

**CITY COUNCIL
CITY OF CREEDE, COLORADO – A TOWN
November 9, 2004**

REGULAR MEETING

The City Council 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 6:10 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss, Debbie Wylesky, Henry Brink, Eldon Seime, Chuck Barnes, Martha Owens, Gene Dooley

Mayor Seime declared a quorum present:

Those members of staff also present were as follows:

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

REVIEW AGENDA

Trustee Owens said that Lynn Harris will not be available tonight to address the Board of Trustees. Owens requested that item (c) of New Business be removed from the agenda and Harris will get back on the agenda for a future meeting. Owens said that she has a letter to read to the Board, however. Under Reports and Presentations, Leigh Ann, letter (c) will also cover the Nelson Tunnel Update; therefore letter (g) can be removed. Trustee Barnes reminded Council about discussing meeting hour and date change and will be added as letter (g) of New Business and letter (f) of New Business will be removed because resolutions 04-10 and 04-11 will be covered with other items during the meeting. Trustee Barnes moved and Trustee Goss seconded to approve the agenda as corrected. The vote was unanimous. Mayor Seime declared the motion carried.

APPROVAL OF MINUTES FOR October 12, 2004

Trustee Goss moved and Trustee Owens seconded to approve the minutes of October 12th as presented. The vote was unanimous. Mayor Seime declared the motion carried.

ACCEPT AND PAY BILLS

Trustee Barnes moved and Trustee Brink seconded to approve the bills to be paid as submitted on the check detail report for the month of October 2004. The vote was unanimous. Mayor Seime declared the motion carried.

REPORTS AND PRESENTATIONS

CITY MANAGER'S/MAINTENANCE REPORT

City Manager Dooley was available to answer questions concerning his Manager's Report. The Mountain Man Consulting contract with Darrell Davis of South Fork is up for renewal. Questions were asked about the licensing of both Ben Davis and Robert Schlough and where they are with their certification requirements. This can possibly happen in 2005 depending on the schedule of the training classes. Trustee Barnes moved and Trustee Goss seconded to enter into a new contract with Mountain Man Consulting at the rate of two hundred dollars a month to look after the license requirements for the wastewater and water treatment facilities. The vote was unanimous. Mayor Seime declared the motion carried.

As previously discussed and decided by the previous Board of Trustees, resolution 04-10 renames a portion of *Jimmy Basham Park* as *Creede Memorial Veterans Park*. Trustee Barnes moved and Trustee Owens seconded to pass this resolution. The vote was unanimous. Mayor Seime declared the motion carried.

It has been requested by Ron Fief for the City to share in the expense of the dumpster at Kentucky Belle. Residents from around the area and out in the County put their trash in Fief's dumpster filling it up so the store has no room to dump the trash they are paying for. Nearly every business in town gets trash put in their dumpsters and cans that is not their own. The City cannot afford to make a deal with everyone to pay a portion of the cost to dump it. It was suggested that Fief should probably lock his dumpster and the City can arrange with Muley's to have a dumpster in the park during the summer and pay on a per tip basis. This decision was unanimous.

City Manager Dooley asked the Board to approve to pay one hundred ninety dollars for a 2.5" x 3.5" advertisement in the 2005 commemorative season program for Creede Repertory Theatre's fortieth year. Trustee Barnes moved and Trustee Goss seconded to approve this purchase. The vote was unanimous. Mayor Seime declared the motion carried. No suggestion was made for someone to prepare the art work. It was, however, suggested that there may be someone at the theatre to handle the task.

There was a discussion about Mike Kolisch wanting the City to pay a portion of his certification for building inspector. He does not have a position with the City at this time. This position will have to be advertised again. At this time, the City is not willing to pay any of this certification.

While discussing the north Creede survey, Trustee Owens read a letter that she had received from Brenda Rhea, a perspective buyer of some property in north Creede.

SHERIFF'S REPORT

This report was reviewed and discussed. Sheriff Leggitt's report reflected 1,345 miles and 357 hours had been patrolled in the City during the month of October. This report also reflected twenty-nine incidents and complaints, no citations and one accident. Again it was mentioned that the Sheriff's report reflects information not pertinent to the City's ordinances. Mayor Seime said he would talk to Sheriff Leggitt again about it. Trustee Goss did compliment the Sheriff's office for the job they did on Halloween weekend. Trustee Barnes moved and Trustee Dooley seconded to accept the Sheriff's report. The vote was unanimous. Mayor Seime declared the motion carried.

CHAMBER REPORT

Pat Richmond was available to answer questions about her report. Questions were asked and answered. Richmond requested that the City write a letter of support for extending the Silver Thread Scenic Byway on Highway 149 from Lake City on to U.S. Highway 50 west of Gunnison. Currently the Silver Thread extends from South Fork to Lake City. Trustee Goss moved and Trustee Barnes seconded to have the letter of support written. The vote was unanimous. Mayor Seime declared the motion carried.

There was a brief discussion about the City of Creede continuing to appropriate a grant of ten thousand dollars to the Chamber. It is in the budget at this time. Richmond explained how important the monthly payments are because they are a constant that the Chamber can count on. No further action was taken.

WRITTEN REPORTS

This includes the Recreation report. This report is to be reviewed at the Council's leisure.

