



## **BOT Regular Workshop and Meeting 9/6/2023 6:00PM**

Town of Lake City

Sep 6, 2023 at 6:00 PM MDT to Sep 6, 2023 at 8:30 PM MDT

230 N. Bluff Street Armory Multi-Purpose Room

### **Agenda**

#### **I. Regular Workshop - 6:00pm**

- A. Discuss LIHTC Program - 101 Presentation by Willa Williford**
- B. Discuss Appointing a Candidate to Fill the Board of Trustees Vacancy**
- C. Discuss Country Store Water Tap Variance at 916 N. Hwy 149**
- D. Discuss Historic Preservation Ordinance Draft**
- E. Discuss Ox Yoke Agreement**
- F. Discuss Property Owner Permission for the 3D Scanning of the Armory by the Colorado State University-History Colorado State Historical Fund Grant Application (DIRT)**
- G. Discuss DOLA Admin Planning Grant for Asset Inventory**

#### **II. Regular Meeting - 7:00pm**

- A. Call to Order**
- B. Roll Call**
- C. C. Executive Session Pursuant to C.R.S. §24-6-402(4)(f)(I), "Discussion Regarding Personnel matters"**
- D. Minutes 08/16/2023**
- E. Bills Payable 9/06/2023**
- 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 Manager Report (Mulhall)**
  - 7. Legal Update (Krob)**
  - 8. Mayor/Trustee Reports**
- G. Correspondence Received**
- H. Citizen Communications**
- I. Additions to the Agenda**
- J. Action Items**

- 1. Discussion and Possible Action to Approve Staff Transferring GF and W&S Cash Reserves in the amount of \$500,000 Each from the CBoC Money Market account into the Colotrust Cash Reserve Accounts**
- 2. Discussion and Possible Action to Appoint a Candidate to Fill the Board of Trustees Vacancy**
- 3. Discussion and Possible Action to Grant Permission for the 3D Scanning of the Armory with the Colorado State University Grant Application (DIRT)**
- 4. Discussion and Possible Action to Approve Historic Preservation Ordinance 11-2023**
- 5. Discussion and Possible Action to Direct Staff to Submit an Application for the DOLA Admin Planning Grant**
- 6. Discussion and Possible Action to Approve, Approve with Conditions, or Deny Water Tap Variance for 916 N. Hwy 149 the "Country Store"**

**AGENDA**  
**TOWN OF LAKE CITY PLANNING COMMISSION**

**August 31, 2023**  
**5:00 pm**

REGULAR MEETING - AGENDA

1. Call to order
2. Roll call
3. Additions to the agenda
4. Approval of minutes – June 22, 2022
5. Action items:
  - a) Work Force Housing Discussion – Schedule/Discussion for RFP (Request for Proposal) process.
    - **Aug 25, 2023** Proposals due at 4:00 PM (MST)
    - **Aug 31, 2023** Finalists selected by Planning and Zoning Commission
    - **Sept 1, 2023** Teams notified of finalists and interviews scheduled
    - **Sept 5-12, 2023** Interviews
    - **Sept 14** Planning and Zoning Commission meeting to recommend selection
    - **Sept 20, 2023** Town Council selection
  - b) Outdoor Lighting Discussion – On Hold pending Phillip Virden discussion with BOT
6. Adjourn

Justin Hill  
215 Gunnison Ave  
Lake City, CO 81235

Lake City Board of Trustees-

I am writing you to express an interest in candidacy for the Lake City Board of Trustees. I believe I am uniquely qualified to bring distinct voice to the Board given my previous experience in a corporate Oil, my substantial involvement in small business, and my strong passion for the local community of Lake City.

I was born in Bakersfield, California. My father was from Casper, Wyoming and my mother was from Aguascalientes, Mexico. Although Bakersfield was in the San Joaquin Valley in southern California, I always spent time as a child with my father in the mountains. From an early age, my passions were hiking, fishing, camping, skiing, and much more (as long as nature was involved).

I am an only child. Every few years, I moved and changed schools. My father worked in the Oil industry for Shell: finding a new home and involving myself in the local community became a necessary routine. I moved 8 times before I was 18. I spent middle school in London, and high school in Scotland and Singapore. I went to college at Boston University: majoring in Business Administration / Finance and Art History. A big city felt like the logical next step (based on my peers and education).

However, I never felt connected to living in a big city. The mountains in Wyoming always felt like my home. Every summer my family would visit my father's family throughout Wyoming, and it was a fulfilling experience that connected me with nature and small-town communities.

After college, I followed my father's footsteps and worked for in the Oil industry for 10 years. I started as an Electricity Trader at Hess Corporation in Manhattan. I made some good friends, but ultimately went through a company restructuring that made Hess sell their trading business to Direct Energy. After a year of living in Manhattan and working at Direct Energy, I felt I was missing something huge. I needed a better community of people, and a more honest life to live. I started looking for opportunities to work with people that felt more honest to me: in the oilfield. I found an opportunity that for this type of work environment in Houston.

I was rehired at Hess for 6 years out of Houston, TX . For my first role, I planned all the financing and budgeting of our 18 drilling rig fleet in Minot, North Dakota. For my second role, I negotiated contracts and Federal Land agreements for Deepwater drilling wells in the Gulf of Mexico across several companies. In my final role, I did supply chain and coordinated buying and selling of equipment for a 100 well, Federally mandated Deepwater well abandonment campaign. Houston was a more grounded experience for me, and the people were great. However, I still felt there was something missing. What could it be?

I didn't like living in Houston. It was a town with nothing to offer for my personal fulfillment. Aside from a decent home, money, and good places to eat I didn't love the work that I was doing or where I was living. I studied finance, but working with my hands felt natural and the corporate environment felt hopeless. I was 30 years old, and unfulfilled. I spent a couple years trying to figure out what was important to me, and what I needed to change.

The fact was this: small businesses, tight knit communities, and a mountain lifestyle was what I need in my life to be happy. I am not cut out for the cutthroat environment, the lack of community, and the general lack of natural beauty most normal folks are subjected to in a city life. What could I do to change my unhappiness? The answer felt so far away from my lifestyle that I felt hopeless and lost.

I spent as much time as I could at my family's homes in Wyoming and New Mexico, but my life changed when I visited their new property in Lake City. Although I was unfamiliar with Lake City, initially, I instantly fell in love with the natural beauty, the community, and so much more. Every person

I met was kind, passionate about living in the mountains, and genuinely involved with their local community. I was convinced that I needed to move to Lake City, involve myself in the community, and build a new life. However, I was confused about how I would use my skillsets to do so.

The weekend I came to Lake City to visit, we saw Lake City Brewing Company for sale. I spent a night in the Brewery and fell in love with the people and the atmosphere. I have always been passionate about running my own small business, the hospitality industry, and brewing beer. I felt this was a sign from God and it was my chance to live in the mountains and throw myself into a small, genuine community. I approached my parents about my potential career change and they were, luckily, fully supportive. This was all the acknowledgment I needed. My future was Lake City Brewing Company.

Within a month, I quit my corporate oil job, moved out of my home in Houston, and moved to Lake City full time to run Lake City Brewing Company. I am the happiest I have ever been. I have extremely high hopes for the future of the Brewery and I plan to preserve its integrity and significance to the community. Running the Brewery over the past two years has been an extremely fulfilling and rewarding experience and I finally feel like I am a part of a truly unique community.

I may be a bit younger than most Board members, but I feel I can bring a unique opinion to the Board, and I am passionate about the future of Lake City. I am educated, reasonable, and open-minded. The uniqueness and remoteness of Lake city is, after all, what enabled me to change my life for the better. I will always give back, and I will always fight to preserve this unique community for those who embrace it (and the locals who have enabled this opportunity for myself). I would love to further involve myself in the community, for the better.

Modern times will throw some curve balls as the younger generation from the Front Range discovers this mountain paradise. It will take a variety of people from different age groups, backgrounds, and more to ensure the community remains intact. I hope to be a part of this journey, and to promote local business, community and more.

Please feel free to reach out if you would like to have an in-person conversation or if you have any questions and thank you for your consideration.

Kind Regards,

Justin Hill  
281-543-9511

**August 11, 2023**

Landon Whinnery  
PO Box 522  
Lake City, Co 81235

August 11, 2023

Town of Lake City  
PO Box 544  
Lake City, Co 81235

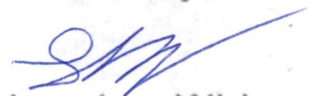
Dear Mayor Roberts & Town Trustees,

I am submitting this letter to express my interest in filling the vacancy on the Town of Lake City Board of Trustees.

I am a life long resident of Lake City. I intend on living here the rest of my life therefore I have a vested interest in the future and viability of our community.

Although I am only 23 years old, I feel I am a good and fair listener. I own and operate my own excavation business. Having this business gives me insight and knowledge of infrastructure logistics which I feel would be a positive addition to the board. I am open to learning the long term needs for the successful future of Lake City.

Sincerely,



Landon Whinnery

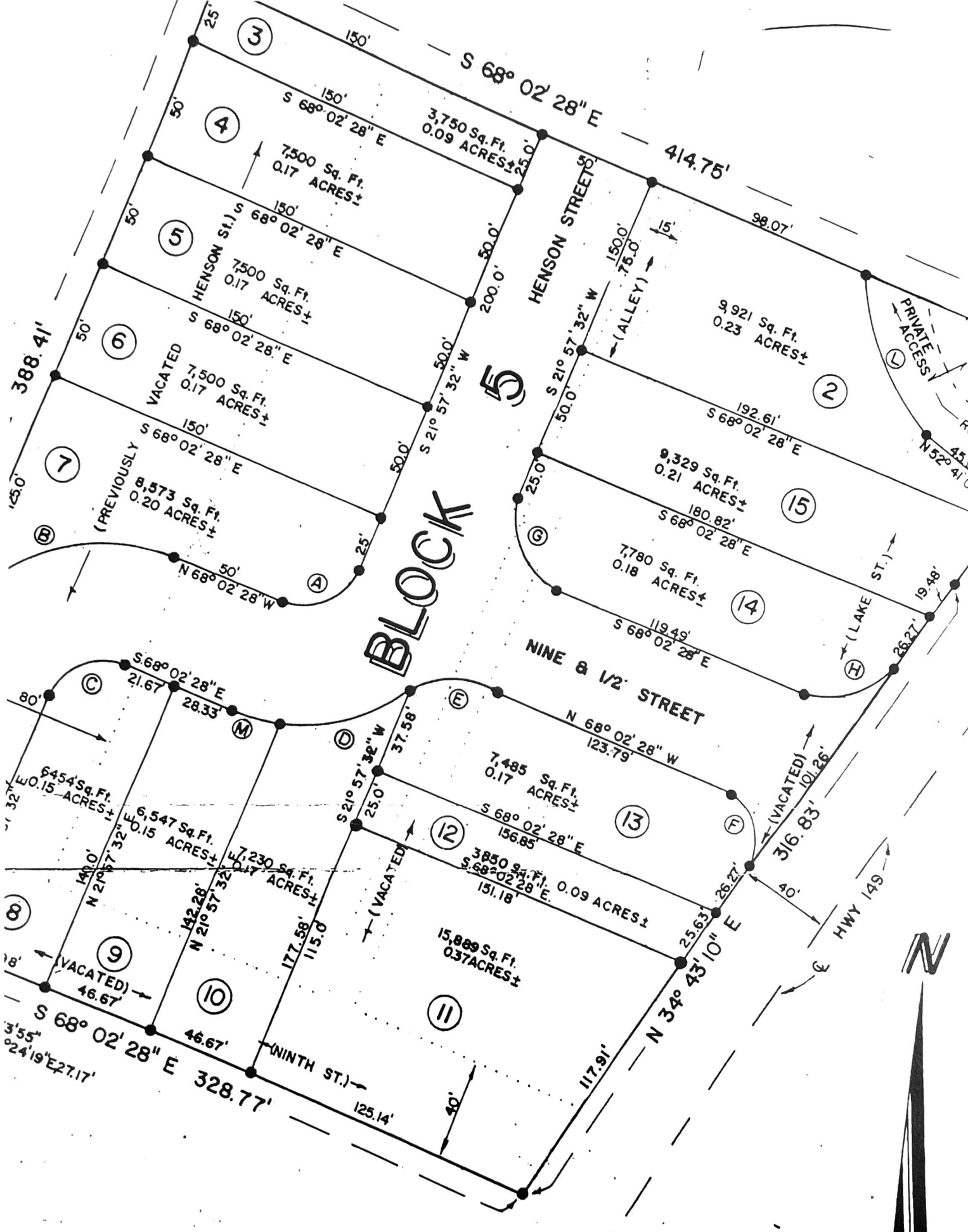
## Town of Lake City and Trustees

My name is Steve Ryals, I have been a full time Lake City Resident since 2012. I reside at 311 Silver St, and I am interested in filling the spot vacated by the resignation of Jeff Heaton. I was a Trustee for a 4-year term from 2012-2016. Please consider me to fill this vacancy for the remainder of his term.

