office personnel received word from the San Juan County Sheriff's Office to be on the lookout for a female, who appeared to be in her 60's, who was firing a handgun out of her vehicle at people. The woman was last seen near Stony Pass at about 8:00PM the night before. Later that day the office got word the woman had been located and apprehended in San Juan County. All violations occurred in San Juan County and to our knowledge, no one was injured.

7/22: Deputy Starnes patrolled the Gunnison Forest.

7/23: Deputies Pantleo and Poet were called to an intoxicated man knocking on doors at the Alpine Village. At approximately 3:30am deputies responded and searched the area but were unable to locate the individual. Deputies recognized the description of the man and recalled seeing him intoxicated at a local bar around 10:00pm the previous night.

7/23: Deputy Zeckser responded to the area above Vicker's Ranch to locate an individual who had walked away from their rental cabin at approximately 4:00am that morning. Zeckser located the man about 8:00am walking on the road towards the Park Creek subdivision and contacted him. It was obvious the man was suffering from a mental health crisis as he was very confused and paranoid. With the help of Hinsdale EMS and Deputy Pantleo the man was placed on an ambulance and transported to Gunnison Valley Hospital for a mental health evaluation.

7/24: A landowner discovered several individuals had trespassed onto his property to jump into the river from the cliffs above. The owner had posted several "No Trespassing" signs which were ignored by the swimmers. At the behest of the landowner, all individuals were issued summons for 3rd degree trespass.

7/24: An individual called the office to report their phone had been taken from their unlocked vehicle parked at the Cimmarona trail head in the Upper Piedra. The victim reported the phone to be valued at \$800. The report was taken by Deputy Pantleo. The Sheriff's Office would like to remind everyone to avoid leaving valuables in their vehicle when possible and remember to lock your vehicle if you must leave items unattended.

7/24: Deputy Zeckser took a report of a single motorcycle crash that happened near Los Pinos pass. The rider stated he was riding, and his front tire fell into a rut on the road. The bike fell over causing him to

land on his right shoulder. The rider and his partner were able to drive to the medical center for treatment on his shoulder.

7/26: Deputy Poet took a report from a construction crew working on Henson St. They reported two sets of keys had been taken from two pieces of machinery the previous night.

7/26: Deputy Poet responded to a parking complaint on Cleyborn Street. The situation was resolved after speaking to the owner of the vehicle, no enforcement action was necessary.

7/27: Deputy Poet attended Intoxilyzer training in Montrose. After completing this training, she is certified to operate the intoxilyzer machine during DUI investigations.

7/27: Sheriff Kambish and Wildland Fire director Rick Hernandez responded to a smoke report north of Lake City. Full view of the fire was granted after accessing the High Bridge Ranch. A BLM fire crew also responded. It was determined to be a single tree lightning strike located in a scree field just above Nurse Creek. The BLM fire crew decided to monitor the fire due to the low likelihood of it spreading.

7/28: Deputy Poet completed her Field Training and Orientation (FTO).

Citations:

Speeding: 19

Expired registration: 2

Minor w/out seatbelt (motor vehicle): 2

Drove OHV where prohibited: 1

Open alcohol container: 1

OHV w/ too many passengers: 2

No proof of insurance: 1

Failed to use seatbelt (OHV): 1

Failed to obey traffic control: 1

Unregistered OHV: 1



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 Report

June 2023

July has been another busy month for the Building Department with a total of 11 new permits, 6 for the town and 5 for the County. With plenty of inspections and completions including the Wrangler Restaurant, keeping the grass happy at Veterans Park, which is no small feat with the lack of rain we have been getting, the building department is a busy place. The month of August should be equally as busy with plenty of projects on the horizon.

My monthly building meeting in Montrose had a member of DOLA (Department of Local Affairs) speak about the Colorado State updates on Tiny Homes, Tiny houses, Modulares, and HUD homes, which into effect on July 1st, 2023. I appreciate what the International Code Council does, getting guest speakers from across the state, helping us keep informed on current changes to State and local building regs. I have signed up for a one-day class in August in Colorado Springs to further my education on inspections of Modulares, Tiny homes/houses, and HUD homes (Federal).

If you have any questions, comments, or concerns, please feel free to contact me anytime.

Sincerely,

Gabe McNeese.



BUILDING DEPARTMENT

Gabe McNeese

311 N. Henson St., Lake City, CO, 81235.

Phone: 970-901-9570, email gabem@hinsdalecountycolorado.us

Monthly Report

July 2023

Lake City Parks and Recreation

Ski Hill –

We had another disc golf hole sponsorship by the Beins family at the ski hill for \$200.

The disc golf tournament was held on July 3rd at the ski hill. There were 12 players that attended.

Armory –

We received a bid for \$900 to fix the bricks on the alley side of the armory that were damaged probably 6 or 7 years ago. They are planning to fix it sometime before fall.

Ice Rink –

The pickleballers are requesting a concrete addition to the court towards the armory addition which would add 8 feet to the court. This would allow them a comfortable two courts. There are so many people playing pickleball now.

The historic district approved the fence request that I applied for last month. It was for a three board fence along bluff st next to the concrete slab and then a 6' privacy fence off the armory to add some outdoor fitness center space. I need to run numbers on how much money is left in the budget for special projects before starting anything this year.

Ice Wall –

Nothing to report

Trees –

We did end up receiving \$1500 for trees for Memorial Park from the Lake Fork Community Foundation. I plan on buying them sometime soon.

Tyler, the arborist, contacted me and is in the process of getting us on his schedule for the fall.

We have been removing trees at pumphouse park with the help of public works, thinning out the cottonwoods in preparation for the large dog park.

Parks –

We finally finished the small dog park at pumphouse park. The Memorial benches and the flower planters that were donated are all set up. Thanks to the McGee family and the Gomez family for the donations to the park.

We are starting to work on the pedestrian bridge at Pete's Lake. We will replace it with pressure treated lumber as the main supports. The old bridge was made out of logs and was very rotten.

Public Works Report

July, 2023

For the month of June, the Town of Lake City produced 19,129,100 gallons of safe drinking water and the Wastewater Treatment Plant processed 4,874,993 gallons of wastewater. For the same period last year the Town produced 16,281,300 gallons of water and processed 4,958,750 gallons of wastewater.

Water : With summer in full swing Public works has been very busy. We had multiple taps add to our system in July. We assisted contractors with the taps and documented the locations. Public works also performed the quarterly tank inspections. They also performed the flushing program that is vital during the summer months. The major issue with water in July was three major leaks. It all started with a fire hydrant that someone broke on Henson and 3rd. We tried to repair it without a complete replacement. Unfortunately we were not able to do so. We have a hydrant in stock and will work to replace it as soon and possible. The biggest leak was a 2 inch main in the alley in between 3rd and 4th on Lake Street. This leak did not surface and we were extremely lucky we found it. A costumer called with a low pressure issue. Around the same time the well house called with a low tank level alarm. We isolated the section and the tanks started to rise. There was only one map of this 2 inch line from a repair in 2015. We dug it up, capped it and ran temporary water for the holiday weekend. We then started to chase the line but could not find the cause of the issue. We then decided that the line would fail again unless we replaced it. This 1975 main was eggshell and not properly bedded. The best fix for it was to replace it with pure core 2 inch and add a control valve. We used a new technique called bursting to minimized excavation due to the fact that there were many utilities in such a small alley. This is the first time in a long time Public Works has replaced a main in house and overall cost way less that hiring a contractor to do the work. The third leak was an 8 inch main on Gunnison Ave. A contractor was installing a tap when all of a sudden the pipe split about five feet from the tap. It looked like the main was not properly installed and was sitting at a weird angle causing the pipe to split. This main is still thirty years old and I saw nothing the contractor did wrong to cause the break. They worked to help us repair the main and work to disinfect it. Water was restored after a negative BacT test.

Wastewater: With construction in full swing we also have costumers taping in to the collection system as well. We received some complaints about an odor issue at the plant. This usually happens during the peaks of July and combined with the extreme heat and no rain it was pretty bad. Unfortunately there is not much I could do to resolve this issue with our current equipment. This furthers our need for the new plant that we have been so hard working on. Now that thing have calmed down the odor is pretty much back under control. We have put off finishing jetting until the fall to help relive the odor issue.

Streets and Alleys: With two major fiber projects in full swing we have been extremely busy dealing with the multiple crews and locates. I usually have to do walk troughs with the crews so they can get their permitting completed. These locate are massive and extremely important as to keep fiber from being buried directly on top of our mains.

Other: We assisted P and R with tree removal at and set up at Pump house Park.

