

**CITY COUNCIL  
CITY OF CREEDE, COLORADO – A TOWN  
January 13, 2004**

**REGULAR MEETING**

The City Council of the City of Creede – a Town, County of Mineral, State of Colorado, met in regular session in the Creede Town Hall at the hour of 7:29 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss, JB Alexander, Merle Knous, Jennifer Homsher,  
Gene Dooley, Chuck Barnes  
ABSENT: BJ Myers (medical)

Mayor Pro Tem Barnes declared a quorum present:

Those members of staff also present were as follows:

Robin Crites, City Attorney  
Ben Gibbons, City Attorney  
Clyde Dooley, City Manager  
Pamela Wilson, City Clerk/Treasurer

**APPROVAL OF AGENDA**

There will be no executive session for the RRROW update, as the Mayor is absent this evening. Otherwise, there are no changes to the agenda.

**APPROVAL OF MINUTES FOR December 8 and 10, 2003**

Trustee Knous moved and Trustee Dooley seconded to approve the minutes of December 8 and 10, 2003 as presented. The vote was unanimous. Mayor Pro-Tem Barnes declared the motion carried.

The minutes for December 19, 2003 will be approved at the January meeting. With the year end activities in the City office, the City Clerk has not yet completed the transcription of the December 19<sup>th</sup> minutes.

**ACCEPT AND PAY BILLS**

Trustee Knous moved and Trustee Dooley seconded to accept and pay bills as identified on the cash disbursements journal. The vote was unanimous. Mayor Pro-Tem Barnes declared the motion carried.

**REPORTS AND PRESENTATIONS**

**CITY MANAGER'S/MAINTENANCE REPORT**

These reports were reviewed and discussed. There was a correction made under Funds Received there should be a comparison with last year, not last month. City Manager Dooley also reported that he and building inspector Fred Eastland has checked into the required width of a door to be either handicap or wheelchair accessible and had no luck in the Universal Building Code (UBC), but found a definition of "a doorway will have a clear opening of thirty two inches..." in the American's with Disabilities Act (ADA) accessibilities guidelines. This information is pertinent to the restrooms in Basham Park

**SHERIFF'S REPORT**

Sheriff Leggitt was available to answer questions about his report. His report included the number of City miles patrolled in the month of December was eight hundred fifty; hours patrolled were two hundred fifty; there were fifteen incidents and complaints; two tickets were issued and there were two accidents within the City. Council asked where the one vandalism took place. The ball park restroom was vandalized. It was reported by the Thompson's who contract to clean the restrooms at both Basham park and the ball park.

**RECREATION REPORT**

Eloise Hooper was available to answer any questions the Board had about her report. She will be assisting the Chamber with the children's parade for *Whistle Pig Days* February 14<sup>th</sup>. Recreation is also planning an Easter egg hunt for April 4, 2004.

### WRITTEN REPORTS

This includes the Chamber of Commerce report. This report is for Council's information and can be reviewed at their earliest convenience.

### NEW BUSINESS

#### RESOLUTION 04-01 FOR 2004 APPOINTMENTS AND CHARGES

As Resolution 04-01 was reviewed, changes were made by motion before the overall resolution was adopted. City attorney Crites suggested that since he recently retired from his practice and Ben Gibbons bought it, that we put Ben's name first as City Attorney and then his name second, as he will still be assisting Ben as needed. Crites also informed Council that with their permission he would like to complete a couple of projects for the City that he has wanted to complete for some time and now that Ben will be handling the brunt of the City's issues he will have more time, under Ben's supervision, to work on them. These projects consist of compiling copies of all the actual documents he can find on the railroad right-of-way in relation to Creede and to codify the City's ordinances and resolutions. He received their okay. Crites said he may require some assistance from Trustees Knous and Barnes and Mayor Myers with the railroad information.

City Attorney Crites read 31-23-203(2) C.R.S. regarding the Planning Commission Committee being required to live within the limits of the municipality of the committee they are appointed to. This would remove both Fred Eastland and City Manager Dooley from Creede's Planning Commission. They can still attend the meetings in their other capacities of building inspector, zoning officer and City Manager, respectively. Trustee Knous moved and Trustee Alexander seconded to strike Eastland and Dooley from the Planning Commission Committee. The vote was unanimous. Mayor Pro-Tem Barnes declared the motion carried. The State Statutes allow for the City to have a five member committee if not a seven member committee. Crites said that it would be suitable, however for Dooley to be the Land Use Administrator and should still attend the planning and zoning meetings. Trustee Knous moved and Trustee Homsher seconded to appoint City Manager Dooley the Land Use Administrator. The vote was unanimous. Mayor Pro-Tem declared the motion carried.

Due to the increasing costs related to processing such requests, the application for both zoning change and conditional use will increase from one hundred dollars to two hundred dollars. Trustee Knous moved and Trustee Dooley seconded to approve this increase. The vote was unanimous. Mayor Pro-Tem declared the motion carried.

It was discussed and suggested that item 8.A. *Mileage for the use of private vehicles on City business* be set at what is currently allowed as reimbursement by the Internal Revenue Service. The City Clerk will check into this and make the adjustment.

Trustee Knous moved and Trustee Alexander seconded to approve the overall Resolution number 04-01 as amended. The vote was unanimous. Mayor Pro-Tem declared the motion carried.

### EXECUTIVE SESSION

Before going into executive session, the Council talked briefly with Karl Kolisch (in the audience) a Mineral County Commissioner and Sheriff Leggitt, about the possible vehicle trade that has been proposed by the County to the City. They also discussed the vehicle that belongs to the City and if the Sheriff should hold off removing the police accessories from it in case the trade takes place and the County keeps the law enforcement vehicle.

Trustee Knous moved and Trustee Dooley seconded to go into executive session to get legal advice about the City's options on the City law enforcement issues. The vote was unanimous. Mayor Pro-Tem Barnes declared the motion carried and Council went into executive session at 8:41 p.m.

The update on the railroad right-of-way by the Mayor will not be given due to her absence.

Trustee Goss moved and Trustee Dooley seconded at 11:25 p.m. to come out of executive session. The vote was unanimous. Mayor Pro-Tem Barnes declared the motion carried.

FURTHER DISCUSSION

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Trustee Alexander mentioned a meeting he has been asked to attend with Creede/Mesa group on January 14, 2004, about the water issues. He would like to know what he should share with them for the City. City Manager Dooley has been asked to step in for the Mayor, as she is unable to attend. City Attorneys Gibbons and Crites advised that Alexander and Dooley should just hear them out, "gather data" and bring the information back to the Board for consideration and discussion.

ADJOURN

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There being no further business to come before the Council at this time, Trustee Knous moved, and Trustee Dooley seconded, that the meeting be adjourned. The vote was unanimous. Mayor Pro-Tem Barnes declared the motion carried and the meeting was adjourned at 11:47 p.m.

Respectfully Submitted:

Approved by City Council:

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Pamela Wilson, City Clerk/Treasurer

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Charles G. Barnes, Mayor Pro-Tem