WILLOW CREEK RECLAMATION COMMITTEE 319 LETTER OF SUPPORT & NELSON TUNNEL UPDATE

Leigh Ann Vradenburg was available to address City Council. Vradenburg explained the project and the grant WCRC is seeking to fund it. Willow Creek asked the City if they will continue to donate office, meeting, and storage space and the use of the copier. This in-kind donation will benefit Willow Creek in obtaining other grants. Vradenburg updated the Board on the Nelson Tunnel as well. Trustee Barnes moved and Trustee Goss seconded that the City support the application for the 319 funds for the Amethyst project as well as the work on the Nelson Tunnel. There were five yeas and one nay (Dooley). Mayor Seime declared the motion carried.

Vradenburg had two support letters that she had already typed up for Mayor Seime to read and sign.

KEN TAYLOR

Creede property owner, Ken Taylor asked City Council to abandon Depot Street. Taylor said it has not been used as a street for fifty plus years. Taylor wants to remodel his existing home and is already encroaching on the street right-of-way and is having difficulty getting the approval to do so. Questions were asked and answered. Trustee Brink reminded Taylor that it is his responsibility to find out if the street had already been abandoned and

may already hold title to it. Taylor should also get a survey of his property. After a lengthy discussion, Trustee Owens moved and Trustee Wylesky seconded to table further discussion and/or a decision about this issue until a policy is established that the City can follow when approached by the many requests that come before it. There were four yeas, one nay (Barnes), and one undecided (Goss). Mayor Seime declared the motion carried.

A work session was scheduled for the Board, City Attorney and the City Manager at 2:00 p.m. on Thursday, November 11, 2004.

OLD BUSINESS

2005 SHERIFF'S AGREEMENT

Mineral County sent the City an unsigned one page extension which negated the signed contract the City sent to them in October. The County Administrator sent a letter saying the County will be terminating this contract, as stated in the contract, effective 12:00 midnight December 31, 2004.

City Attorney Gibbons explained to the Board that regarding the insurance issue, "we cannot insure their actions." Gibbons said he had talked with a representative of the City's insurance company and this is something that cannot be done. After a discussion, most every Trustee expressed that they want the City to do nothing and put it back in the County's court. It is now up to them and there is nothing further the City can do. If the County approaches City Council they will discuss this, but until that time the City will let it be.

NEW BUSINESS

COLLINS – SPECIAL EXCEPTIONS USE (PUBLIC HEARING)

Trustee Owens moved and Trustee Dooley seconded that City Council adjourn into the Board of Adjustments. The vote was unanimous. Mayor Seime declared the motion carried. Trustees Goss, Wylesky, Brink, Dooley and Mayor Seime became the Board of Adjustments at 8:32 p.m.

No one had signed up to speak at this public hearing. Anne Pizel of Broken Arrow Land Company addressed the Board as the representative for Dan and Glenda Collins. Pizel read a letter from the Collins asking the Board for an easement for encroachment for Collins' property on North Loma Street. The entire home sits in the City's street right-of-way. Trustee Brink asked Pizel if this could be tabled until the December or January meeting after a policy is set. Pizel explained that there is a buyer. Trustee Goss moved and Trustee Wylesky seconded to table the Collins' special exceptions use request until after Council's work session. The vote was unanimous. Mayor Seime declared this motion carried.

Trustee Barnes moved and Trustee Dooley seconded to adjourn into City Council for the remainder of the meeting. The vote was unanimous. Mayor Seime declared the motion carried and City Council came back into session at 8:52 p.m.

WALTERS/BROCE LETTER OF REQUEST FOR GRANDFATHERING OF USAGE OF NORTH CREEDE PROPERTY

Trustee Brink feels that this is not an issue because Walters and Broce are not in violation of the current zoning. Should they want to change the way they are handling their business, it would not be grandfathered, but rather a request for a variance. It was decided to go ahead and approve the resolution for Walters and Broce even though it isn't really required because there is currently no zoning violation. Trustee Brink moved and Trustee Owens seconded to approve resolution 04-11 for grandfathering usage. There were five yeas and one nay (Barnes) because "there is no policy on allowing that". Mayor Seime declared the motion carried.

PARADE PERMIT – DAVID BASLER SEWER PROJECT

David Basler is requesting a portion of La Garita Street be closed for a period of time so that he may finish a sewer project he is working on. After review of this application and a discussion, Trustee Goss moved and Trustee Brink seconded to approve this parade permit. The vote was unanimous. Mayor Seime declared the motion carried.

PLANNING COMMISSION RECOMMENDATION

Trustee Barnes moved and Trustee Wylesky seconded that the City approve the purchase of a 2003 International Building Code (IBC) for review. The vote was unanimous. Mayor Seime declared the motion carried.

CITY COUNCIL MEETING HOUR AND DATE CHANGE

After some discussion and a compromise, Trustee Barnes moved and Trustee Brink seconded to change the time of future regular City Council meetings to 6:30 p.m. The vote was unanimous. Mayor Seime declared the motion carried.

Tuesday night is not a good night for one of the Trustees, therefore it has been suggested to change the night of the meetings as well. Two Trustees have expressed that all or at least the second Wednesday is not good for them. Trustee Goss takes an online class that meets on Mondays. When the new class starts in January Goss will ask if they can meet on a different night. Thursdays, it was decided, along with Fridays is when many of the school activities are scheduled. However, Thursday is a better night than Monday for one Trustee. This issue will be looked at again in January.

ADJOURN

There being no further business to come before the Council at this time, Trustee Brink moved, and Trustee Goss seconded, to adjourn the meeting at 9:10 p.m. The vote was unanimous. Mayor Seime declared the motion carried.

Respectfully Submitted:

Approved by City Council:

Pamela Wilson, City Clerk/Treasurer

Eldon Seime, Mayor