

REGULAR MEETING

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF AGENDA
- V. PUBLIC COMMENT

Public comment is intended for members of the public wishing to address the Board of Trustees about matters that are not listed for discussion on the agenda. Comments will be taken under advisement by the Board but no decisions will be made. At its discretion, the Board may elect to place a matter raised under public comment on a future agenda for further discussion and possible action.
- VI. PRESENTATIONS
 - a. Presentation on Colorado election law as it pertains to ballot initiatives – Mario Trimble, Kutak Rock;
- VII. CONSENT AGENDA
 - a. Approval of minutes for the November 12, 2019 regular Board meeting;
 - b. Approval of minutes for the December 3rd, 2019 regular Board meeting;
 - c. Approval of minutes for the December 17th, 2019 regular Board meeting;
- VIII. BOARD INFORMATION ITEMS
 - a. Staff Report for November and December;
- IX. NEW BUSINESS
 - a. Public hearing for an application made by Dale and Anne Pizel for the replat of a property located at 103 N. Main Street in the City of Creede, CO with a legal description of “Lot 15-R, Block 25, Creedmoor”;
 - b. Discussion and possible approval of Resolution 2020-01 “THE RE-PLAT OF LOT 15R, BLOCK 25, SOUTH CREEDMOOR”;

OPEN TO THE PUBLIC

POSTED 1/2/2019

- c. Discussion and possible approval of Ordinance No. 419 “AN ORDINANCE OF THE CITY OF CREEDE, A COLORADO TOWN, AMENDING THE CITY OF CREEDE MUNICIPAL CODE TO INCLUDE CHAPTER 19 (“BUSINESS AND EVENT PERMITS”), ARTICLE 1 (“SEASONAL OUTDOOR SEATING FOR FOOD SERVICE ESTABLISHMENTS IN THE CENTRAL BUSINESS DISTRICT”);
 - d. Discussion and possible approval of Ordinance No. 420 “AN ORDINANCE OF THE CITY OF CREEDE, A COLORADO TOWN, AMENDING CHAPTER 11, ARTICLE 1 OF THE CITY OF CREEDE MUNICIPAL CODE TO INCLUDE SECTION 11-1-30 (“DISPOSAL OF SNOW AND ICE IN THE WILLOW CREEK FLUME PROHIBITED”);
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- X. OLD BUSINESS

 - XI. BOARD REPORTS

 - XII. EXECUTIVE SESSION

 - XIII. ADJOURN

BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO - A TOWN
November 12, 2019

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:

OFFICIALS PRESENT: Mayor Larson, Trustee Lori Dooley, Trustee Wyle, Trustee Wall, Trustee Freer, Trustee Brink (arrived after roll-call)

Mayor Larson, presiding, declared a quorum present.

Those members of staff also present were as follows:

Louis Fineberg, Manager
Sarah Efthim, City Clerk
Karen Lintott, Attorney

APPROVAL OF AGENDA

City Clerk Efthim-Williamson wanted to add Private Event Application (with alcohol) from Amy McNeil/James Heit with San Juan Sports to the Consent Agenda.

Trustee Freer motioned to approve the agenda. Trustee Dooley second. Vote was unanimous. Mayor Larson declared the motion carried.

PUBLIC COMMENT

Damian Gibbins with the school board gave a statement appreciating BOT.

Anne Pizel gave a comment about her concern with the office phone's automated answering and how no one picks up.

Jenny Inge spoke about her concern with the flume repair causing flooding in her basement. Discussion ensued including comments from SGM and Town Manager Fineberg.

PRESENTATIONS

No presentations

CONSENT AGENDA

- a. June 4, 2019 Board Minutes;
- b. July 2, 2019 Board Minutes;
- c. August 8, 2019 Board Minutes;
- d. Private Event Permit from Tommyknocker Tavern & Kip's Grill for Pond Hockey Tournament January 18 through January 19th 7AM until 8PM. (This is a no alcohol permit.)

Trustee Brink found an error in the June 4th Minutes where she was marked as not present but made a motion on an item. City Clerk Efthim-Williamson said she would add her as being present.

Trustee Wyle pointed out a typo in August 8th minutes that "Mary" needs to be changed to "Mayor".

Trustee Dooley motioned to approve Consent Agenda, Trustee Freer seconded.

BOARD INFORMATION ITEMS

- a. October Check Detail Report;
- b. Budget to Actual Report through October 2019;

- c. November 2019 Work Session Agenda Items;
- d. October Staff Report;

Town Manager Fineberg stated that at the end of October, the city is at 102% expected revenue and 86% expenses in General Fund “which is about where we should be”. He stated he was working on the percentage breakdown for employee wages from Water/Sewer Fund, and that the fund is over budget due to all the deferred maintenance. Trustee Dooley had a question about the agreement with MDS and would like the city to look into it. Town Manager Fineberg briefly went over Work Session agenda items. There was no comment on the staff report.

NEW BUSINESS

- a. Review and discussion of the priorities established by the Board in March 2019;

Fineberg mentioned the levee certification has been derailed due to the changing flow volume data received from Willow Creek. SGM Engineer gave a brief explanation on the data.

- b. Review and discussion of a Draft Five-Year Capital Improvement Plan;

Fineberg commented about a possible 2% sales tax increase which would go towards Capital Improvement and Water Sewer Fund. Trustee Freer and Trustee Dooley expressed the importance of informing the public why a tax increase is needed. Discussion ensued regarding annexation of sewer extension.

Town Manager Fineberg commented on ordinance enforcement and how his conversation with the Sheriff’s Department was a dead end.

Due to lack of short-term rentals, this priority is on hold until the BOT are ready to move forward.

There has been no response from CDPHE regarding the application for permit modification. Fineberg commented how the city will reapply in August 2020 after finding out whether the sales tax increase passes in April 2020.

A new Town Hall is no longer on the priority list.

Fineberg commented on the streetscape improvement project and how they are looking into applying for CDOT Pedestrian Enhancement Money. But if property pins are in the middle of the sidewalk, they shouldn’t approach CDOT as it could be difficult and time consuming. This led into discussion on ROW in the Capital Improvement Projects.

Fineberg commented on a SCADA System (which would monitor water levels, pump function, etc. on a smartphone). The city could apply for various grants to possibly pay for the entire SCADA system.

Fineberg commented that back-up generators are a state mandate and how we would need one for the pump’s houses and aerators.

EV Charging Station will be added to the Work Session Agenda, with a presentation from Kathleen with the Chamber of Commerce.

Discussion ensued regards the Creede Pedestrian Improvement Project. Town Manager Fineberg commented how he and Public Works Director Scott Johnson discussed applying for a CDOT grant for a walking path from edge of town up to the confluence. Trustee Freer advised to reach out to Headwaters. Jenny Inge comment on how she is working on an arts pathway through her property.

Fineberg went through remaining Capitol Improvement Projects list and advised he would create a brief description of each item to be approved by the BOT so he can send it with grant applications.

- c. Review and Discussion of new Board priorities;

- i. Discussion of how VC funds are distributed;
- ii. Discussion of 3rd Street ROW / Recreation Center Property Boundary Line Resolution;
- iii. Off-street parking;

Discussion ensued regarding how VC funds are distributed (1/3 each into Capitol Improvement Fund, Recreation and nonprofits). Trustee Dooley asked to set up a reminder in January of February to set up a meeting between BOT and VC board.

Trustee Dooley advised the city needs to property lines (regarding 3rd St.) and ROW figured out.

