

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
February 1, 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 5:33 p.m. There being present at the call of the roll the following persons:

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

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

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

REVIEW AGENDA

No additions or corrections were made to the agenda. Trustee Zurn moved and Trustee Wylesky seconded to accept the agenda as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF JANUARY 4, AND 10, 2011 MINUTES

Mayor Roughton-Miles asked the clerk to review the recording and where it talks about the snow removal discussion in the public works report paragraph to add that it was suggested that the guys start earlier with snow removal providing the snowfall is adequate and to clear Main Street first as the emergency route, clear La Garita for the school and then over to Loma. The clerk agreed to review the recording and make the changes. Trustee Powell moved and Trustee Skroch seconded to approve the January 4, 2011 minutes as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

[The changes the Clerk made to the January 4, 2011 minutes were: *It was suggested that public works get out earlier when the snowfall during the night/early morning is adequate, before the public comes out. The Mayor said Dooley suggested Main Street be cleared first making it the emergency route, La Garita Avenue by the school then over to Loma Avenue.*]

Trustee Grossman moved and Trustee Wylesky seconded to approve the January 10, 2011 minutes as presented. There were four yes votes and one abstained (Zurn, because she was not at the January 10, meeting). Mayor Roughton-Miles declared the motion carried.

MONTHLY DISBURSEMENTS

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

The January payroll was provided to the Board in this report as to give the Trustees an idea of the 2011 monthly payroll. Questions were asked and answered. Trustee Zurn moved and Trustee Wylesky seconded to approve the previously paid disbursements on the January 2011 check detail report. 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

Questions were asked and answered about the unpaid bills detail. Trustee Zurn moved and Trustee Wylesky seconded to approve payment of the unpaid bills detail dated February 1, 2011. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REPORTS AND PRESENTATIONS

PUBLIC WORKS REPORT

Public works director, Ben Davis was available to answer questions about his report. Davis' report touched on water; wastewater; roads; parks/events; and fleet/buildings. Questions were answered. Davis confirmed for the Board that both Egolf and Butler are cooperating with the Town to create another access for the Town to the water tanks. "This should be a simple fix," Davis added. On a warm day Davis will use the backhoe to knock out a gravel berm across Shepperd's driveway that the contractors left when they fixed the road near Shepperd's property. West tenth Street remains closed until spring when the contractors return. This street does not service any homes or businesses. Davis was told that the drainage is frozen on the little road between Stone's residents and theatre housing. The catch basin is covered by leaves and debris. Davis told the Board that they will do a full scale catch basin assessment in the spring. Fall and spring checklists were discussed. Davis talked about the reality of catching everything on the fourteen page asset management plan he already has in place. There are still bleachers that need to be retro-fitted and brought up to date. The bleachers used at the Days of '92 belong to that organization. The city has received an administrative extension for the wastewater permit that expired yesterday, January 31, 2011. The State office is running behind, this delay was no fault of the city's.

BUILDING INSPECTOR'S REPORT

Mike Kolisch, the Town's building inspector was not available to answer questions about his report. Dooley explained that the application for #8 Mike Lamb was amended by contractor Jason Vinyard per an agreement between Kolisch and Vinyard.

CHAMBER REPORT

Creede-Mineral County Chamber of Commerce Executive Director, Martha K. Owens was available to answer questions about her report. Owens gave the Board copies of the 2011 Chamber budget. Owens' report touched on the following topics: expenditures from city's grant funds for November; 2010 statistics; lodging tax status; 2011 officers elected; chamber board of directors activities; building repair (in which the Board thanked Avery Augur for stepping up to be the new building committee chairman); membership drive; website information; and winter hours for the Chamber office. Questions were asked and answered. Owens said one bid on the building repair has come in and tomorrow is the deadline for accepting bids. Owens was thanked by the Board and a citizen for her service to this community.

TOWN ATTORNEY REPORT (VERBAL)

Town attorney, Benjamin Gibbons told the Board that he has filed an answer on the Petersen Quiet Title and is waiting for something from the court. Gibbons also informed the Board that the city has been served with a second Quiet Title Action by Cheeseman on Lots 27, 28, 29, 30, Block 26 Creedmoor. The city has been asked to sign a waiver of service. This property was conveyed by a treasurer's deed sometime ago. Gibbons wants Dooley to look at this because we may not have to file an answer.

WRITTEN REPORTS

Written reports include reports from Recreation; Willow Creek Reclamation Committee (WCRC); and the Clerk's memorandum. These reports are to be read at the Board's leisure. Trustee Zurn asked if she could catch a ride with Dooley and Wilson to the DVR meeting on February 7, 2011.

OLD BUSINESS

ACTION/DIRECTION HEIKE WILSON PROPERTY ACCESS REQUEST

Anne Pizel of Broken Arrow Land Company and potential buyer for this property, Jenna Ford addressed the Board. Pizel and Ford said their only request tonight was for the Board to approve adding the lots of Wilson's property that are missing from the city's official map; however, reflected on both the County plat and the Assessor's map. Lots 8, 9, 10, 11, Block 2 South Creede and the north half of First Street were approved by the Town Board in January 2008 to be added to the city's official map, but this has not yet been done. These lots have been conveyed in a chain of title since 1896; however, are not identified on the City's map. Dooley explained to

the Board that the act of adding them to the map is simply acknowledging the existence of these lots. A Resolution will be drafted by Dooley and reviewed by Gibbons for approval at the March 1, 2011 meeting. Dooley will have the draft ready for the work session for the Board to review and discuss as necessary.

