

**BOARD OF TRUSTEES REGULAR MEETING
CITY OF CREEDE, COLORADO – A TOWN
October 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:

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

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

REVIEW AGENDA

Mayor Roughton-Miles requested adding Lower Willow Creek Restoration Company under Reports and Presentations, item g., and suggested making it a monthly report. Trustee Skroch moved and Trustee Powell seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF AUGUST 2, 2011 MINUTES

Corrections and suggestions were made. Clerk DePriest was directed to check the meeting recording of the August 2nd, 2011 meeting, revise the minutes accordingly, and present for approval at the November 1st, 2011 meeting. Trustee Zurn asked about former Clerk Wilson's minutes from the July 5th, 2011 meeting. DePriest was directed to contact Wilson and present those minutes for approval at the November 1st, 2011 meeting.

MONTHLY DISBURSEMENTS

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

Manager Dooley noted that the Moses, Wittemyer, Harrison, and Woodruff check listed on the September Check Detail was still being held per board direction. Questions were asked and answered about recreation charges. Eloise was asked to come to the October 18th, 2011 Work Session to clarify the recreation budget. Trustee Zurn moved and Trustee Wylesky seconded to approve the previously paid disbursements on the September 2011 check detail report including the previously held MWH&W check. 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 (INCLUDING MCLAUGHLIN INVOICES
#12460, #12459 AND SIGNATURE OF RMS PAY ESTIMATE #9)**

Questions were asked and answered about invoices from Canyon Systems, B&B Construction, and Grand Junction Pipe & Supply Co. Trustee Zurn moved and Trustee Wylesky seconded to approve the payments on the unpaid bills detail as of October 4, 2011 including McLaughlin Invoices #12460, #12459 and RMS Pay Estimate #9. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

**APPROVAL/DISAPPROVAL OF GARDENER EXCAVATING, INC. PAYMENT ESTIMATE #1, PHASE 22,
CONTRACT 4 FOR PAYMENT**

Manager Dooley confirmed that all obligations have been met satisfactorily according to him and Inspector Paul Berry. Trustee Powell moved and Trustee Gant seconded to approve the payment of Gardener Excavating, Inc. Pay Estimate #1, Phase II, Contract 4. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

WATER LINE REPLACEMENT REPORT

Inspector Paul Berry was available to give an update on the water project. He described the progress being made and warned about a few more possible road closures and water turn-offs. He described the options for Loma's waterline and suggested an eastern alignment of the waterline to speed up the completion date and simplify later paving. Engineering costs of altering the project in this way were discussed. While Berry did not think the change would incur more costs, he agreed to bring Change Order 1 to the Board of Trustees at the next meeting. Contractors Collin and Merritt Gardener were also present and in agreement.

PUBLIC WORKS REPORT

Public Works Director, Ben Davis, was available to comment on his written public works report. He addressed the board to seek administrative direction on street markings, including stop bars and crosswalks, which would become necessary after paving. He asked for and received administrative direction to test the product through the winter, take an inventory of street marking needs, and establish project costs. Mayor Roughton-Miles asked about the scrape near the grocery store caused by turning semis. Davis described how a drain pan was the culprit for those markings and would be amended by milling and new pavement.

MAYOR ROUGHTON-MILES' REPORT/UPDATE

Mayor Roughton-Miles attended the September 30th, 2011 State Water Engineers Forum in South Fork, CO. She met several beneficial contacts for the city, with whom she discussed finalizing our water augmentation plan and working with the Colorado Water Conservation Board. She suggested moving forward and meeting with them to resolve our water issues. The Arts Council sent a letter to confirm the names of the City of Creede, A Colorado Town and the Virginia Christensen Fund for donor plaques at the art park. The Board agreed to the names. Mayor Roughton-Miles mentioned a discussion that she had with Trustee Grossman about shortening the board meeting packets and requested that it be added to the October 18th, 2011 Work Session.

RECREATION REPORT

Recreation Director Eloise Hooper was available to comment on her written Recreation Report. She described how Recreation would be working with the school to provide art programs and announced several art shows. She also presented her 2012 budget to the Board of Trustees and answered questions about it. The Board thanked Eloise for her ability stretching resources and providing a great program for the community.

CODE ENFORCER REPORT

Code Enforcer Deborah Lamb was available to comment on her written Building Inspector Report. She described that she was concerned that the position was taking more hours during the day than originally planned for. Mayor Roughton-Miles commented that making the initial contacts will take time, and once that is accomplished, the position will slow down. Trustee Wylesky inquired about the approaches taken and Building Lamb said that she had gotten mostly positive reactions. Trustee Zurn asked if she was receiving enough support and assistance to do her job, and Lamb confirmed that she was. A discussion was needed regarding some kind of identification to improve authority in town, and was added for discussion to the October 18th, 2011 Work Session.

FOLLOW-UP PRESENTATION AND DISCUSSION OF CREEDE'S WATER RIGHTS AS SUBMITTED BY JOHN MATTINGLY AND MERLE KNOUS

John Mattingly, Merle Knous, and Zeke Ward presented to the Board of Trustees research and input regarding Creede's Water Rights. Mayor Roughton-Miles commented that water rights and usage was an ongoing discussion among the Board of Trustees.

LOWER WILLOW CREEK RESTORATION COMPANY

Trustee Zurn delivered a report for the LWCRC. She said the Company was working on a Voluntary Cleanup and had recruited Gwen Nelson to work on several grant applications. Their main business has been the MOU regarding land conveyance scheduled for New Business and could be discussed at that time.