- d. **Review and Discussion** of Engineering RFQs for general engineering services and selection of three for in-person interviews;
 - i. Element Engineering;
 - ii. SGM;

- iii. Davis Engineering;
- iv. RG Engineering;
- v. GMS;

Trustee Brink motioned to pick only two of the engineers for interviews: SGM and Davis Engineering. Trustee Freer seconded. Vote was unanimous. The BOT and engineers agreed on the first meeting in December for the interview process.

e. Discussion regarding the creation of a code enforcement policy to guide staff in the code enforcement process; Town Manager Fineberg asked if the board wanted to have codes. This led into discussion. Town Manager Fineberg also asked if the BOT would like a formal policy like the ones he included in the packet. Trustee Freer recommended having Planning and Zoning review the policy before being decided by the BOT. Town Manager Fineberg decided it would go before Planning and Zoning in the December meeting and possibly later meetings if a decision couldn't be made within the first meeting.

f. Discussion regarding the establishment of an agenda policy; Town Manager Fineberg reviewed the current agenda policy with the board and advised of a couple changes. The board decided it might be better to have anyone asking to be put on the agenda to go to the Town Manager, he will then ask legal, and then the Town Manager will seek approval from at least two BOT member before adding to the agenda. Town Manager will bring back the revised policy to be approved by the BOT at a later date.

OLD BUSINESS

a. Discussion regarding possible sales tax increase vs. possible utility rate increase in CY 2020; Discussion ensued including how best to spread the information around. Town Manager Fineberg said he would work on the statement.

BOARD REPORTS

Trustee Dooley and Trustee Freer gave a report on LWCR.

EXECUTIVE SESSION

- a. § 24-6-402(4)(b), C.R.S. - "Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions" - related to an easement agreement with Kip's Grill;
- b. § 24-6-402(4)(e)(I), C.R.S. - "Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators." - related to reported runoff damage to Mountainview RV Park;

XIII. ADJOURN

There being no further business to come before the Board of Trustees at this time, the meeting was adjourned 8:27PM. The vote was unanimous. Mayor Larson declared the motion carried.

Respectfully submitted:

/Sarah Efthim /
Sarah Efthim City Clerk

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO - A TOWN
December 3, 2019**

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:

OFFICIALS PRESENT: Mayor Larson, Trustee Lori Dooley, Trustee Wyle by
phone, Trustee Wall, Trustee Brink

Mayor Larson, presiding, declared a quorum present.

Those members of staff also present were as follows:

Louis Fineberg, Manager
Mary Wunderlich, Deputy Clerk
Karen Lintott, - Attorney

PUBLIC COMMENT:

Kathleen Murphy of Creede Chamber expressed her thanks to city public works for the snow removal.

Heather Greenwolf of LWCR ask to be put on old business to update on the LWCR levee project.

APPROVAL OF AGENDA

Adjustments were made to the agenda to add Heather Greenwolf from LWCR updates on the levee project. Trustee Wall motioned to approve the agenda as stated, Trustee Dooley seconded. Mayor Larson Pro Tem declared the motion carried.

BOARD INFORMATION ITEMS:

No comment on November Detail Check Report

PRESENTATIONS

- a. Presentation by Wade Henderson on behalf of Davis Engineering Services, Inc., regarding the provision of engineering services for the City of Creede;
- b. Presentation by SGM Engineering, regarding the provision of engineering services for the City of Creede;

City Manager Fineberg provided a list of questions for the interview.

Davis Engineering representative answered question on the present levee job they are working on in Creede for LWCR, and other experience they have work on in the surrounding area and describe qualifications for the job.

SGM Representative answered question on knowledge of area having done previous work for the City of Creede on the flume; answered question pertaining to qualifications including the

company's experience and background at SGM and working with small community and small budgets.

NEW BUSINESS

- a. Discussion and possible selection of a firm to serve as the Town Engineer for the City of Creede;

Trustee Wall ask if we could keep Davis Engineer on the LWCR Levee project and use SGM as the City's main Engineering firm. City Manager answered yes. Trustee Wall motioned to keep Davis engineer for the Levee project, and to retain SGM as the city main Engineering company. Trustee Dooley seconded. Mayor Larson Pro Tem declared the motion carried.

- b. Discussion and possible authorization to proceed with the repair and demineralization of one of the Town's well pumps with work to be completed by Central Pump Company in the amount of \$16,241.84;

City Manager Fineberg suggested \$16,241.84 would be the maximum cost. The city will get other quotes. Trustee Dooley motion for the demineralization for town well number 2, Trustee Brink second. Mayor Larson Pro Tem declared the motion carried.

- c. Discussion and possible authorization to proceed with the construction of an ADA compliant path and ramp in Basham Park pursuant to the request of the Town's insurer, with work to be performed by North River Greenhouse & Landscaping, Inc. in the amount of \$7,635.47;

Discussion for construction of an ADA compliant path and ramping in Basham Park compliant path and ramp in Basham Park pursuant to the request of the Town's insurer, with work to be performed by North River Greenhouse & Landscaping, Inc. in the amount of \$7,635.47. Trustee Dooley recommend contacting the original architect and builder since it was built recently and find out if they would be responsible for the compliant path.

- d. Discussion and possible authorization for the Town Manager to draft a letter of support on behalf of the Board of Trustees for the addition of a classroom to the Early Learning Center, located in a structure currently leased by the City from the State of Colorado;

Kara Brittain gave a presentation describing the need and use of the classroom. Trustee Wall motion; Trustee Dooley second. Mayor Larson Pro Tem declared the motion carried.

- e. Discussion and possible approval of Resolution # 2019-12 adopting the City of Creede Five-Year Capital Improvement Plan

City Manager Fineberg reviewed city improvements needed, the estimated timeframe and cost along with estimated grant funding. Trustee Dooley commented on the need and support for the 2% tax ballot question in relation to the Capital Improvement Plan. City Manager Fienberg replied that the ballot question was being drafted, and that without the 2% tax increase it will change the priority of the capital improvement projects. Trustee Dooley motioned to approve the resolution, Trustee Wall second. Mayor Larson Pro Tem declared the motion carried.

- f. Discussion and possible approval of Resolution # 2019-13 adopting a new employee Paid Time Off (PTO) policy;

City Manager Fineberg clarified that the changes made to the current policy would provide the employees with a more flexible leave system. Trustee Brink motioned, Trustee Wall second as long as corrections are made to Resolution 2019-13 from "Adopting the City of Creede Five-

Year Capital Improvement Plan” and changed to “Adopting the City of Creede Employee (PTO) paid time off”. Mayor Larson Pro Tem declared the motion carried.

OLD BUSINESS

a. Review and discussion of the 2019 budget to actual figures for the City of Creede; City Manager Fineberg explained why the budget is not accurate and the cause and effect. The city did get 2018 audit back and Fineberg contacted Wall, Smith and Bateman accounting firm to Help get the city finances back on track.

b. Review and discussion of the 2020 Annual Budget draft for the City of Creede; City Manager Fineberg went over the budget explain why cost will be up in the water sewer department due to various deferred maintenance and the effort to get the city back on track is costly. Trustee Dooley expressed the need for the 2% tax and having information distributed through mailer and other sources. Trustee Wall suggested canvassing. Kathleen Murphy offer to the city use of their bulk mailing system.

c. Discussion of LWCR Levee.
Heather Greenwolf, along with Wade from Davis Engineering, gave an update on the Levee project. There is a delay before completing the project, as they are waiting on a water flow projection report from CWCB.
Trustee Dooley ask how long before the report will be back from CWCB. Davis Engineering would check and make sure there were no time limits that affect the project. Heather Greenwolf of LWCR ask for funds to help match the Dark Sky grant she applied for.