REVISIT PRIVATE EVENT ON PUBLIC PROPERTY POLICY AND APPLICATION

An amended policy and application was provided from the sub-committee meeting in January. After some discussion, it was agreed that two items: *Description of Event* and *Attach map if applicable* should be added to the application (page 2) of this document. Trustee Grossman moved and Trustee Zurn seconded to approve the amended policy and application as further amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. The mayor will sign the policy on behalf of the city. Dooley was directed to amend an ordinance to include that a permit is required for all special events. The Board hopes to eventually have a list of preferred vendors for liability insurance to provide to applicants. Trustee Grossman thanked everyone for coming to the meeting and telling the Town what they wanted. Grossman added, "community input is key."

VIRGINIA CHRISTENSEN FUNDING CYCLES AND FUNDS AVAILABLE FOR EACH DISTRIBUTION

The Board agreed they would like to see what money is coming in before appropriating funds for a funding cycle. The meeting schedule will be determined after the Board knows what monies to expect. The Clerk explained to the Board that due to changes in IRS regulations on the trust, there are some changes the city should make to the criteria and guidelines for applicants of the Virginia Christensen Trust to ensure that we are in compliance with these guidelines for JP Morgan, the Trustee of the Trust Fund. The Clerk will contact JP Morgan to ask the questions the Board has about receiving any principal in the annual distribution. Can we opt-out of taking any principal? Can we put it back in? Can we set up another account, CD, etc.? Wilson will have Virginia Christensen documents for amending and hopefully information from JP Morgan regarding the Trust and IRS regulations for the work session on February 15, 2011. The five thousand dollar donation from the VC fund to the Creede Community Center paid in monthly installments of \$416.67 will be discussed at the work session. Dooley will verify if it was appropriated in the 2011 budget or not. The clerk will hold the payment for further direction.

REQUEST FOR PROPOSALS (RFP) VERBIAGE FOR SOLICITING PROPOSALS FOR LEGAL SERVICES

Manager Dooley has a draft started of verbiage to use as an RFP for legal services. He will have it available for the Board to review at their work session on February 15, 2011. Dooley said he is modeling his draft after the two-page Alamosa RFP in the sample packet he previously provided to the Board "attorney services".

NEW BUSINESS

PLANNING COMMISSION RECOMMENDATION – LEGGITT LAND TRADE

The Planning and Zoning Commission recommended *the trade be approved to Kenny and Wendy Leggitt with the following modifications noted on the attached map* (identifying the trade to the south stake of the property) *and title review of parcels to be exchanged*. The Leggitt's requested an additional twenty feet south of the south stake of their property. Trustee Zurn made a motion to approve the P&Z recommendation for the Leggitt Trade that died for a lack of a second. Trustee Wylesky moved and Trustee Powell seconded to approve the P&Z recommendation with the additional twenty feet that the Leggitt's requested. There were four yes votes, one no vote (Zurn) and one absent Trustee (Gant). Mayor Roughton-Miles declared the motion carried.

Dooley explained to the Board that there is now a process to follow from the Land Use Code of developing a Site Specific Improvement Plan (SSIP) and notification of surrounding property owners. A resolution, because it involves real estate, will develop from this process.

PRIVATE EVENT PERMIT APPLICATION AND LETTER OF REQUEST – FORREST GETZ – HIGH COUNTRY HUSTLE

Trustee Zurn moved and Trustee Wylesky seconded to approve the application under the newly approved permitting process, not the old, without approving the request to waive the fee or the insurance. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. No deposit is required with the new policy. It was suggested that Getz get with the Chamber to umbrella this event for insurance purposes.

The Board agreed and directed the clerk to refund fifty dollars (the second day's fees) for the pond hockey tournament to Tommyknocker Tavern and Kip's Grill for Creede Athletics. This was decided because of the modification of the event policy and application process at this meeting.

LETTER OF ENGAGEMENT FOR AUDIT SERVICES WITH BLAIR AND ASSOCIATES, P.C.

Trustee Zurn moved and Trustee Wylesky seconded to approve the letter of engagement with Blair and Associates, P.C. of Cedaredge, Colorado for audit services for the 2010 city audit and authorizing the mayor to sign the letter on behalf of the city. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MANAGER'S REPORT

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

Aside from scheduling the Board's regular work session, this report provided the 2011 Drinking Water Monitoring Schedule, information on the Colorado Discharge permit, a list of past due utility bills and general fund revenues from January 2011 for the Board's information. Trustee Skroch commented on the number of past due utility accounts this time of year and if this is the "norm". Concerning the draft of the Trash Ordinance, the attorney stated to the Board that it is in no way ready for a public hearing and approval. Graham, owner of Muley's Disposal Service (MDS), has yet to contact Dooley with his input on the ordinance. While discussing the Tank access, the Board told Dooley that a "thank you" should go out to Egolf and Butler when the new access has been completed. Dooley provided financial reports reflecting budget to actual for 2010. Dooley's report included several other items for the Board's information only (FYI). The clerk provided this year vs. last year comparison profit and loss reports to the Board for the month of December 2010.

WORK SESSIONS: The Board will hold their regular work session on Tuesday, February 15, 2011 at 5:30 p.m.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

No one had signed up to comment during this portion of the meeting.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Skroch moved and Trustee Wylesky seconded that the meeting be adjourned at 7:49 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted:

/s/ Pamela J. Wilson
Pamela J. Wilson, City Clerk/Treasurer