Sincerely,

Steve Ryals

720-234-1740

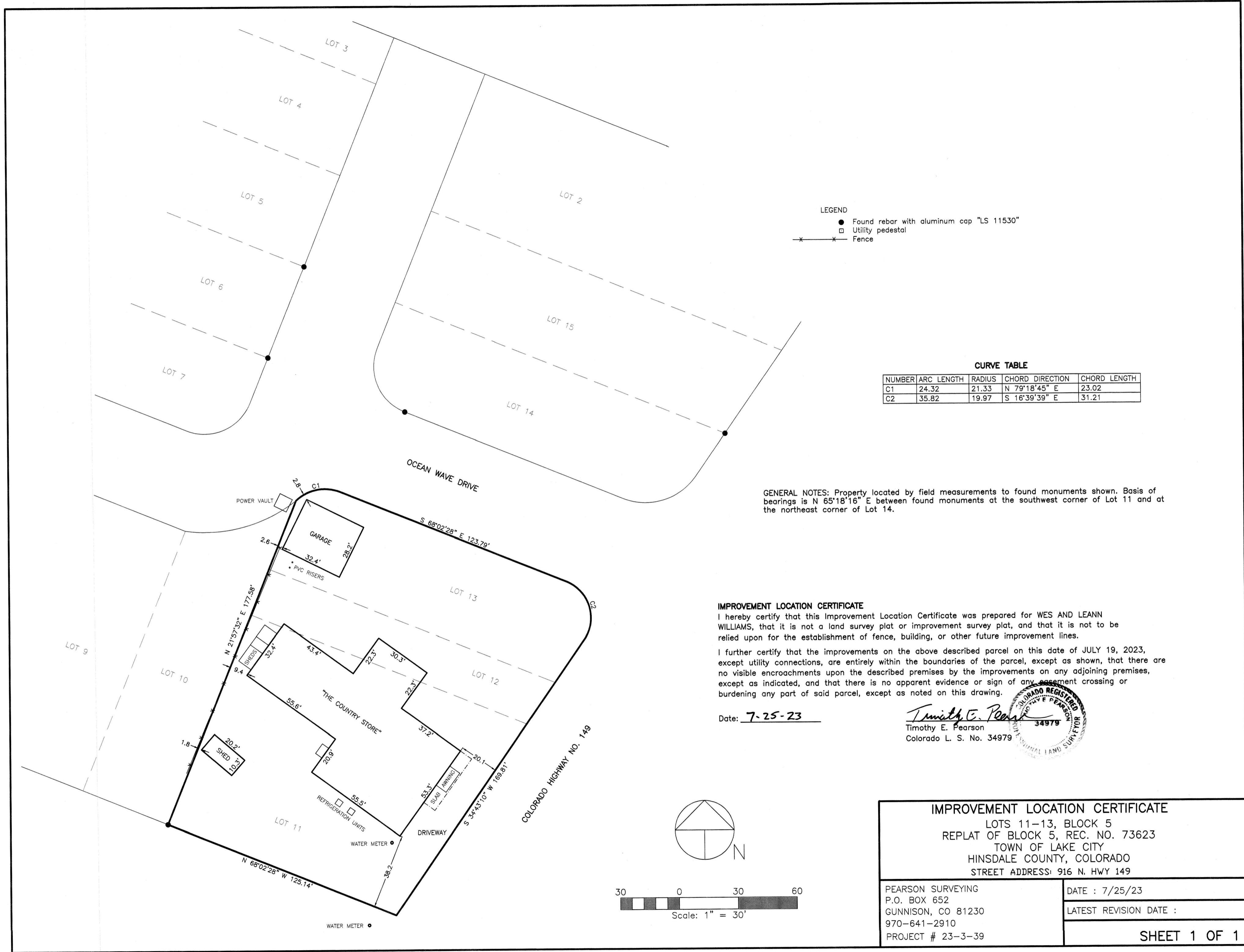


# BLOCK 15



ING: EAST LINE OF NE 1/4 OF SEC. 23





**LEGEND**  
 ● Found rebar with aluminum cap "LS 11530"  
 □ Utility pedestal  
 —x—x— Fence

**CURVE TABLE**

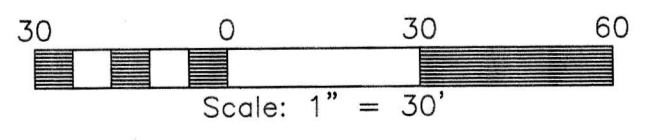
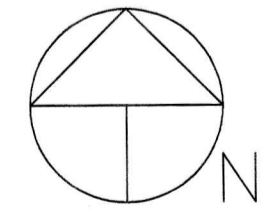
NUMBER	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	24.32	21.33	N 79°18'45" E	23.02
C2	35.82	19.97	S 16°39'39" E	31.21

**GENERAL NOTES:** Property located by field measurements to found monuments shown. Basis of bearings is N 65°18'16" E between found monuments at the southwest corner of Lot 11 and at the northeast corner of Lot 14.

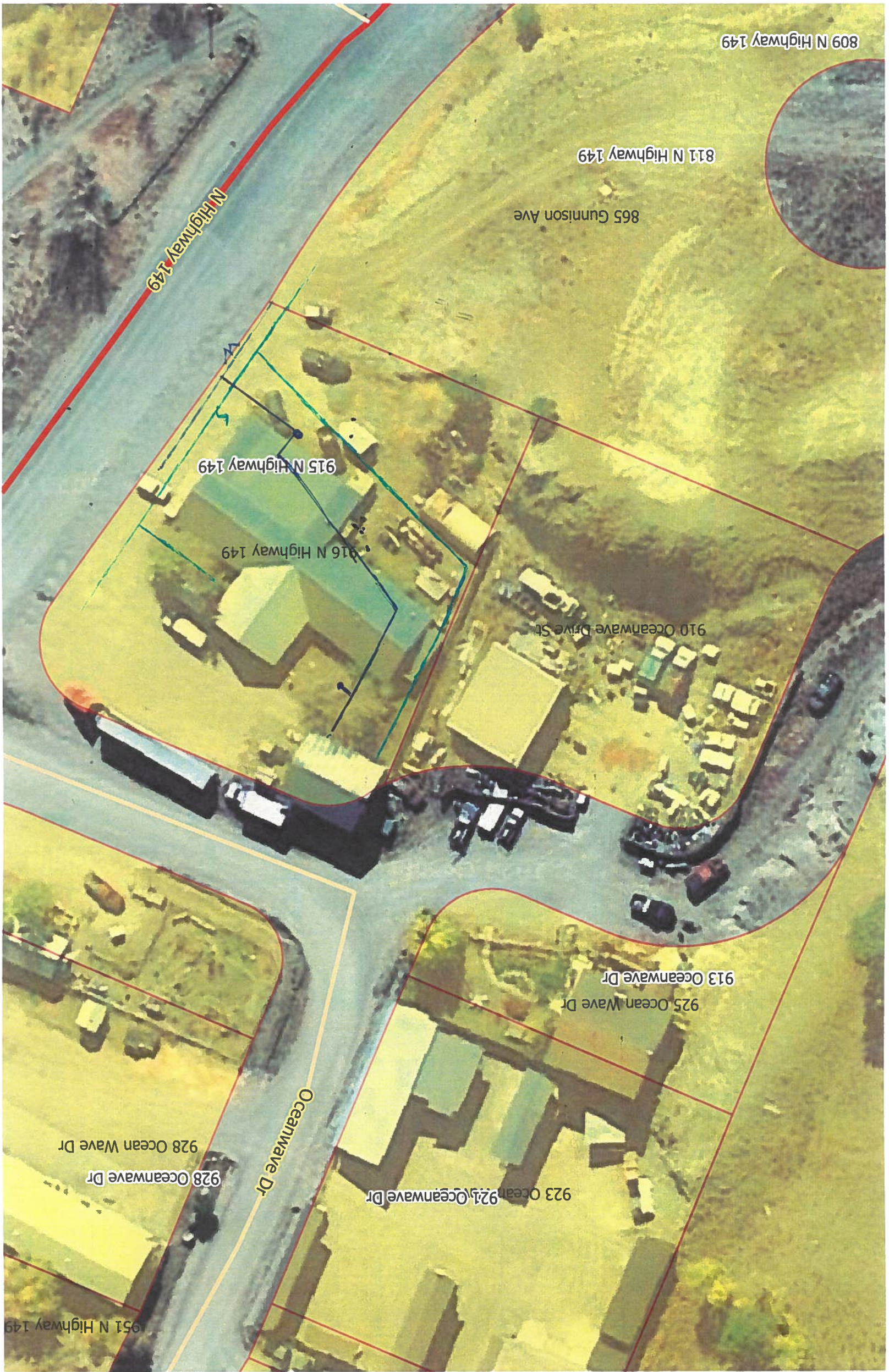
**IMPROVEMENT LOCATION CERTIFICATE**  
 I hereby certify that this Improvement Location Certificate was prepared for WES AND LEANN WILLIAMS, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.  
 I further certify that the improvements on the above described parcel on this date of JULY 19, 2023, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no visible encroachments upon the described premises by the improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted on this drawing.

Date: 7-25-23

*Timothy E. Pearson*  
 Timothy E. Pearson  
 Colorado L. S. No. 34979



<b>IMPROVEMENT LOCATION CERTIFICATE</b>	
LOTS 11-13, BLOCK 5 REPLAT OF BLOCK 5, REC. NO. 73623 TOWN OF LAKE CITY HINSDALE COUNTY, COLORADO STREET ADDRESS: 916 N. HWY 149	
PEARSON SURVEYING P.O. BOX 652 GUNNISON, CO 81230 970-641-2910 PROJECT # 23-3-39	DATE : 7/25/23 LATEST REVISION DATE :
<b>SHEET 1 OF 1</b>	



## Country Store Research and Information

Wes and Leann did a survey of their property at 916 N. HWY 149 and found a plat map that shows the sq. footage of the lot that the building in questions sits on.

It turns out that when that building was constructed it was built according to the zoning code and its design requirements. Since they will still be using the bottom floor garage as storage for the business then it is a use by right for them to have a single family residence on the top floor. So they do not need to apply for a conditional use permit. Also since it is a use by right it is the design requirements of the GBD that they must meet and not the R-1 requirements. The building in question meets all the design requirements of the GBD zoning regulations including setbacks. The survey demonstrates that the building sits entirely on their property within Lot 13 and in no way encroaches into the Town right of way so they do not need to sign an encroachment agreement with the Town. Lot 13 is over 7000 sq feet and which meets the minimum lot size of 6250 sq. feet and do not need a variance.

In short,

1. The building meets all the design requirements thus they do not need to apply for any variance.
2. Having a single family residence on the second floor is a use by right since the bottom floor garage will be continue to be used as storage for the business. They do not need a conditional use permit.
3. The building already has a separate sewer line installed and the sewer tap fee has already been refunded.
4. If a water tap variance is granted then we will need to have them sign a deed restriction due to the common water tap that is already installed and running to the building in question.

**TOWN OF LAKE CITY  
BOARD OF TRUSTEES  
ORDINANCE NO. 11-2023**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 12 OF THE LAKE CITY  
TOWN CODE REGARDING HISTORICAL PRESERVATION**

**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 Chapter 12 of the Code fosters civic pride in the beauty and accomplishments of the past and promotes the use of the historic district for the education and pleasure of the Town’s citizens, while protecting the scenic and historic atmosphere and character of the Town; and

**WHEREAS**, the existing Chapter 12 of the Code also protects the Town’s economy by protecting and enhancing the Town’s attractions for visitors, and preserving and protecting the continued existence of historical structures and sites within town while drawing a reasonable balance between the desires of property owners and the preservation of Town’s heritage; and

**WHEREAS**, the Board finds is necessary and appropriate to revise Chapter 12 of the Code to ensure historical preservation and protection of the Town historical district and buildings as well as encourage and protect the health, safety and welfare of the residents and visitor 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. Chapter 12 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:

**Chapter 12 - HISTORICAL PRESERVATION<sup>[1]</sup>**

Footnotes:

--- (1) ---

**State Law reference**— Tax credits for qualified costs in connection with preservation of historic properties, C.R.S. § 39-22-514.

**Sec. 12-1. - General provisions.**

- (a) Purposes. The purposes of these regulations are to:
  - (1) Foster civic pride in the beauty and accomplishments of the past and promote the use of the historic district for the education and pleasure of the town's citizens.
  - (2) Protect the unique scenic and historic atmosphere and character of the town and protect the architectural, cultural and aesthetic heritage of the town.
  - (3) Strengthen the town's economy by protecting and enhancing the town's attractions for visitors.
  - (4) Preserve and protect the continued existence of historical structures and sites within the town.
  - (5) Draw a reasonable balance between the desires of property owners and the preservation of the town's heritage, while avoiding the imposition of an unreasonable economic hardship.
  - (6) Prevent the use of materials or design in the repair, construction, reconstruction or remodeling of structures which:
    - a. Adversely affect other property values, the benefits of occupancy of other property, or the desirability of the district or other designated properties for business and residential purposes; or
    - b. Are hazardous or are incompatible with the historic character of the district or other designated properties.
- (b) These historical preservation regulations shall be considered as a part of the town's zoning ordinances and regulations and shall be amended in accordance with the procedure for amending zoning ordinances; provided, however, neither the board of zoning adjustment nor board of appeals shall have any authority to grant any variance from these regulations.
- (c) These historical preservation regulations shall apply within the historical preservation district or other designated properties, in addition to the town's zoning, building, subdivision and other ordinances and regulations. In all cases of conflict, the regulations which are more restrictive or limiting shall apply.
- (d) These regulations shall be interpreted and administered to promote the spirit of these regulations, to promote public health, safety and welfare, and to achieve substantial justice.

**Sec. 12-2. - Historic preservation commission.**

- (a) *Members.* The historic preservation commission shall consist of five members with demonstrated interest, knowledge, or training in fields closely related to historic preservation, such as architecture, landscape architecture, history of the community, real estate, law, city planning, fine arts, general contracting, education, commerce or industry. At least two of the members shall be professionals within such fields. Member shall be residents of the county. Members shall be appointed by the board of trustees after a review of applications. The town

will advertise any openings for the historic preservation commission to solicit applications for consideration. Appointments will be made in January of any year in which there is an opening.

- (b) *Terms.* The historic preservation commission terms start on January 1 of each calendar year. Three of the initial members will serve a two-year term, and two will serve three-year terms. Thereafter, all members will serve two-year terms.
- (c) *Removal and resignations.* If any member resigns prior to completing their term, the board of trustees may appoint a new member to complete the term of the resigning member. A member who fails to abide by the historic preservation commission bylaws, as established, or fails to perform his function can be removed by a majority vote of the board of trustees.
- (d) *Powers and duties.* The members of the historic preservation commission shall serve in an advisory capacity to the board of trustees, and shall have principal responsibility for matters of historical preservation. The powers, duties and responsibilities of the historic preservation commission shall be as set forth by the board of trustees resolution.
- (e) *Compensation.* Members of the historic preservation commission shall serve without compensation. To the extent authorized by the board of trustees, such members may be reimbursed for expenses necessarily incurred incidental to their duties for the historic preservation commission.
- (f) *Officers and bylaws.* The historic preservation commission members shall elect a chair and vice-chair, and such officers as it may require. The historic preservation commission shall make and adopt bylaws for governing its work, and it shall conduct its business in accordance with Roberts' Rules of Order.
- (g) *Administrative approvals.* The historic preservation commission ("HPC") may, through its Bylaws, designate certain types of certificate of appropriateness applications (e.g., fence or shed applications that clearly follow design guidelines) to be eligible for Town administrative approval, involving agreement of the HPC chair and the Town Manager or their designee. All other applications must go before the entire HPC board.
- (h) *Meetings.* The historic preservation commission shall act only at regularly scheduled meetings, which shall be held once per month at a time and day specified by resolution, or at meetings of which not less than five days' notice has been given; provided, however, that if the chair declares an emergency to exist, the historic preservation commission may meet upon one days' written notice. Absent the objection of any member, the chair may cancel or postpone a regularly scheduled meeting of the historic preservation commission.
- (i) *Quorum; action.* No official business of the historic preservation commission shall be conducted unless a quorum of not less than three members is present. The concurring vote of at least three members of the historic preservation commission is necessary to constitute an official act of the historic preservation commission. Official decisions of the historic preservation commission may be appealed to the board of trustees.