EXECUTIVE SESSION

- a. § 24-6-402(4)(f)(I), C.R.S. - “Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.” - Oneyear review of the Town Manager;

ADJOURNED

There being no further business to come before the Board of Trustees at this time, the meeting was adjourned 8:35PM. The vote was unanimous. Mayor Larson declared the motion carried.

Respectfully submitted:

 /Sarah Efthim /
Sarah Efthim City Clerk

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO - A TOWN
December 17, 2019**

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 5:32 p.m. There being present at the call of the roll the following persons:

OFFICIALS PRESENT: Mayor Larson, Trustee Lori Dooley, Trustee O'Connell, Trustee Wyle,
Trustee Wall, Trustee Freer, Trustee Brink

Mayor Larson, presiding, declared a quorum present.

Those members of staff also present were as follows:

Louis Fineberg, Manager
Sarah Efthim, City Clerk
Karen Lintott, Attorney

APPROVAL OF AGENDA

Trustee Wall motioned to approve the agenda. Trustee Dooley second. Vote was unanimous. Mayor Larson declared the motion carried.

PUBLIC COMMENT

No public comment

PRESENTATIONS

- a. Presentation by Heather Greenwolf, Executive Director of the Headwaters Alliance, regarding budgetary request for City of Creede 2020 Annual Budget;

Heather Greenwolf with Headwaters gave a presentation on adding three budget line items to the City's 2020 budget: \$10,000 engineering for North Creede Flood Mitigation Project, \$1,500 for marketing Dark Skies project, \$6,500 to cover various labor costs.

Trustee Wall was asking where the item would come out of and Town Manager Fineberg mentioned it was already in the budget under donations.

NEW BUSINESS

- a) Discussion and possible approval of Resolution # 2019-14 – "CITY OF CREEDE ANNUAL DESIGNATIONS AND FEE SCHEDULES FOR THE 2020 CALENDAR YEAR";

Town Manager Fineberg reviewed current fee schedules and taking Public Works equipment rental off. Trustee Wall asked Public Works Director Johnson for his opinion. Trustee Dooley motioned the resolution with deleting line item D and Trustee O'Connell second.

- b) Discussion and possible approval of Resolution # 2019-15 – "A RESOLUTION TO ADOPT AND APPROPRIATE THE REVISED 2019 CITY OF CREEDE ANNUAL BUDGET;

Town Manager went in to discussing how fund transfers were missed in early 2019 which led to the current guestimate of the 2020 budget. He went on to discussing profit and loss.

Trustee Dooley wanted clarification on Section 1 of the Resolution.

The Board went into discussion for clarification with Virginia Christensen Fund budgeted line items.

Trustee Freer made a motion to pass resolution. Trustee Brink seconded.

- c) Discussion and possible approval of Resolution # 2019-16 – "A RESOLUTION TO ADOPT AND APPROPRIATE THE 2020 CITY OF CREEDE ANNUAL BUDGET;

Town Manager Fineberg went through the budget. He discussed the larger defecate was due to the Capital Improvement projects. He also mentioned he is using a different calculation and that the resolution may need to be amended in 2020 after further discussion with Wall, Smith & Bateman. Trustee Wall asked about dipping into the reserves, Town Manager Fineberg confirmed that would be the case if this budget was passed and the sales tax was not approved by the voters. Trustee Wall motioned, Trustee Freer second. Vote was unanimous.

- d) Discussion and possible approval of Resolution # 2019-17 – “A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2020, TO HELP DEFRAID THE COSTS OF GOVERNMENT FOR THE CITY OF CREEDE, A COLORADO TOWN”;

Town Manager Finberg said mill levy would stay the same.

Trustee Dooley motioned; Trustee Brink seconded. Vote was unanimous.

- e) Discussion and possible approval of Ordinance # 418 – “AN ORDINANCE OF THE CITY OF CREEDE, A COLORADO TOWN, SETTING BALLOT TITLES AND BALLOT ISSUES (I) TO AUTHORIZE A TWO PERCENT INCREASE IN THE RATE OF THE TOWN SALES TAX INCREASE AND LIMIT THE USE OF REVENUES GENERATED FROM SUCH TAX INCREASE AND (II) TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS TO FINANCE CAPITAL IMPROVEMENTS; SUBMITTING THE BALLOT ISSUES AT THE ELECTION TO BE HELD APRIL 7, 2020; AND SETTING FORTH DETAILS IN RELATION THERETO.”

Town Manager Fineberg went over the ballot question from Kutak Rock. He explained the need for voter approval of the loan for the sewer project required from CDPHE. Board talked about forming a committee to spread the word on the town.

Town Manager Fineberg recommended putting ALL the 2% tax increase into Capital Improvement Fund for those projects. Trustee O’Connell asked when the tax increase would start, and Town Fineberg mentioned July 2020. Trustee Wall motioned resolution with changes to have 100% revenue generated would be put towards Capital Improvement Funds; Trustee O’Connell second. Vote was unanimous.

OLD BUSINESS

BOARD REPORTS

EXECUTIVE SESSION

ADJOURN

Trustee Brink motioned; Trustee Dooley seconded. Vote was unanimous. 7:10PM.

City of Creede Staff Report

To: Mayor and Board of Trustees

Date: January 3rd, 2019

From: Louis Fineberg, Town Manager

Period: 11/8/19 to 1/3/20

Town Manager:

- Continued review of the Town's planning documents and studies, the municipal code and the Town's administrative procedures;
- Worked with legal counsel on Kip's Grill liquor licensing matter;
- Worked with legal counsel on the formulation of sales tax related ballot question;
- Worked with Town Clerk and accountant on budget discrepancies and also on the 2018 Audit conducted in early August;
- Prepared City of Creede 2020 Annual Budget and 2019 budget estimates;
- Prepared several resolutions including annual mill levy designation, annual fee schedule, personnel leave policy and budget adoption;
- Researched and prepared outdoor seating ordinance;
- Researched CIRSA insurance options for the year 2020;
- Researched several grant opportunities including Federal Highway Safety Program grant;
- Worked with Town Engineer (SGM) on a work program for on-going and pending projects including the publication of GIS data on the Town's website;
- Worked with Building Official on pending building permit applications;
- Discussed compliance timeline for pending sewer infrastructure project with CDPHE;
- Researched several land use / zoning inquiries;
- Processed several land use applications;
- Finalization of City of Creede five-year capital improvement plan;
- Researched and discussed infrastructure project financing options with legal counsel;
- Research on code enforcement policies in other jurisdictions;
- Worked with legal counsel and CDPHE staff on developing a path forward for the sewer replacement project;
- Prepared and submitted grant to DOLA for SCADA system;
- Met with DOLA Regional Manager along (with Town Engineer) to discuss grant for SCADA system;
- Municipal Code and C.R.S. research;
- City of Creede policy document research;
- Conducted general administrative and personnel related tasks including file organization and digitization.

