

**BOARD OF TRUSTEES  
CITY OF CREEDE, COLORADO – A TOWN  
January 4, 2011**

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 5:30 p.m. There being present at the call of the roll the following persons:

PRESENT: Elizabeth Zurn, Evelyn Gant, 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:

Pamela Wilson, Clerk/Treasurer  
Clyde Dooley, Town Manager  
Benjamin Gibbons, Attorney  
Ronald McLaughlin, Engineer

REVIEW AGENDA

Mayor Roughton-Miles wanted to talk about the city/county retreat during the manager's report. Trustee Zurn moved and Trustee Gant seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF DECEMBER 14, AND 28, 2010 MINUTES

Trustee Zurn moved and Trustee Powell seconded to approve the December 14, 2010 minutes as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Mayor Roughton-Miles reminded the clerk that she had missed some language in the third paragraph under old business, County Reimbursement Request. The last sentence of the paragraph was deleted and new language replaced it. Trustee Powell moved and Trustee Grossman seconded to approve the December 28, 2010 minutes as amended. There were four yes votes and one abstained (Zurn, because she was not at the December 28, meeting). Mayor Roughton-Miles declared the motion carried.

MONTHLY DISBURSEMENTS

REVIEW/CONSENT OF THE PREVIOUSLY PAID DISBURSEMENTS ON THE DECEMBER 2010 CHECK  
DETAIL REPORT

Questions were asked and answered. Trustee Zurn moved and Trustee Powell seconded to approve the previously paid disbursements on the December 2010 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 the unpaid bills detail. Trustee Powell moved and Trustee Grossman seconded to approve payment of the unpaid bills detail as of January 4, 2011. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REPORTS AND PRESENTATIONS

WATER LINE REPLACEMENT PROJECT UPDATE WITH BUDGET

Town Engineer, Ron McLaughlin addressed the Board. McLaughlin handed out paper work to the Board (the clerk did not receive copies for the record). Dooley provided the Board with an updated matrix of the project (the clerk did not receive a copy for the record). The Mayor asked McLaughlin if he was certain that everything could be completed for \$575,660. McLaughlin said he is not always right on, but he is confident enough that the Board could base a decision on it. McLaughlin told the Board that if Main Street can be paved with the loan monies, he recommends that be done; otherwise, complete the additional options included in the handout. Dooley

was directed to find out if money from the Drinking Water Revolving Fund loan can be used for paving, also if phase IV has to be bid out or can the city contract with RMS Utilities, Inc. if they keep the same unit prices that they bid for phase III. Dooley will have this information for the Board by the time of the work session. The Mayor asked McLaughlin if he was certain that everything could be completed for \$575,660. The Board agrees that if the Town has the money, they should do as much of this project as possible. Later in this meeting McLaughlin will review with the Board a status/information of the Town's water and water system.

#### PUBLIC WORKS REPORT

Public works director, Ben Davis was available to answer question about his report. Questions were answered. Ben explained the process that he, Dooley and Schlough followed for the water alarm system errors. Davis contacted the support person for the telemetry system and it has been resolved. It was suggested that public works get out earlier when the snowfall during the night/early morning is adequate, before the public comes out. The Mayor said Dooley suggested Main Street be cleared first making it the emergency route, La Garita Avenue by the school then over to Loma Avenue and so forth.

#### BUILDING INSPECTOR'S REPORT

Mike Kolisch, the Town's building inspector was available to answer questions about his report. Kolisch informed the Board that Lambs received a temporary Certificate of Occupancy (CO) today. This CO gives the Lambs thirty days to fix the noted violations. Kolisch can extend the temporary CO if necessary.

#### RECREATION REPORT

Recreation Director, Eloise Hooper was available to answer questions about her report.

#### WRITTEN REPORTS

The Chamber of Commerce did not have a report for the Board this month.

Because the Board changed their meeting dates for 2011, Willow Creek Reclamation Committee (WCRC) meet after the monthly meeting; therefore, there is not a report this month, but will be one month behind beginning next month.

#### OLD BUSINESS

##### DAYS OF '92 EVENT AREA CLEAN-UP

Ken Wyley informed the Board that he has moved the T-shirt shop/announcer's stand over to Ronnie Rounds' house for repairs to be made. Wyley and Rounds will build the doors and windows for the structure as requested by the Board. Wyley said that the ore car is on his private property. Wyley asked the Board if they will review and discuss the event application at the work session this month.

##### PETERSEN QUIET TITLE ACTION

Attorney Gibbons told the Board that they should direct him either to sign a waiver or direct him to file an answer. There has been no disclosure on any other defendant at this time. It was stated that it appears on their latest survey they say they own more than they own. After a discussion, the Board agreed to direct Gibbons that they cannot sign the disclaimer because they are uncertain of what Petersen's actually own. Gibbons is to file an answer and Petersen's need to clarify and prove what they own.

##### RESOLUTION 2010-10, ADOPTING A CROSS-CONNECTION CONTROL POLICY

Dooley was directed to add the fees to the building permits for new construction to cover the cost of the certified technicians that will be inspecting the back-flow prevention devices. Dooley will provide this information by the February 1, 2011 regular Board meeting. Trustee Grossman moved and trustee Zurn seconded to adopt Resolution 2010-10, adopting a Cross-Connection Control Policy as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

This covers new construction and homes/buildings with boilers, per Town Engineer McLaughlin, until the State mandates otherwise.