### **Sec. 12-3. - Designation of historical preservation district.**

- (a) The following area which has been designated as a historic district on the National Register of Historic Places is hereby designated as the historical preservation district of the town:

Foote and Richardson's addition to the Town of Lake City; that part of the Town of Lake City lying southerly of 8th Street, and westerly of Lake Street, according to the official plat of the Town of Lake City, Colorado; and the West Lake, Casco and Bluff additions to the Town of Lake City.

- (b) The board finds that the foregoing described area of the town has a unique character of historical importance which should be preserved and protected. This area includes all of the buildings, structures, sites, and objects in the town built before 1900. Consideration of the design of these pre-1900 structures and equipment shall take precedence in applying these regulations.

#### **Sec. 12-4. - Establishment of Town Historic Register and Designation Criteria.**

- (a) The Town of Lake City hereby establishes a Register of Historic Places (the "Town's Historic Register").
  - (1) Properties, structures, sites, object, or equipment (collectively "Property" or "Properties"), or districts may be listed in the Town's Historic Register only if such property or district has been so designated pursuant to this ordinance.
  - (2) All Properties or districts listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town's Historic Register, but are not designated until approval, pursuant to this ordinance, is obtained.
- (b) Eligibility Criteria
  - (1) Properties shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
    - a. Association with events that have made a significant contribution to history;
    - b. Connection with persons significant in history;
    - c. Distinctive characteristics of a type, period, method of Construction, or artisan;
    - d. Geographic importance; and/or
    - e. Possibility to yield important information related to prehistory or history.
  - (2) A Property may be exempted from the age standard if the Town Board of Trustees finds it to be exceptionally important in other criteria.
- (c) Integrity Criteria. All Properties shall be evaluated for their physical integrity using the following criteria: Location, Design, Setting, Materials, Workmanship, Feeling, Association.
- (d) Designation Procedure
  - (1) Nomination and Application
    - a. Applications shall be submitted to the Town Clerk for consideration on a form provided by the Town's Historic Preservation Commission ("HPC").
    - b. A nomination for listing in the Town's Historic Register may be made by: a) the Owner or Owners of the Property or Properties to be designated, b) a member or

members of the Historic Preservation Commission or other interested persons, with permission from the property owner.

- c. Applications determined incomplete shall be returned to the Applicant within 30 days with a request for additional information.

(2) Designation Hearing

- a. Within 45 days after an application is determined complete, or within a time frame agreed upon by the Applicant and the Town, a public hearing shall be held by the HPC.
  - i. The HPC shall provide notice of the date, time and location of the public hearing to the Applicant, the Owner or Owners of record, the Owners of adjacent properties and, if known, to other persons having a legal or equitable interest in the Properties nominated for designation at least 10 days prior to the hearing.
  - ii. A legal notice indicating the nature of the hearing, the Property involved, and the time, date and place of the scheduled public hearing, shall be published in the Town's publication of record at least 10 days prior to the hearing.
  - iii. The notice shall be posted at the Property's physical location at least 10 days prior to the hearing.
- b. A hearing may be continued. If the hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 30 days without the express consent of the Applicant.
- c. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent the HPC from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
- d. Transcripts of the hearings are not required; however, the HPC's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an Owner or holder of some interest in the Property nominated for designation, or represents such Owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing.

(3) Commission Review

- a. The HPC shall review the application for conformance with the established criteria for designation and with the purposes of this ordinance.
- b. The HPC shall recommend: Approval, Approval with conditions, or Denial of the application.



- c. The HPC shall set forth in writing its findings of fact which constitute the basis of its recommendation.

(4) Town Board of Trustees Proceedings. Within 30 days after receipt of the HPC's approval of an application, the Town Board of Trustees shall hold a public hearing to consider adopting by resolution those properties qualifying for designation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 12.3, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities assigned therein to the HPC.

- b. The Town Board of Trustees shall review the application for conformance with this ordinance.
- c. The Town Board of Trustees shall, by resolution, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the HPC's recommendations.
- d. The Town shall provide a copy of the results of the Town Board of Trustees's final action to the Applicant/Applicants, all Owners of record, the Building Official, and any other person who has requested in writing to receive the same.
- e. The decision of the Town Board of Trustee's shall be final and controlling.

(5) Recording of Designation.

Within 30 days of the effective date of a resolution designating a Historic Property or Historic District for preservation, the Town shall record the resolution with the clerk and recorder of Hinsdale County.

(6) Records

The Town shall maintain a current record of all Historic Properties and Historic Districts and pending designations.

(7) Limitation on Resubmission and Reconsideration of Proposed Designation.

Whenever the HPC or the Town Board of Trustees denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application unless the Commission or Town Board of Trustees has denied based on a request for additional information.

(8) Appeal of HPC's Denial of Application.

- a. Applicant(s) and/or Owner(s) shall have the right to appeal such decision to the Town Board of Trustees by filing a written notice within 15 days after the date of receipt of the HPC's denial. Such written notice shall specify the factual and legal basis for the appeal.
- b. Within 45 days after an appeal is received by the Town Clerk, or within a time frame agreed upon by the Applicant(s) and/or Owner(s) and the Town, a public hearing shall be held by the Town Board of Trustees.
- c. Notice of the Town Board of Trustee's consideration of the appeal and hearing shall be provided in accordance with Section 12.3, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the HPC.

- d. The Town Board of Trustees may consider the notice of appeal, the Commission's reasons for denial of the application, and the comments related thereto made during the Commission hearing.
- e. If the Town Board of Trustees finds the Commission's denial of the application was based on incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Commission, and if the correct or newly discovered information could, in the opinion of the Town Board of Trustees, change the Commission's denial of said application, then the entire matter shall be remanded by the Town Board of Trustees to the Commission for its consideration.
- f. The decision of the Town Board of Trustees shall be final.

(9) Amendment of Designation

- a. Designation of a Historic Property or Historic District may be amended to add features or Properties to such Historic Property or Historic District under the procedures prescribed hereinabove.
- b. Upon the Commission's decision to amend a designation, the Commission shall promptly notify the Owners of the Historic Property and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the amendment, and schedule the resolution for Town Board of Trustees review. Upon adoption by the Town Board of Trustees, the resolution shall be recorded.
- c. Notwithstanding any recommendation or decision of the Commission, any decision made by the Town Board of Trustees shall be final and controlling.

(10) Revocation of Designation

- a. If a Historic Property or Historic District has been Altered to a degree that it no longer retains its historic Integrity, the Owner may apply to the Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the Town Board of Trustees in the absence of the Owner's application to do so. The revocation application shall be reviewed under the same procedures described hereinabove.
- b. Upon the Commission's decision to revoke a designation, the Commission shall promptly notify the Owners of the Historic Property or Historic District and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property stating notice of the revocation, and schedule the resolution for Town Board of Trustee review. Upon adoption by the Town Board of Trustees, the resolution shall be recorded.

**Sec. 12-5. - Review procedure for building permits.**

- (a) In addition to the other requirements of town ordinances and regulations, all applications for building permits within the historical preservation district shall be accompanied by a drawing, picture or scale model, which shows the exterior surfaces of the structure as proposed to be

constructed, repaired, reconstructed or remodeled, in sufficient detail and reasonably adequate to depict the finished appearance of the structure and its relation to any location on its building site. It shall also be accompanied by an indication of the type of exterior materials, colors, and finishes proposed to be used.

- (b) In the event the building inspector determines from any pertinent application for a building permit that no material change will result in the exterior appearance of the historical structure, no further review under these regulations shall be required and the building permit may be processed in the ordinary manner by the building inspector. Otherwise, if any material change to the exterior appearance of the structure is anticipated, the building permit application shall be referred to the historic preservation commission for further consideration pursuant to subsection (c) of this section. Small buildings, by way of example and not limitation a storage shed, which do not require building permits, still require a certificate of appropriateness.
- (c) If, upon pertinent review of a building permit application, the historic preservation commission determines that the following criteria have been met, it shall issue a certificate of appropriateness:
  - (1) The application is complete in accordance with subsection (a) of this section; and
  - (2) No conditions need to be required; and
  - (3) The application as submitted is in complete compliance with the criteria of section 12-5, as amended, beyond any reasonable doubt.
- (d) If the historic preservation commission determines that the application for a building permit does not qualify for a certificate of appropriateness pursuant to subsection (c) of this section, the applicant may request further review by the board of trustees. In the event of such request, the application shall be referred to the board of trustees for its review at its next regular meeting.
- (e) In the course of reviewing any application for a building permit referred to it by the historic preservation commission, the board shall consider the application's compliance with the criteria set forth in section 12-5, as amended. In all cases, the burden shall be upon the applicant to prove that the criteria of said section have been fully met, thereby entitling the applicant to approval of the subject building permit. The board may continue its review process from time to time, as it deems appropriate. However, if the board fails to render a decision on the application within 45 days of the first regular meeting at which the matter is presented for review, the certificate of appropriateness shall be deemed approved, unless the applicant consents to a further extension of time.
- (f) The board may either approve or deny the application, based upon the criteria of section 12-5, as amended. It may also conditionally approve the application, if the applicant agrees to comply with the board's stated conditions. Such conditions shall be expressly incorporated into the certificate of appropriateness and the ultimate building permit. No certificate of occupancy may be issued until such conditions have been completely fulfilled.
- (g) The board may, but need not, issue written findings in support of any final decision made under this section.
- (h) Following any approval of the pertinent application and issuance of a certificate of appropriateness, the building inspector may issue the building permit, provided that all other

applicable requirements of town building regulations and other ordinances are met. No building permit shall be issued unless and until the board has approved the application and issued a certificate of appropriateness.

**Sec. 12-6. - Criteria for approval.**

- (a) In order for the board or historic preservation commission to grant a certificate of appropriateness for any application for a building permit, the board or commission shall determine that the application meets the following criteria:
  - (1) The proposed work is consistent with and promotes the purposes of these regulations, as set out in section 12-1(a).
  - (2) With respect to an existing structure, the proposed work will not adversely materially affect its historical quality and value.
  - (3) The proposed work will have no adverse material effect on the character of the historic preservation district as a whole, of the immediate area, or of other structures within the historic preservation district.
- (b) In determining compliance with the criteria of this section, the board shall consider the following:
  - (1) The effect upon the general historical and architectural character of the structure and area.
  - (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures in the area.
  - (3) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the structure upon which such work is done.
  - (4) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure or area.
  - (5) The use to which the structure or area will be put.
  - (6) The condition of existing improvements and whether or not they are a hazard to public health and safety.
  - (7) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to other structures and sites within the area and district.
  - (8) The compatibility of accessory structures and fences with the main structure on the site, with other structures and with the character of the district.
  - (9) Substantial compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects."
  - (10) Compliance with any Design Guidelines adopted by the Town.

**Sec. 12-7. – 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 Town Hall 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 Town determines the application is complete, the Town shall promptly refer the application to the Commission. If the Town 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.
- f. Any and all documents or evidence under this section shall be submitted to the Town Office.

## 2. Criteria for Exemption

### a. Economic Hardship

- i. The Commission may solicit expert testimony and require that the Applicant make submissions to the Town Office 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 Chapter 12 for the relevant proposed action.
  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 Town 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 Town 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 Board of Trustees.
- 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 Board of Trustees.
- 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 Board of Trustees by filing a written notice with the Town within 15 days of the date of the receipt of the Commission's denial.
- b. Notice of the Board of Trustees's consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the Secretary.
- c. The Board of Trustees shall hold a public hearing to consider the appeal, and consider any evidence (including new evidence) it deems relevant to the application.
- d. The Board of Trustees shall apply the criteria in this Section in making its decision.
- e. The decision of the Board of Trustees shall be final.

### **Sec. 12-8. - Structure removal permits.**

- (a) It shall be unlawful to demolish or relocate any structure in the historic preservation district unless a removal permit is approved pursuant to this section.



- (b) Applications for a removal permit shall be submitted on forms provided by the town, which may require all information necessary or convenient for the administration of this section and, at a minimum, shall be accompanied by a drawing, picture or scale model, which shows the structure proposed to be removed and its relation to and location on its site.
- (c) All applications shall be reviewed by the historic preservation commission. If it determines that the following criteria are met, it shall issue a removal permit and forward a copy of it to the board of trustees:
  - (1) The application is complete in accordance with subsection (b) of this section.
  - (2) No conditions need to be required.
  - (3) The application, as submitted, meets the criteria of subsection (e) of this section beyond any reasonable doubt.
- (d) All applications for removal permits not approved pursuant to subsection (c) of this section shall be referred to the Board of Trustees for review for compliance with the criteria of subsection (e) of this section. The Board shall follow the same procedures for review as set out in section 12-4(e) through (g), but shall apply the criteria of subsection (e) of this section.
- (e) In order for a removal permit to be issued, the applicant must show that the building or structure:
  - (1) Has no 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 section 12-5(b);
  - (2) If it is to be relocated elsewhere within the historic preservation district, a building permit and certificate of appropriateness are or will be issued under section 12-4 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.
- (f) In assessing the existence and degree of economic hardship to an applicant for obtaining a removal permit, the historic preservation commission, or its lawful delegate, may solicit and consider expert opinion or may require the applicant to submit any or all of the following information:
  - (1) 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;

- (2) 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;
  - (3) 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;
  - (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 structure on the property;
  - (5) 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;
  - (6) 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;
  - (7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
  - (8) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  - (9) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
  - (10) Assessed value of the property according to the two most recent assessments;
  - (11) Real estate taxes for the previous two years;
  - (12) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
  - (13) 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 render a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (g) 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;
  - (2) The structure cannot be rehabilitated or reused on-site to provide for any reasonable beneficial use of the property;
  - (3) The structure cannot be practicably moved to another site in the town; 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;
  - 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.

