

**BOARD OF TRUSTEES**  
**CITY OF CREEDE, COLORADO – A TOWN**  
**March 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 5:32 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 Grossman seconded to accept the agenda as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

**APPROVAL OF FEBRUARY 1, 2011 MINUTES**

Trustee Grossman moved and Trustee Powell seconded to approve the February 1, 2011 minutes as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

**MONTHLY DISBURSEMENTS**

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

Questions were asked and answered. Trustee Zurn moved and Trustee Powell seconded to approve the previously paid disbursements on the February 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 Skroch moved and Trustee Powell seconded to approve payment of the unpaid bills detail as of March 1, 2011. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

**REPORTS AND PRESENTATIONS**

**RMS UTILITIES, INC. OUTSTANDING BALANCE DUE FOR PAVING INVOICE #35089**

Brian Malouff of RMS Utilities, Inc. addressed the Board to discuss the remaining balance due for paving on his invoice #35089, dated 11/12/2010. The original amount due was \$65,075.01 even though a bid for the paving project submitted by Malouff on October 12, 2010 was in the amount of \$35,090.00. The Board has previously approved payment of \$35,090.00 and an additional seven hundred square feet of paving totaling \$5,991.04. Malouff is asking that the balance of \$23,993.97 also be paid as he has paid his sub-contractor for the job. The Board said they would consider splitting the profit margin with Malouff, but would need to discuss it further at their next work session and make a decision at the April meeting. Malouff is to provide Dooley with the information the Board will need to consider so they can take an action on this issue.

Dooley told the Board that he, Malouff and McLaughlin will be meeting Tuesday morning March 8, 2011.

#### VIRGINIA CHRISTENSEN (VC) TRUST FUNDS AND FUNDING CYCLES UPDATE

Trustee Zurn told the audience, including several members of the VC Advisory Committee, what she understood about the current IRS changes regarding the Trust. The annual distribution is five percent of the market value (three year average-per JP Morgan) less fees which nets out to be about 4.5%. This distribution is no longer just income (interest from the Trust) if the income is not enough to make up the required annual distribution, but also principal. The 2010 distribution consisted of approximately \$48,000 income and \$86,000 principal. Zurn explained that the Board now has to consider how to treat the principal portion of the distribution. There may also be some criteria changes and requirements for those organizations requesting grants during funding cycles. The Board has customarily appropriated monies for a traditional spring and fall funding cycle prior to receiving any distribution; however, this Board would like to look at that process differently and may choose to postpone or reschedule cycles as necessary until they know exactly what money the city as the Trust beneficiary will be receiving each year. There are some necessary projects (i.e. paving behind the water line replacement project) that the city has to consider when appropriating these funds and would like to receive public input on the expenditure of said funds. Some of the folks from JP Morgan have requested to come to Creede to answer questions for the Board of Trustees and the VC Advisory Committee members to make certain they understand the new (as of April 30, 2009) IRS regulations governing the Trust as well as how the monies can be used per the language in the Trust and so on. A work session will be scheduled and posted for this Q & A session with JP Morgan. Sometime after the Board and Committee meet with the “bankers”, a public meeting will be scheduled for the Board to explain the options of how the monies can be expended and take public comment.

[The work session with JP Morgan Banker Shane Phillips and Charitable Trust Administrator David Jokinen has been scheduled for 4:30 p.m. on Friday, March 18, 2011]

#### PUBLIC WORKS REPORT

The public works report was received and filed. Public works director, Ben Davis was available to answer questions about his report. Davis' report touched on water; wastewater; roads; parks; and fleet/buildings. Questions were answered. The Board congratulated Davis for receiving the Colorado Rural Water Association (CRWA) Wastewater Operator of the year for 2010. Davis received applause. Davis added that he met with two folks from State about the flow meter. They are asking the city to change the unit of measure (from 100 gallons) to a larger unit of measurement (1,000 gallons) so we roll the odometer less often. Accuracy is not the problem. This is at the City's expense. They were pleased with record keeping, etc. Davis also added that right now they are leaving the west side of Main Street alone if at all possible to minimize damage to the infrastructure while Main Street is under construction. It was reiterated again that when there is measurable snow, public works is to get out earlier.

#### BUILDING INSPECTOR'S REPORT

The building inspector's report was received and filed. Mike Kolisch, the Town's building inspector was available to answer questions about his report. Kolisch talked about item #8, Madrid property. Kolisch attached pictures of his concern and wondered if an application should have been completed. The Board requested the following from Manager Dooley for the March work session: permits obtained by the previous owner of Madrid's property; and to verify the verbiage and requirements for application of a permit.

#### WILLOW CREEK RECLAMATION COMMITTEE (WCRC)

The WCRC report was received and filed. Gwen Nelson, Watershed Coordinator for WCRC spoke to the Board to open discussions about trails, needs of upper Creede and lower Creede (flood plain), re-vegetation and stream restoration considerations (east and west willow all the way to the river).

Board of Trustees  
City of Creede  
March 1, 2011  
Page 3

#### MAYOR'S REPORT/UPDATE

Mayor Roughton-Miles addressed the Board verbally. Mayor Roughton-Miles received approval from the Trustees to write a letter of support as requested by the Creede Arts Council (CAC) for grant purposes. Roughton-Miles commented on some pieces of mail she has received at Town Hall; talked about public works director Davis has been asked to dig a propane gas line for theatre at the new second stage location once the utilities have been located and the ground has thawed. Davis is working with Ryan Prince at the theatre. This work will be documented as in-kind for the theatre to use as local support; and the removal of snow from sidewalks was brought up. Roughton-Miles told the Board it is their decision to do one of three things with ordinance 203: Enforce it as it is; repeal it; or re-write it and enforce it.