WRITTEN REPORTS

Written reports from the Chamber of Commerce and WCRC were received and filed.

OLD BUSINESS

VIRGINIA CHRISTENSEN FALL FUNDING SCHEDULE

The Board of Trustees asked for the current account balance of the Virginia Christensen and discussed the amount coming in from JP Morgan. An account balance of \$76,499.66 was provided. Funding options, scheduling issues, infrastructure needs and available money were discussed. Trustee Grossman moved and Trustee Zurn seconded to approve \$35,000 for a Fall Virginia Christensen Funding Cycle. The vote was three yes (Grossman, Zurn, and Powell) and three no (Skroch, Gant, and Wylesky). The tie was broken by Mayor Roughton-Miles, who voted no and the motion was not carried. Trustee Zurn moved and Trustee Grossman seconded to approve \$30,000 for a Fall Virginia Christensen Funding Cycle. The vote was unanimous. Mayor-Roughton-Miles declared the motion carried. Clerk DePriest and Manager Dooley were directed to schedule an appropriate due date and a Virginia Christensen Committee presentation meeting.

APPROVAL/DISAPPROVAL OF PLANNING AND ZONING DOCUMENT "BOARD OF ADJUSTMENTS"

Trustee Grossman requested that the Board of Adjustments document be tabled once again to allow more work session review by the Board of Trustees.

NEW BUSINESS

LIQUOR LICENSE RENEWAL ELKS LODGE #506

Trustee Zurn moved and Trustee Grossman seconded to approve the renewal of Elks Lodge #506 Club Liquor License. There were five yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF RIO GRANDE SILVER, INC (RGS) UTILITY SERVICES AGREEMENT

Manager Dooley suggested tabling this item until more work could be done between the Town Attorney and RGS on the verbiage of the document. The Board of Trustees agreed.

APPROVAL/DISAPPROVAL OF RGS EXPENSE RECOVERY AGREEMENT

Manager Dooley explained that this document would allow RGS to get started on necessary design work and asked that they approve it. Trustee Skroch moved and Trustee Wylesky seconded to approve the RGS Expense Recovery Agreement. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF MEMORANDUM OF UNDERSTANDING REGARDING CONVEYANCE OF LOTS 2, 3, AND 4, CRI FILING 1, FINAL SUBDIVISION PLAT

Trustee Grossman described the changes made to the newest version of the document. Attorney Heil explained the nature of the document and defined the level of commitment an MOU requires. Trustee Grossman clarified the locations of the lots specified. Trustee Wylesky moved and Trustee Skroch moved to approve and sign the Memorandum of Understanding regarding conveyance of Lots 2, 3, and 4, CRI Filing 1, Final Subdivision Plat, City of Creede, CO. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MANAGER'S REPORT

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

2012 PROPOSED BUDGET: Mayor Roughton-Miles voiced her concerns about budget verbiage. Various issues were discussed regarding terminology and format options. Attorney Heil answered questions. Dooley agreed to remove the word "proposed" from the budget. Further discussions were postponed to meetings with Dooley.

RMS ASPHALT AGREEMENT: Dooley reminded the Board of the amount agreed on of \$15,000 for paving Loma and received administrative direction to pay the bill.

SLOANE LAND PURCHASE REQUEST: Attorney Heil recommended that the Board develop a land use plan to establish which land is available for development, which would be best for open space, etc., instead of considering requests on a case by case basis. The Board discussed a land use plan and agreed to have the Planning & Zoning Committee address the issue at their upcoming meeting in addition to discussing it at the October 18th, 2011 Work Session.

UPDATE ON SAWYER, HOSSELKUS, POWELL AND SURROUNDING PROPERTY: Dooley updated the board on the neighbors' progress on La Garita Street. The Sawyers and Powells have proceeded with a survey and preliminary boundary adjustments. AJ Hosselkus wants to proceed with his Quiet Title action.

MASONIC LODGE REPLAT BLOCK 25: Dooley described the progress of their land use application and participation from neighbors. Trustee Zurn suggested seeking out a community organizer to facilitate business cooperation in straightening out boundaries.

BUILDING INSPECTOR POSITION: Dooley received administrative direction to interview applicants with the assistance of Mayor Roughton-Miles and Trustee Grossman.

RMS PAY ESTIMATE #9: Dooley confirmed that the Pay Estimate tabled at the September 6th, 2011 meeting had been signed by all parties necessary and received administrative direction to pay the bill.

CONCRETE DOCTOR: Dooley reported that the company discovered that the material they had in mind would not work and are currently searching for a different solution.

CIRSA PRELIMINARY QUOTE: The property casualty pool preliminary quote was \$8,459/ year, up \$422 from the year before. Dooley was directed to accept the quote after researching which riders were necessary.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

No one signed up for public comment.

EXECUTIVE SESSION AND RELATED ACTIONS

Trustee Grossman moved and Trustee Zurn seconded to convene into executive sessions with the town Attorney for the purpose of receiving legal advice for specific legal questions pursuant to Colorado Revised Statute 23-6-402 4b related to pending litigation regarding Farner v. City, claim #5013145. Trustee Zurn moved and Trustee Grossman seconded to move out of Executive Session.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Zurn moved and Trustee Skroch seconded that the meeting be adjourned at 7:25 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted:

Randi DePriest, City Clerk/Treasurer