**Sec. 12-9. - Enforcement.**

- (a) It shall be unlawful for any person to violate any of the provisions of these regulations or any of the conditions included upon a building permit or certificate of appropriateness issued pursuant to these regulations.
- (b) The town may maintain an action in a court of competent jurisdiction for an injunction, or otherwise to enforce compliance with these regulations or any conditions issued hereunder.
- (c) No building permit, occupancy permit, subdivision plat approval or other permit or action of approval will be given, granted or issued by the town with respect to any structure or property in violation of any of the provisions of these regulations.
- (d) The town shall have recourse to any other remedies provided by law.

**Sec. 12-10. - Penalty.**

It shall be unlawful for any person to violate any of the provisions of this chapter. Any person convicted of such a violation may be punished in accordance with section 1-14 of the Lake City Municipal Code.

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 16TH 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

**CONSENT FOR ACCESS TO PROPERTY**  
**Ox Yoke River Enhancement Project**

**Name of Owner:** Town of Lake City

**Responsible Party:** Ox Yoke Riverside Subdivision HOA

**Property Legal Description:** Parcel Number 4509-342-35-020. Tract C, Near End of Water Street

**Ox Yoke River Enhancement Project**

The Ox Yoke Riverside Subdivision Homeowners Association (referred to as Ox Yoke HOA) has retained the services of HydroGeo Designs, from Poncha Springs, CO, to design and construct a river improvement project on the Lake Fork of the Gunnison River that flows through the Commons area of the sub-division. This project involves construction of three cross vanes and dredging of river bed material to create deep pools. Part of the construction area occurs on Town of Lake City property across the river. The Ox Yoke HOA requests permission from the Town of Lake City to conduct the proposed activities on Town land. See attached map.

In-stream construction will commence as early as fall of 2023, depending on completion of necessary permits. Landowner access for design and construction is requested for 2 years. Performance monitoring will be conducted along the improved reach for several years following construction, to assess that the structures are functioning as designed. Landowner access for monitoring is requested for 10 years. Maintenance of structures will be required on an as needed basis. Landowner access for maintenance is requested for 10 years.

**CONSENT FOR ACCESS AND INDEMNIFICATION**

We, the undersigned, are the owners, representatives, or otherwise control the real property designated above and on the attached map, located in Hinsdale County, Colorado, of the Town of Lake City property and the Ox Yoke HOA property, the latter being responsible for the river construction work.

Owner consents to allow contractors, subcontractors, and other authorized representatives of the Ox Yoke HOA to have access to the property described above to the minimum extent reasonably necessary to complete the Project on the Town of Lake City Property for the following purposes: Perform design, construction, and post-construction monitoring and maintenance of the Ox Yoke River Enhancement Project, including but not limited to Project evaluation (i.e. pre-bid walk through and design, selection of contractors, scoping, and Project development), performing Project work, conducting inspections, monitoring the affected lands, and implementing maintenance for a 10 year period following Project completion. Ox Yoke HOA shall not materially alter any aspect of the Property nor remove any tree from the property without the prior written approval of the Lake City Mayor or his designee. In the event the Property is altered, Ox Yoke HOA agrees to return the Property to a condition as close to the pre-existing condition as reasonably possible in a timely manner and at its sole expense.

The Owner understands that access shall be limited to those portions of our property where the Project is to be performed and any additional portion of the property which is reasonably necessary to implement the Project. Ox Yoke HOA and its contractors, agents, members, and assigns agree and confirm such

access is a non-exclusive access and transfers no ownership of any right in real property to Ox Yoke HOA or any other party other than those temporary access rights specifically granted herein.

The term of this Agreement shall be 24 months from the date signed below for design and Project construction and implementation, and 10 additional years from the date the Project construction work is certified as complete for maintenance, inspection, and monitoring purposes.

The Ox Yoke HOA shall give Landowners reasonable notice prior to accessing the Property for all preconstruction, construction, monitoring and maintenance activities. They shall provide reasonable notice of the commencement of construction work for the Project and need not provide daily notice to obtain continued access for the duration of the construction for each needed access. Reasonable and actual notice may be given by email, U.S. Mail, in person, or by telephone to the Lake City Town Manager or his designee.

The Ox Yoke HOA understands that the Town of Lake City shall not be responsible for claims arising out of damages to persons or property occasioned by the Ox Yoke HOA or its agents, third parties, acts of God or other causes in connection with accessing Owner's property, the work performed in connection with accessing Owner's property or any claims for monies owed in connection with any work performed. The Ox Yoke HOA shall hold Owner completely harmless from, and shall indemnify Owner for, all costs, damages, losses, and expenses, including judgments and attorney's fees, resulting from claims arising from causes enumerated in this paragraph.

As the designated Owner, the Town of Lake City gives this written permission, voluntarily, with knowledge of our right to refuse and without threats or promises of any kind and the Ox Yoke HOA agrees to indemnify and hold Owner harmless as referenced above. The signatories certify that he/she has full authority to sign this Consent for Access to Property.

The Ox Yoke HOA understands, acknowledges, and agrees the Town of Lake City is a Colorado municipality and is therefore entitled to the protections afforded it under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq. (the "Act"). The Parties further acknowledge and agree that nothing in this Agreement or any act by the Town is intended or shall be deemed to be a waiver of the Act.

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(Town of Lake City)

(Date)

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(Ox Yoke HOA)

(Date)



**History Colorado State Historical Fund Application Signature Page**

**Applicant Organization**

\_\_\_\_\_  
Signature of Legally Authorized Representative  
*Please sign in blue ink*

\_\_\_\_\_  
Name / Title

\_\_\_\_\_  
Date

Property owner below agrees to 3-D scanning for historic preservation (if awarded).

**Property Owner** *if different than Applicant Organization*

\_\_\_\_\_  
Signature of Legally Authorized Representative  
*Please sign in blue ink*

\_\_\_\_\_  
Name / Title

\_\_\_\_\_  
Date

**Government Official** *(see page 26 of the [Program Guidebook](#) for applicability)*

\_\_\_\_\_  
Signature of Legally Authorized Representative  
*Please sign in blue ink*

\_\_\_\_\_  
Name / Title

\_\_\_\_\_  
Date

## Meeting Minutes

**Meeting Name:** Regular BOT Meeting

**Meeting Start Time:** 7:20 PM MDT

**Meeting Start Date:** 8/16/2023

**Meeting End Time:** 7:59 PM MDT

**Meeting End Date:** 8/16/2023

**Meeting Location:** 230 N. Bluff St. Armory Multi-Purpose Room/Virtual

### Agenda:

- I. Regular Workshop Start Time – 6:00 pm
  - A. Discuss 2022 Budget Amendment Resolution 2023-10
  - B. Discuss Appointing the Town Manager Alexander Mulhall as the 2024 Budget Officer
  - C. Review Ox Yoke Access Agreement for River Enhancement Project
  - D. Review 2023-2025 Town of Lake City Law Enforcement IGA with Hinsdale County and Hinsdale County Sheriff's Office
  - E. Review New Short Term Rental Ordinance 2023-11 Draft – 2<sup>nd</sup> Reading
  - F. Review New Historic Preservation Ordinance Draft – 1<sup>st</sup> Reading
  - G. Discuss Purchase of Porta-Potties with DIRT (Kristie Borchers)

Regular Workshop End Time – 7:08 pm

- II. Regular Meeting Start Time – 7:20 pm
  - A. Call to Order
  - B. Roll Call: Present: Mayor Roberts and Trustees Bruce, Hamel, Horn, Kendall, Woods.
  - C. Approval of Minutes – August 2, 2023: Motion made by Trustee Bruce, seconded by Trustee Kendall. Motion passed with all present voting yes, Except for Trustee Horn who recused himself, in a roll call vote.
  - D. Approval of Bills Payable Totaling \$65,647.31. Motion made by Trustee Horn, seconded by Trustee Hamel. Motion passed with all present voting yes in a roll call vote.



E. 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

F. Correspondence Received – From Sandy Hines and Joe Hearn Regarding Parking On Ocean Wave Drive.

G. Citizen Communications – NONE

H. Additions to the Agenda – NONE

I. Action Items

1. Discussion and Possible Action to Approve 2022 Budget Amendment Resolution 2023-10. Motion Made by Trustee Bruce and Seconded by Trustee Woods. Motion Passed with all present voting yes in roll call vote.
2. Discussion and Possible Action to Appoint the Town Manager, Alexander Mulhall, as the 2024 Budget Officer. Motion Made by Trustee Horn and Seconded by Trustee Kendall. Motion Passed with all present voting yes in roll call vote.
3. Discussion and Possible Action to Approve Ox Yoke Access Agreement. Postponed till the September 6, 2023 Board of Trustees Regular Meeting.
4. Discussion and Possible Action 2023-2025 Town of Lake City Law Enforcement IGA with Hinsdale County and Hinsdale County Sheriff's Office. Motion Made by Trustee Bruce and Seconded by Trustee Hamel. Motion Passed with all present voting yes in roll call vote.

5. Discussion and Possible Action to Approve Short Term Rental Ordinance 2023-11. Postponed till the September 6, 2023 Board of Trustees Regular Meeting.
6. Discussion and Possible Action to Direct Staff to Get Survey Done on the Town of Lake City Property by the Ox Yoke. Motion made by Trustee Horn, seconded by Trustee Bruce. Motion passed with all present voting yes in a roll call vote.

Regular Meeting Adjournment – 7:59 pm

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Mayor

**ATTEST**

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Town Manager

## **Sheriff's Report**

**August 2023**

**BOCC/ BOTT**

**All individuals are innocent until proven guilty**

**7/30:** Deputy Poet took a report of a vehicle being broken into in the 700 block of N. Silver Street. The victim reported the break in happening between the evening of July 28 and the morning of July 30. The victim reported the vehicle's lock had been punched but nothing of value had been stolen. No further information has come to light.

**8/1:** Deputy Pantleo patrolled the Gunnison National Forest.

**8/1:** An apparent argument over TV led to a 911 call to a home in the 800 block of Wildflower in the Ball Flats. Deputies Zeckser and Pantleo responded and spoke with a highly intoxicated couple. After speaking with both parties, it was determined no crime had been committed by either party and only a verbal disagreement had taken place. Deputies left the residence at about 2100 hours.

**8/3:** Deputy Pantleo took a report of theft. During the night of Aug. 1<sup>st</sup>, a spare tire and wheel were taken from the bed of a pick-up truck parked in the 700 block of Silver St.

**8/4:** Sheriff Kambish responded to the 800 Block of Ocean Wave Avenue for a motor vehicle accident. On arrival Kambish spoke with the owner of a vehicle that had been struck while unoccupied, the at-fault driver had left their contact information. Both drivers met and exchanged the proper information, only minor damage was sustained by both vehicles.

**8/5:** Deputy Starnes patrolled the Rio Grande National Forest.

**8/6:** Deputies Poet and Zeckser responded to a dispute between two parties at the lake. While one party was fishing another began to place their kayak in the water nearby. The fisher, thinking this was rude, confronted the boater telling her she was not allowed, by law, to launch her kayak in that location. When the boater balked at the statement the fisher then asked if the boat was "knife proof" causing the boater to feel threatened. The fisher was issued a summons for menacing.

**8/7:** Deput Poet conducted a civil standby for an individual removing property from a residence.

**8/8:** Deputies Pantleo and Zeckser responded to an OHV accident occurring on CR 30 at approximate MP 11.5. Deputies met with those involved around MP 4 and spoke to the driver and passenger who both had minor head injuries, the driver also sustained a broken clavicle. While interviewing the driver about what happened the driver made several attempts to lie to deputies about who had been driving the OHV when the accident occurred. Deputies were told by the driver that as the OHV approached a turn (at too high a speed) it began to slide around the curve and then overturned before coming to rest on the driver's side on the north side of the roadway. The OHV was a rented machine and so the driver was given a citation for improper mountain driving.

**8/9:** Sheriff Kambish attended the combined Hinsdale and Mineral Counties BOCC meeting at Freeman's Ranch in Creede.

**8/9:** Deputy Pantleo responded to the medical center and spoke with an individual seeking treatment for a minor injury following a low-speed OHV accident. The driver told Pantleo she had turned the 4-wheeler to make room for on-coming traffic and drove onto a retaining wall which caused the driver to fall from the machine. The accident happened on private property and no damage was sustained to the property or machine.

**8/9:** Undersheriff Kaminski took a civil complaint from an individual. According to the reporting party there was a property dispute between two people going through a divorce. No action was taken by the Sheriff's Office.

**8/10:** Sheriff Kambish responded to the skate park in Memorial Park after it had been reported that someone had spray painted graffiti all over it. Upon arrival Kambish found several less than artistic scribbles covering the skate park. Although there was nothing offensive, the "street art" was an eyesore.

**8/10:** Deputy Pantleo patrolled the Gunnison National Forest.

**8/12:** Deputy Zeckser responded to a single vehicle motorcycle accident on CR 30.

**8/13:** Deputy Poet took a report of harassment occurring in the 200 block of N. Gunnison Avenue. The reporting party (RP) told Poet of a dispute over service and a bill that was partially unpaid. According to the RP the disgruntled customer made some sort of physical contact when leaving the restaurant before driving off. A photo of the offender was provided but no other identifying information was available.

**8/14-18:** Undersheriff Kaminski attended death investigation training. This training focused on crime scene preservation, evidence collection and report writing. The cost of the class and lodging were covered by a regional POST training grant.

**8/16:** Deputy Pantleo responded to the medical center to take a report of an OHV accident. The driver stated he drove over a rock in the roadway on CR 30, when the machine experienced a more sudden drop than expected. Because of the unexpected impact the driver struck a tree with his elbow causing injury.

**8/17:** Deputy Pantleo responded to a dog bite in the Cathedral area. Upon arrival Pantleo located and met with the owner of the offending dog, who stated he was not around when the dog bite happened. According to the victim who was riding his bike at the time, the dog came onto the roadway and bit him on the ankle. The biker sought treatment for his wound at Gunnison Valley Hospital and was released. The owner of the dog was issued a summons.

**8/18:** Deputy Starnes patrolled the Rio Grande National Forest.

**8/21:** Deputy Poet patrolled the Gunnison National Forest.

**8/22:** Undersheriff Kaminski attended one day of training with other Undersheriffs in Ouray. This training included legislative updates, mental wellness and search and rescue information.

**8/23:** Deputy Pantleo responded to the area of 850 CR 142 for the report of a stolen trailer. The owner reported a trailer having been stolen from the property sometime between June and the date of the report. The trailer was described as a flatbed with wooden sides and had been attached to a vehicle while parked. The owner provided no other information.