Respectfully Submitted,
Jameson Johnston
Public Works Director

TOWN OF LAKE CITY
COMBINED CASH INVESTMENT
JUNE 30, 2023

COMBINED CASH ACCOUNTS

999-102-000-000	CASH (CHECKING)	29,780.24
999-104-100-000	SAVINGS (MONEY MARKET ACCOUNT)	2,063,094.29
999-104-200-000	CERTIFICATES OF DEPOSIT	30,634.39
999-104-300-000	COLOTRUST	216,540.47
999-105-000-000	CAPITAL IMPROVEMENTS FUND	60,061.26
999-175-000-000	CASH CLEARING - UTILITIES	2,255.39
		<hr/>
	TOTAL COMBINED CASH	2,402,366.04
999-100-000-000	CASH ALLOCATE TO OTHER FUNDS	(2,402,366.04)
		<hr/>
	TOTAL UNALLOCATED CASH	.00
		<hr/>

CASH ALLOCATION RECONCILIATION

100	ALLOCATION TO GENERAL FUND	1,208,972.77
300	ALLOCATION TO CONSERVATION TRUST FUND	(740.00)
400	ALLOCATION TO CAPITAL IMPROVEMENTS FUND	60,061.26
600	ALLOCATION TO WATER & SEWER FUND	1,134,072.01
		<hr/>
	TOTAL ALLOCATIONS TO OTHER FUNDS	2,402,366.04
	ALLOCATION FROM COMBINED CASH FUND - 99-100-000-000	(2,402,366.04)
		<hr/>
	ZERO PROOF IF ALLOCATIONS BALANCE	.00
		<hr/>

TOWN OF LAKE CITY

BALANCE SHEET

JUNE 30, 2023

GENERAL FUND

ASSETS

100-100-000-000	CASH IN COMBINED FUND	1,208,972.77	
100-101-000-000	PETTY CASH	356.00	
100-105-000-000	TAXES RECEIVABLE	64,217.00	
100-117-100-000	ACCOUNTS RECEIVABLE OTHER	4,583.33	
100-132-000-000	DUE FROM OTHER GOVERNMENTS	105,215.77	
	TOTAL ASSETS		1,383,344.87

LIABILITIES AND EQUITYLIABILITIES

100-200-000-000	FACILITY RENTAL DEPOSITS	2,857.00	
100-201-000-000	ENCROACHMENT DEPOSITS	6,650.00	
100-202-000-000	ACCOUNTS PAYABLE	47,251.86	
100-203-000-000	DEPOSITS FOR W&S SERVICE	5,610.00	
100-204-000-000	TENANT SECURITY DEPOSIT	1,000.00	
100-216-000-000	ACCRUED WAGES	2,836.08	
100-217-000-000	MEDICARE PAYABLE	944.88	
100-217-100-000	FEDERAL WITHHOLDING PAYABLE	2,207.99	
100-217-200-000	STATE WITHHOLDING PAYABLE	3,644.00	
100-217-300-000	RETIREMENT PAYABLE	(4,082.42)	
100-217-400-000	ACC INSURANCE PAYABLE	494.20	
100-222-100-000	DEFERRED PROPERTY TAXES	64,217.00	
	TOTAL LIABILITIES		133,630.59

FUND EQUITY

100-280-000-000	FUND BALANCE	1,254,924.07	
100-280-100-000	CREATED BY POSTING	128,000.00	
100-280-400-000	EMERGENCY RESERVE-TABOR	21,842.00	
	REVENUE OVER EXPENDITURES - YTD	(155,051.79)	
	BALANCE - CURRENT DATE	1,249,714.28	
	TOTAL FUND EQUITY		1,249,714.28
	TOTAL LIABILITIES AND EQUITY		1,383,344.87

TOWN OF LAKE CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>TAXES</u>					
100-311-000-000 PROPERTY TAXES	4,590.11	49,099.38	63,094.00	13,994.62	77.8
100-312-000-000 SPECIFIC OWNERSHIP TAX	509.95	1,956.59	5,000.00	3,043.41	39.1
100-313-100-000 SALES TAX	30,624.87	117,799.09	500,000.00	382,200.91	23.6
100-314-100-000 MOTOR VEHICLE SALES TAX	.00	1,773.88	3,000.00	1,226.12	59.1
100-314-200-000 CIGARETTE TAX	90.24	427.21	900.00	472.79	47.5
100-314-300-000 BUILDING USE TAX	.00	.00	30,000.00	30,000.00	.0
100-316-100-000 FRANCHISE TAX (PHONE CO.)	.00	.00	10,000.00	10,000.00	.0
100-319-000-000 PENALTIES AND INTEREST	11.64	12.64	200.00	187.36	6.3
TOTAL TAXES	35,826.81	171,068.79	612,194.00	441,125.21	27.9
<u>PERMITS AND FEES</u>					
100-321-100-000 LIQUOR LICENSE FEE	.00	2,417.50	2,000.00	(417.50)	120.9
100-322-100-000 BUILDING PERMITS	3,914.33	5,639.44	10,000.00	4,360.56	56.4
100-322-110-000 SIGN PERMITS	41.00	83.00	100.00	17.00	83.0
100-322-200-000 LODGING PERMIT	375.00	11,625.00	8,000.00	(3,625.00)	145.3
100-322-400-000 BUSINESS LICENSE	75.00	1,755.00	1,000.00	(755.00)	175.5
100-322-800-000 SPECIAL USE PERMITS	100.00	100.00	.00	(100.00)	.0
TOTAL PERMITS AND FEES	4,505.33	21,619.94	21,100.00	(519.94)	102.5
<u>INTERGOVERNMENTAL REVENUE</u>					
100-334-000-000 GRANT MONIES	.00	.00	25,000.00	25,000.00	.0
100-334-100-000 MINERAL LEASE/SEVERANCE TAX	.00	.00	1,500.00	1,500.00	.0
100-335-100-000 MOTOR VEHICLE SPECIAL ASSESS	.00	759.15	1,500.00	740.85	50.6
100-335-200-000 HIGHWAY USERS TAX	2,435.20	11,339.77	25,000.00	13,660.23	45.4
TOTAL INTERGOVERNMENTAL REVENUE	2,435.20	12,098.92	53,000.00	40,901.08	22.8
<u>RECREATION REVENUE</u>					
100-347-800-000 RECREATION PROGRAM FEES	1,420.00	10,405.00	6,000.00	(4,405.00)	173.4
100-347-810-000 SKI HILL RECREATION FEES	.00	16,548.00	9,000.00	(7,548.00)	183.9
100-347-811-000 SKI HILL DONATIONS	5.00	3,167.50	1,000.00	(2,167.50)	316.8
100-347-812-000 RECREATION PROGRAM DONATIONS	400.00	2,921.00	.00	(2,921.00)	.0
100-347-820-000 ICE WALL EVENTS	.00	2,818.00	1,500.00	(1,318.00)	187.9
100-347-825-000 ICE WALL DONATIONS	.00	9,732.73	1,000.00	(8,732.73)	973.3
TOTAL RECREATION REVENUE	1,825.00	45,592.23	18,500.00	(27,092.23)	246.4

TOWN OF LAKE CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>COURT REVENUE</u>					
100-351-000-000	COURT FINES	651.00	1,539.00	5,000.00	3,461.00	30.8
	TOTAL COURT REVENUE	651.00	1,539.00	5,000.00	3,461.00	30.8
	<u>OTHER REVENUE</u>					
100-361-100-000	EARNINGS ON DEPOSITS	478.01	2,813.32	2,000.00	(813.32)	140.7
100-362-200-000	RENTS FROM BUILDINGS	90.00	4,440.00	4,000.00	(440.00)	111.0
100-364-000-000	REFUNDS	.00	30.25	.00	(30.25)	.0
100-365-000-000	EMPLOYEE HOUSING RENT	375.00	2,250.00	4,500.00	2,250.00	50.0
100-366-100-000	HISTORIC PRESERVATION COA	50.00	300.00	500.00	200.00	60.0
100-367-200-000	DONATIONS	.00	5,000.00	.00	(5,000.00)	.0
100-369-000-000	MISCELLANEOUS REVENUES	131.75	5,524.68	1,000.00	(4,524.68)	552.5
	TOTAL OTHER REVENUE	1,124.76	20,358.25	12,000.00	(8,358.25)	169.7
	TOTAL FUND REVENUE	46,368.10	272,277.13	721,794.00	449,516.87	37.7

