

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
November 10, 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 5:33 p.m. There being present at the call of the roll the following persons:

PRESENT: John Mattingly, Evelyn Gant, 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

EXECUTIVE SESSION

Mayor Shepperd apologized to the audience for the inconvenience, and added that before moving forward with anything else, the Board had some “housekeeping” to take care of in executive session.

Trustee Keller moved and Trustee Gant seconded to leave regular session and to go into executive session at 5:34 p.m. for attorney conferences § 24-6-402 (4) (b) C. R. S. The vote was unanimous. Mayor Shepperd declared the motion carried. This executive session will consist only of the Board of Trustees and City Attorney, Gibbons.

Trustee Keller moved and Trustee Wylesky seconded to come out of executive session and to go back into regular session at 5:48 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

After coming out of executive session that was held in the Manager’s office, Trustee Mattingly walked over to the board table and picked up his personal items and seated himself in the audience offering the appearance that he had stepped down from the Board. Mayor Shepperd explained to the audience that Mr. Mattingly was not a registered voter in town at the time he was appointed. This is required in the municipal code. Now that he is registered to vote in Creede, Mattingly can present another letter of intent to the Board for consideration to fill the vacancy.

REVIEW AGENDA

City Manager Dooley asked if he could add McLaughlin engineer, Eric Czaikowski to give an update on the water line and tank projects. This item was added as item (a) Reports and Presentations. Mayor Shepperd added an item to Old Business (d)Recycle•Creede, to present findings from a special Planning & Zoning Commission meeting site visit held this morning. The city attorney reminded the Board that they will have to declare a vacancy on the Board and direct the clerk to accept letters of intent. This item will be (h) of New Business. Trustee Wylesky moved and Trustee Keller seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF OCTOBER 7 and 13, 2009 MINUTES

Trustee Brink moved and Trustee Keller seconded to approve the minutes of October 7, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Brink moved and Trustee Wylesky seconded to approve the minutes of October 13, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked by the Board and answered. John Mattingly asked Mayor Shepperd if citizens can make comments on the disbursements, receiving approval, Mattingly asked his questions. Mattingly asked city attorney Gibbons if he could provide the Board with a comparison bid for his time between the town paying a retainer versus actual/travel time/charges. Trustee Wylesky moved and Trustee Brink seconded to approve the monthly disbursements as presented on the October 2009 check detail report.

REPORTS AND PRESENTATIONS

UPDATE OF WATER LINE REPLACEMENT PROJECT

McLaughlin Rincon, LTD. engineer, Eric Czaikowski gave a verbal update to the Board about the current phase of the water line replacement project. Questions were asked and answered. Czaikowski answered Mr. Siddel about the delay on his property.

THE BIO2 SOLUTION WEBINAR

Bio2 Solution project manager, Forbes Guthrie, presented via telephone and internet a webinar to the Board of Trustees. Guthrie explained that Bio2 Solution is a fifty-five year old engineering company. This webinar is a possible alternative to the electric bill the city pays for the wastewater plant. The cost to the City for a feasibility study would be fifteen thousand dollars. This can be built into the lease if there is one. The next process is a system overview of the lagoons and he will send a proposal.

BUILDING INSPECTOR'S REPORT

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

CHAMBER REPORT

Chamber director, Martha Owens was present to answer questions about her report. Owens asked that if it snows before or during chocolate festival if the city would make certain the sidewalks are kept clear for our visitors. City Manager Dooley told Owens that he will make arrangements with a private contractor if it should snow. Owens told the Board that she would continue to bring up the old matter of the public restrooms and what she feels is inadequate cleaning. Owens also presented a 2009 budget to actual for the chamber of commerce.

WRITTEN REPORTS

This includes a read only, informational report from recreation. This report is to be read at the Board's leisure.

PUBLIC HEARINGS

ORDINANCE 353, ESTABLISHING COMPENSATION FOR THE BOARD OF TRUSTEES

Mayor Shepperd opened the public hearing and read the title of the ordinance. One petition was presented to the Board with one signature (Phil Leggitt) on it opposing a pay increase for the Board of Trustees. The following four people signed up and spoke against this ordinance and a pay increase for the Board: Sandy Kroll; Phil Leggitt; John Mattingly; Keith Siddel. Mattingly told the Board to consider the Town's forefathers serving the people for little or no pay. Siddel outlined to the Board what he felt were services the citizens are already paying for yet are not receiving. Siddel also told the Board they should return the money they have previously received by resolution rather than ordinance. Ken Wyley and Debby Roughton-Miles wanted to understand and asked questions about the procedure and the compensation. Roughton-Miles said yes to paying for services and no to cutting any services. Jenny Inge spoke in favor of compensation and possibly an increase for the Board. Darryl Miles said he will support the Board in whatever decision they make. Mayor Shepperd closed the public hearing. Trustee Brink added her opinion that it is difficult to get people to run for this office without the offer of some compensation. Trustee Gant moved and Trustee Wylesky seconded to approve Ordinance 353. The vote was unanimous. Mayor Shepperd declared the motion carried.

This ordinance does not take effect until after the April 6, 2010 election. Trustees Gant and Wylesky's seats are not up for election in 2010; therefore, neither of them will receive the pay increase until 2012 if they run and get re-elected.