**8/25:** The Victims Advocacy office provided training to the Sheriff's Office. This training focused on the notification requirements for victims of certain crimes.

**8/25:** Deputy Pantleo took a report of a dog bite that occurred in American Flats 2 days prior. According to the victim, as she was hiking two large white dogs ran at her and bit her on her left leg. She sustained three separate and significant wounds before the dogs ran away. Speaking with the victim via phone from an unknown location, Pantleo urged her to seek medical treatment which she refused. Due to suspicion the offending dogs belonged to a sheep herder; the information was passed on to the Bureau of Land Management.

**8/29:** Deputy Starnes attended armorer training in Littleton. Starnes is now a certified armorer for the Sig Sauer P365 handgun, which is issued by the Sheriff's Office.

**8/31:** Deputy Pantleo patrolled the Rio Grande National Forest.

**CITATIONS:**

Motor Vehicle:

OHV:

Improper mountain driving: 2

Failed to use child seat: 3

Failed to use child seat: 2

Drove OHV where prohibited: 3

Speeding: 25

Speeding: 1

Drove defective Veh.: 1

Violated other traffic law: 1

Failed to provide Insurance: 2

Disregarded stop sign: 5

Drove with expired DL: 1

Drove without headlights: 1

Careless driving: 1



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

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## Town of Lake City Monthly Report

August 2023

August has been another busy month for the Building Department with a total of 17 new permits, 7 for the town and 10 for the County. With plenty of inspections, new fences, decks, and a new garage, the building season is in full swing. The month of September should be equally as busy with plenty of projects in the works.

The folks at D.i.R.T ended their farmers market Wednesday schedule, I believe it went well for a first year, and would love to see it grow next year because we have room to do so. The Hinsdale County Courthouse is getting a much-needed coat of fresh paint and should be done by mid-September. Veterans have gotten enough rain along with watering to be green again, the dry month or so was not kind to the grass but Vet's Park is back looking as green as ever.

On August 16<sup>th</sup> I went to a continued education class in Colorado Springs to learn more about tiny houses/homes, Huds, and modulars. It was an 8-hour class where I met people from all over Colorado including building inspectors from Pagosa Springs, Durango, and Grand Junction. On September 19<sup>th</sup> I will again attend the Building Futures, a program for high school kids to think about career choices in the building industry. The event takes place in Steamboat Springs Colorado, this is the second of high school functions I attend, the first is in March located in Montrose Colorado. It is a great program with plenty of schools coming each year to participate to build anything from sheds to sawhorses. I will let you know how it went in next month's meeting.

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](mailto:gabem@hinsdalecountycolorado.us)

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# Monthly Report

August 2023

## Lake City Parks and Recreation

### **Ski Hill –**

It's almost time to start getting ready for the ski season. Danny will be testing all the skis soon. We ordered 12 new pairs last season and they should be here by the time we open for the season.

Yolie plans on showing me the spot that she witched for a water well at the ski hill so we can apply for a well permit. The last time we applied we were too close to an existing neighboring well and it was declined.

### **Armory –**

We finally were able to get a treadmill tech to come from Denver to fix both treadmills. They were both re-decked and he said they should last for years. This cost approximately \$3000.

### **Ice Rink –**

The pickleballers are trying to raise private donations for the cost of the court expansion. Public Works thinks we can handle the pour ourselves. We will see what happens, if it can be done before the end of the year.

### **Ice Wall –**

The Nichols/Coffin family donated \$750 for a new sign for the Dynamite Shack area of the ice wall. Signs by Mike made it and we put it up across from the County's mining claim back Henson Creek Road. We will start working on the ice walls soon, prepping them for the season.

### **Trees –**

With the \$1500 from the Lake Fork Community Foundation we bought 22 aspen trees and planted all of them at Memorial Park around the concession stand and out towards the skate park.

We also bought two more cottonwoods to replace two dead ones at the skate park.

Tyler the tree trimmer hasn't set a date yet to do trimming this year and I still need the Colorado State Forest Service to conduct the annual tree survey prior to the trimming work.

### **Parks –**

We finished the bridge at Pete's Lake during August. It's 16 feet long and 4 feet wide. We are inheriting the Town trail work because there really isn't an active trails commission in the county anymore. We might have to budget labor hours next year to do additional work on trails and also for noxious weed control. I am going to submit the costs for the bridge to the county trails commission to see if we can get it refunded.



We also started a landscaping project on the alley side of Town Park and planted a few trees and bushes and flowers. It's not done yet but should be by mid September.

We also started to work on the Town trail along the north side of Henson creek from the Highway bridge to Ferris's house, replacing trail mix that was covered up by the dike that was constructed during the year of the avalanches.

The replacement slide for Town park finally arrived and needs to be installed.

## Public Works Report

August, 2023

For the month of August, the Town of Lake City produced 15,031,700 gallons of safe drinking water and the Wastewater Treatment Plant processed 4,021,341 gallons of wastewater. For the same period last year the Town produced 15,173,400 gallons of water and processed 4,490,297 gallons of wastewater.

Water : In August we had many taps added to our system. Extending the dead line has helped with our work load, and we still have many a few taps left to do before the year is out. We assisted in digging to find a main that there were no maps of. This line was in a blasted trench. Luckily we found it without any incident, and now this line is mapped and added to inventory. Many of the supplies I ordered years ago have started to finally arrive. Even though we are now well stocked these supplies not expected to show up. The cost of these supplies increased from the order date. The only good part about that is we will not need to budget as much money on water tap supplies next year. We all attended a surface water class via zoom. This was good training for the team. We finished our grade work on the Lake St. water leak and replaced the broken fire hydrant on 3rd St as well.

Wastewater: We had many sewer issues this month, but thanks to our new equipment we have been able to troubleshoot and diagnose these issues for our customers. This has helped increase efficiency and help customers save money. We also had many sewer taps as well. Our main focus in wastewater has been sampling man holes and the plant. For some reason our BOD and ammonia levels are higher than they were in July. We had to resample the plant three times in hopes to avoid a violation. This is also good data for Joanne in planning for the new plant. We have been sampling manholes in hopes of finding the source of the high BOD and ammonia. We have plans to break down our system and find the cause so that we can present that data to you guys at a later date.

Streets and Alleys: The main focus on S and A has been the fiber project. This is very time consuming for me but this will be nice for our small town. Our main goal is insure the new fiber does not cause major issue for the Town in future, such as running directly on top of our utilities. We have some upcoming directional bores that take a lot of preparation and planning to hopefully insure they do not damage utilities. The backfill from this project has helped us at the WWTP widen the road. We have been working on site prep at the plant thanks to this material.

Other: We have been assisting P and R with many tasks such as planning trees and working on trails. We have also been cross training them to be able to use the new skid steer. This has helped them move further on their projects.

Respectfully Submitted,  
Jameson Johnston  
Public Works Director

### **GCEA Franchise Agreement**

The GCEA Franchise Agreement does not expire until August of next year. There was an initial kick off meeting to start negotiations, but I asked GCEA to reschedule because I was out sick. We are planning to circle back after labor day. We need to put together a negotiating team together. I am thinking Dave, Dan, Joanne, Jameson, and myself. I would also like to bring Michelle Pierce in on the negotiations if that is ok with the Board.

### **County Brownfields Assessment Grant**

I sent the County the following request. "The Town of Lake City is requesting a Phase One survey of the town-owned lots next to the Medical Center under Hinsdale County's Brownfields assessment grant" This is necessary for any future development of those lots by the med center because the old W&S plant was there.

### **Colostrust Interest Accounts for General Fund and Water and Sewer Fund**

I have created the Colostrust Cash Reserve Sub-Accounts. Me and Michelle looked over the Town Financials and we came to the conclusion that a conservative initial deposit of \$500,000 from the General Fund and \$500,000 from the W&S Fund into the Colostrust Cash Reserve accounts is appropriate. The auditor would like to see a motion passed for such a large transfer.

### **Lake Fork Community Grant and San Juan Solstice 50 Grant for Porta-Potties and Roundtop Communications Repairs**

I spoke with Kristie this past week about how we can fund the Porta- Potties that cost about \$10,000. She said the County was looking at a \$5000 donation to the Town. We discussed the possibility of applying for a \$1000 Grant from the San Juan Solstice 50 and a \$1000 Grant from the Lake Fork Community Foundation for the porta-potties. To offset repair costs on Roundtop I think we should ask for another \$1500 in grant money from the Lake Fork Community Foundation whose grant max is \$2500. Me and Krisit will bring these grant requests to the board at the September 20<sup>th</sup> meeting.

### **Meter Read**

I had to correct the meter settings for 6 new customers that had tapped into the W&S sewer system in the past 2 months, so they are read properly by the system. Also made some corrections to the billing on these accounts to make sure that the customers paid the proper amount for the meter/meter pit installed based on how much they did or did not pay when they bought the taps. We now have a total of 610 metered customers of which 165 are enrolled in the ACH program.

### **EPA Notice to Scan Utility Networks for China State-Sponsored Cyber Attacks**

August 15<sup>th</sup> the Town received a notice to scan utility networks for China State Sponsored Cyber Attacks. I contacted Jim Hunsicker with Alpine Loop Technical Consulting to have him scan both the router at the WWTP and the network in the Town Office. 9/1/23 Jim scanned the network at the WWTP and the Office and said that everything looked good. He is writing a report that I will share with the Board once I receive it. He did suggest that we put a firewall on the router at the WWTP like the one we have in the Town Office.

## **Visionary Broadband Project**

This project has been disjointed, chaotic and poorly planned to say the least. The people I talk to at Visionary are different than the people Greg Levine talks to which are different than the contractor/sub-contractors that Jameson talks to. Jameson has been on the front lines of this project and handling 90% of everything that has come up in relation to it including the frustration of working with multiple contractors who are having to find work arounds in the placement of lines because the original layout did not take into consideration the obstacles on the ground nor the advice and information that Jameson gave them last year, having to work with the inconvenient timing and scheduling of a rushed project, the initial disregard for following the proper process for site approval, and the miscommunication that has come with the Visionary project. He has handled almost all of the logistics, site approvals, and demands placed on the Town by himself. **Jameson has gone above and beyond the call of duty and deserves recognition for it.**

## **Public Works Staff Recognition And Kudos**

**Jameson, Willy, and Ethan deserve recognition** for how they have been handling all the visionary questions, issues, site approvals, encroachments, locates, and everything else that is happening including the simply broadband project locates and site approvals, all the water and sewer tap locates, inspections, and meter installs, additional sewer sampling, repairing damaged service lines, replacing leaking meters which is all on top of their normal daily duties. There is so much they are doing I may even have forgotten a few things. All these things have them stretched thin but they are managing and accomplishing everything in a professional and timely manner. They are all doing an excellent job and should be thanked and commended for their service.

## **Roundtop Communications Site**

Rolf Gloeckner, whom I believe deserves a thank you letter from the town, has not only repaired the EBS system that is now fully functional with two working radios, but has also assisted KVNF in getting their equipment working properly with the photovoltaic system that is in disrepair. I have listed a breakdown of the repairs he performed on the EBS system and the Photovoltaic system and the issues that he found that we need to address ASAP. Things he has brought to my attention that need to be addressed.

**1. KMOZ 106.3**, which we are using for the EBS, the translator license the Town owned for KMOZ was not renewed and expired during a previous Town Managers tenure. The 2 year grace period for renewal of that license expired in 2020. I am looking at what the Town's options are to see if and when we could reapply for the translator license. I am working on this.

**2. Repairs/Maintenance:** The Town has had a variety of people and different tech's that we have hired to do repairs and replace batteries on Round Top. These people clearly did not have the expertise nor knowledge to work on that system based on things being disconnected that should not have been disconnected, the controllers not being programmed/working correctly when things were disconnected or replaced and causing the whole system to be overamped which was causing damage to both the translators and the batteries, the heating and circulation system in the shack that houses the batters and translators was disconnected by a Nunatak

tech one to two years ago when he was replacing batteries and this has caused it to be too cold at night during the winter which has been causing batteries to crack. The Town has been spending money every year on replacing batteries that are being damaged and failing before the end of their lifespan with the photovoltaic system that is in desperate need of being redesigned, reprogrammed, and rewired. I have made it clear to all appropriate personnel and community members that no one is to go up there and make any kind of repairs without my knowledge or approval. Even though we have two batteries to replace broken ones I am not allowing them to be installed until we get the photovoltaic controllers and battery system repaired and working properly. We currently have enough electricity and capacity to power the 2 radio stations that are currently in operation so there is no immediate need to replace the batteries. In addition, there are more batteries that have cracked cases that need to be replaced as well. Industry standards say that you replace all the batteries at the same time and not just one or two at a time. Also, the original design and wiring schematics for Roundtop are not in the Town files. I have about 20 emails between me and Rolf that is available

### **Repairs Completed by Rolf Gloeckner to fix EBS and get KVNF working again.**

- Tested EBS System and Extended Voltage Range of EBS electronics to 36V to allow it work with the system that is in a constant state of overvoltage. **“Rolf, Please be aware that acid vapor released by the batteries as a result of constant overvoltage can and will damage electronics in the building. Although the voltage range to feed the EBS electronics is now extended to 36V, such electronics will be damaged by higher voltage such as the open solar panel voltage if the battery bank is disturbed. The open panel voltage can reach far above 36V!**
- 1 Controller replaced and programmed and installed the new KVNF translator. This was necessary to make the translator work again due to overvoltage.

### **List of items that still need to be redesigned, replaced, and repaired on Round Top.**

- The system no longer needs a battery bank of 20 batteries to meet the energy needs of only 2 radio stations, I think the system was originally designed to power up to 3 TV stations and 4 Radio Stations. I have been told that we can reduce the number of batteries to 10 and still provide more than enough energy for our needs.
- There are additional batteries with cracked cases that need to be replaced besides the two batteries that have broken terminals which we have replacements for already.
- One of the Solar Panels is not working. This may be an issue with the PV controller and/or wiring.
- The PV controller needs to be replaced. I have ordered this and hope to offset the cost of these additional repairs with the grant as mentioned above.
- Wiring from the panels to the controllers/batteries and from the controllers/batteries to the heating/fan system and the radio translators needs to be tested and rewired.
- Having Rolf do the troubleshooting/repairs necessary to get EBS and KVNF working has put us over budget by about \$400 and there is still a lot of work to be done up there. I suggest we put aside at least **\$10,000 in the budget** (I will be looking for grants to assist us) for Roundtop to have the system redesigned, rewired, and repaired. **The radio EBS system is now going to be incorporated into the County Emergency Operations Plan and it is essential to the safety and well being of the citizens of Lake City that the Town’s Communications site is working properly and receiving right and**

**timely maintenance.** Redesigning the site to be smaller and more efficient, with detailed engineering schematics will save the Town money in the long run in repair & maintenance fees and will most importantly ensure that if and when the EBS system is needed it will work and help save the lives of our citizens during an emergency.

