

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
October 13, 2009**

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 5:34 p.m. There being present at the call of the roll the following persons:

PRESENT: John Mattingly, Evelyn Gant (arr. 5:41 p.m.), Debbie Wylesky,
Larry Lewis, Joe Keller, Rex Shepperd, Dana Brink

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

Pamela Wilson, City Clerk/Treasurer
Clyde Dooley, City Manager
Benjamin Gibbons, City Attorney

REVIEW AGENDA

Mayor Shepperd added an item to New Business (f) Resolution 09-08; To Authorize the Closing of the Trash Fund and Trustee Mattingly requested an executive session following the manager's report for the purpose of discussing water issues and compensation recovery. Trustee Wylesky moved and Trustee Mattingly seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF SEPTEMBER 8, 22 and 29, 2009 MINUTES

Trustee Mattingly moved and Trustee Wylesky seconded to approve the minutes of September 8, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Brink moved and Trustee Lewis seconded to approve the minutes of September 22, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Lewis moved and Trustee Mattingly seconded to approve the minutes of September 29, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Mattingly asked the clerk to pull two invoices listed on the water and sewer distribution list for him to come in and review tomorrow or the next day. Trustee Keller moved and Trustee Wylesky seconded to approve the monthly disbursements as presented on the September 2009 check detail report.

Trustee Gant arrived after the vote at 5:41 p.m.

REPORTS AND PRESENTATIONS

BUILDING INSPECTORS REPORT

Mike Kolisch was not present. The Board reviewed his report.

RECREATION REPORT

Recreation director, Eloise Hooper was expected to be present to answer questions for the Board; however, her father recently passed away and Hooper was in New York. The Board read Hooper's report.

WRITTEN REPORTS

This includes read only, informational reports from the Chamber of Commerce and Willow Creek Reclamation Committee (WCRC). These reports are to be read at the Board's leisure. Although the Chamber report was a "read only" report, Trustee Wylesky answered questions on behalf of the Chamber. Wylesky said she would follow up on how the restroom cleaning is coming along and said that she would advise the chamber on behalf of the Board of Trustees regarding the outcome of the discussions with the city employee who handles the public restrooms/ cleaning.

PUBLIC HEARINGS

ORDINANCE 352, REZONING PROPERTY FOR KENTUCKY BELLE EXPANSION

Mayor Shepperd opened the public hearing, read the title of the ordinance and since no one signed up to speak at this public hearing, the Mayor closed the public hearing. Trustee Lewis moved and Trustee Keller seconded to approve Ordinance 352. The vote was unanimous. Mayor Shepperd declared the motion carried.

Ron Fief asked the Board if they would look at the lease agreement in a work session while the construction is going on. The Board scheduled this item for discussion at the October 27, 2009 work session.

OLD BUSINESS

ADDRESS LETTER OF RESIGNATION

Trustee Gant moved and Trustee Wylesky take this item off the "table" and put it back into discussion. The vote was unanimous. Mayor Shepperd declared the motion carried. Trustee Wylesky asked Trustee Keller "Joe will you be able to come back to the Board and perform your duties?" Trustee Keller responded, "Yea." Trustee Lewis moved and Trustee Gant seconded to accept Trustee Keller's withdrawal of her resignation. The vote was unanimous. Mayor Shepperd declared the motion carried.

NEW BUSINESS

RETAIL LIQUOR STORE LICENSE RENEWAL- THE WILD BEAVER-RAMONA DEPRIEST-WEBER

Trustee Mattingly moved and Trustee Brink seconded to approve the retail store liquor license renewal for The Wild Beaver Liquor Store. There were five yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-THE WILD BEAVER-RAMONA DEPRIEST-WEBER

Trustee Brink moved and Trustee Gant seconded to approve the alcohol beverage tastings permit for The Wild Beaver Liquor Store. There were five yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

PLANNING COMMISSION RECOMMENDATION: RESOLUTION 09-12, THE REPLAT OF LOT 15 IN CREEDE AMERICA ADDITION PHASE I FOR DEED RESTRICTED RESIDENT HOUSING

Trustee Wylesky moved and Trustee Keller seconded to approve the recommendation of Planning Commission and to pass resolution 09-12 and the discussed changes to the deed restrictions. The vote was unanimous. Mayor Shepperd declared the motion carried.

RESOLUTION 09-XX, IMPLEMENTING INTERNAL CONTROLS FOR ACCOUNTS PAYABLE

The Board discussed what controls to consider. It was agreed by the majority of the Board to leave the process as is and to not consider this resolution.

SET A PUBLIC HEARING DATE FOR ORDINANCE NO. 353, ESTABLISHING COMPENSATION FOR THE BOARD OF TRUSTEES

Trustee Wylesky moved and Trustee Gant seconded to schedule a public hearing for ordinance number 353 at the regular meeting of the Board on Tuesday, November 10, 2009. The vote was unanimous. Mayor Shepperd declared the motion carried.

The clerk was directed to post and publish the notice of public hearing.

