

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
January 3, 2012**

REGULAR MEETING

The Board of Trustees 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 5:31 p.m. There being present at the call of the roll the following persons:

TRUSTEES PRESENT: Elizabeth Zurn, Evelyn Gant (by phone), Ed Skroch,
Debby Roughton-Miles, Denis Powell, Eric Grossman
ABSENT: Debbie Wylesky

Mayor Roughton-Miles, presiding, declared a quorum present:
Those members of staff also present were as follows:

Clyde Dooley, Town Manager
Randi DePriest, Clerk/Treasurer
Eric Heil, Town Attorney (by phone)

REVIEW AGENDA

Mayor Roughton-Miles added a letter of resignation as New Business item d. Kip Nagy requested that a request for an extension on the Compliance Agreement between Kip's Grill and the City of Creede be added to the agenda as New Business item e. Trustee Grossman requested that a report for LWCRCo be added to Reports and Presentations item f. Trustee Powell moved and Trustee Grossman seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF OCTOBER 4, DECEMBER 6, AND DECEMBER 8, 2011 MINUTES

Trustee Grossman made a correction to the October 4, 2011 minutes. Trustee Skroch moved and Trustee Powell seconded to approve the October 4, 2011 minutes as amended. Mayor Roughton-Miles declared the motion carried. The vote was unanimous. Mayor Roughton-Miles made a correction in the December 6, 2011 minutes. Trustee Grossman moved and Trustee Powell seconded to approve the December 6, 2011 minutes as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. Trustee Skroch requested that verbiage related to water rights be added to the December 8, 2011 minutes and that the minutes be tabled until the additions were made.

MONTHLY DISBURSEMENTS

REVIEW/CONSENT OF PREVIOUSLY PAID DISBURSEMENTS ON THE DECEMBER 2011 CHECK DETAIL REPORT

Questions were asked and answered about snow removal costs. Trustee Grossman moved and Trustee Skroch seconded to approve the previously paid disbursements on the December 2011 check detail report. The vote was unanimous. Mayor-Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF PROFESSIONAL SERVICES INVOICES (AND OTHERS AS NECESSARY) FOR CHECKS TO BE WRITTEN AND SIGNED

Questions were asked and answered about insurance payments to CIRSA and a Jackson Electric invoice. Trustee Grossman moved and Trustee Powell seconded to approve the payments on the unpaid bills detail as of January 3, 2012. There were three yes votes and two abstentions (Gant and Zurn). Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF GARDENER EXCAVATING, INC. FINAL PAY ESTIMATE

Trustee Skroch moved and Trustee Grossman seconded to approve the payment of Gardener Excavating, Inc. Final Pay Estimate, Phase II, Contract 4 5% retainage of \$24,940.13. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

PUBLIC WORKS REPORT

Public Works Director, Ben Davis, reported on the recent snowstorms and the staff's approach to keeping the streets clear, wastewater repair costs, and problems with the Ball Park restrooms. The ballpark restroom heating, cleaning, and maintenance costs were discussed. Trustee Skroch moved and Trustee Grossman seconded to give Davis administrative direction to close the Ball Park restrooms down during the winter at his discretion. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

CODE ENFORCEMENT REPORT

Code Enforcer Deb Lamb was available to comment on her report. Lamb mentioned that the Municipal Code, Ruth Acheson, had concerns that parts of the Creede Municipal Code were excessively vague. Eric Heil advised that the board should discuss the Ordinances and Code in the January 17, 2012 Work Session and prioritize their revision. He also mentioned that his office is in the process of rewriting Chapter 7 of the Municipal Code, the Nuisance Ordinance, for review at the work session.

MAYOR ROUGHTON-MILES' REPORT/UPDATE

Mayor Roughton-Miles asked for an update from the meeting with Duane Dell of the USDA. She spoke with a consultant for the Durango River Walk who would be willing to travel here and assess our flume situation if he was reimbursed for travel costs. She also contacted a former Trustee from Del Norte for consultation on getting a GOCO grant. The flume was discussed at length and the Board asked Clyde to compile previous ideas, plans, and designs that have been prepared for the January 17, 2012 Work Session. The board discussed contacting the EPA to establish whether repairing the flume would interfere with any of their work on Willow Creek.