### **Town Manager Professional Development Training Completed**

#### **CPM – Managing Crises, Emergencies, and Disasters (Pre-class assignment Hours)**

Class Requires FEMA Independent Study Certifications for IS.700.B, and IS.100.C:

##### **1. FEMA IS.700.B: An Introduction to the National Incident Management System**

- a. FEMA Estimated time to complete course 3.5 hours, actual time to complete 9.5 Hours
  - i. Sunday August 20<sup>th</sup> CPM Program FEMA Training - Started 10:15am - 11:35am 11:45am-1:45pm, 3:25pm - 3:55pm, 4:30-5:30pm = 4.8 hrs
  - ii. Monday August 21<sup>st</sup> 630pm-7pm, 730pm-830pm, 930pm-10:15pm = 2.25 hrs
  - iii. Tuesday August 22<sup>nd</sup> 8:40pm-8:55pm, 9pm-10pm, 10:10 pm-11:22pm = 2.45hrs
  - iv. **Total Hours Invested = 9.5 Hours**

##### **2. FEMA IS.100.C: Introduction to Incident Command System**

- a. FEMA Estimated time to complete course 2.0 hours, actual time to complete 3.42 Hours
  - i. Wednesday August 23<sup>rd</sup> 9:00pm-955pm, 10:10pm-11:10pm, 11:15pm-12pm = 2.67hrs
  - ii. Thursday August 24<sup>th</sup> 745pm to 830pm = .75hrs
  - iii. **Total Hours Invested = 3.42hrs**

**Total time to complete both FEMA certification classes and take the tests = 12.92hrs**

**Total time charged to the Town = 7.5hrs**

**Total time being donated free of charge = 5.42hrs**

I am only charging the Town the 7.5 hours for the FEMA Certification that said it would take 5.5hrs to complete the courses. The other 5.42 hours that it took me to complete the training and take the test I am not charging to the Town. All of the material was new to me and very extensive, so it took me a while to really absorb it properly to the point where I felt familiar with it and I decided that I would donate some of the additional time it took me instead of charging the Town. I think this is fair, please let me know if you think otherwise.

#### **CPM – Managing Crises, Emergencies, and Disasters (Actual Class Hours)**

1. Friday August 25<sup>th</sup> 8:30 am(lunch 12pm to 1pm)4:15pm = 6.75 hrs
2. Saturday August 26<sup>th</sup> 8:30am (Lunch 12pm to 1pm)4:10pm = 6.67hrs
3. **Total Hours Invested = 13.42hrs**

**CPM- Managing Crises (Post-Class Assignment) Due September 26<sup>th</sup>, 2023**

**This assignment is detailed below. I will track my hours carefully like I did with the pre-class assignment and the class itself. This requires a lot of time and broad research in order to be able to write a detailed essay that will satisfy the high standards of the CPM program. Depending on how long it takes me to complete this assignment will determine how much time I charge the Town. I may consider donating more time if it takes me more than 6 hours to complete. I will do my best to get it done as quickly as possible without compromising the quality of my essay. I take my education and the resources that the Town is spending on my education very seriously.**

### **Final Project – Literature Review and Case Study:**

For this session's project, you should first choose from a broad category of significant domestic emergencies, disasters, or catastrophic event. An initial broad investigation of available literature is recommended at this point. Once completed, please narrow it down to one specific event you are interested in which occurred anywhere in the country; but did **not** occur in Colorado.

Using the literature you researched, discuss in depth the history leading up to the event, the relevant context of the event, what happened during the event, the aftermath of the event, and how the event is connected to the material we covered in the course. How is it connected to existing policies or doctrine? How was the disaster managed? What role did communication play? What new laws or policies evolved that are in place today? If none are evident, what are some of the barriers being encountered?

You are free to include tables, figures, appendices, diagrams, and anything else you can think of to enhance your work.

There is no defined length for the project, minimum or maximum. Just let your learning interest guide you. Including a list of references is recommended, but not required.

# Emergency Management Institute



## FEMA

This Certificate of Achievement is to acknowledge that

**EDWARD A. MULHALL**

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the Independent Study course:

**IS-700.B:  
AN INTRODUCTION TO THE NATIONAL INCIDENT MANAGEMENT  
SYSTEM**

*Issued this 23rd Day of August, 2023*

Jeffrey D. Stern, Ph.D.  
Superintendent  
Emergency Management Institute  
Federal Emergency Management Agency



# Emergency Management Institute



## FEMA

This Certificate of Achievement is to acknowledge that

**EDWARD A. MULHALL**

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the Independent Study course:

**IS-100.C:  
INTRODUCTION TO INCIDENT COMMAND SYSTEM, ICS-100**

*Issued this 24th Day of August, 2023*



0.20 IACET CEU

Jeffrey D. Stern, Ph.D.  
Superintendent  
Emergency Management Institute  
Federal Emergency Management Agency



## Town of Lake City – Network(s) Scan Results

To: Town of Lake City Town Manager, Alexander Mulhall:

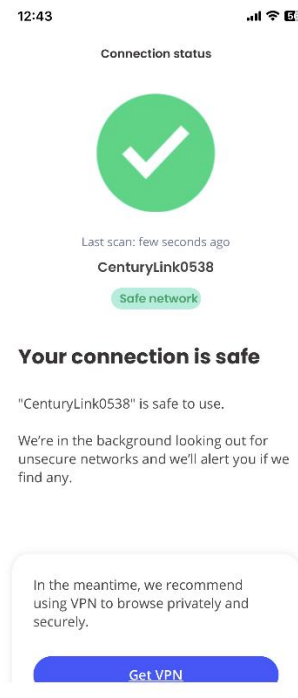
Sir, please see below the results of ALTC's network (both Wi-Fi and direct LAN) scan results for both the wastewater treatment facility and the Town of Lake City's Town Hall networks.

- **Wastewater Treatment Plant:**

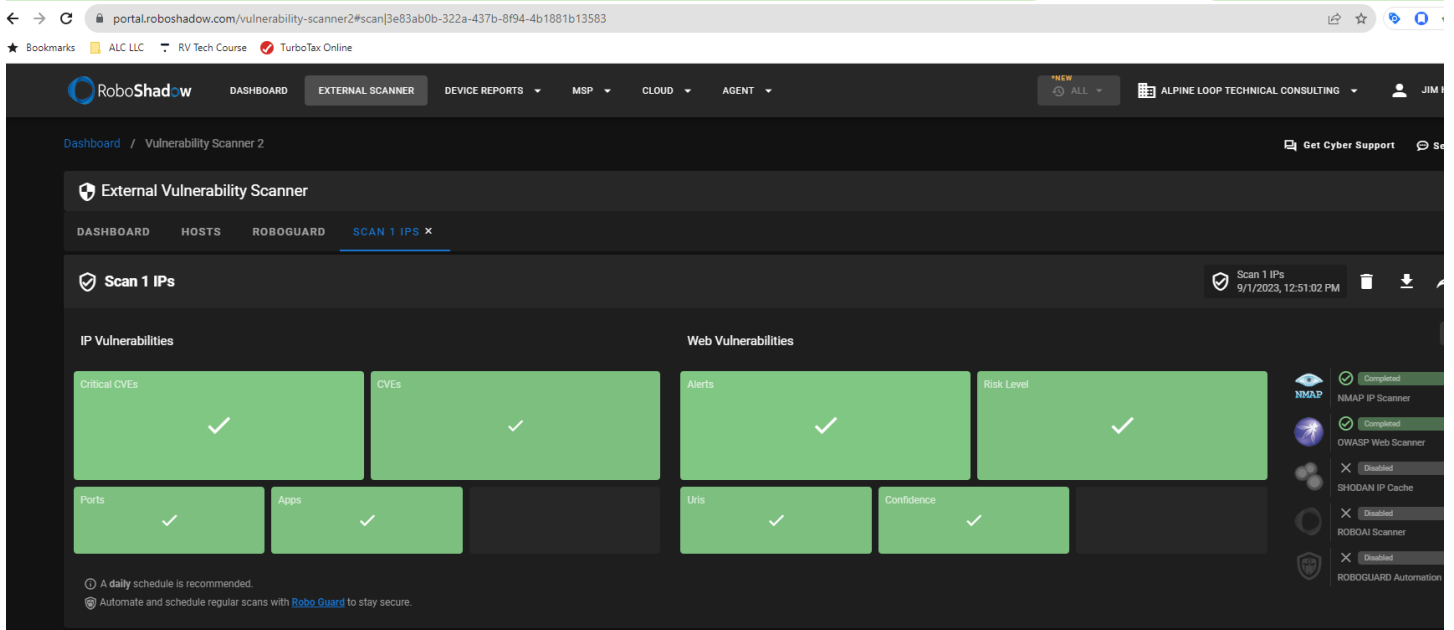
- Internet provider is CenturyLink and equipped with a standard residential CenturyLink Router with the following IP configuration:

```
Ethernet adapter Ethernet:
Connection-specific DNS Suffix . : PK5001Z
Description . . . . . : Realtek Gaming GbE Family Controller
Physical Address. . . . . : 58-EB-F6-C2-FE-56
DHCP Enabled. . . . . : Yes
Autoconfiguration Enabled . . . . . : Yes
Link-Local IPv6 Address . . . . . : fe80::4816:2ae4:ee68:97d0%15(Preferred)
IPv4 Address. . . . . : 192.168.0.162(Preferred)
Subnet Mask . . . . . : 255.255.255.0
Lease Obtained. . . . . : Friday, September 1, 2023 12:39:42 PM
Lease Expires . . . . . : Saturday, September 2, 2023 12:39:41 PM
Default Gateway . . . . . : 192.168.0.1
DHCP Server . . . . . : 192.168.0.1
DHCPv6 IAID . . . . . : 185946582
DHCPv6 Client DUID. . . . . : 00-01-00-01-29-9B-68-8B-58-EB-F6-C2-FE-56
DNS Servers . . . . . : 192.168.0.1
                        205.171.2.65
NetBIOS over Tcpip. . . . . : Enabled
```

- Both scans (again, both Wi-Fi and direct LAN) were clean with no detected vulnerabilities.
- *CenturyLink0538* SSID Wi-Fi password is complex and what's being used is what is stamped on the bottom of the router.



- Direct Ethernet to router (i.e., LAN connection and public IP) also rendered clean:



- Although not critical, ALTC recommends placing a more robust firewall for the wastewater treatment plant's network.

- **Town Hall Office:**

- The Internet provider is Visionary Communications.
- Office is equipped with a Ubiquiti UniFi firewall, with the following IP configuration:

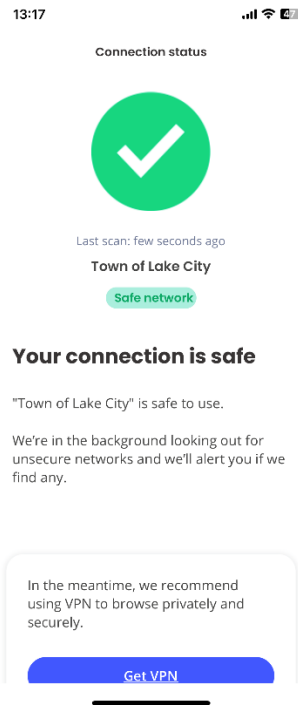
```

Ethernet adapter Ethernet:

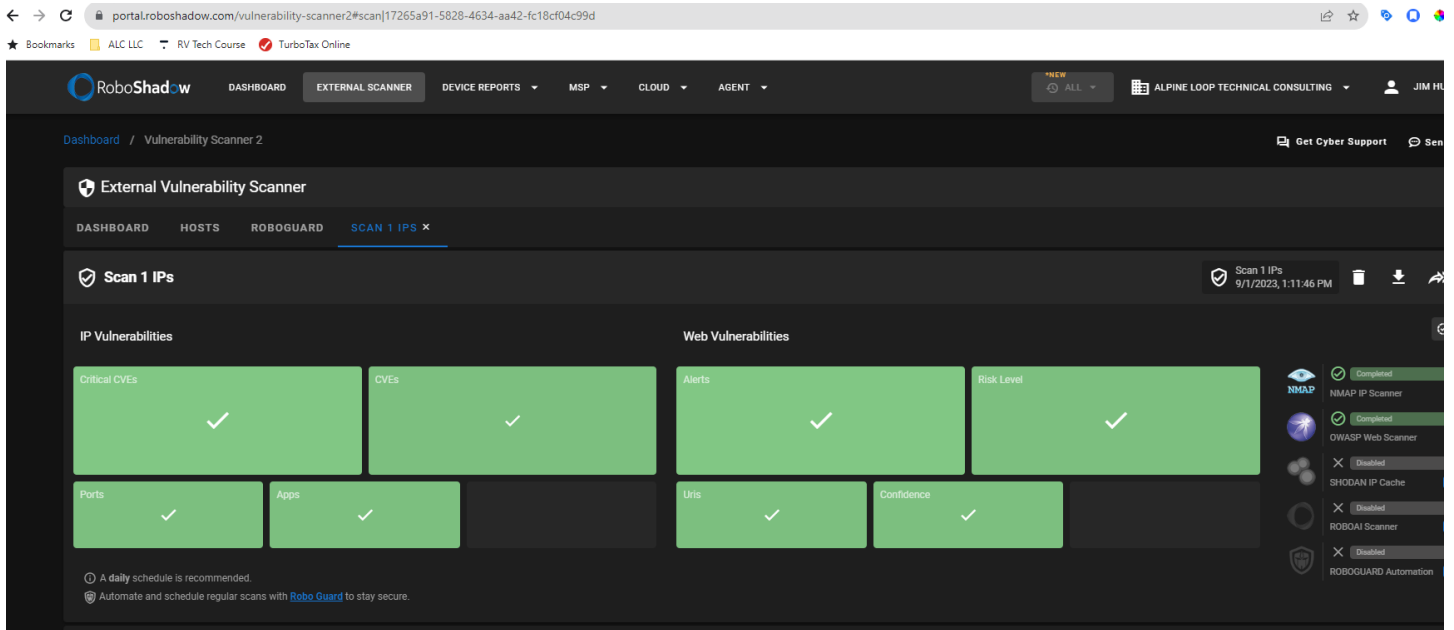
Connection-specific DNS Suffix . : PK5001Z
Description . . . . . : Realtek Gaming GbE Family Controller
Physical Address. . . . . : 58-EB-F6-C2-FE-56
DHCP Enabled. . . . . : Yes
Autoconfiguration Enabled . . . . : Yes
Link-local IPv6 Address . . . . . : fe80::4816:2ae4:ee68:97d0%15(Preferred)
IPv4 Address. . . . . : 192.168.0.162(Preferred)
Subnet Mask . . . . . : 255.255.255.0
Lease Obtained. . . . . : Friday, September 1, 2023 12:39:42 PM
Lease Expires . . . . . : Saturday, September 2, 2023 12:39:41 PM
Default Gateway . . . . . : 192.168.0.1
DHCP Server . . . . . : 192.168.0.1
DHCPv6 IAID . . . . . : 185966582
DHCPv6 Client DUID. . . . . : 00-01-00-01-29-9B-60-8B-50-EB-F6-C2-FE-56
DNS Servers . . . . . : 192.168.0.1
                        205.171.2.65
NetBIOS over Tcpip. . . . . : Enabled

```

- Both scans (once again, both Wi-Fi and direct LAN) were clean with no detected vulnerabilities.
- SSID Wi-Fi password is sufficiently complex.