OLD BUSINESS

HAROLD BRINK PROPERTY DIRECTION

City Manager Dooley informed the Board that Railroad Avenue on the south end of Town has been surveyed and staked. The attorney added that Brink would be sited for his items on the city street, not for items on private property. The Board (except for Trustee Brink who abstained) directed Dooley to move forward with sending Brink an abatement letter.

SNOW REMOVAL ORDINANCE DRAFT

The Board agreed to discuss this at a work session.

RECONSIDER FALL FUNDING OF VIRGINIA CHRISTENSEN

Trustee Brink moved and Trustee Wylesky seconded for the city to hold a ten thousand dollar fall funding. There were two yes votes (Brink and Wylesky) and three no votes (Gant, Lewis and Keller). Mayor Shepperd declared the motion did not carry.

PLANNING AND ZONING COMMISSION SOUTH CREEDE SITE VISIT THIS MORNING

Following an explanation of all that has transpired and the latest agreed recommendation of the Planning Commission members for a new proposed site for Recycle•Creede, Inc., Trustee Lewis moved and Trustee Brink seconded to approve the recommendation of Planning Commission for the new proposed site to relocate Recycle•Creede more west toward Highway 149 and further south to thirty feet north of the CRT scene shop. The vote was unanimous. Mayor Shepperd declared the motion carried.

NEW BUSINESS

LIQUOR LICENSE RENEWAL – ELKS LODGE NO. 506

Trustee Brink moved and Trustee Lewis seconded to approve a Club Liquor License renewal for Creede Elks Lodge NO. 506. There were four yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

CONSIDER FOR APPOINTMENT TO FILL ONE OF TWO PLANNING COMMISSION VACANCIES

Questions were asked and answered. Trustee Wylesky moved and Trustee Gant seconded to appoint Creede citizen Avery Augur to the Creede Planning and Zoning Commission. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPOINT COMMITTEE TO REVIEW JOB DESCRIPTIONS

Trustees Wylesky and Gant and Mayor Shepperd were appointed to this committee that will review and compile suggested changes to staff job descriptions for presentation to the Board of Trustees for final approval.

APPOINT COMMITTEE TO RESEARCH GRANTS AND FUNDING OPTIONS FOR CITY PROJECTS

Trustees Brink and Keller and Creede citizen, Elizabeth Zurn were appointed to this committee. These three appointees will seek out another volunteer for this committee as well.

INSULATION OF CITY SHOP – MATTINGLY'S OFFER

John Mattingly offered to provide labor to complete the insulation of the city shop if the town will provide the materials. His estimate is one thousand dollars to fifteen hundred dollars for foam and weather stripping. Mattingly left the meeting before this item came up on the agenda. The Board gave its approval if Mr. Mattingly is still willing to provide the labor. Dooley will follow-up with Mattingly. The materials were approved up to fifteen hundred dollars.

DISCUSSION OF DUMP TRUCK WITH SNOW PLOW PURCHASE

Dooley explained that Mattingly had told him that the 1990, single axel dump truck for sale just east of South Fork would run about nine thousand dollars plus new tires. Dooley told the Board that there is enough

money in the capital improvement fund for purchases like this. Wilson will get the phone number for Dooley and he will follow up and have someone check it out mechanically. The Board agreed that if this is a good deal the city should move forward with the purchase.

APRIL 2010 ELECTION UPDATE – CLERK’S MEMO

The clerk explained whose seats are up for election and the terms associated with them for the April 6, 2010 election. Wilson informed the Board that she will be attending a mail ballot election class on Tuesday in Keystone, Colorado. Wilson also asked the Board to schedule a public hearing for Ordinance 354, adopting article 7.5 of the Uniform Election Code so the Town can, by resolution, authorize regular or special municipal elections to be held as mail ballot elections. The Board agreed to a public hearing at the regular Board meeting on December 8, 2009.

VACANCY ON BOARD OF TRUSTEES

The Board agreed that a vacancy exists on the Board. The Board directed the clerk to post and publish notice of the vacancy and to accept letters of intent. The clerk reminded everyone that there is still a vacancy on the Planning Commission as well.

CITY MANAGER’S REPORT

The items discussed and the actions taken were as follows:

WILLOW CREEK PROJECTS – ADMINISTRATIVE DIRECTION: Direction was given to city Manager Dooley to draft a letter for mayor Shepperd to sign on behalf of the city for Creede to be the fiscal agent for specific grants for WCRC.

ERIC HEIL – ADMINISTRATIVE DIRECTION: Dooley explained that Heil is forming his own law firm. For Heil to continue his work on the CRI development, the city will have to disengage with Widner, Michow and Cox LLP and to engage with Heil’s new firm. The Board directed Dooley to draft a letter for the Mayor to sign and the clerk to attest to.

WATER METER STRATEGY – DISCUSSION: The Board agreed to take this to a work session.

WORK SESSIONS: The Trustees agreed to hold their regular work session on Monday, November 30, 2009 at 5:30 p.m.

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

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Keller moved and Trustee Lewis seconded that the meeting be adjourned at 8:43 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

Pamela J. Wilson, City Clerk/Treasurer