

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
November 9, 2006**

REGULAR MEETING

The Town Board 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 6:07 p.m. There being present at the call of the roll the following persons:

BOARD MEMBERS: Kim Nagy, Debbie Wylesky, Martha Owens,
 Eldon Seime (arr. 6:11 p.m.), Chuck Barnes, Rex Shepperd,
 Dana Brink

Mayor Pro-Tem Owens, presiding, declared a quorum present:

Those members of staff also present were as follows:

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

REVIEW AGENDA

Trustee Shepperd asked to add a Planning Commission Report as item (g) of Reports and Presentations. Audience member, Jim Adelman asked Mayor Pro-Tem Owens if he could be added to the agenda to discuss and make a request regarding the school's recent building permit application. Adelman was added as item (f) of New Business. Trustee Barnes moved and Trustee Wylesky seconded to approve the agenda as added to. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

APPROVAL OF MINUTES FOR OCTOBER 10, AND 30, 2006

After correcting the spelling of one word, Trustee Shepperd moved and Trustee Brink seconded to approve the minutes of October 10, as amended. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Trustee Shepperd moved and Trustee Nagy seconded to approve the minutes of October 30, as presented. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Mayor Seime arrived at 6:11 p.m. at which time Mayor Pro-Tem Owens turned the meeting over to him.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Barnes moved and Trustee Shepperd seconded to approve the monthly disbursements as presented on the October 2006 check detail report. The vote was unanimous. Mayor Seime declared the motion carried.

REPORTS AND PRESENTATIONS

BUILDING INSPECTOR'S REPORT

Mike Kolisch was not available to answer questions about his report. The report was reviewed.

SHERIFF'S REPORT

Sheriff Leggitt was not available to answer questions about his report. Sheriff Leggitt's report reflected 1,410 miles and 428 hours had been patrolled in Town during the month of October. This report also reflected nineteen incidents and complaints, two citations and zero accidents.

CHAMBER OF COMMERCE REPORT

Brenda Maze was available to answer questions about her report. This report was reviewed.

CREEDE SKATE PARK COMMITTEE REPORT

As requested previously by the Town Board, the skate park committee made their first quarterly progress report. Linda Ussery, Ron Carpenter and Leeanna Tiley were all three available to answer questions on this report. Trustee Owens asked the committee members if they had considered asking the school shop class about building the picnic tables and benches for the skate park area. The committee said they had not, but would consider the suggestion.

PLANNED WATER AND SEWER LINES UPDATE MINERAL COUNTY ECONOMIC DEVELOPMENT, INC. (MCED)

Denise Dutwiler of MCED was available to answer questions. It was discussed that the City Engineer has conditionally approved these plans; however the Town Board has to review them before giving approval to move forward. Dutwiler asked about a time frame for this approval. City Manager Dooley explained it would take thirty days after the plan is received. The process for a construction agreement was discussed. The Town Board directed Dooley to initiate a construction agreement for the infrastructure. After the agreement has gone back and forth between Siddel of MCED and Dooley to their satisfaction and the city attorney has reviewed and approved it, it will go to the Board for final approval. Dooley said he would have a draft document available for Dutwiler tomorrow (Friday) afternoon.

WRITTEN REPORT

This included the Recreation report. This report is to be reviewed at the Board's leisure.

PLANNING COMMISSION REPORT

Trustee Shepperd told the Town Board that during the Planning Commission meeting on Tuesday night of this week he had informed the committee that they were working with a document that was not the *Land Use Code* that had been adopted. What was adopted was the revised *Code* with the original Article Five on subdivisions along with the new Article Five, which is a revision by the City Manager intended to simplify navigation of several articles related to subdivision procedures, as an addendum. Shepperd explained that the Planning Commission requested the clerk to listen to the tape of the meeting in which he, Shepperd, had made the motion to adopt the code with the new Article Five "as an addendum." The clerk listened to the tape along with Shepperd and City Manager Dooley confirming the verbiage. Shepperd told the Board he will compare a previous work document to the copy that the committee now has to determine what changes were made and rectify the situation so the committee will be revising the actual adopted code and addendum rather than working with an incorrect document.

PUBLIC HEARINGS

ORDINANCE NO. 342 – ESTABLISHING A PLANNING AND ZONING COMMISSION FOR THE CITY OF CREEDE

Mayor Seime opened the public hearing at 6:35 p.m. for those who had signed up to speak. Peter Calandrucchio, Creede Planning and Zoning Commission Chair of 113 N. Loma in Creede, signed up and spoke in support of the ordinance. Calandrucchio asked the Board if the adoption of this ordinance at this time changes the directives previously given to the committee by the Town Board and the projects currently in the works by the committee. Mayor Seime closed the public hearing at 6:37 p.m. Receiving confirmation from the town attorney, Trustee Shepperd moved and Trustee Owens seconded that the committee should proceed as usual and to continue working as previously directed. The vote was unanimous. Mayor Seime declared the motion carried. There was no other public comment.

The Board discussed a slight change in verbiage to section four of the ordinance. It was agreed by the Board to change the last word in section four from "Mayor" to "Board of Trustees." The public had no objection to the change. Trustee Shepperd moved and Trustee Barnes seconded to adopt Ordinance 342 as amended. By roll call vote, the vote was unanimous. Mayor Seime declared the motion carried.

The clerk will publish this ordinance by title in the *Mineral County Miner* newspaper as allowed by majority vote of the electors of the Town of Creede at a municipal election held April 4, 2006.