Town Clerk:

- Entered 2020 Audit Adjustments into Quickbooks
- Working with Wall, Smith & Bateman for 2018 audit & various QB items
- Reviewed current Ordinance & Resolution
- Maintained/updated website
- Posted notices on social media
- Updated forms (event applications)
- Accounts Payable: payroll, bills
- Accounts Receivable: utility billing
- Purchase Orders
- 2020 Elections: updated election calendar, posted notice to the public, candidate packet
- Updated Employee handbook
- Reviewed Liquor License process
- Printed signs for Public Works

Recreation Director:

We are ready to begin the New Year with a full schedule of classes and activities for every age. I have been working on the ponds to keep them stocked with skates, sticks and pucks, and clear of snow.

Classes / Programs:

- Circuit workout class
- Open Gym Basketball
- Chair Yoga
- Pickleball
- Spin
- Pound
- Yoga
- Tots Gym

Kids / Teen Activities

- Pee Wee Basketball ½ grade & ¾ grade
- Renaissance Kids after school program
- Mini Miner Motivator Basketball cheer squad
- Movie / Game Night
- Kids Skate Party
- Kids New Years Lock In

Projects

- Finished landscaping project!!!!
- Exploring funding options for Climbing Wall in gym

Public Works Director:

Streets:

- Utilized Road Grader, Loader, Backhoe, and 4 wheeler with plow to remove snow during snow events, also utilized '84 GMC with V box spreader to apply antiskid material when needed
- A blade was fabricated for rear bucket of backhoe to try to remove ice build ups and/or snowpack areas throughout the City
- Began removing large snow piles throughout the City utilizing a tandem dump truck (along with ours) and operator through Randy Riggs
- As requested, some of the snow was delivered to the Fairgrounds area for use for a snowmobile track/course
- Utilized "Creede Happenings" and City of Creede's website to notify residents before snow events to refrain from parking on Main St. (Thank You Sarah!)
- SLV REC finished installing (8) outlets on the streetlight poles along Main St. for the installation of Christmas Decorations ((4) reindeer & (4) Stars) - all wiring, connectors, and labor was provided by REC at no cost to the City
- PW crew installed a "light tree" near the intersection of Main St & 149. Location of tree was authorized by the property owner (Big Doug's Barbecue).

Water:

- Responded/marked CO 1 Calls when requested
- Back Flow Prevention/Cross Contamination surveys were mailed to all businesses and multi-family dwellings, results and a final report were filed with the State. Response rate as of 12/24/19 is 65.6%, well short of the required 90%. (In 2020 it increases to 100%) Scott will be working with the CDPHE to continue to get the response rate to at least 90% in January, without incurring any negative impact on the City of Creede.
- Upon SGM Engineering review of well #1 video inspection, it has been determined/recommended that the well pump #1 well casing simply be scrubbed/cleaned, including the removal of the biomass and camera inspection after performing the cleaning. (This process will be under \$5,000.) Central Pump Company submitted the lowest bid for this project and has this tentatively scheduled for after the Christmas Holiday
- Turned off/on water valves upon request at various locations throughout the city, these procedures are now being tracked on a spreadsheet to aid in the administrative processes
- Performed water sampling as required throughout the Water System
- A monthly reading was manually taken and recorded with the staff gauge at the Nelson Tunnel Parshall Flume
- A Water Augmentation Invoice was submitted to the Rio Grande Water District for payment of the water "sold" to them by the City of Creede in the months of October and November (totaling \$3,828.50), as per the water agreement.
- Installed (2) backflow prevention valves at the Water Treatment Plant's Chlorinating room, as required

- Replaced the exhaust fan in the Water Treatment Plant's Chlorinating room

Upcoming Projects :

- The water supply line from North Creede (East Willow Creek) to the County's stand- pipe still is not getting an ample water supply. The PW Dept. installed an access point near the hockey ponds in order to have a company evaluate the line with a self-driven camera. Unfortunately the City only received 1 bid (out of 6 sent), and that company is not able to camera the line due to the size of its camera unit. Weather is now a factor and is jeopardizing this project to be completed prior to the hockey tournament in January. (and until spring)
- **A decision will need to be made by the Board of Trustees to if the City of Creede is going to continue the maintenance of the Day Care Center Water System, along with the County maintained road that leads to it (as the road is in BAD shape and the Creede PW Dept. has done work to it in the past, BUT it is a county maintained road)**

Waste Water:

- Continued to hold meetings with Water Operator Fred Hand to discuss general functions and operations of the Water and Waste Water treatment systems, verifying that all samples are being recorded in a timely, correct manner
- Continued to perform daily flow and Ph readings as required by the State
- Continued to meet with representative of the Colorado Rural Water Association Tim Meloveck in order to successfully meet the deadlines by the state on Water and Waste Water requirements (at no cost to the City)
- Continued to perform daily pH samples and flow rate calculations manually
- Dug trench lines for conduit from the effluent building to the contact chamber in preparation of the Chlorinating/Dechlorinating process needed as a result of high E. Coli rates at the discharge from the lagoons
- Began installing a bioaugmentation method of adding bacteria to the lagoons to help reduce the Ammonia levels that have been continually rising since the air/water temperatures have been decreasing. Using this bacteria has been found in our sampling that it is keeping the Ammonia levels below the limits thus far
- Ordered "sprinkler boots" for the aerator pumps in the aerator station
- A new aerator motor is needed to replace the failed #3 aerator, a new one will be ordered in 2020 (upon return of the vendor for the holiday season)
- Installed a water flow heater at the contact chamber discharge area to aid in ice removal in order to take accurate flow readings and samples at the weir. (2 more have been ordered to date and installation to follow soon thereafter)

Storm Water:

- Continued to open the grates/inlets throughout the city where ice/snow build up is evident

Equipment/Assets:

- Replaced tires on 2008 Chevy Pick up and 2003 F250 due to low tread (MV Coop)
- 6 portable radios and a base unit from Digitcom were installed to serve as communication for the PW Dept. and during other City events (4th of July parade, music festival, etc.), along with communicating with County Road & Bridge, the Sheriff's Dept., and the local VFD. The weather channel is also available on each portable radio
- Installed 2 new front tires & tubes on backhoe (MV Coop)
- Curbside mirror on grader was replaced
- Purchased "car ramps" in order to aid in the maintenance of the PW vehicles
- Made fabrication adjustments to the plow on the 4 wheeler to keep pins from breaking on the plow assembly
- Began fabricating a sandbag filling device that can be utilized from the V-box spreader

Parks & Buildings:

- Continued cleaning/organizing inside and outside of the Public Works garage
- A new high volume pump and suction/discharge hoses were finally received to aid in filling the hockey ponds if the local VFD is unable to help, being that the hydrant is still out of service
- Mark Webber Electric repaired the ETS heater at Hargrave Park men's restroom
- New hasps and locks were installed on both restroom doors at Hargrave Park due to a break in/damage to the doorknob locking mechanism
- Installed (2) "No Alcoholic Beverages Permitted" signs in the Public areas at Hargrave Park and (2) at the Ice Hockey Ponds. (These were recommended by the Sheriff's Dept.)
- Took a file cabinet from Town Hall attic storage over to the REC Center
- Put cones around the Northern Ice Hockey pond due to broken ice in the Northern Side of the pond (this was not from City personnel)

Special Events:

- Utilized 4 wheeler to plow the Ice Hockey ponds with Kat on 2 separate occasions, in preparation for the ice hockey tournament in January

Training/Education:

- Scott attended a 2 day training (Wed 12/11 & Thurs 12/12) for Wastewater and Water Operators in preparation for testing for licensing in both fields
- Scott attended the Mineral County Multi-Agency Coordination (MAC) group meeting on Friday 12/13/19

Resolution No. 2020-01

THE RE-PLAT OF LOT 15R, BLOCK 25, SOUTH CREEDMOOR

WHEREAS, the City of Creede is a municipality in the State of Colorado and has the statutory and legal authority to enact, enforce, and amend or suspend, ordinances, resolutions and regulations; and

WHEREAS, Dale and Anne Pizel (hereafter “the Owners”) are the owners of Lot 15R, Block 25, South Creedmoor (hereafter “the Property”), containing approximately 2,708 square feet and described in Exhibit A; and

WHEREAS, the Property is developed in its entirety by a structure containing two separate spaces; and

WHEREAS, the Owners are desirous of dividing the Property into two smaller tracts representing each of the two spaces so that one can be sold independently of the other; and

WHEREAS, the Owners have surveyed the Property and included a replat proposal as shown in Exhibit B; and

WHEREAS, Town Staff has reviewed the application and is recommending approval subject to conditions;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN, THAT:

SECTION 1: The Board of Trustees have determined that it is in the best interest of the citizens of the City to approve the requested final plat application subject to the conditions outlined in Section 2.