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>TOWN ADMIN</u>					
100-411-100-111	SALARIES - BOT	450.00	2,700.00	8,000.00	5,300.00	33.8
100-411-100-144	FICA--MEDICARE - BOT	6.53	39.18	130.50	91.32	30.0
100-411-100-145	PERA - BOT	66.29	397.74	1,200.00	802.26	33.2
100-411-100-330	PUBLICITY, DUES, & SUBS.- BOT	.00	.00	4,500.00	4,500.00	.0
100-411-100-347	COMPUTER HARDWARE/SOFTWARE BOT	.00	5,587.24	10,000.00	4,412.76	55.9
100-411-100-350	PROFESSIONAL SERVICES- BOT	250.00	2,325.00	60,000.00	57,675.00	3.9
100-411-100-370	TRAVEL AND MEETINGS - BOT	.00	3,458.78	6,000.00	2,541.22	57.7
100-411-100-400	BOT DONATIONS	.00	37,500.00	96,702.00	59,202.00	38.8
100-411-100-495	MISCELLANEOUS EXPENSES-BOT	93.71	171.71	1,000.00	828.29	17.2
100-411-200-330	PUBLICITY, SUBSCRIPTIONS & DUE	.00	34.95	.00 (34.95)	.0
100-411-400-111	SALARIES -TOWN ADMIN	3,491.48	18,976.04	70,000.00	51,023.96	27.1
100-411-400-142	WORKMEN'S COMPENSATION - TOWN	.00	2,539.00	10,000.00	7,461.00	25.4
100-411-400-143	HEALTH INSURANCE - TOWN ADMIN	1,729.60	7,783.20	20,688.00	12,904.80	37.6
100-411-400-144	FICA-MEDICARE - TOWN ADMIN	50.20	272.58	1,020.00	747.42	26.7
100-411-400-145	PERA - TOWN ADMIN	514.30	2,795.24	10,500.00	7,704.76	26.6
100-411-400-210	OFFICE SUPPLIES - TOWN ADMIN.	62.94	1,569.65	2,000.00	430.35	78.5
100-411-400-220	OPERATING SUPPLIES- TOWN ADMIN	.00	516.55	1,500.00	983.45	34.4
100-411-400-230	R & M SUPPLIES - TOWN HALL	.00	25.99	200.00	174.01	13.0
100-411-400-231	R&M SUPPLIES - EMPLOYEE HOUSE	17.99	166.67	5,000.00	4,833.33	3.3
100-411-400-311	POSTAGE - TOWN ADMIN.	63.00	382.49	700.00	317.51	54.6
100-411-400-320	PRINTING AND COPYING	336.75	1,417.38	3,000.00	1,582.62	47.3
100-411-400-330	PROF DUES, SUBS, AND MEMBERSHI	1,422.51	16,005.15	25,000.00	8,994.85	64.0
100-411-400-331	LEGAL NOTICES - TOWN HALL	770.00	1,779.60	4,000.00	2,220.40	44.5
100-411-400-345	TELEPHONE/INTERNET - TOWN HALL	84.00	1,672.27	5,000.00	3,327.73	33.5
100-411-400-346	EMPLOYEE CELL PHONES	109.14	1,395.64	4,000.00	2,604.36	34.9
100-411-400-347	COMPUTERS AND SOFTWARE TA	.00	.00	5,000.00	5,000.00	.0
100-411-400-350	PROFESSIONAL SERVICES-TOWN HAL	.00	704.00	10,000.00	9,296.00	7.0
100-411-400-352	LEGAL SERVICES	1,862.50	8,005.50	15,000.00	6,994.50	53.4
100-411-400-354	AUDITING - TOWN HALL	.00	.00	7,500.00	7,500.00	.0
100-411-400-360	R & M SERVICES - TOWN HALL	.00	.00	500.00	500.00	.0
100-411-400-361	R&M SERVICES - EMPLOYEE HOUSE	.00	.00	2,500.00	2,500.00	.0
100-411-400-370	TRAVEL, TRAINING, MEETING-TOWN H	1,158.90	2,514.17	10,000.00	7,485.83	25.1
100-411-400-495	MISC. EXPENSES - TOWN HALL	(39.00)	172.64	2,000.00	1,827.36	8.6
100-411-400-510	INSURANCE - TOWN HALL	3,241.49	9,724.48	15,000.00	5,275.52	64.8
100-411-800-560	TREASURER'S FEES	83.46	403.33	.00 (403.33)	.0
	TOTAL TOWN ADMIN	15,825.79	131,036.17	417,640.50	286,604.33	31.4
	<u>MUNICIPAL COURT</u>					
100-412-100-111	SALARIES - MUNICIPAL COURT	600.00	3,600.00	7,200.00	3,600.00	50.0
100-412-100-144	FICA-MEDICARE-MUNICIPAL COURT	8.70	52.20	105.00	52.80	49.7
100-412-100-145	PERA - MUNICIPAL COURT	88.38	530.28	1,000.00	469.72	53.0
100-412-100-330	PUBLICITY,SUBS,DUES - M. COURT	.00	.00	100.00	100.00	.0
100-412-100-370	TRAVEL & MEETINGS - M. COURT	.00	.00	750.00	750.00	.0
100-412-100-495	MISC. EXPENSES - M. COURT	.00	.00	1,000.00	1,000.00	.0
	TOTAL MUNICIPAL COURT	697.08	4,182.48	10,155.00	5,972.52	41.2

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>COMMUNITY FAC & PARKS</u>					
100-419-400-220 OPERATING SUPPLIES	1,507.28	5,109.72	10,500.00	5,390.28	48.7
100-419-400-223 JANITORIAL SUPPLIES-COMMFAC&PA	21.38	459.83	2,200.00	1,740.17	20.9
100-419-400-230 R & M SUPPLIES-COMM FAC & PARKS	210.00	546.74	1,500.00	953.26	36.5
100-419-400-341 ELECTRICITY - COMM FAC & PARKS	622.65	5,977.75	9,300.00	3,322.25	64.3
100-419-400-344 PROPANE - COMM FACILITIES&PARK	1,339.50	9,952.26	21,750.00	11,797.74	45.8
100-419-400-350 PROFESSIONAL SVSS-COMMFAC&PARK	.00	2,512.42	2,500.00	(12.42)	100.5
100-419-400-356 ICE WALL-COMM FAC&PARKS	30.51	7,495.88	4,200.00	(3,295.88)	178.5
100-419-400-357 R&M SERVICES - TREES	.00	.00	12,000.00	12,000.00	.0
100-419-400-360 R & M SERVICES-COMM FAC& PARKS	.00	867.98	12,500.00	11,632.02	6.9
100-419-400-361 TRASH COLLECTION-COMMFAC&PARKS	519.05	1,672.73	8,500.00	6,827.27	19.7
100-419-400-495 MISC-COMMUN FACILITIES & PARKS	.00	9.00	.00	(9.00)	.0
TOTAL COMMUNITY FAC & PARKS	4,250.37	34,604.31	84,950.00	50,345.69	40.7
<u>STREETS & ALLEYS PROGRAMS</u>					
100-431-400-230 R&M SUPPLIES	890.72	890.72	3,000.00	2,109.28	29.7
100-431-400-231 STREET SURFACE - DUST CONTROL	.00	.00	15,000.00	15,000.00	.0
100-431-400-360 R&M SERVICES	.00	.00	3,000.00	3,000.00	.0
100-431-400-365 STREET LIGHTS	.00	5,250.00	10,400.00	5,150.00	50.5
100-431-400-370 STREET SIGNS	3,109.11	12,748.27	15,000.00	2,251.73	85.0
100-431-400-452 GRAVEL	.00	660.00	5,000.00	4,340.00	13.2
100-431-400-453 MISC. - MAINT OF CONDITION	.00	.00	13,000.00	13,000.00	.0
100-431-500-230 R&M SUPPLIES-SNOW REMOVAL	.00	2,580.00	5,000.00	2,420.00	51.6
100-431-500-360 R&M SERVICES - SNOW REMOVAL	.00	7,685.22	20,000.00	12,314.78	38.4
100-431-800-111 SALARIES-S&A ADMIN	2,763.92	15,954.15	25,000.00	9,045.85	63.8
100-431-800-143 HEALTH INSURANCE-S&A ADMIN	.00	.00	6,000.00	6,000.00	.0
100-431-800-144 FICA-MEDICARE-S&A ADMIN	39.59	230.22	400.00	169.78	57.6
100-431-800-145 PERA-S&A ADMIN	407.12	2,368.36	5,000.00	2,631.64	47.4
100-431-800-146 TREASURER'S FEE S&A ADMIN	.00	6.26	1,300.00	1,293.74	.5
100-431-800-340 ELECTRIC-5TH ST PED BRIDGE	41.08	211.09	500.00	288.91	42.2
100-431-800-495 DRAINAGE REPAIR & MAINTENANCE	.00	.00	5,000.00	5,000.00	.0
TOTAL STREETS & ALLEYS PROGRAMS	7,251.54	48,584.29	132,600.00	84,015.71	36.6
<u>DEPARTMENT 436</u>					
100-436-000-360 ROUND TOP REPAIR & MAINT SERV	.00	998.68	2,400.00	1,401.32	41.6
TOTAL DEPARTMENT 436	.00	998.68	2,400.00	1,401.32	41.6