NEW BUSINESS

VIRGINIA CHRISTENSEN ADVISORY COMMITTEE RECOMMENDATIONS

Trustee Shepperd moved and Trustee Barnes seconded to approve the recommendation for the amounts awarded by the Virginia Christensen Advisory Committee. The vote was unanimous. Mayor Seime declared the motion carried. The amounts awarded totaling \$15,000 were as follows: Creede Arts Council (CAC) \$2,000; Creede Community Center (CCC) \$6,000; Days of '92 \$2,000; Creede Repertory Theatre (CRT) \$2,000; Creede 4th of July Fireworks Committee \$1,000; and Creede Child Care Center (CCCC) \$2,000.

Other recommendations made and the actions taken were as follows: To request that the monies awarded to Days of '92 and to Creede 4th of July Fireworks Committee be kept in the City's Virginia Christensen bank account until they are ready to start spending them at which time they can request them directly from the Town Treasurer. It was the general consensus of the Board that the clerk/treasurer should issue all six checks as scheduled next week. It was explained to the Board that the interest that would be earned on the local money market for this amount of money for up to five months would not amount to enough to withhold it from the individual groups. It was recommended that the skate park committee be requested to return their grant of \$7,000 from earlier this year to the City's Virginia Christensen bank account until it is needed at which time they can request it directly from the Town Treasurer. Again, the Board determined it was not necessary to have a group return monies that have already been approved and awarded for no more interest than the City would earn on this amount. Finally, it was recommended that the Town Board look into the rate of return on the Trust (at JP Morgan) and consider investing it elsewhere if necessary. The clerk explained that John Gessert of JP Morgan Client Services would like very much to come to Creede and meet with the Board and Advisory Committee to explain the earnings of the Trust and to answer questions. The clerk will arrange a morning work session with the Board members' schedules and Gessert's schedule. The Board members requested for it to be scheduled after the first of 2007 if possible. The advisory committee members will be notified and encouraged to attend.

TRANSFER OF OWNERSHIP FOR A TAVERN LIQUOR LICENSE

Daniel I. Archibald and Laura J. Archibald of Archibald's Exchange, LLC d/b/a Mac's Old Mine are requesting a transfer of ownership of the tavern liquor license of Resort, Inc. d/b/a Mac's Old Mine located at 105 N. Main Street, Creede, Colorado. With the transfer of ownership, the Archibalds are also requesting a modification of premises to incorporate 107 N. Main Street as part of the tavern as well.

Trustee Shepperd moved and Trustee Brink seconded to approve the transfer of ownership of a tavern liquor license to Archibald's Exchange, LLC d/b/a Mac's Old Mine from Resort, Inc. d/b/a Mac's Old Mine. The vote was unanimous. Mayor Seime declared the motion carried.

VESTING OF GANT PROPERTY

Avery Augur addressed the Board on behalf of Evelyn Gant, one of the two property owners included in the Creede America annexation. To date, the vesting of property rights for the parcels owned by both of these parties have not been addressed. Gant's parcel consists of .308 acres or 13,417 square feet. All costs incurred by the city in addressing this issue will be paid by Gant. All necessary documents will be provided to the city for approval at the time of development. No actions were taken.

MOUNTAIN MAN CONSULTING – WATER OPERATOR SERVICES CONTRACT

Trustee Shepperd moved and Trustee Wylesky seconded to approve the contract for water operator services for one year with Darrel T. Davis of Mountain Man Consulting. The vote was unanimous. Mayor Seime declared the motion carried. Mayor Seime will sign the contract on behalf of the city.

DISCONTINUANCE OF WATER AND SEWER LINES – MCED

Denise Dutwiler was at the meeting for Mineral County Economic Development, Inc. (MCED). There was a discussion. It was explained that a “tap” is where a private line connects into the city’s system and a “hook-up” is what connects from the private line into the individual trailer homes. Based on information provided by the city’s water department, there are a total of sixteen hook-ups at Silver Moon, six of which are currently not being used. The 11.9 taps that has been referenced before is in actuality 11.9 Equivalent Residential Units (EQRs) that relate directly to user fees and not to taps. MCED has been being billed for fourteen hook-ups instead of what they understood to be 11.9 (or twelve) hook-ups. MCED is requesting the city to credit back fees for two hook-ups retroactively to August 2005 when the Letter of Understanding (LOU) was written. The Board explained that when the new water system was built in 1983 the State mandated that the City bill hook-ups that are part of a private system whether they are being used or not.

BUILDING PERMIT FEES FOR CREEDE SCHOOLS

Jim Adelman addressed the Board to request that the fee of three hundred dollars for a building permit the school recently applied for be waived. The permit is for an expansion of the school kitchen. The school is hoping to begin work on this project over the Thanksgiving break and finish it during Christmas break. The Board explained that the contract with the building inspector pays him half of the building permit fees for his services. If the City waives the full three hundred it would actually cost the city four hundred fifty dollars. The Board would like to take this matter under advisement and discuss it further at their next work session and make a decision at the regular December Board meeting. So the school is not held up and thrown off schedule, the Board asked the school to write the city a check for the full amount and it will be held until a decision is made. By paying the fees, the school can move forward with their plans.

CITY MANAGER’S REPORT

The points discussed and the actions taken were as follows: Direction was given to the treasurer to write a check at the end of this year as an increase in the donation to nursing services for what Mineral County has spent this year on water and sewer fees for the health clinic.

The Town Board has agreed to have their monthly work session at 5:00 p.m. on Monday, November 27th. This report had other informational only items in it as well.

ADJOURN

There being no further business to come before the Board at this time, Trustee Barnes moved and Trustee Wylesky seconded that the meeting be adjourned at 7:46 p.m. The vote was unanimous. Mayor Seime declared the motion carried.

Respectfully submitted:

Approved by Board of Trustees:

Pamela J. Wilson, City Clerk/Treasurer

Eldon M. Seime, Mayor