SECTION 2: The Board of Trustees hereby grants conditional approval of the replat request, subject to (1) the review and approval by Town staff of an agreement that provides for shared maintenance responsibilities of any common infrastructure between the two structures including, but not necessarily limited to, parting wall, roof, plumbing, electricity and other utilities and (2) separation of water, sewer and other utility services, including the payment of water and sewer tap fees for one of the resulting lots.

SECTION 3: Once condition outlined in Section 2 have been satisfied, as determined by Town Staff, the above-described property will be deemed replatted and will be recorded as “**Tract 15R-A and Tract 15R-B**” Block 25, South Creedmoor, City of Creede, and Mineral County, Colorado.

APPROVED AND ADOPTED by the Board of Trustees this 3rd day of January 2020.

CITY OF CREEDE:

ATTEST:

Mayor Date
Jeffrey Larson

Attest; City Clerk Date
Sarah Efthim

EXHIBIT A



Reception No. _____
Recorded at _____ o'clock _____

63529
1 of 1

3/30/2007 2:14 PM
WD R\$6.00 D\$0.00

Eryn K Follman
Mineral County Clerk

WARRANTY DEED

THIS DEED, Made this 8th day of March, 2007, between Dale E. Pizel and Anne Marie Pizel of the County of Mineral and State of Colorado, grantor(s), and Dale E. Pizel and Anne Marie Pizel whose legal address is P.O. Box 250 Creede, Co 81130, of the County of Mineral and State of Colorado, grantee(s):

WITNESS, that the grantor(s), for and in consideration of the sum of TEN AND 00/100 DOLLARS, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the real property together with improvements, if any, situate, lying and being in the County of MINERAL and State of Colorado, described as follows:

Lots 14 and 15, in Block 25, Creedmoor City of Creede, Mineral County, Colorado.

also known by street and number as: 103 North Main Street, Creede, Co 81130
assessor's schedule or parcel number:

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all the estate, right, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances unto the grantee(s), heirs and assigns forever. And the grantor(s), for themselves, their heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee(s), their heirs and assigns, that at the time of the ensembling and delivery of these presents they are well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except easements, restrictions, reservations and rights of way of record, if any, and subject to the general taxes for the current and subsequent years.

The grantor(s) shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, The grantor(s) has executed this deed on the date set forth above.

Dale E. Pizel

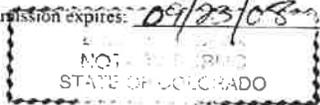
Anne Marie Pizel

STATE OF COLORADO,
County of Mineral

} ss.
30th

The foregoing instrument was acknowledged before me this 30th day of March, 2007 by Dale E. Pizel and Anne Marie Pizel.

My commission expires: 09/23/2008



Witness my hand and official seal.

Notary Public

My Commission Expires 09/23/2008
*If in Denver, insert "City and"

Name and Address of Person Creating Newly Created Legal Description (6 38-35 106 S, C.R.S.)

PRELIMINARY

REPLAT OF LOT 15-R, BLOCK 25, CREEDMOOR
 As shown on the REPLAT OF LOT 14 AND LOT 15, BLOCK 25, CREEDMOOR,
 Filed under Reception No. 68257 in the records of the Mineral County Clerk & Recorder,
 in the City of Creede,
 Township 42 North, Range 1 West (unincorporated),
 Mineral County,
 Colorado.

RESOLUTION
 WHEREAS, the Board of Trustees of the City of Creede, Colorado, has received and reviewed the application of the City of Creede, Colorado, for the replat of Lot 15-R, Block 25, Creedmoor, as shown on the replat of Lot 14 and Lot 15, Block 25, Creedmoor, filed under Reception No. 68257 in the records of the Mineral County Clerk & Recorder, in the City of Creede, Colorado, and

WHEREAS, the Board of Trustees of the City of Creede, Colorado, has determined that the replat of Lot 15-R, Block 25, Creedmoor, as shown on the replat of Lot 14 and Lot 15, Block 25, Creedmoor, filed under Reception No. 68257 in the records of the Mineral County Clerk & Recorder, in the City of Creede, Colorado, is in compliance with the provisions of the Colorado Revised Statutes, and

WHEREAS, the Board of Trustees of the City of Creede, Colorado, has determined that the replat of Lot 15-R, Block 25, Creedmoor, as shown on the replat of Lot 14 and Lot 15, Block 25, Creedmoor, filed under Reception No. 68257 in the records of the Mineral County Clerk & Recorder, in the City of Creede, Colorado, is in compliance with the provisions of the Colorado Revised Statutes, and

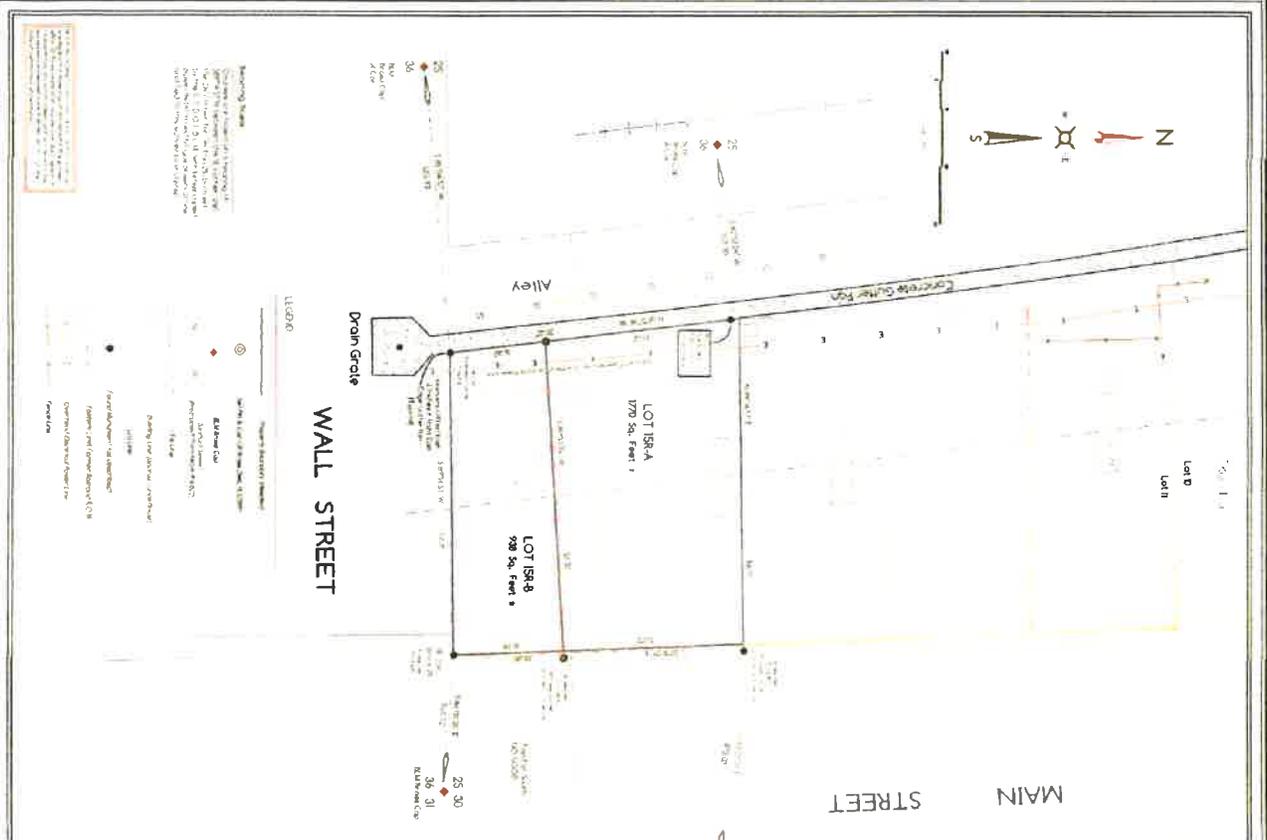
BOARD OF TRUSTEES CERTIFICATE
 BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