RESOLUTION 09-08, AUTHORIZING THE CLOSING OF THE TRASH FUND

Trustee Keller moved and Trustee Mattingly seconded to approve resolution 09-08 to close the Trash Fund and transfer the funds to the Capital Improvement Fund. The vote was unanimous. Mayor Shepperd declared the motion carried.

CITY MANAGER'S REPORT

The items discussed and the actions taken were as follows:

WATER MAIN REPLACEMENT – UPDATE: City Manager Dooley invited the city engineer on this project, Eric Czaikowski of McLaughlin Rincon Water Engineers, LTD to review and explain some of the change orders being requested by the water line replacement contractor, Farner Enterprises. Dooley told the Board that Czaikowski, Ben Davis, Dooley and representatives of Farner Enterprises participated in a conference call with Ron McLaughlin of McLaughlin Rincon Water Engineers, LTD to discuss the handling of said change orders. To discuss what are reasonable charges and what are not and so forth. Trustee Mattingly moved and Trustee Gant seconded to pay Farner change order number one after Czaikowski clarifies there is only one gate vales used and charged. The vote was unanimous. Mayor Shepperd declared the motion carried. Trustee Brink moved and Trustee Wylesky seconded to allow engineers Czaikowski and McLaughlin to negotiate and approve change orders up to \$8,000 each, but not to exceed a total of forty-five thousand dollars or ten percent of the budgeted project. The vote was unanimous. Mayor Shepperd declared the motion carried. Trustee Brink moved and Trustee Keller seconded to pay change order number one for Thompson Coating, the contractor repainting and insulating the two water tanks. There were five yes votes and one abstained (Mattingly). Mayor Shepperd declared the motion carried.

CRT ADVERTISEMENT – ADMINISTRATIVE DIRECTION: The Board directed staff that the same ad used in the theatre program last year shall be used again this year. The city will get in on the early bird plan.

2010 PROPOSED BUDGET – DISCUSSION: Dooley provided the Board with a first draft of the 2010 proposed budget. The Board set the hearing for approval of this proposed budget at their regular December 8, 2009 meeting. The clerk will publish notice of budget in the Mineral County Miner newspaper and have a copy of the budget available in the office for inspection during regular business hours.

BRIGHT IDEA ENERGY SOLUTIONS – DIRECTION REQUESTED: Dooley told the Board that he thinks the city should schedule energy audits for Town Hall and the maintenance buildings as soon as possible. The Board agreed it should be done.

CREEDE CHILD CARE CENTER UPDATE – FYI: Dooley told the Board that the child care will be opening its doors on October 5, 2009. Dooley asked the Board on behalf of a request by public health nurse, Hilda Scott if the city is willing to help with the electric bill at the child care building. They agreed that they feel Mineral County should pay more toward the child care operation.

VIRGINIA CHRISTENSEN FUNDING – DIRECTION REQUESTED: Dooley explained to the Board that with the reduction in principal and interest of the Virginia Christensen Trust and with the unexpected change orders for both projects, he would like to see the fall funding cancelled this year and the appropriated funds of eight thousand dollars transferred into the Capital Improvement fund to help cover these unexpected expenses and to help build this fund for future projects such as paving following the water line replacement. The Mayor asked the Trustees if they wished to cancel this fall funding and there were five yes votes and one no vote (Brink).

CELL PHONES – DISCUSSION: Ben Davis' cell phone minute usage for city calls was discussed. Trustee Gant said she would look into the cost of some plans and provide the information to Dooley. The Saturday night water main blow-out was discussed. Dooley will check with CIRSA to find out if The Mayor or a Trustee steps in and assists if they are covered by workman's compensation insurance. At the October 27, 2009 work session the Board will discuss an emergency response plan and call list.

DENVER & RIO GRANDE RAILWAY HISTORICAL FOUNDATION – FYI: Dooley told the Board Don Shank of D&RGRHF is struggling with his work force and equipment, but maintains he is doing all he can to get his tracks removed. The Board agreed that Dooley use some leverage and require Shank to apply for a new permit each time he exceeds the time limit the permit allows for him to complete his project.

WORK SESSIONS: The Trustees agreed to hold their regular work session on Tuesday, October 27, 2009 at 5:30 p.m., and to hold a budget work session on Tuesday, October 20, 2009 at 5:30 p.m. The Board agreed to discuss the Harold Brink Property at the October 20, 2009 work session.

This report had other informational only items in it as well.

EXECUTIVE SESSION

Trustee Gant moved and Trustee Mattingly seconded to leave regular session and go into executive session at 8:18 p.m. for attorney conferences § 24-6-402 (4) (b) C. R. S. and personnel § 24-6-402 (4) (f) (1) [per city attorney Gibbons]. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Brink moved and Trustee Wylesky seconded to come out of executive session and go back into regular session at 8:50 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Wylesky moved and Trustee Gant seconded that the meeting be adjourned at 8:55 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

Pamela J. Wilson, City Clerk/Treasurer