- Direct Ethernet to router (i.e., LAN connection and public IP) also rendered clean:



Please let me know if you have any questions, concerns, etc.

Best,

Jim Hunsicker  
Founder, Alpine Loop Technical Consulting LLC

Saturday, August 2, 2023

Alexander, On behalf of Triplepoint, I apologize for our part in the situation. We fell short of our own standards. We wish you the best moving forward. We would love to help Lake City in any way we can - feel free to reach out any time. Working with small City's and wastewater lagoon systems is a what we specialize in. Sincerely,  
Brady

## Town of Lake City and Trustees

My name is Steve Ryals, I have been a full time Lake City Resident since 2012. I reside at 311 Silver St, and I am interested in filling the spot vacated by the resignation of Jeff Heaton. I was a Trustee for a 4-year term from 2012-2016. Please consider me to fill this vacancy for the remainder of his term.

Sincerely,

Steve Ryals

720-234-1740

Justin Hill  
215 Gunnison Ave  
Lake City, CO 81235

Lake City Board of Trustees-

I am writing you to express an interest in candidacy for the Lake City Board of Trustees. I believe I am uniquely qualified to bring distinct voice to the Board given my previous experience in a corporate Oil, my substantial involvement in small business, and my strong passion for the local community of Lake City.

I was born in Bakersfield, California. My father was from Casper, Wyoming and my mother was from Aguascalientes, Mexico. Although Bakersfield was in the San Joaquin Valley in southern California, I always spent time as a child with my father in the mountains. From an early age, my passions were hiking, fishing, camping, skiing, and much more (as long as nature was involved).

I am an only child. Every few years, I moved and changed schools. My father worked in the Oil industry for Shell: finding a new home and involving myself in the local community became a necessary routine. I moved 8 times before I was 18. I spent middle school in London, and high school in Scotland and Singapore. I went to college at Boston University: majoring in Business Administration / Finance and Art History. A big city felt like the logical next step (based on my peers and education).

However, I never felt connected to living in a big city. The mountains in Wyoming always felt like my home. Every summer my family would visit my father's family throughout Wyoming, and it was a fulfilling experience that connected me with nature and small-town communities.

After college, I followed my father's footsteps and worked for in the Oil industry for 10 years. I started as an Electricity Trader at Hess Corporation in Manhattan. I made some good friends, but ultimately went through a company restructuring that made Hess sell their trading business to Direct Energy. After a year of living in Manhattan and working at Direct Energy, I felt I was missing something huge. I needed a better community of people, and a more honest life to live. I started looking for opportunities to work with people that felt more honest to me: in the oilfield. I found an opportunity that for this type of work environment in Houston.

I was rehired at Hess for 6 years out of Houston, TX . For my first role, I planned all the financing and budgeting of our 18 drilling rig fleet in Minot, North Dakota. For my second role, I negotiated contracts and Federal Land agreements for Deepwater drilling wells in the Gulf of Mexico across several companies. In my final role, I did supply chain and coordinated buying and selling of equipment for a 100 well, Federally mandated Deepwater well abandonment campaign. Houston was a more grounded experience for me, and the people were great. However, I still felt there was something missing. What could it be?

I didn't like living in Houston. It was a town with nothing to offer for my personal fulfillment. Aside from a decent home, money, and good places to eat I didn't love the work that I was doing or where I was living. I studied finance, but working with my hands felt natural and the corporate environment felt hopeless. I was 30 years old, and unfulfilled. I spent a couple years trying to figure out what was important to me, and what I needed to change.

The fact was this: small businesses, tight knit communities, and a mountain lifestyle was what I need in my life to be happy. I am not cut out for the cutthroat environment, the lack of community, and the general lack of natural beauty most normal folks are subjected to in a city life. What could I do to change my unhappiness? The answer felt so far away from my lifestyle that I felt hopeless and lost.

I spent as much time as I could at my family's homes in Wyoming and New Mexico, but my life changed when I visited their new property in Lake City. Although I was unfamiliar with Lake City, initially, I instantly fell in love with the natural beauty, the community, and so much more. Every person

I met was kind, passionate about living in the mountains, and genuinely involved with their local community. I was convinced that I needed to move to Lake City, involve myself in the community, and build a new life. However, I was confused about how I would use my skillsets to do so.

The weekend I came to Lake City to visit, we saw Lake City Brewing Company for sale. I spent a night in the Brewery and fell in love with the people and the atmosphere. I have always been passionate about running my own small business, the hospitality industry, and brewing beer. I felt this was a sign from God and it was my chance to live in the mountains and throw myself into a small, genuine community. I approached my parents about my potential career change and they were, luckily, fully supportive. This was all the acknowledgment I needed. My future was Lake City Brewing Company.

Within a month, I quit my corporate oil job, moved out of my home in Houston, and moved to Lake City full time to run Lake City Brewing Company. I am the happiest I have ever been. I have extremely high hopes for the future of the Brewery and I plan to preserve its integrity and significance to the community. Running the Brewery over the past two years has been an extremely fulfilling and rewarding experience and I finally feel like I am a part of a truly unique community.

I may be a bit younger than most Board members, but I feel I can bring a unique opinion to the Board, and I am passionate about the future of Lake City. I am educated, reasonable, and open-minded. The uniqueness and remoteness of Lake city is, after all, what enabled me to change my life for the better. I will always give back, and I will always fight to preserve this unique community for those who embrace it (and the locals who have enabled this opportunity for myself). I would love to further involve myself in the community, for the better.

Modern times will throw some curve balls as the younger generation from the Front Range discovers this mountain paradise. It will take a variety of people from different age groups, backgrounds, and more to ensure the community remains intact. I hope to be a part of this journey, and to promote local business, community and more.

Please feel free to reach out if you would like to have an in-person conversation or if you have any questions and thank you for your consideration.

Kind Regards,

Justin Hill  
281-543-9511



**August 11, 2023**

Landon Whinnery  
PO Box 522  
Lake City, Co 81235

August 11, 2023

Town of Lake City  
PO Box 544  
Lake City, Co 81235

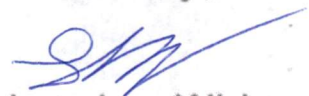
Dear Mayor Roberts & Town Trustees,

I am submitting this letter to express my interest in filling the vacancy on the Town of Lake City Board of Trustees.

I am a life long resident of Lake City. I intend on living here the rest of my life therefore I have a vested interest in the future and viability of our community.

Although I am only 23 years old, I feel I am a good and fair listener. I own and operate my own excavation business. Having this business gives me insight and knowledge of infrastructure logistics which I feel would be a positive addition to the board. I am open to learning the long term needs for the successful future of Lake City.

Sincerely,



Landon Whinnery

**TOWN OF LAKE CITY  
BOARD OF TRUSTEES  
ORDINANCE NO. 11-2023**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 12 OF THE LAKE CITY  
TOWN CODE REGARDING HISTORICAL PRESERVATION**

**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 Chapter 12 of the Code fosters civic pride in the beauty and accomplishments of the past and promotes the use of the historic district for the education and pleasure of the Town’s citizens, while protecting the scenic and historic atmosphere and character of the Town; and

**WHEREAS**, the existing Chapter 12 of the Code also protects the Town’s economy by protecting and enhancing the Town’s attractions for visitors, and preserving and protecting the continued existence of historical structures and sites within town while drawing a reasonable balance between the desires of property owners and the preservation of Town’s heritage; and

**WHEREAS**, the Board finds is necessary and appropriate to revise Chapter 12 of the Code to ensure historical preservation and protection of the Town historical district and buildings as well as encourage and protect the health, safety and welfare of the residents and visitor 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. Chapter 12 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:

**Chapter 12 - HISTORICAL PRESERVATION<sup>[1]</sup>**

Footnotes:

--- (1) ---

**State Law reference**— Tax credits for qualified costs in connection with preservation of historic properties, C.R.S. § 39-22-514.

**Sec. 12-1. - General provisions.**

- (a) Purposes. The purposes of these regulations are to:
  - (1) Foster civic pride in the beauty and accomplishments of the past and promote the use of the historic district for the education and pleasure of the town's citizens.
  - (2) Protect the unique scenic and historic atmosphere and character of the town and protect the architectural, cultural and aesthetic heritage of the town.
  - (3) Strengthen the town's economy by protecting and enhancing the town's attractions for visitors.
  - (4) Preserve and protect the continued existence of historical structures and sites within the town.
  - (5) Draw a reasonable balance between the desires of property owners and the preservation of the town's heritage, while avoiding the imposition of an unreasonable economic hardship.
  - (6) Prevent the use of materials or design in the repair, construction, reconstruction or remodeling of structures which:
    - a. Adversely affect other property values, the benefits of occupancy of other property, or the desirability of the district or other designated properties for business and residential purposes; or
    - b. Are hazardous or are incompatible with the historic character of the district or other designated properties.
- (b) These historical preservation regulations shall be considered as a part of the town's zoning ordinances and regulations and shall be amended in accordance with the procedure for amending zoning ordinances; provided, however, neither the board of zoning adjustment nor board of appeals shall have any authority to grant any variance from these regulations.
- (c) These historical preservation regulations shall apply within the historical preservation district or other designated properties, in addition to the town's zoning, building, subdivision and other ordinances and regulations. In all cases of conflict, the regulations which are more restrictive or limiting shall apply.
- (d) These regulations shall be interpreted and administered to promote the spirit of these regulations, to promote public health, safety and welfare, and to achieve substantial justice.

**Sec. 12-2. - Historic preservation commission.**

- (a) *Members.* The historic preservation commission shall consist of five members with demonstrated interest, knowledge, or training in fields closely related to historic preservation, such as architecture, landscape architecture, history of the community, real estate, law, city planning, fine arts, general contracting, education, commerce or industry. At least two of the members shall be professionals within such fields. Member shall be residents of the county. Members shall be appointed by the board of trustees after a review of applications. The town

will advertise any openings for the historic preservation commission to solicit applications for consideration. Appointments will be made in January of any year in which there is an opening.

- (b) *Terms.* The historic preservation commission terms start on January 1 of each calendar year. Three of the initial members will serve a two-year term, and two will serve three-year terms. Thereafter, all members will serve two-year terms.
- (c) *Removal and resignations.* If any member resigns prior to completing their term, the board of trustees may appoint a new member to complete the term of the resigning member. A member who fails to abide by the historic preservation commission bylaws, as established, or fails to perform his function can be removed by a majority vote of the board of trustees.
- (d) *Powers and duties.* The members of the historic preservation commission shall serve in an advisory capacity to the board of trustees, and shall have principal responsibility for matters of historical preservation. The powers, duties and responsibilities of the historic preservation commission shall be as set forth by the board of trustees resolution.
- (e) *Compensation.* Members of the historic preservation commission shall serve without compensation. To the extent authorized by the board of trustees, such members may be reimbursed for expenses necessarily incurred incidental to their duties for the historic preservation commission.
- (f) *Officers and bylaws.* The historic preservation commission members shall elect a chair and vice-chair, and such officers as it may require. The historic preservation commission shall make and adopt bylaws for governing its work, and it shall conduct its business in accordance with Roberts' Rules of Order.
- (g) *Administrative approvals.* The historic preservation commission ("HPC") may, through its Bylaws, designate certain types of certificate of appropriateness applications (e.g., fence or shed applications that clearly follow design guidelines) to be eligible for Town administrative approval, involving agreement of the HPC chair and the Town Manager or their designee. All other applications must go before the entire HPC board.
- (h) *Meetings.* The historic preservation commission shall act only at regularly scheduled meetings, which shall be held once per month at a time and day specified by resolution, or at meetings of which not less than five days' notice has been given; provided, however, that if the chair declares an emergency to exist, the historic preservation commission may meet upon one days' written notice. Absent the objection of any member, the chair may cancel or postpone a regularly scheduled meeting of the historic preservation commission.
- (i) *Quorum; action.* No official business of the historic preservation commission shall be conducted unless a quorum of not less than three members is present. The concurring vote of at least three members of the historic preservation commission is necessary to constitute an official act of the historic preservation commission. Official decisions of the historic preservation commission may be appealed to the board of trustees.

### **Sec. 12-3. - Designation of historical preservation district.**

- (a) The following area which has been designated as a historic district on the National Register of Historic Places is hereby designated as the historical preservation district of the town:

Foote and Richardson's addition to the Town of Lake City; that part of the Town of Lake City lying southerly of 8th Street, and westerly of Lake Street, according to the official plat of the Town of Lake City, Colorado; and the West Lake, Casco and Bluff additions to the Town of Lake City.

- (b) The board finds that the foregoing described area of the town has a unique character of historical importance which should be preserved and protected. This area includes all of the buildings, structures, sites, and objects in the town built before 1900. Consideration of the design of these pre-1900 structures and equipment shall take precedence in applying these regulations.