SARINSON'S CERTIFICATE
 I, _____, County Clerk & Recorder, do hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears in my records.

FILED AND REGISTERED
 This instrument was filed and recorded in the records of the Mineral County Clerk & Recorder, in the City of Creede, Colorado, on this _____ day of _____, 20____.

NOTARY PUBLIC
 My Commission Expires _____

WITNESSES



Lot 15R-A
 170 Sq. Feet

Lot 15R-B
 298 Sq. Feet

NOTICE TO THE PUBLIC
 This is a preliminary plat and is subject to change without notice. It is not to be used for any purpose other than to show the general location of the property. It is not to be used as evidence of title or ownership. It is not to be used for any other purpose.

ORDINANCE NO. 419

AN ORDINANCE OF THE CITY OF CREEDE, A COLORADO TOWN, AMENDING THE CITY OF CREEDE MUNICIPAL CODE TO INCLUDE CHAPTER 19 (“BUSINESS AND EVENT PERMITS”), ARTICLE 1 (“SEASONAL OUTDOOR SEATING FOR FOOD SERVICE ESTABLISHMENTS IN THE CENTRAL BUSINESS DISTRICT”)

WHEREAS, the City of Creede, Colorado, a Colorado Town (the "Town"), is a statutory municipality organized and operating under the laws of the State of Colorado;

WHEREAS, the Board of Trustees of the Town (the “Board”) is desirous of exploring ways of stimulating creating economic opportunity and activity within the Town; and

WHEREAS, many towns across the State of Colorado and the Country have increased economic activity in their central business districts by allowing food service establishments to utilized outdoor seating in public places under certain conditions; and

WHEREAS, the Board would like to provide food service establishments in the Town’s central business district with an opportunity to expand operation in a space restricted environment by allowing for outdoor seating within the Town’s rights-of-way under certain conditions; and

WHEREAS, the Board is desirous of promoting planned and orderly outdoor seating in public spaces as a means of encouraging pedestrian activity and enhancing the pedestrian experience in the central business district;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO THAT:

Section 1. Creation of Chapter 19 “Business and Event Permits”, Article 1 “Seasonal Outdoor Seating for Food Service Establishments in the Central Business District”. The City of Creede Municipal Code shall be amended with the addition of Chapter 19 “Business and Event Permits”, Article 1 “Seasonal Outdoor Seating for Food Establishments in the Central Business District”, to read in its entirety as:

Chapter 19: BUSINESS AND EVENT PERMITS

Article 1: SEASONAL OUTDOOR SEATING FOR FOOD SERVICE ESTABLISHMENTS IN THE CENTRAL BUSINESS DISTRICT

Sec. 19-1-1. Purpose.

Sec. 19-1-2. Definitions.

Sec. 19-1-3. Permit procedures.

Sec. 19-1-4. Standards.

Sec. 19-1-5. Operating restrictions.

Sec. 19-1-6. Denial, revocation and suspension—Causes enumerated.

Sec. 19-1-7. Same—Hearing demand; review; council powers.

Sec. 19-1-8. Revocation or suspension; notice required; service.

Sec. 19-1-9. Renewal considered as original application.

Sec. 19-1-10. Transferal.

Sec. 19-1-11. Violations.

Sec. 19-1-12. Severability.

Sec. 19-1-1. Purpose.

These seasonal outdoor seating regulations are designed to allow cafes, restaurants, taverns and other food and beverage service establishments to place outdoor seating within public rights-of-way in certain locations and under certain circumstances defined within this section in order to:

1. Provide additional space for cafes, restaurants and taverns to expand their operations;
2. Promote planned and orderly outdoor seating in public spaces as a means of encouraging pedestrian activity and enhancing the pedestrian experience in the downtown;

Sec.19-1-2. Definitions.

Associated Establishment or Associated Business means the business or establishment with which and outdoor seating area is associated as specified in the outdoor seating permit.

Outdoor Seating Permit means a permit issued by the City for an associated establishment or associated business to place outdoor seating within the City's right-of-way, in the form of either a parklet or a sidewalk café, in a manner which conforms to the procedures and regulations of this Chapter.

Parklet means an outdoor seating area operated by a café, restaurant, tavern or other food establishment which sells food or beverages for immediate consumption, located within the adjacent parking zone, that provides seating for patrons of said establishment, and contains readily removable tables, chairs, railings, planters or other temporary amenities as approved by the City pursuant to the provisions of this Chapter.

Sidewalk Cafe means an outdoor dining area operated by a café, restaurant, tavern or other food establishment which sells food or beverages for immediate consumption, located on an adjacent section of public sidewalk, which contains readily removable tables, chairs, railings, planters or other temporary amenities as approved by the City pursuant to the provisions of the Chapter.

Sec.19-1-3. Permit procedures.

1. The City Manager is hereby authorized to issue permits to operate a sidewalk cafe or parklet, collectively referred to hereafter as “outdoor seating”, within City-owned rights-of-way, provided that the applicant has complied with all standards set forth in this Chapter.
2. All applications for outdoor seating shall be reviewed and approved by the City Manager. The City Manager reserves the right to forward an outdoor seating permit application to the Board of Trustees for its review and consideration.
3. All permits shall be issued on a calendar year basis and shall expire on December 31st of the calendar year in which the permit was issued. Unless another time frame is specified in the permit, or by the requirements of this Chapter, the permit shall allow the operation of an outdoor seating from June 1st up to and including October 31st of the calendar year for which the permit is issued.
4. Any person or establishment granted a permit by the City Manager to operate an outdoor seating area shall pay to the City Clerk a fee in the amount established by resolution of the Board of Trustees. The City Manager shall not issue a permit unless the fees required by this section are paid.
5. Each permit application for outdoor seating shall be accompanied by an insurance policy or certificate of insurance, in an amount that shall be \$1,000,000.00 combined single limit for bodily injury and property damage, each occurrence, and \$2,000,000.00 annual aggregate, naming the city as an additional insured party. An insurance company authorized to do business in the State of Colorado shall issue such insurance.
6. The insurance certificate required by this Chapter shall be in effect for any period during which the outdoor seating is in operation. Failure to provide a current insurance certificate shall be cause for denial, suspension, or revocation of an outdoor seating permit. No establishment shall operate a sidewalk cafe or provide outdoor

seating without filing proof of proper insurance. Denied, suspended, or revoked permits may be re-instated upon submittal of proof of proper insurance.