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>RECREATION</u>					
100-451-100-111 SALARIES - REC DEPT	9,349.44	52,556.08	102,000.00	49,443.92	51.5
100-451-100-112 PT SEASONAL	.00	.00	6,400.00	6,400.00	.0
100-451-100-113 PART TIME ICE WALL	.00	1,072.00	3,500.00	2,428.00	30.6
100-451-100-143 HEALTH INSURANCE - REC DEPT	1,729.60	10,377.60	20,688.00	10,310.40	50.2
100-451-100-144 FICA-MEDICARE - REC DEPT	133.72	772.10	1,480.00	707.90	52.2
100-451-100-145 PERA - REC DEPT	1,377.16	7,955.45	15,050.00	7,094.55	52.9
100-451-100-224 RECREATION SUPPLIES - REC.	1,003.73	5,505.53	10,000.00	4,494.47	55.1
100-451-100-370 TRAVEL, TRAINING AND MEETINGS	374.14	738.70	2,000.00	1,261.30	36.9
100-451-200-111 SALARIES - SKI HILL	.00	6,047.40	11,140.00	5,092.60	54.3
100-451-200-144 FICA-MEDICARE - SKI HILL	.00	87.68	165.00	77.32	53.1
100-451-200-145 PERA - SKI HILL	.00	890.76	1,641.00	750.24	54.3
100-451-200-220 OPERATING SUPPLIES - SKI HILL	.00	2,198.75	6,000.00	3,801.25	36.7
100-451-200-230 R & M SUPPLIES - SKI HILL	311.84	311.84	2,500.00	2,188.16	12.5
100-451-200-330 PUBLICITY, SUBS,DUES -SKI HILL	36.55	178.44	700.00	521.56	25.5
100-451-200-341 ELECTRICITY - SKI HILL	63.67	568.85	2,000.00	1,431.15	28.4
100-451-200-345 TELEPHONE - SKI HILL	.00	132.16	700.00	567.84	18.9
100-451-200-350 PROFESSIONAL SVS - SKI HILL	.00	660.00	400.00	(260.00)	165.0
100-451-200-358 INSPECTIONS - SKI HILL	.00	93.75	1,600.00	1,506.25	5.9
100-451-200-360 R & M SERVICES - SKI HILL	.00	.00	1,000.00	1,000.00	.0
100-451-200-370 TRAVEL AND MEETINGS - SKI HILL	.00	868.46	600.00	(268.46)	144.7
100-451-200-593 PERMITS - SKI HILL	.00	.00	1,000.00	1,000.00	.0
TOTAL RECREATION	14,379.85	91,015.55	190,564.00	99,548.45	47.8
<u>MARKETING</u>					
100-455-100-330 MARKETING-PUB, SUBS & DUES	.00	2,500.00	2,500.00	.00	100.0
100-455-100-340 MARKETING-MAIN STREET	.00	.00	5,000.00	5,000.00	.0
TOTAL MARKETING	.00	2,500.00	7,500.00	5,000.00	33.3
<u>HISTORIC PRESERVATION</u>					
100-460-100-370 TRAVEL & MEETINGS - HPC	.00	428.00	1,500.00	1,072.00	28.5
TOTAL HISTORIC PRESERVATION	.00	428.00	1,500.00	1,072.00	28.5
<u>CONTRACT PAYMENTS</u>					
100-480-310-397 CONTRACT PAYMENTS, LAW ENFORCE	.00	30,642.50	92,570.00	61,927.50	33.1
100-480-330-397 CONTRACT PAYMENTS, BUILDING IN	.00	5,463.75	21,855.00	16,391.25	25.0
TOTAL CONTRACT PAYMENTS	.00	36,106.25	114,425.00	78,318.75	31.6

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CAPITAL IMPROVEMENTS</u>					
100-485-000-100	ARMORY REHAB/ADDITION	.00	2,111.08	25,000.00	22,888.92	8.4
100-485-000-810	CAP IMP STREETS & ALLEYS	241.25	50,762.11	15,000.00	(35,762.11)	338.4
100-485-000-850	PARKS AND REC CAP. IMPROVEMENT	.00	.00	10,000.00	10,000.00	.0
	TOTAL CAPITAL IMPROVEMENTS	241.25	52,873.19	50,000.00	(2,873.19)	105.8
	<u>TRANSFERS</u>					
100-495-000-750	TRANSFER TO OTHER FUNDS	.00	25,000.00	25,000.00	.00	100.0
	TOTAL TRANSFERS	.00	25,000.00	25,000.00	.00	100.0
	TOTAL FUND EXPENDITURES	42,645.88	427,328.92	1,036,734.50	609,405.58	41.2
	NET REVENUE OVER EXPENDITURES	3,722.22	(155,051.79)	(314,940.50)	(159,888.71)	(49.2)

TOWN OF LAKE CITY
BALANCE SHEET
JUNE 30, 2023

CONSERVATION TRUST FUND

ASSETS

300-100-000-000	CASH IN COMBINED FUND	(740.00)	
300-104-100-000	SAVINGS (MONEY MARKET ACCOUNT)		10,542.60	
300-132-000-000	DUE FROM OTHER GOVERNMENTS	(1,508.93)	
				<u>8,293.67</u>
TOTAL ASSETS				<u>8,293.67</u>

LIABILITIES AND EQUITY

FUND EQUITY

300-280-000-000	FUND BALANCE	5,142.64		
	REVENUE OVER EXPENDITURES - YTD	3,151.03		
		<u></u>	8,293.67	
BALANCE - CURRENT DATE			<u>8,293.67</u>	
TOTAL FUND EQUITY			<u>8,293.67</u>	
TOTAL LIABILITIES AND EQUITY			<u>8,293.67</u>	

TOWN OF LAKE CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

CONSERVATION TRUST FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>INTERGOVERNMENTAL REVENUE</u>					
300-334-000-000	CTF REMITTANCE	1,380.53	3,139.37	4,000.00	860.63	78.5
	TOTAL INTERGOVERNMENTAL REVENUE	1,380.53	3,139.37	4,000.00	860.63	78.5
	<u>OTHER REVENUE</u>					
300-361-100-000	EARNINGS ON DEPOSITS	2.00	11.66	20.00	8.34	58.3
	TOTAL OTHER REVENUE	2.00	11.66	20.00	8.34	58.3
	TOTAL FUND REVENUE	1,382.53	3,151.03	4,020.00	868.97	78.4
	NET REVENUE OVER EXPENDITURES	1,382.53	3,151.03	4,020.00	868.97	78.4

TOWN OF LAKE CITY
BALANCE SHEET
JUNE 30, 2023

CAPITAL IMPROVEMENTS FUND

ASSETS

400-100-000-000	CASH IN COMBINED FUND	60,061.26	
	TOTAL ASSETS		60,061.26

LIABILITIES AND EQUITY

FUND EQUITY

	REVENUE OVER EXPENDITURES - YTD	60,061.26	
	BALANCE - CURRENT DATE	60,061.26	
	TOTAL FUND EQUITY		60,061.26
	TOTAL LIABILITIES AND EQUITY		60,061.26

TOWN OF LAKE CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

CAPITAL IMPROVEMENTS FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
400-351-100-100	EARNINGS ON DEPOSITS - WS	7.40	36.49	.00	(36.49)	.0
	TOTAL SOURCE 35	7.40	36.49	.00	(36.49)	.0
	<u>SOURCE 36</u>					
400-361-100-000	EARNINGS ON DEPOSITS - GF	4.94	24.77	.00	(24.77)	.0
	TOTAL SOURCE 36	4.94	24.77	.00	(24.77)	.0
	<u>SOURCE 37</u>					
400-370-000-000	TRANSFER FROM GENERAL FUND	.00	25,000.00	25,000.00	.00	100.0
400-370-100-000	TRANSFER FROM W&S FUND	.00	35,000.00	35,000.00	.00	100.0
	TOTAL SOURCE 37	.00	60,000.00	60,000.00	.00	100.0
	TOTAL FUND REVENUE	12.34	60,061.26	60,000.00	(61.26)	100.1
	NET REVENUE OVER EXPENDITURES	12.34	60,061.26	60,000.00	(61.26)	100.1

TOWN OF LAKE CITY
BALANCE SHEET
JUNE 30, 2023

WATER & SEWER FUND

ASSETS

600-100-000-000	CASH IN COMBINED FUND	1,134,072.01	
600-115-000-000	CUSTOMER ACCOUNTS RECEIVABLE	120,718.96	
600-160-000-000	LAND	76,697.00	
600-160-100-000	EMPLOYEE HOUSE	179,759.71	
600-161-000-000	PUMP HOUSE	56,153.00	
600-162-000-000	WATER TREATMENT PLANT	72,225.00	
600-162-200-000	SEWER TREATMENT PLANT	639,426.72	
600-162-400-000	WATER SYSTEM	4,060,682.81	
600-162-500-000	SEWER SYSTEM	2,226,520.91	
600-162-600-000	METERS	83,648.25	
600-163-300-000	COLL, TRANS & DIST.-SEWER	128,179.00	
600-164-000-000	WATER TANK	401,121.27	
600-164-200-000	MACHINERY & EQUIPMENT	7,347.57	
600-165-000-000	TRANSPORTATION EQUIPMENT	204,982.13	
600-169-000-000	ACCUMULATED PROV. FOR DEPR.	(2,985,604.60)	
600-180-001-000	DEFERRED OUTFLOWS - PERA	38,885.00	
600-180-021-000	DEFERR OUTFLOWS OPEBCONTTIMING	3,365.00	
	TOTAL ASSETS		6,448,179.74