#### **Sec. 12-4. - Establishment of Town Historic Register and Designation Criteria.**

- (a) The Town of Lake City hereby establishes a Register of Historic Places (the “Town’s Historic Register”).
  - (1) Properties, structures, sites, object, or equipment (collectively “Property” or “Properties”), or districts may be listed in the Town’s Historic Register only if such property or district has been so designated pursuant to this ordinance.
  - (2) All Properties or districts listed in the Colorado State Register of Historic Properties and the National Register of Historic Places are eligible for the Town’s Historic Register, but are not designated until approval, pursuant to this ordinance, is obtained.
- (b) Eligibility Criteria
  - (1) Properties shall be at least fifty years old and meet one or more of the following criteria in order to be considered for designation:
    - a. Association with events that have made a significant contribution to history;
    - b. Connection with persons significant in history;
    - c. Distinctive characteristics of a type, period, method of Construction, or artisan;
    - d. Geographic importance; and/or
    - e. Possibility to yield important information related to prehistory or history.
  - (2) A Property may be exempted from the age standard if the Town Board of Trustees finds it to be exceptionally important in other criteria.
- (c) Integrity Criteria. All Properties shall be evaluated for their physical integrity using the following criteria: Location, Design, Setting, Materials, Workmanship, Feeling, Association.
- (d) Designation Procedure
  - (1) Nomination and Application
    - a. Applications shall be submitted to the Town Clerk for consideration on a form provided by the Town’s Historic Preservation Commission (“HPC”).
    - b. A nomination for listing in the Town’s Historic Register may be made by: a) the Owner or Owners of the Property or Properties to be designated, b) a member or

members of the Historic Preservation Commission or other interested persons, with permission from the property owner.

- c. Applications determined incomplete shall be returned to the Applicant within 30 days with a request for additional information.

(2) Designation Hearing

- a. Within 45 days after an application is determined complete, or within a time frame agreed upon by the Applicant and the Town, a public hearing shall be held by the HPC.
  - i. The HPC shall provide notice of the date, time and location of the public hearing to the Applicant, the Owner or Owners of record, the Owners of adjacent properties and, if known, to other persons having a legal or equitable interest in the Properties nominated for designation at least 10 days prior to the hearing.
  - ii. A legal notice indicating the nature of the hearing, the Property involved, and the time, date and place of the scheduled public hearing, shall be published in the Town's publication of record at least 10 days prior to the hearing.
  - iii. The notice shall be posted at the Property's physical location at least 10 days prior to the hearing.
- b. A hearing may be continued. If the hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned. In no case shall a hearing be continued more than 30 days without the express consent of the Applicant.
- c. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation. However, nothing contained in this ordinance shall be construed to prevent the HPC from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
- d. Transcripts of the hearings are not required; however, the HPC's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an Owner or holder of some interest in the Property nominated for designation, or represents such Owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing.

(3) Commission Review

- a. The HPC shall review the application for conformance with the established criteria for designation and with the purposes of this ordinance.
- b. The HPC shall recommend: Approval, Approval with conditions, or Denial of the application.

- c. The HPC shall set forth in writing its findings of fact which constitute the basis of its recommendation.

(4) Town Board of Trustees Proceedings. Within 30 days after receipt of the HPC's approval of an application, the Town Board of Trustees shall hold a public hearing to consider adopting by resolution those properties qualifying for designation. Such notice and hearing shall be conducted in conformance with the procedures set forth in Section 12.3, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities assigned therein to the HPC.

- b. The Town Board of Trustees shall review the application for conformance with this ordinance.
- c. The Town Board of Trustees shall, by resolution, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the HPC's recommendations.
- d. The Town shall provide a copy of the results of the Town Board of Trustees's final action to the Applicant/Applicants, all Owners of record, the Building Official, and any other person who has requested in writing to receive the same.
- e. The decision of the Town Board of Trustee's shall be final and controlling.

(5) Recording of Designation.

Within 30 days of the effective date of a resolution designating a Historic Property or Historic District for preservation, the Town shall record the resolution with the clerk and recorder of Hinsdale County.

(6) Records

The Town shall maintain a current record of all Historic Properties and Historic Districts and pending designations.

(7) Limitation on Resubmission and Reconsideration of Proposed Designation.

Whenever the HPC or the Town Board of Trustees denies a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the denied application unless the Commission or Town Board of Trustees has denied based on a request for additional information.

(8) Appeal of HPC's Denial of Application.

- a. Applicant(s) and/or Owner(s) shall have the right to appeal such decision to the Town Board of Trustees by filing a written notice within 15 days after the date of receipt of the HPC's denial. Such written notice shall specify the factual and legal basis for the appeal.
- b. Within 45 days after an appeal is received by the Town Clerk, or within a time frame agreed upon by the Applicant(s) and/or Owner(s) and the Town, a public hearing shall be held by the Town Board of Trustees.
- c. Notice of the Town Board of Trustee's consideration of the appeal and hearing shall be provided in accordance with Section 12.3, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the HPC.

- d. The Town Board of Trustees may consider the notice of appeal, the Commission's reasons for denial of the application, and the comments related thereto made during the Commission hearing.
- e. If the Town Board of Trustees finds the Commission's denial of the application was based on incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Commission, and if the correct or newly discovered information could, in the opinion of the Town Board of Trustees, change the Commission's denial of said application, then the entire matter shall be remanded by the Town Board of Trustees to the Commission for its consideration.
- f. The decision of the Town Board of Trustees shall be final.

(9) Amendment of Designation

- a. Designation of a Historic Property or Historic District may be amended to add features or Properties to such Historic Property or Historic District under the procedures prescribed hereinabove.
- b. Upon the Commission's decision to amend a designation, the Commission shall promptly notify the Owners of the Historic Property and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property or Historic District stating notice of the amendment, and schedule the resolution for Town Board of Trustees review. Upon adoption by the Town Board of Trustees, the resolution shall be recorded.
- c. Notwithstanding any recommendation or decision of the Commission, any decision made by the Town Board of Trustees shall be final and controlling.

(10) Revocation of Designation

- a. If a Historic Property or Historic District has been Altered to a degree that it no longer retains its historic Integrity, the Owner may apply to the Commission for a revocation of the designation or the Commission shall recommend revocation of the designation to the Town Board of Trustees in the absence of the Owner's application to do so. The revocation application shall be reviewed under the same procedures described hereinabove.
- b. Upon the Commission's decision to revoke a designation, the Commission shall promptly notify the Owners of the Historic Property or Historic District and the Town shall cause to be prepared a resolution including the legal description of the affected Historic Property stating notice of the revocation, and schedule the resolution for Town Board of Trustee review. Upon adoption by the Town Board of Trustees, the resolution shall be recorded.

**Sec. 12-5. - Review procedure for building permits.**

- (a) In addition to the other requirements of town ordinances and regulations, all applications for building permits within the historical preservation district shall be accompanied by a drawing, picture or scale model, which shows the exterior surfaces of the structure as proposed to be



constructed, repaired, reconstructed or remodeled, in sufficient detail and reasonably adequate to depict the finished appearance of the structure and its relation to any location on its building site. It shall also be accompanied by an indication of the type of exterior materials, colors, and finishes proposed to be used.

- (b) In the event the building inspector determines from any pertinent application for a building permit that no material change will result in the exterior appearance of the historical structure, no further review under these regulations shall be required and the building permit may be processed in the ordinary manner by the building inspector. Otherwise, if any material change to the exterior appearance of the structure is anticipated, the building permit application shall be referred to the historic preservation commission for further consideration pursuant to subsection (c) of this section. Small buildings, by way of example and not limitation a storage shed, which do not require building permits, still require a certificate of appropriateness.
- (c) If, upon pertinent review of a building permit application, the historic preservation commission determines that the following criteria have been met, it shall issue a certificate of appropriateness:
  - (1) The application is complete in accordance with subsection (a) of this section; and
  - (2) No conditions need to be required; and
  - (3) The application as submitted is in complete compliance with the criteria of section 12-5, as amended, beyond any reasonable doubt.
- (d) If the historic preservation commission determines that the application for a building permit does not qualify for a certificate of appropriateness pursuant to subsection (c) of this section, the applicant may request further review by the board of trustees. In the event of such request, the application shall be referred to the board of trustees for its review at its next regular meeting.
- (e) In the course of reviewing any application for a building permit referred to it by the historic preservation commission, the board shall consider the application's compliance with the criteria set forth in section 12-5, as amended. In all cases, the burden shall be upon the applicant to prove that the criteria of said section have been fully met, thereby entitling the applicant to approval of the subject building permit. The board may continue its review process from time to time, as it deems appropriate. However, if the board fails to render a decision on the application within 45 days of the first regular meeting at which the matter is presented for review, the certificate of appropriateness shall be deemed approved, unless the applicant consents to a further extension of time.
- (f) The board may either approve or deny the application, based upon the criteria of section 12-5, as amended. It may also conditionally approve the application, if the applicant agrees to comply with the board's stated conditions. Such conditions shall be expressly incorporated into the certificate of appropriateness and the ultimate building permit. No certificate of occupancy may be issued until such conditions have been completely fulfilled.
- (g) The board may, but need not, issue written findings in support of any final decision made under this section.
- (h) Following any approval of the pertinent application and issuance of a certificate of appropriateness, the building inspector may issue the building permit, provided that all other

applicable requirements of town building regulations and other ordinances are met. No building permit shall be issued unless and until the board has approved the application and issued a certificate of appropriateness.

**Sec. 12-6. - Criteria for approval.**

- (a) In order for the board or historic preservation commission to grant a certificate of appropriateness for any application for a building permit, the board or commission shall determine that the application meets the following criteria:
  - (1) The proposed work is consistent with and promotes the purposes of these regulations, as set out in section 12-1(a).
  - (2) With respect to an existing structure, the proposed work will not adversely materially affect its historical quality and value.
  - (3) The proposed work will have no adverse material effect on the character of the historic preservation district as a whole, of the immediate area, or of other structures within the historic preservation district.
- (b) In determining compliance with the criteria of this section, the board shall consider the following:
  - (1) The effect upon the general historical and architectural character of the structure and area.
  - (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures in the area.
  - (3) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the structure upon which such work is done.
  - (4) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the structure or area.
  - (5) The use to which the structure or area will be put.
  - (6) The condition of existing improvements and whether or not they are a hazard to public health and safety.
  - (7) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to other structures and sites within the area and district.
  - (8) The compatibility of accessory structures and fences with the main structure on the site, with other structures and with the character of the district.
  - (9) Substantial compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects."
  - (10) Compliance with any Design Guidelines adopted by the Town.

**Sec. 12-7. – 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 Town Hall 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 Town determines the application is complete, the Town shall promptly refer the application to the Commission. If the Town 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.
- f. Any and all documents or evidence under this section shall be submitted to the Town Office.

## 2. Criteria for Exemption

### a. Economic Hardship

- i. The Commission may solicit expert testimony and require that the Applicant make submissions to the Town Office 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 Chapter 12 for the relevant proposed action.
  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 Town 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 Town 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 Board of Trustees.
- 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 Board of Trustees.
- 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 Board of Trustees by filing a written notice with the Town within 15 days of the date of the receipt of the Commission's denial.
- b. Notice of the Board of Trustees's consideration of the appeal and hearing shall be provided in accordance with Section 4, Subsections 2(a)-(d), except the Town Clerk shall perform the responsibilities of the Secretary.
- c. The Board of Trustees shall hold a public hearing to consider the appeal, and consider any evidence (including new evidence) it deems relevant to the application.
- d. The Board of Trustees shall apply the criteria in this Section in making its decision.
- e. The decision of the Board of Trustees shall be final.

### **Sec. 12-8. - Structure removal permits.**

- (a) It shall be unlawful to demolish or relocate any structure in the historic preservation district unless a removal permit is approved pursuant to this section.

- (b) Applications for a removal permit shall be submitted on forms provided by the town, which may require all information necessary or convenient for the administration of this section and, at a minimum, shall be accompanied by a drawing, picture or scale model, which shows the structure proposed to be removed and its relation to and location on its site.
- (c) All applications shall be reviewed by the historic preservation commission. If it determines that the following criteria are met, it shall issue a removal permit and forward a copy of it to the board of trustees:
  - (1) The application is complete in accordance with subsection (b) of this section.
  - (2) No conditions need to be required.
  - (3) The application, as submitted, meets the criteria of subsection (e) of this section beyond any reasonable doubt.
- (d) All applications for removal permits not approved pursuant to subsection (c) of this section shall be referred to the Board of Trustees for review for compliance with the criteria of subsection (e) of this section. The Board shall follow the same procedures for review as set out in section 12-4(e) through (g), but shall apply the criteria of subsection (e) of this section.
- (e) In order for a removal permit to be issued, the applicant must show that the building or structure:
  - (1) Has no 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 section 12-5(b);
  - (2) If it is to be relocated elsewhere within the historic preservation district, a building permit and certificate of appropriateness are or will be issued under section 12-4 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.
- (f) In assessing the existence and degree of economic hardship to an applicant for obtaining a removal permit, the historic preservation commission, or its lawful delegate, may solicit and consider expert opinion or may require the applicant to submit any or all of the following information:
  - (1) 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;

- (2) 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;
  - (3) 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;
  - (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 structure on the property;
  - (5) 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;
  - (6) 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;
  - (7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
  - (8) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  - (9) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years;
  - (10) Assessed value of the property according to the two most recent assessments;
  - (11) Real estate taxes for the previous two years;
  - (12) Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
  - (13) 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 render a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (g) 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;
  - (2) The structure cannot be rehabilitated or reused on-site to provide for any reasonable beneficial use of the property;
  - (3) The structure cannot be practicably moved to another site in the town; 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;
  - 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.

**Sec. 12-9. - Enforcement.**

- (a) It shall be unlawful for any person to violate any of the provisions of these regulations or any of the conditions included upon a building permit or certificate of appropriateness issued pursuant to these regulations.
- (b) The town may maintain an action in a court of competent jurisdiction for an injunction, or otherwise to enforce compliance with these regulations or any conditions issued hereunder.
- (c) No building permit, occupancy permit, subdivision plat approval or other permit or action of approval will be given, granted or issued by the town with respect to any structure or property in violation of any of the provisions of these regulations.
- (d) The town shall have recourse to any other remedies provided by law.

**Sec. 12-10. - Penalty.**

It shall be unlawful for any person to violate any of the provisions of this chapter. Any person convicted of such a violation may be punished in accordance with section 1-14 of the Lake City Municipal Code.

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 16TH 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