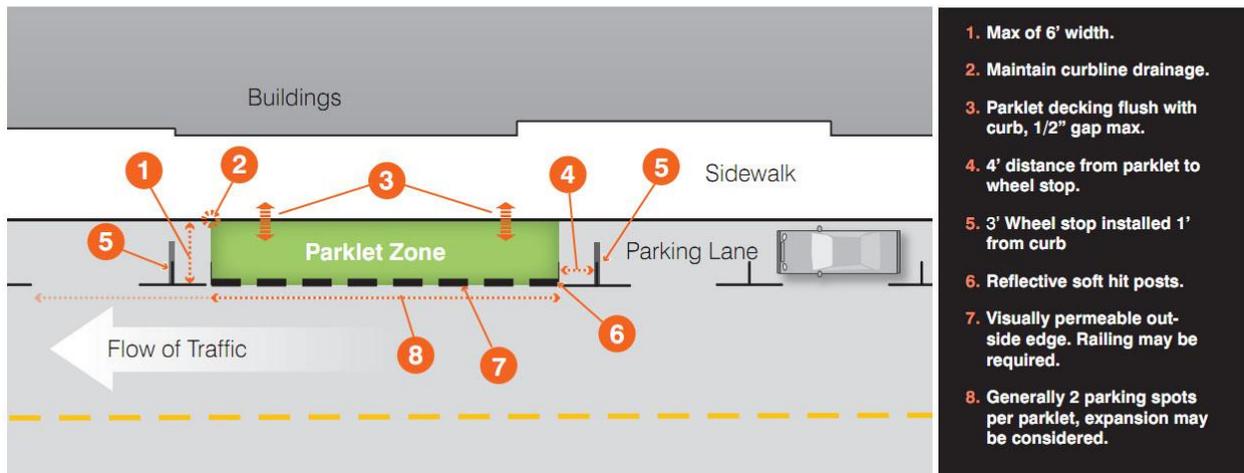
7. An outdoor seating permit application must be submitted to the City Manager for review and approval. No outdoor service of food and/or beverages shall be established on public property, except in conformance with an application reviewed and approved by the City Manager pursuant to the requirements of this Chapter. An outdoor seating permit application must include, but is not limited to including, the following information:
 - a. Name of Applicant;
 - b. Name of Associated Business;
 - c. Address of Associated Business;
 - d. Contact Information of Applicant, Property Owner and Associated Business to include:
 - i. Telephone Numbers;
 - ii. Email Addresses;
 - iii. Physical Addresses;
 - e. Proposed hours of operation within the public right-of-way;
 - f. Copy of certificate of insurance pursuant to the provisions of this Chapter;
 - g. Written authorization from the owner of the property where the applicant is not the owner of the associated property;
 - h. An 11"x17" site plan that shall include, at a minimum, the following information:
 - i. The boundaries of the associated property in its entirety along with adjacent properties;
 - ii. Streets and sidewalks for a distance of at least 25 feet from the boundaries of the associated property at a scale showing detail sufficient for proper review.
 - iii. The location of all temporary structures such as, but not limited to, planters, landscaping, railings, tables, chairs and umbrellas;
 - iv. All points of ingress and egress;
 - v. For proposed parklets, the design of all curb extensions and platforms to accommodate the special design needs of the disabled in accordance with current ADA standards;

8. The City Manager shall distribute copies of all application materials to the Public Works Director and other applicable City staff members and/or consultants for review and comments;
9. Based upon review comments from City staff, the City Manager may approve, approve with conditions, refer the application back to the applicant for modification, deny the application or refer the application to the Board of Trustees. If approved, the City Manager shall issue the outdoor seating permit. If the City Manager denies the application, the reason for this determination shall be stated in a letter to the applicant issued not more than ten (10) business days after the final determination has been made. The applicant may appeal the decision of the City Manager in accordance with Section 15.07 of this Chapter.

Sec.19-1-4. Standards.

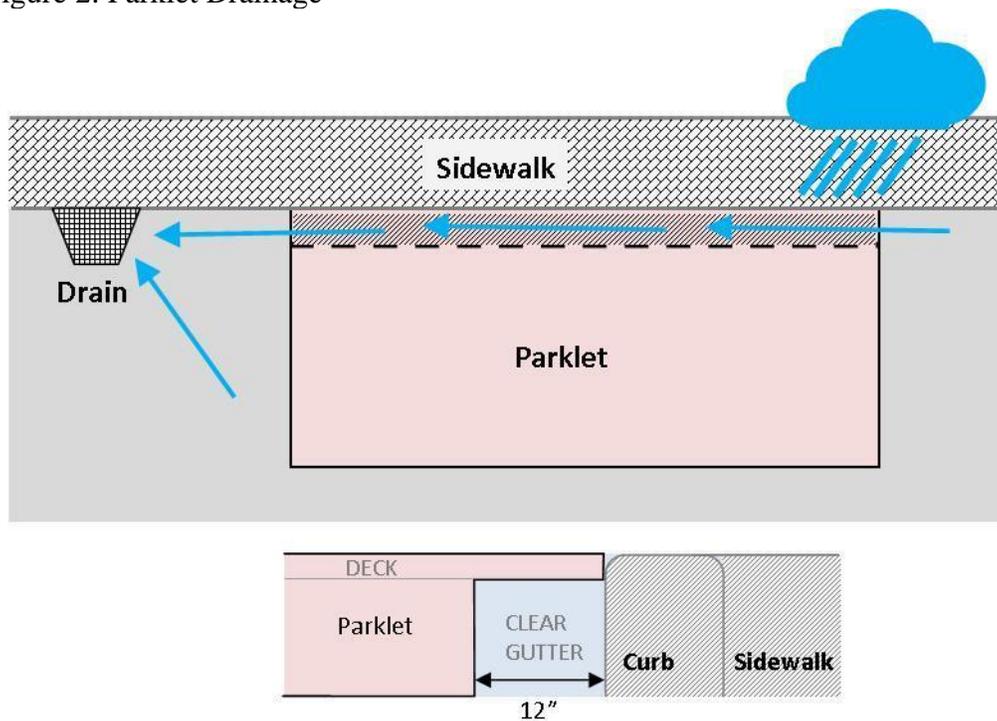
1. There shall be a minimum of 42 inches, exclusive of the area occupied by proposed outdoor seating, designed to allow adequate pedestrian movement. Outdoor seating shall only be permitted only when it is determined that the proposed seating areas will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic. The City Manager shall determine when a hazardous condition exists.
2. Outdoor seating may only be located adjacent to the establishment with which it is associated and may not extend past the associated property frontage. Outdoor seating areas must remain clear of litter, food scraps and soiled dishes at all times.
3. Employees of the associated business shall continuously supervise outdoor dining areas.
4. Parklets shall not extend past the frontage of the associated business and shall not be more than 6' wide x 14' long as shown in Figure 1 below.