LIABILITIES AND EQUITY

LIABILITIES

600-202-100-100	CWRPDA REVOLVING FUND LOAN	1,037,658.02	
600-202-100-200	ACCRUED INTEREST	2,205.76	
600-216-000-000	ACCRUED WAGES	3,051.33	
600-216-100-000	ACCRUED COMPENSATED ABSENSES	9,028.16	
600-250-001-000	PERA NET PENSION LIABILITY	(20,761.00)	
600-250-002-000	DEFERRED INFLOW - PERA EXP	179,931.00	
600-250-021-000	NET OPEB LIABILITY	16,232.00	
600-250-026-000	DEFERRED INFLOWS OPEB EARNINGS	6,764.00	
	TOTAL LIABILITIES		1,234,109.27

FUND EQUITY

600-280-000-000	FUND BALANCE	3,738,703.82	
600-281-000-000	CUSTOMERS CONTRIB CAPITAL	182,149.00	
600-282-000-000	CONT CAPITAL--GOVT ENTITY	484,267.00	
600-283-200-000	SYSTEM DEV. FEES OR CHARGES	408,875.00	
600-284-200-000	UNRESERVED RETAINED EARNINGS	539,878.60	
	REVENUE OVER EXPENDITURES - YTD	(139,802.95)	
	BALANCE - CURRENT DATE	5,214,070.47	
	TOTAL FUND EQUITY		5,214,070.47
	TOTAL LIABILITIES AND EQUITY		6,448,179.74

TOWN OF LAKE CITY
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

WATER & SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
	<u>INTERGOVERNMENTAL REVENUE</u>					
600-334-000-000	GRANTS	.00	.00	750,000.00	750,000.00	.0
	TOTAL INTERGOVERNMENTAL REVENUE	.00	.00	750,000.00	750,000.00	.0
	<u>WATER & SEWER REVENUE</u>					
600-344-100-000	WATER SALES	78,907.17	178,603.60	330,000.00	151,396.40	54.1
600-344-200-000	SEWER REVENUES	48,257.34	139,066.18	260,000.00	120,933.82	53.5
600-344-300-000	WATER TAP CONNECTION CHARGES	.00	.00	6,000.00	6,000.00	.0
600-344-400-000	SEWER TAP CONNECTION CHARGES	(2,750.00)	4,250.00	7,000.00	2,750.00	60.7
600-344-500-000	WATER METERS	.00	1,602.24	4,000.00	2,397.76	40.1
	TOTAL WATER & SEWER REVENUE	124,414.51	323,522.02	607,000.00	283,477.98	53.3
	<u>SOURCE 36</u>					
600-361-000-000	EARNINGS ON DEPOSITS	927.78	5,225.47	500.00	(4,725.47)	1045.1
600-361-100-000	EARNINGS ON ACCTS RECEIVABLE	368.73	748.94	2,000.00	1,251.06	37.5
600-369-000-000	MISCELLANEOUS REVENUES	310.84	1,566.28	1,000.00	(566.28)	156.6
	TOTAL SOURCE 36	1,607.35	7,540.69	3,500.00	(4,040.69)	215.5
	<u>SOURCE 37</u>					
600-370-000-000	EMPLOYEE HOUSING RENT	375.00	2,250.00	.00	(2,250.00)	.0
	TOTAL SOURCE 37	375.00	2,250.00	.00	(2,250.00)	.0
	TOTAL FUND REVENUE	126,396.86	333,312.71	1,360,500.00	1,027,187.29	24.5

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

WATER & SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>WATER & SEWER EXPENDITURES</u>						
600-433-410-221	CHEMICALS - WATER WELLS	6,114.25	14,218.25	20,000.00	5,781.75	71.1
600-433-410-229	OPERATING SUPPLIES-WATER WELLS	.00	105.38	2,000.00	1,894.62	5.3
600-433-410-230	R & M SUPPLIES - WATER WELLS	.00	18,557.12	1,000.00	(17,557.12)	1855.7
600-433-410-312	FREIGHT - WATER WELLS	67.24	953.80	3,000.00	2,046.20	31.8
600-433-410-341	ELECTRIC POWER/PROPANE-WW	2,634.41	12,296.03	36,500.00	24,203.97	33.7
600-433-410-345	TELEMETRY-WATER WELL	.00	.00	2,850.00	2,850.00	.0
600-433-410-350	PROF & ENG SVCS - WATER WELLS	.00	.00	250.00	250.00	.0
600-433-410-358	TESTS - WATER WELLS	.00	190.95	6,000.00	5,809.05	3.2
600-433-410-360	R & M SERVICES - WATER WELLS	.00	2,668.00	1,500.00	(1,168.00)	177.9
600-433-410-593	PERMITS - WATER WELLS	.00	.00	2,500.00	2,500.00	.0
600-433-410-600	LAKE SAN CRISTOBAL	.00	.00	14,271.50	14,271.50	.0
600-433-440-229	OPERATING SUPPLIES- WATER DIST	.00	3,606.57	3,500.00	(106.57)	103.0
600-433-440-230	R&M SUPPLIES-WATER DIST.	.00	656.93	6,000.00	5,343.07	11.0
600-433-440-350	PROFESSIONAL SVS - WATER DIST.	.00	300.00	5,000.00	4,700.00	6.0
600-433-440-360	R & M SERVICES - WATER DIST.	.00	18,000.00	21,000.00	3,000.00	85.7
600-433-510-230	R & M SUPPLIES - SEWER COLL	.00	98.92	3,000.00	2,901.08	3.3
600-433-510-360	R & M SERVICES - SEWER COLL	.00	17,500.00	17,500.00	.00	100.0
600-433-530-221	CHEMICALS - WWTP	.00	.00	8,000.00	8,000.00	.0
600-433-530-229	OPERATING SUPPLIES - WWTP	.00	2,852.68	4,500.00	1,647.32	63.4
600-433-530-230	R & M SUPPLIES - WWTP	.00	998.41	1,000.00	1.59	99.8
600-433-530-312	FREIGHT - WWTP	.00	266.78	2,000.00	1,733.22	13.3
600-433-530-341	ELECTRIC POWER - WWTP	2,534.16	12,067.73	33,000.00	20,932.27	36.6
600-433-530-344	PROPANE - WWTP	460.10	4,419.50	10,000.00	5,580.50	44.2
600-433-530-350	PROFESSIONAL SVS - WWTP	.00	.00	6,500.00	6,500.00	.0
600-433-530-358	TESTS - WWTP	1,202.85	4,658.05	7,000.00	2,341.95	66.5
600-433-530-359	DUMP CHARGES - WWTP	155.20	731.45	3,000.00	2,268.55	24.4
600-433-530-593	PERMITS - WWTP	.00	.00	1,600.00	1,600.00	.0
600-433-600-111	SALARIES - W & S ADMIN	16,292.89	92,280.64	205,000.00	112,719.36	45.0
600-433-600-142	WORKMENS COMP - W & S ADMIN	.00	2,539.00	15,000.00	12,461.00	16.9
600-433-600-143	HEALTH INSUR - W & S ADMIN	2,594.40	13,836.80	31,032.00	17,195.20	44.6
600-433-600-144	FICA--MEDICARE - W & S ADMIN	233.67	1,329.91	3,025.00	1,695.09	44.0
600-433-600-145	PERA - W & S ADMIN	2,399.94	13,666.27	30,250.00	16,583.73	45.2
600-433-600-229	OPERATING SUPPLIES-W & S ADMIN	290.12	8,199.38	15,000.00	6,800.62	54.7
600-433-600-230	CLOTHING-W & S ADMIN	.00	1,678.64	3,000.00	1,321.36	56.0
600-433-600-231	FUEL - W & S ADMIN	670.88	3,376.40	6,500.00	3,123.60	51.9
600-433-600-232	COMPUTER HARDWARE/SOFTWARE W&S	.00	.00	4,000.00	4,000.00	.0
600-433-600-320	PRINTING - W & S ADMIN	312.69	853.56	2,500.00	1,646.44	34.1
600-433-600-331	LEGAL NOTICES - W & S ADMIN	.00	190.40	5,000.00	4,809.60	3.8
600-433-600-335	DUES, SUBSCRIPTIONS -W&S ADMIN	37.95	3,308.32	3,000.00	(308.32)	110.3
600-433-600-345	TELEPHONE - W & S ADMIN	.00	132.55	1,200.00	1,067.45	11.1
600-433-600-346	INTERNET - W & S ADMIN	166.51	951.75	2,000.00	1,048.25	47.6
600-433-600-350	PROFESSIONAL SVCS-W&S ADMIN	.00	.00	7,350.00	7,350.00	.0
600-433-600-351	AUDITING-W&S ADMIN	.00	.00	7,500.00	7,500.00	.0
600-433-600-352	LEGAL SERVICES - W & S ADMIN	696.25	1,981.25	1,000.00	(981.25)	198.1
600-433-600-360	R&M SERVICES - W & S ADMIN	.00	9,176.91	17,000.00	7,823.09	54.0
600-433-600-361	MV R&M SERVICES - W & S ADMIN	496.07	7,857.91	15,000.00	7,142.09	52.4
600-433-600-362	R&M SERVICES - EMPLOYEE HOUSE	.00	.00	2,500.00	2,500.00	.0
600-433-600-363	R&M SUPPLIES - EMPLOYEE HOUSE	.00	121.72	5,000.00	4,878.28	2.4
600-433-600-364	SEWER JETTING MACHINE	.00	41,990.00	40,000.00	(1,990.00)	105.0
600-433-600-365	HEAVY MACHINERY & EQUIPMENT	.00	51,389.80	65,000.00	13,610.20	79.1
600-433-600-366	LAB EQUIPMENT	.00	.00	6,500.00	6,500.00	.0
600-433-600-370	TRAVEL & MEETINGS- W & S ADMIN	.00	511.95	12,000.00	11,488.05	4.3