LOWER WILLOW CREEK RESTORATION COMPANY REPORT

Trustee Grossman reported that the Voluntary Cleanup Application had been approved for the floodplain; however, the property transfer had been delayed in order to do a Targeted Brownfields Assessment.

CHAMBER OF COMMERCE REPORT

Director Della Brown was available to comment on her report. No questions were asked.

WRITTEN REPORTS

Written reports included reports from the Building Inspector, Recreation and the WCRC. The reports were received and filed.

OLD BUSINESS

APPROVE/DISAPPROVE LETTER OF SUPPORT FOR MINERAL COUNTY PROPOSAL TO ACQUIRE FEDERAL TRANSPORTATION FUNDS

Jim Loud was present to further explain the project and answer any questions. The Board voiced their support for the project. Clerk DePriest was given direction to work with Mr. Loud to finalize the support letter and to have the Mayor sign it.

APPROVE/DISAPPROVE RESOLUTION 2012-02 ACCEPTING CONSTRUCTION WORK FOR CREEDE WATERLINE REPLACEMENT PROJECT

Manager Dooley explained that this resolution was a part of the requirements for closing out the water loan. Attorney Heil assured the Board that the Resolution would not affect current litigation. Trustee Skroch moved and Trustee Grossman seconded to approve Resolution 2012-02 Accepting Construction Work Performed by Gardener Excavators, Inc., Farner Enterprises, Inc., and RMS Utilities, Inc., for phases II, III, and IV of the Creede Waterline Replacement Project. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

DISCUSS UPDATING BUILDING HEIGHT AND SQUARE FOOTAGE REQUIREMENTS

Mayor Roughton-Miles expressed why she had added this discussion to the agenda. It was discussed and decided that the issue did not need to be addressed at this time.

ACCEPT WYLESKY RESIGNATION LETTER

Mayor Roughton-Miles read the letter received by the Trustees to those in attendance. Trustee Powell moved and Trustee Skroch seconded to accept the letter of resignation. There were four yes votes and one no vote (Gant). Mayor-Roughton-Miles declared the motion carried. Options on filling her position were discussed and it was decided that the seat remain empty since elections are only three months away.

KIP NAGY REQUEST FOR EXTENSION ON KIP'S GRILL COMPLIANCE AGREEMENT

Kip Nagy distributed updated structural drawings and explained that he had been unable to fulfill the terms of the Compliance Agreement due to the holidays. Trustee Skroch moved and Trustee Powell seconded to grant an extension of two months. There were three yes votes and two abstentions (Zurn & Gant). Mayor-Roughton-Miles declared the motion carried. A compliance date of March 6, 2012 was agreed upon.

MANAGER'S REPORT

The items discussed and the actions taken in the Town Manager Dooley's Report were as follows:

UPDATE ON RGSİ RECONVEYANCE: Dooley updated the Board on RGSİ. Dooley asked Attorney Mehren to change the agreement verbiage from "reconveying" ½ of .25 cfs of the water to RGSİ to making it available.

HEADLEE REPLAT: Questions were asked regarding Tom Headlee's land use application. Dooley told the Board that it was so far unclear from town record research whether North Creede was officially annexed into the Town Boundaries. Dooley and Attorney Heil commented that it may be best to look into doing it properly. Heil added that it was a very technical process. Dooley and Heil were given direction to research the process further.

PARKING IN TOWN: Dooley reported that there was quite a bit of parking on the side streets and in the canyon available. Trustee Skroch suggested that most of the streets are too narrow for parking on. Parking possibilities along the new lumberyard were discussed, and parking was added to the January 10, 2012 Planning & Zoning agenda.

HIGHWAY USERS TAX: Dooley assured the Board that the Town has been receiving road-related taxes timely and that he would double check to see they arrive in time.

FOREST SERVICE: Mayor Roughton-Miles asked Manager Dooley for an update on a possible future land trade for development. Dooley informed the Board that he had contacted Dan Dallas from the Forest Service but had not heard back.

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PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

Rex Shepperd signed in for Public Comment. No paperwork was filed for inclusion in the permanent record.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Powell moved and Trustee Grossman seconded that the meeting be adjourned at 7:55 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted:



Randi DePriest, City Clerk/Treasurer