Figure 1:
DESIGN AND PLACEMENT GUIDELINES



5. Parklets must utilize 3" curb stops on either end to prevent vehicular encroachment for adjacent parking spaces.
6. Parklets must utilize removable decking that makes the seating area level with the adjacent curb.
7. Parklet platforms must be constructed so as not to impede drainage as shown in Figure 2 below.

Figure 2: Parklet Drainage



8. Parklet boundaries must be delineated with barriers such as planters or a railing to physically separate patrons from pedestrian and vehicular traffic.
9. Furnishings for outdoor seating shall consist solely of readily removable railings, posts, tables, chairs, planters, table umbrellas and associated anchors. Furnishings may only be attached or secured in a manner approved by the City Manager.
10. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or near the outdoor seating area. Each establishment shall be responsible for providing appropriate containers for disposing of garbage or waste and employees shall not use city trash containers for disposing of garbage or waste.
11. An outdoor seating area shall not interfere with any public service facility, such as a mailbox, fire hydrant, designated pedestrian crossing or bench located on a sidewalk or public property.
12. Operation of an outdoor seating area shall not adversely impact adjacent or nearby residential, religious, educational, or commercial properties and shall be in accordance with all applicable codes and regulations.
13. Tables, chairs, table umbrellas, railings, planters, and any other objects provided with the sidewalk cafe or outdoor seating shall be of quality design, materials, and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the area. Such equipment shall be routinely cleaned, painted, or replaced and may be inspected by the City Manager.

Sec.19-1-5. Operating restrictions.

1. Outdoor seating areas shall only be permitted in the B-1 zone.
2. All outdoor seating areas shall be allowed to operate during the regular business hours of the associated business.
3. No alcoholic beverages shall be allowed in outdoor seating areas.
4. All food to be served within an outdoor seating shall be prepared within the associated establishment.
5. The outdoor seating permit issued in accordance with this Chapter shall be prominently displayed within the existing establishment along with other required permits and licenses.
6. From November 1st to May 31st, chairs, railings, posts, planters, table umbrellas, and other items shall be removed from the public right-of-way. It shall be the responsibility of the establishment to secure adequate storage of these items.
7. The maintenance of an outdoor seating area shall be the responsibility of the associated establishment including, but not limited to, surface treatment and cleaning,

- litter control, sweeping and snow and ice removal. The outdoor seating area shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
8. During periods of snow accumulation, the placement of tables, chairs, table umbrellas, railings, posts, planters, and other equipment associated with the operation of an outdoor seating shall be removed all activities shall cease.
 9. The operation of an outdoor seating area shall not interfere with the set up or the operation of any special event. When there is a conflict, the outdoor seating area must be removed in its entirety for the duration of said conflict. Conflicts shall be determined by and in the sole discretion of the City Manager.
 10. All tables, chairs, table umbrellas, railings, posts, planters, and other equipment associated with the operation of an outdoor seating area shall be removed and stored inside of the associated establishment each night.

Sec.19-1-6. Denial, revocation and suspension—Causes enumerated.

1. The issuance of an outdoor seating permit may be denied by the City Manager, and permits issued may be revoked or suspended by the City Manager at any time, for any of the following causes:
 - a. Fraud, misrepresentation or any false statement made in the permit application.
 - b. Conducting a business in an unlawful manner or in such a manner as to constitute a breach of peace or to constitute a menace to the health, moral, safety or welfare of the public.
 - c. Failure or inability of an applicant to meet and satisfy the requirements and provisions of this Chapter and every other ordinance of the city.
 - d. Any violation received during the previous permit period.

Sec.19-1-7. Same—Hearing; demand; review; council powers.

1. Any person whose permit is revoked or suspended, or any person whose application for a permit is denied, shall have the right to a hearing before the Board of Trustees, provided a written request therefore is filed with the City Manager within ten days following the delivery or mailing of the notice of revocation or suspension, or within ten days following the denial of the permit application. No person shall operate any outdoor seating area during any time when the permit therefore has been suspended, revoked, or canceled.

Sec.19-1-8. Revocation or suspension; notice required; service.

1. Written notice of suspension or revocation, stating the causes therefore, shall be delivered to the permittee personally or mailed to the address as shown in the permit application. Upon revocation of a license, all furnishings and fixtures shall be removed from public property within 24 hours.

Sec.19-1-9. Renewal considered as original application.

1. Unless otherwise provided in this article, an application for renewal of an outdoor seating permit shall be considered in the same manner as an original application.

Sec.19-1-10. Transferal.

1. No permit issued under the provisions of this article or any other ordinance of the city shall be transferable.

Sec.19-1-11. Violations.

1. Any person who operates a sidewalk cafe or outdoor seating on public sidewalks or public property, without a permit, or who shall violate any of the provisions of this article shall be subject to penalties as provided in the City of Creede municipal code.

Sec.19-1-12. Severability.

1. If any clause, sentence, paragraph or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

INTRODUCED, APPROVED, PASSED ON FIRST AND FINAL READING, ON THIS 3rd DAY OF JANUARY, 2020.

By _____
Mayor

ATTEST:

By _____
City Clerk

ORDINANCE NO. 420

AN ORDINANCE OF THE CITY OF CREEDE, A COLORADO TOWN, AMENDING CHAPTER 11, ARTICLE 1 OF THE CITY OF CREEDE MUNICIPAL CODE TO INCLUDE SECTION 11-1-30 (“DISPOSAL OF SNOW AND ICE IN THE WILLOW CREEK FLUME PROHIBITED”)

WHEREAS, the City of Creede, Colorado, a Colorado Town (the "Town"), is a statutory municipality organized and operating under the laws of the State of Colorado;

WHEREAS, the Board of Trustees of the Town (the “Board”) recognizes that disposal of snow and/or ice in the Willow Creek Flume can lead to the creation of hazardous situation through the formation of ice dams and as such, presents a public safety concern; and

WHEREAS, the Board is desirous of enacting legislation that prohibits the disposal of snow in the Willow Creek Flume in order to address this public safety concern;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO THAT:

Section 1. Creation of Chapter 11, Article 1, Section 30 (11-1-30) “Disposal of Snow and Ice in the Willow Creek Flume Prohibited”. The City of Creede Municipal Code shall be amended with the addition of Chapter 11, Article 1, Section 30 (11-1-30) “Disposal of Snow and Ice in the Willow Creek Flume Prohibited”. to read in its entirety as:

Sec. 11-1-20. Disposal of snow and ice in the Willow Creek Flume Prohibited.

(a) Purpose and scope. The purpose of this Article is to prohibit the disposal of snow and ice by any responsible party in the Willow Creek Flume and to provide for penalties associated with the violation of this provision.

(b) Definitions. The following definitions shall apply herein:

Period of time means a twenty-four-hour period from the point in time that snow, as defined herein, commences to fall or that point in time when an accumulation of snow creates a hazardous condition, whichever comes sooner.

Responsible party means any person, partnership, corporation or other legal entity against which action may be taken for violation of this Article.

Snow means any form of precipitation in the frozen form, be it snow, sleet, hail, freezing rain or a build-up and accumulation of any of the foregoing, causing a hazardous condition to persons attempting to use the sidewalk.

(c) Penalty.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

INTRODUCED, APPROVED, PASSED ON FIRST AND FINAL READING, ON THIS
3rd DAY OF JANUARY, 2020.

By _____
Mayor

ATTEST:

By _____
City Clerk