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

WATER & SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
600-433-600-495	MISC EXPENSES - W & S ADMIN	45.02	1,992.09	5,000.00	3,007.91	39.8
600-433-600-510	INSURANCE-W & S ADMIN	3,241.50	10,426.68	11,500.00	1,073.32	90.7
600-433-600-750	TRANSFER TO OTHER FUNDS-W&SADM	.00	35,000.00	35,000.00	.00	100.0
	TOTAL WATER & SEWER EXPENDITURES	40,646.10	417,938.48	779,328.50	361,390.02	53.6
	DEBT					
600-470-200-620	DEBT INTEREST	.00	3,410.12	6,985.00	3,574.88	48.8
	TOTAL DEBT	.00	3,410.12	6,985.00	3,574.88	48.8
	W&S CIP					
600-700-000-120	SEWER PLANT UPGRADES	45,635.00	45,635.00	3,500,000.00	3,454,365.00	1.3
600-700-000-140	CAP IMP NEW VEHICLE	.00	.00	5,000.00	5,000.00	.0
600-700-000-150	HEAVY EQUIPMENT	.00	6,132.06	10,000.00	3,867.94	61.3
600-700-000-200	SEWERLINE REPLACEMENT	.00	.00	5,000.00	5,000.00	.0
600-700-000-400	WATERLINE/WELL REPLACEMENT	.00	.00	15,000.00	15,000.00	.0
	TOTAL W&S CIP	45,635.00	51,767.06	3,535,000.00	3,483,232.94	1.5
	TOTAL FUND EXPENDITURES	86,281.10	473,115.66	4,321,313.50	3,848,197.84	11.0
	NET REVENUE OVER EXPENDITURES	40,115.76	(139,802.95)	(2,960,813.50)	(2,821,010.55)	(4.7)

TOWN OF LAKE CITY
BALANCE SHEET
JUNE 30, 2023

MISC FIXED ASSETS FUND

ASSETS

900-160-000-000	LAND, R-O-W, WATER RIGHTS	284,078.00	
900-163-000-000	BUILDINGS AND IMPROVEMENTS	1,461,949.54	
900-164-200-000	EQUIPMENT	133,603.51	
900-166-100-000	CONSTRUCTION IN PROGRESS	16,000.00	
900-169-000-000	ACCUMULATED DEPRECIATION	(660,278.08)	
	TOTAL ASSETS		1,235,352.97

LIABILITIES AND EQUITY

LIABILITIES

900-260-000-000	INVEST. IN GEN. FIXED ASSETS	1,235,352.97	
	TOTAL LIABILITIES		1,235,352.97
	TOTAL LIABILITIES AND EQUITY		1,235,352.97

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>TOWN ADMIN</u>					
100-411-100-111	SALARIES - BOT	450.00	2,700.00	8,000.00	5,300.00	33.8
100-411-100-144	FICA--MEDICARE - BOT	6.53	39.18	130.50	91.32	30.0
100-411-100-145	PERA - BOT	66.29	397.74	1,200.00	802.26	33.2
100-411-100-330	PUBLICITY, DUES, & SUBS.- BOT	.00	.00	4,500.00	4,500.00	.0
100-411-100-347	COMPUTER HARDWARE/SOFTWARE BOT	.00	5,587.24	10,000.00	4,412.76	55.9
100-411-100-350	PROFESSIONAL SERVICES- BOT	250.00	2,325.00	60,000.00	57,675.00	3.9
100-411-100-370	TRAVEL AND MEETINGS - BOT	.00	3,458.78	6,000.00	2,541.22	57.7
100-411-100-400	BOT DONATIONS	.00	37,500.00	96,702.00	59,202.00	38.8
100-411-100-495	MISCELLANEOUS EXPENSES-BOT	93.71	171.71	1,000.00	828.29	17.2
100-411-200-330	PUBLICITY, SUBSCRIPTIONS & DUE	.00	34.95	.00	34.95	.0
100-411-400-111	SALARIES -TOWN ADMIN	3,491.48	18,976.04	70,000.00	51,023.96	27.1
100-411-400-142	WORKMEN'S COMPENSATION - TOWN	.00	2,539.00	10,000.00	7,461.00	25.4
100-411-400-143	HEALTH INSURANCE - TOWN ADMIN	1,729.60	7,783.20	20,688.00	12,904.80	37.6
100-411-400-144	FICA-MEDICARE - TOWN ADMIN	50.20	272.58	1,020.00	747.42	26.7
100-411-400-145	PERA - TOWN ADMIN	514.30	2,795.24	10,500.00	7,704.76	26.6
100-411-400-210	OFFICE SUPPLIES - TOWN ADMIN.	62.94	1,569.65	2,000.00	430.35	78.5
100-411-400-220	OPERATING SUPPLIES- TOWN ADMIN	.00	516.55	1,500.00	983.45	34.4
100-411-400-230	R & M SUPPLIES - TOWN HALL	.00	25.99	200.00	174.01	13.0
100-411-400-231	R&M SUPPLIES - EMPLOYEE HOUSE	17.99	166.67	5,000.00	4,833.33	3.3
100-411-400-311	POSTAGE - TOWN ADMIN.	63.00	382.49	700.00	317.51	54.6
100-411-400-320	PRINTING AND COPYING	336.75	1,417.38	3,000.00	1,582.62	47.3
100-411-400-330	PROF DUES, SUBS, AND MEMBERSHI	1,422.51	16,005.15	25,000.00	8,994.85	64.0
100-411-400-331	LEGAL NOTICES - TOWN HALL	770.00	1,779.60	4,000.00	2,220.40	44.5
100-411-400-345	TELEPHONE/INTERNET - TOWN HALL	84.00	1,672.27	5,000.00	3,327.73	33.5
100-411-400-346	EMPLOYEE CELL PHONES	109.14	1,395.64	4,000.00	2,604.36	34.9
100-411-400-347	COMPUTERS AND SOFTWARE TA	.00	.00	5,000.00	5,000.00	.0
100-411-400-350	PROFESSIONAL SERVICES-TOWN HAL	.00	704.00	10,000.00	9,296.00	7.0
100-411-400-352	LEGAL SERVICES	1,862.50	8,005.50	15,000.00	6,994.50	53.4
100-411-400-354	AUDITING - TOWN HALL	.00	.00	7,500.00	7,500.00	.0
100-411-400-360	R & M SERVICES - TOWN HALL	.00	.00	500.00	500.00	.0
100-411-400-361	R&M SERVICES - EMPLOYEE HOUSE	.00	.00	2,500.00	2,500.00	.0
100-411-400-370	TRAVEL, TRAINING, MEETING-TOWN H	1,158.90	2,514.17	10,000.00	7,485.83	25.1
100-411-400-495	MISC. EXPENSES - TOWN HALL	(39.00)	172.64	2,000.00	1,827.36	8.6
100-411-400-510	INSURANCE - TOWN HALL	3,241.49	9,724.48	15,000.00	5,275.52	64.8
100-411-800-560	TREASURER'S FEES	83.46	403.33	.00	403.33	.0
	TOTAL TOWN ADMIN	15,825.79	131,036.17	417,640.50	286,604.33	31.4
	<u>MUNICIPAL COURT</u>					
100-412-100-111	SALARIES - MUNICIPAL COURT	600.00	3,600.00	7,200.00	3,600.00	50.0
100-412-100-144	FICA-MEDICARE-MUNICIPAL COURT	8.70	52.20	105.00	52.80	49.7
100-412-100-145	PERA - MUNICIPAL COURT	88.38	530.28	1,000.00	469.72	53.0
100-412-100-330	PUBLICITY,SUBS,DUES - M. COURT	.00	.00	100.00	100.00	.0
100-412-100-370	TRAVEL & MEETINGS - M. COURT	.00	.00	750.00	750.00	.0
100-412-100-495	MISC. EXPENSES - M. COURT	.00	.00	1,000.00	1,000.00	.0
	TOTAL MUNICIPAL COURT	697.08	4,182.48	10,155.00	5,972.52	41.2