ORDINANCE 360, CAP CABLE, LLC D/B/A USA COMMUNICATIONS FRANCHISE AGREEMENT

The public hearing scheduled for Monday, January 10, 2011 will go forward. The Board is still interested in reducing the terms of the agreement from ten years to one or two years. This discussion has been tabled for now and there will be more discussion after the hearing. Dooley will contact the USA Communications representative and tell her what the Board's thoughts are.

ACTION ON RMS UTILITIES, INC. BALANCE OF INVOICE 35089

Thirty-five thousand ninety dollars has been paid per the original estimate/bid for the paved project. The amount due for 4,088 square feet plus the additional seven hundred square feet recalculated by Davis of public works for a total of 4,788 is \$41,081.04. Trustee Zurn moved and Trustee Powell seconded to pay the additional \$5,991.04 on invoice number 35089. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

UPPER WATER TANK EASEMENTS(S)

Town Manager Dooley provided the Board with written material not copied to the clerk for the record. It was discussed to put in a road and create a new access. Dooley was directed to pursue Egolf and Butler for a maintenance easement.

NEW BUSINESS

REPORT OF CHANGES, DR8177 – HORNS MANAGEMENT LLC D/B/A THE OLD FIREHOUSE

Horns Management LLC d/b/a The Old Firehouse located at 123 N. Main Street in Creede is requesting approval of a change in LLC officers. Charles Maze and Brenda Maze are replacing Denise Dutwiler as members of Horns Management LLC. Required paperwork has been filed and fees have been paid. Trustee Powell moved and Trustee Zurn seconded to approve the Report of Changes Limited Liability Company pending the outcome of the Colorado Bureau of Investigation (CBI) report. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

LIQUOR LICENSE RENEWAL – THE OLD FIREHOUSE – HOTEL AND RESTAURANT (H&R) LIQUOR LICENSE

Trustee Zurn moved and Trustee Grossman seconded to approve the Hotel and Restaurant liquor license renewal for Horns Management LLC d/b/a The Old Firehouse. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

CONSIDER LETTER OF INTENT FOR PLANNING AND ZONING COMMISSIONER

Creede resident Rex Shepperd provided a letter of intent to the Board to fill one of three vacancies on the Creede Planning and Zoning Commission. Trustee Grossman moved and Trustee Powell seconded to appoint Shepperd to the position of Commissioner for Planning and Zoning. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. According to the bylaws of the commission and Creede Ordinance 342, Shepperd will serve a term of four years (January 2015).

MANAGER'S REPORT

Mayor Roughton-Miles told the Board that the upcoming city/county retreat is scheduled for 6:00 p.m. on Thursday, January 27, 2011 at Creede Town Hall. It is the County's turn to provide the meal and newly elected Commissioner Lamb was given the honors.

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

Aside from scheduling the Board's regular work session, this report provided annual water reports and financial reports for the Board's information. The Board asked Dooley to provide the previously requested financial reports beginning with next month's meeting being one full month behind and providing December 2010 numbers.

**WORK SESSIONS:** The Board will hold their regular work session on Tuesday, January 18, 2011 at 5:30 p.m.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

Mineral County resident, Ron Carpenter, signed up to talk to the Board about the insurance portion of the event application. It was suggested that he ask the Virginia Christensen Committee for money to buy event insurance. Also, Carpenter discussed further with the Board about the Cross-Connection Policy and that he is working on his certification for this. It is expensive and he is half way there. With positive input from the Board he will continue his training in hopes that his service will be utilized now that the City has adopted the policy.

Following Carpenter's comments, Town Engineer, McLaughlin provided the following information to the Board on the Town's water supply and water system: grading system 1 = poor/bad, 10 = best/good  
A summary evaluation of the Town's six million dollar business:

1993 – Water supply, 2-3	2011 – water supply, 9.5
Water rights, 7-8	water rights, 10 (only if current action goes through)
Water distribution	
Quality, 4/4-5	quality, 8-9
Capacity (fire), 3-4	capacity (fire), 8-9
Water storage, 4	water storage, 6
System reliability, 6	system reliability, 9
Service lines within private property, unknown	service lines within private property, unknown

EXECUTIVE SESSIONS AS DEEMED NECESSARY BY THE BOARD OF TRUSTEES OR THE TOWN ATTORNEY

Trustee Zurn moved and Trustee Powell seconded to adjourn from regular session and go into executive session at 8:30 p.m. for the purpose of negotiations for legal services §24-6-402(4)(e) C. R. S. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. Manager Dooley was invited into executive session with the Board of Trustees. Attorney Gibbons left at 8:30 p.m.

Trustee Grossman moved and Trustee Zurn seconded to adjourn executive session at 8:40 p.m. and return to regular session. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

ACTION(S) FOLLOWING EXECUTIVE SESSION AND OTHER BUSINESS

The Board directed Dooley to contact Colorado Municipal League (CML) to begin the Request for Proposal (RFP) process for legal services.

The Board outlined what will be discussed at the January 18, work session. The following items were listed: event application discussion; discuss list of items for the joint government file; Fourth of July as a whole (invite Eloise); Ordinance 360; sidewalks; snow removal; budget revisions; John Deere tractor; job review process.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Powell moved and Trustee Zurn seconded that the meeting be adjourned at 8:41 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted:

/s/ Pamela J. Wilson  
Pamela J. Wilson, City Clerk/Treasurer