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>COMMUNITY FAC & PARKS</u>					
100-419-400-220	OPERATING SUPPLIES	1,507.28	5,109.72	10,500.00	5,390.28	48.7
100-419-400-223	JANITORIAL SUPPLIES-COMMFAC&PA	21.38	459.83	2,200.00	1,740.17	20.9
100-419-400-230	R & M SUPPLIES-COMM FAC & PARKS	210.00	546.74	1,500.00	953.26	36.5
100-419-400-341	ELECTRICITY - COMM FAC & PARKS	622.65	5,977.75	9,300.00	3,322.25	64.3
100-419-400-344	PROPANE - COMM FACILITIES&PARK	1,339.50	9,952.26	21,750.00	11,797.74	45.8
100-419-400-350	PROFESSIONAL SVSS-COMMFAC&PARK	.00	2,512.42	2,500.00	(12.42)	100.5
100-419-400-356	ICE WALL-COMM FAC&PARKS	30.51	7,495.88	4,200.00	(3,295.88)	178.5
100-419-400-357	R&M SERVICES - TREES	.00	.00	12,000.00	12,000.00	.0
100-419-400-360	R & M SERVICES-COMM FAC& PARKS	.00	867.98	12,500.00	11,632.02	6.9
100-419-400-361	TRASH COLLECTION-COMMFAC&PARKS	519.05	1,672.73	8,500.00	6,827.27	19.7
100-419-400-495	MISC-COMMUN FACILITIES & PARKS	.00	9.00	.00	(9.00)	.0
	TOTAL COMMUNITY FAC & PARKS	4,250.37	34,604.31	84,950.00	50,345.69	40.7
	<u>STREETS & ALLEYS PROGRAMS</u>					
100-431-400-230	R&M SUPPLIES	890.72	890.72	3,000.00	2,109.28	29.7
100-431-400-231	STREET SURFACE - DUST CONTROL	.00	.00	15,000.00	15,000.00	.0
100-431-400-360	R&M SERVICES	.00	.00	3,000.00	3,000.00	.0
100-431-400-365	STREET LIGHTS	.00	5,250.00	10,400.00	5,150.00	50.5
100-431-400-370	STREET SIGNS	3,109.11	12,748.27	15,000.00	2,251.73	85.0
100-431-400-452	GRAVEL	.00	660.00	5,000.00	4,340.00	13.2
100-431-400-453	MISC. - MAINT OF CONDITION	.00	.00	13,000.00	13,000.00	.0
100-431-500-230	R&M SUPPLIES-SNOW REMOVAL	.00	2,580.00	5,000.00	2,420.00	51.6
100-431-500-360	R&M SERVICES - SNOW REMOVAL	.00	7,685.22	20,000.00	12,314.78	38.4
100-431-800-111	SALARIES-S&A ADMIN	2,763.92	15,954.15	25,000.00	9,045.85	63.8
100-431-800-143	HEALTH INSURANCE-S&A ADMIN	.00	.00	6,000.00	6,000.00	.0
100-431-800-144	FICA-MEDICARE-S&A ADMIN	39.59	230.22	400.00	169.78	57.6
100-431-800-145	PERA-S&A ADMIN	407.12	2,368.36	5,000.00	2,631.64	47.4
100-431-800-146	TREASURER'S FEE S&A ADMIN	.00	6.26	1,300.00	1,293.74	.5
100-431-800-340	ELECTRIC-5TH ST PED BRIDGE	41.08	211.09	500.00	288.91	42.2
100-431-800-495	DRAINAGE REPAIR & MAINTENANCE	.00	.00	5,000.00	5,000.00	.0
	TOTAL STREETS & ALLEYS PROGRAMS	7,251.54	48,584.29	132,600.00	84,015.71	36.6
	<u>DEPARTMENT 436</u>					
100-436-000-360	ROUND TOP REPAIR & MAINT SERV	.00	998.68	2,400.00	1,401.32	41.6
	TOTAL DEPARTMENT 436	.00	998.68	2,400.00	1,401.32	41.6

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>RECREATION</u>					
100-451-100-111	SALARIES - REC DEPT	9,349.44	52,556.08	102,000.00	49,443.92	51.5
100-451-100-112	PT SEASONAL	.00	.00	6,400.00	6,400.00	.0
100-451-100-113	PART TIME ICE WALL	.00	1,072.00	3,500.00	2,428.00	30.6
100-451-100-143	HEALTH INSURANCE - REC DEPT	1,729.60	10,377.60	20,688.00	10,310.40	50.2
100-451-100-144	FICA-MEDICARE - REC DEPT	133.72	772.10	1,480.00	707.90	52.2
100-451-100-145	PERA - REC DEPT	1,377.16	7,955.45	15,050.00	7,094.55	52.9
100-451-100-224	RECREATION SUPPLIES - REC.	1,003.73	5,505.53	10,000.00	4,494.47	55.1
100-451-100-370	TRAVEL, TRAINING AND MEETINGS	374.14	738.70	2,000.00	1,261.30	36.9
100-451-200-111	SALARIES - SKI HILL	.00	6,047.40	11,140.00	5,092.60	54.3
100-451-200-144	FICA-MEDICARE - SKI HILL	.00	87.68	165.00	77.32	53.1
100-451-200-145	PERA - SKI HILL	.00	890.76	1,641.00	750.24	54.3
100-451-200-220	OPERATING SUPPLIES - SKI HILL	.00	2,198.75	6,000.00	3,801.25	36.7
100-451-200-230	R & M SUPPLIES - SKI HILL	311.84	311.84	2,500.00	2,188.16	12.5
100-451-200-330	PUBLICITY, SUBS,DUES -SKI HILL	36.55	178.44	700.00	521.56	25.5
100-451-200-341	ELECTRICITY - SKI HILL	63.67	568.85	2,000.00	1,431.15	28.4
100-451-200-345	TELEPHONE - SKI HILL	.00	132.16	700.00	567.84	18.9
100-451-200-350	PROFESSIONAL SVS - SKI HILL	.00	660.00	400.00	(260.00)	165.0
100-451-200-358	INSPECTIONS - SKI HILL	.00	93.75	1,600.00	1,506.25	5.9
100-451-200-360	R & M SERVICES - SKI HILL	.00	.00	1,000.00	1,000.00	.0
100-451-200-370	TRAVEL AND MEETINGS - SKI HILL	.00	868.46	600.00	(268.46)	144.7
100-451-200-593	PERMITS - SKI HILL	.00	.00	1,000.00	1,000.00	.0
	TOTAL RECREATION	14,379.85	91,015.55	190,564.00	99,548.45	47.8
	<u>MARKETING</u>					
100-455-100-330	MARKETING-PUB, SUBS & DUES	.00	2,500.00	2,500.00	.00	100.0
100-455-100-340	MARKETING-MAIN STREET	.00	.00	5,000.00	5,000.00	.0
	TOTAL MARKETING	.00	2,500.00	7,500.00	5,000.00	33.3
	<u>HISTORIC PRESERVATION</u>					
100-460-100-370	TRAVEL & MEETINGS - HPC	.00	428.00	1,500.00	1,072.00	28.5
	TOTAL HISTORIC PRESERVATION	.00	428.00	1,500.00	1,072.00	28.5
	<u>CONTRACT PAYMENTS</u>					
100-480-310-397	CONTRACT PAYMENTS, LAW ENFORCE	.00	30,642.50	92,570.00	61,927.50	33.1
100-480-330-397	CONTRACT PAYMENTS, BUILDING IN	.00	5,463.75	21,855.00	16,391.25	25.0
	TOTAL CONTRACT PAYMENTS	.00	36,106.25	114,425.00	78,318.75	31.6

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

GENERAL FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	<u>CAPITAL IMPROVEMENTS</u>					
100-485-000-100	ARMORY REHAB/ADDITION	.00	2,111.08	25,000.00	22,888.92	8.4
100-485-000-810	CAP IMP STREETS & ALLEYS	241.25	50,762.11	15,000.00	(35,762.11)	338.4
100-485-000-850	PARKS AND REC CAP. IMPROVEMENT	.00	.00	10,000.00	10,000.00	.0
	TOTAL CAPITAL IMPROVEMENTS	241.25	52,873.19	50,000.00	(2,873.19)	105.8
	<u>TRANSFERS</u>					
100-495-000-750	TRANSFER TO OTHER FUNDS	.00	25,000.00	25,000.00	.00	100.0
	TOTAL TRANSFERS	.00	25,000.00	25,000.00	.00	100.0
	TOTAL FUND EXPENDITURES	42,645.88	427,328.92	1,036,734.50	609,405.58	41.2

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

WATER & SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>WATER & SEWER EXPENDITURES</u>						
600-433-410-221	CHEMICALS - WATER WELLS	6,114.25	14,218.25	20,000.00	5,781.75	71.1
600-433-410-229	OPERATING SUPPLIES-WATER WELLS	.00	105.38	2,000.00	1,894.62	5.3
600-433-410-230	R & M SUPPLIES - WATER WELLS	.00	18,557.12	1,000.00	(17,557.12)	1855.7
600-433-410-312	FREIGHT - WATER WELLS	67.24	953.80	3,000.00	2,046.20	31.8
600-433-410-341	ELECTRIC POWER/PROPANE-WW	2,634.41	12,296.03	36,500.00	24,203.97	33.7
600-433-410-345	TELEMETRY-WATER WELL	.00	.00	2,850.00	2,850.00	.0
600-433-410-350	PROF & ENG SVCS - WATER WELLS	.00	.00	250.00	250.00	.0
600-433-410-358	TESTS - WATER WELLS	.00	190.95	6,000.00	5,809.05	3.2
600-433-410-360	R & M SERVICES - WATER WELLS	.00	2,668.00	1,500.00	(1,168.00)	177.9
600-433-410-593	PERMITS - WATER WELLS	.00	.00	2,500.00	2,500.00	.0
600-433-410-600	LAKE SAN CRISTOBAL	.00	.00	14,271.50	14,271.50	.0
600-433-440-229	OPERATING SUPPLIES- WATER DIST	.00	3,606.57	3,500.00	(106.57)	103.0
600-433-440-230	R&M SUPPLIES-WATER DIST.	.00	656.93	6,000.00	5,343.07	11.0
600-433-440-350	PROFESSIONAL SVS - WATER DIST.	.00	300.00	5,000.00	4,700.00	6.0
600-433-440-360	R & M SERVICES - WATER DIST.	.00	18,000.00	21,000.00	3,000.00	85.7
600-433-510-230	R & M SUPPLIES - SEWER COLL	.00	98.92	3,000.00	2,901.08	3.3
600-433-510-360	R & M SERVICES - SEWER COLL	.00	17,500.00	17,500.00	.00	100.0
600-433-530-221	CHEMICALS - WWTP	.00	.00	8,000.00	8,000.00	.0
600-433-530-229	OPERATING SUPPLIES - WWTP	.00	2,852.68	4,500.00	1,647.32	63.4
600-433-530-230	R & M SUPPLIES - WWTP	.00	998.41	1,000.00	1.59	99.8
600-433-530-312	FREIGHT - WWTP	.00	266.78	2,000.00	1,733.22	13.3
600-433-530-341	ELECTRIC POWER - WWTP	2,534.16	12,067.73	33,000.00	20,932.27	36.6
600-433-530-344	PROPANE - WWTP	460.10	4,419.50	10,000.00	5,580.50	44.2
600-433-530-350	PROFESSIONAL SVS - WWTP	.00	.00	6,500.00	6,500.00	.0
600-433-530-358	TESTS - WWTP	1,202.85	4,658.05	7,000.00	2,341.95	66.5
600-433-530-359	DUMP CHARGES - WWTP	155.20	731.45	3,000.00	2,268.55	24.4
600-433-530-593	PERMITS - WWTP	.00	.00	1,600.00	1,600.00	.0
600-433-600-111	SALARIES - W & S ADMIN	16,292.89	92,280.64	205,000.00	112,719.36	45.0
600-433-600-142	WORKMENS COMP - W & S ADMIN	.00	2,539.00	15,000.00	12,461.00	16.9
600-433-600-143	HEALTH INSUR - W & S ADMIN	2,594.40	13,836.80	31,032.00	17,195.20	44.6
600-433-600-144	FICA--MEDICARE - W & S ADMIN	233.67	1,329.91	3,025.00	1,695.09	44.0
600-433-600-145	PERA - W & S ADMIN	2,399.94	13,666.27	30,250.00	16,583.73	45.2
600-433-600-229	OPERATING SUPPLIES-W & S ADMIN	290.12	8,199.38	15,000.00	6,800.62	54.7
600-433-600-230	CLOTHING-W & S ADMIN	.00	1,678.64	3,000.00	1,321.36	56.0
600-433-600-231	FUEL - W & S ADMIN	670.88	3,376.40	6,500.00	3,123.60	51.9
600-433-600-232	COMPUTER HARDWARE/SOFTWARE W&S	.00	.00	4,000.00	4,000.00	.0
600-433-600-320	PRINTING - W & S ADMIN	312.69	853.56	2,500.00	1,646.44	34.1
600-433-600-331	LEGAL NOTICES - W & S ADMIN	.00	190.40	5,000.00	4,809.60	3.8
600-433-600-335	DUES, SUBSCRIPTIONS -W&S ADMIN	37.95	3,308.32	3,000.00	(308.32)	110.3
600-433-600-345	TELEPHONE - W & S ADMIN	.00	132.55	1,200.00	1,067.45	11.1
600-433-600-346	INTERNET - W & S ADMIN	166.51	951.75	2,000.00	1,048.25	47.6
600-433-600-350	PROFESSIONAL SVCS-W&S ADMIN	.00	.00	7,350.00	7,350.00	.0
600-433-600-351	AUDITING-W&S ADMIN	.00	.00	7,500.00	7,500.00	.0
600-433-600-352	LEGAL SERVICES - W & S ADMIN	696.25	1,981.25	1,000.00	(981.25)	198.1
600-433-600-360	R&M SERVICES - W & S ADMIN	.00	9,176.91	17,000.00	7,823.09	54.0
600-433-600-361	MV R&M SERVICES - W & S ADMIN	496.07	7,857.91	15,000.00	7,142.09	52.4
600-433-600-362	R&M SERVICES - EMPLOYEE HOUSE	.00	.00	2,500.00	2,500.00	.0
600-433-600-363	R&M SUPPLIES - EMPLOYEE HOUSE	.00	121.72	5,000.00	4,878.28	2.4
600-433-600-364	SEWER JETTING MACHINE	.00	41,990.00	40,000.00	(1,990.00)	105.0
600-433-600-365	HEAVY MACHINERY & EQUIPMENT	.00	51,389.80	65,000.00	13,610.20	79.1
600-433-600-366	LAB EQUIPMENT	.00	.00	6,500.00	6,500.00	.0
600-433-600-370	TRAVEL & MEETINGS- W & S ADMIN	.00	511.95	12,000.00	11,488.05	4.3
600-433-600-495	MISC EXPENSES - W & S ADMIN	45.02	1,992.09	5,000.00	3,007.91	39.8
600-433-600-510	INSURANCE-W & S ADMIN	3,241.50	10,426.68	11,500.00	1,073.32	90.7
600-433-600-750	TRANSFER TO OTHER FUNDS-W&SADM	.00	35,000.00	35,000.00	.00	100.0

TOWN OF LAKE CITY
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2023

WATER & SEWER FUND

		PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
	TOTAL WATER & SEWER EXPENDITURES	40,646.10	417,938.48	779,328.50	361,390.02	53.6
	<u>DEBT</u>					
600-470-200-620	DEBT INTEREST	.00	3,410.12	6,985.00	3,574.88	48.8
	TOTAL DEBT	.00	3,410.12	6,985.00	3,574.88	48.8
	<u>W&S CIP</u>					
600-700-000-120	SEWER PLANT UPGRADES	45,635.00	45,635.00	3,500,000.00	3,454,365.00	1.3
600-700-000-140	CAP IMP NEW VEHICLE	.00	.00	5,000.00	5,000.00	.0
600-700-000-150	HEAVY EQUIPMENT	.00	6,132.06	10,000.00	3,867.94	61.3
600-700-000-200	SEWERLINE REPLACEMENT	.00	.00	5,000.00	5,000.00	.0
600-700-000-400	WATERLINE/WELL REPLACEMENT	.00	.00	15,000.00	15,000.00	.0
	TOTAL W&S CIP	45,635.00	51,767.06	3,535,000.00	3,483,232.94	1.5
	TOTAL FUND EXPENDITURES	86,281.10	473,115.66	4,321,313.50	3,848,197.84	11.0



Upper Gunnison River Water Conservancy District

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

July 15, 2023

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 LSC 14-01

Dear Augmentation Customer:

This letter is being provided to you along with your 2023 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 2023 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

TOWN OF LAKE CITY, COLORADO

RESOLUTION NO. 2023-09

A RESOLUTION ESTABLISHING CERTAIN ACCOUNTS WITH COLOTRUST

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 Board is interested in establishing certain accounts with Colotrust (the “Accounts”), a trust serving over 1,500 local Colorado governments, in order to maximize the interest collected on Town funds; and

WHEREAS, the Board would like to direct staff to close certain existing accounts held by Community Banks of Colorado and transfer the balances of these accounts to the Colotrust Accounts ; and

WHEREAS, establishing of the Accounts will necessitate the Town entering into certain agreements and executing certain documents; and

WHEREAS, the Board has concluded and finds the appropriate person to sign and execute such documents is the Mayor or his designee.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY, COLORADO AS FOLLOWS:

1. The Board hereby authorizes and directs the Mayor or his designee to execute all documents and take all steps necessary to the establish the following Accounts with Colotrust:

- A. Colotrust Capital Improvements Fund
- B. Colotrust General Fund Cash Reserve Interest
- C. Colotrust Water and Sewer Cash Reserve Interest

2. The Board designates, authorizes, and directs the Mayor or his designee to execute all documents and take all steps necessary to accomplish the transfer of the balance of Community Banks of Colorado Capital Improvements Fund to the Colotrust Capital Improvements Fund and close the Community Banks of Colorado Capital Improvements Fund Account.

3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution 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 Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part

or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF LAKE CITY ON THIS 3RD DAY OF AUGUST, 2023.

ATTEST:

TOWN OF LAKE CITY, COLORADO

Jonathan Broadway, Town Clerk

BY: _____
Dave Roberts, Mayor