#### WRITTEN REPORTS

Written reports include a report from Recreation. This report was received and filed.

#### OLD BUSINESS

##### RESOLUTION 2011-02, AMENDING THE OFFICIAL MAP OF THE CITY TO ADD LOTS 8, 9., 10, AND 11, BLOCK 2 SOUTH CREEDE AND THE NORTH 25 FEET OF WEST FIRST STREET ABUTTING LOTS 1 THROUGH 11, BLOCK 2 SOUTH CREEDE

Trustee Wylesky moved and Trustee Powell seconded to approve and adopt Resolution 2011-02. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

#### HEIKE WILSON PROPERTY ACCESS REQUEST, ALTERNATE OPTIONS

Realtor, Anne Pizel and potential buyer, Jenna Ford addressed the Board about alternate options for access to the upper four lots of Wilson's property. Maps were provided to the Board (the clerk did not receive copies for the record). Ford has engaged Keith Luttrell of Davis Engineering Services, Inc. of Alamosa to map out what Ford wants the Board to consider for approval. The Board has already considered and denied the original request for access. No action was taken tonight.

#### LEGGITT LAND TRADE SITE SPECIFIC IMPROVEMENT PLAN (SSIP)

After reviewing the SSIP document, some of the Trustees identified grammatical errors that they agreed should be corrected prior to approval. It was discussed and advised by the Town attorney the document could be approved with the changes. Trustee Powell moved and Trustee Zurn seconded to approve the Leggitt Land Trade SSIP with the grammatical errors that had been detected and to set the public hearing for the land trade for April 5, 2011 during the regular meeting of the Town Board at 5:30 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

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

The Board discussed changing the month to schedule interviews from April to May and the anticipated appointment from May to June. Trustee Grossman moved and Trustee Powell seconded to approve the RFP for publication with the date changes previously discussed. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

#### NEW BUSINESS

##### REPORT OF CHANGES DR8442 – MANAGER'S REGISTRATION, TAVERN LIQUOR LICENSE

Trustee Zurn moved and Trustee Grossman seconded to approve the change of manager request for the Mineral Co./Creede Underground Mining Museum from Lonnie Rogers to Daniel R. Rivera. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

##### LIQUOR LICENSE RENEWAL – MINERAL CO./CREEDE UNDERGROUND MINING MUSEUM

Trustee Zurn moved and Trustee Grossman seconded to approve the renewal of the Tavern Liquor License for the Mineral Co./Creede Underground Mining Museum. There were four yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

Board of Trustees  
City of Creede  
March 1, 2011  
Page 4

EVENT PERMIT/PARADE PERMIT APPLICATIONS – CREEDE-MINERAL COUNTY CHAMBER OF COMMERCE

Trustee Powell moved and Trustee Zurn seconded to approve the Chamber of Commerce special event application/parade permit application for street closures for May 27 – May 29, 2011 for *Taste of Creede* festivities. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. The Chamber's insurance policy expires April 3, 2011 and the Chamber knows to provide the clerk with a current policy as soon as they have it.

SCHEDULE A PUBLIC HEARING FOR LAMB'S RE-ZONING LOTS 7, 8, 9 & 10, BLOCK 22 SOUTH CREEDE – 106 E. SIXTH STREET

The Board agreed to schedule the re-zoning public hearing for Lamb's property at the April 5, regular meeting at 5:30 p.m.

APPROVAL/DISCUSSION TO MOVE FORWARD TO CONSIDER POSSIBLE NEGOTIATIONS FOR LAW ENFORCEMENT WITH THE MINERAL COUNTY SHERIFF

Town Manager Dooley had sent a letter, per the Board's request and signed by Mayor Roughton-Miles, to Mineral County Sheriff, Fred Hosselkus inviting him to attend tonight's meeting to possibly open discussions with the Board about entering into an agreement for law enforcement for the Town. Dooley said he received an email from Hosselkus declining the invitation. Hosselkus said that if the Board wants to talk with the County Commissioners about this they should schedule an appointment with them. Hosselkus also asked Dooley why the city isn't considering the code enforcement officer. The Board agreed to discuss the code enforcement officer position at the March work session. Enforcement of the snow ordinance, dogs, etc. is what will constitute the duties of this position. Dooley was asked to outline the events that have transpired with this topic beginning with the Commissioners' first comments at the last city/county retreat.

REQUEST FOR DONATION FOR CREEDE AFTER PROM – SHERIFF'S LETTER

Trustee Zurn moved and Trustee Wylesky seconded to approve a donation for Creede after prom of \$250. 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:

**CRWA OPERATOR OF THE YEAR – RECOGNITION:** Dooley's report again recognized Creede Public Works Director, Ben Davis for receiving the CRWA Wastewater Operator of the Year 2010.

**VISITOR'S CENTER REPAIR – DIRECTION:** Previous Chamber Director, Martha Owens was able to get only one bid on the Chamber building repair. Trustee Zurn moved and Trustee Powell seconded to accept the \$4,500 bid from Double D Log and Custom Homes, LLC. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

**OFFICIAL CITY MAP – DIRECTION:** Dooley has been talking with Keith Luttrell of Davis Engineering Services, Inc. of Alamosa about the CRI annexation property and the Petersen, Leggitt, Wilson property surveys in addition to recent surveys of Rio Grande Avenue, Third Street and a portion of Loma, that this would be a good time to consider a more recent "official city map". The Board directed Dooley to get an estimate of what this would cost the city.

**WORK SESSIONS:** The Board will hold their regular work session on Tuesday, March 15, 2011 at 5:30 p.m. The clerk will work with the Board, the VC advisory committee and the JP Morgan staff to schedule a special work session for a Q & A session on the VC Trust.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

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

Board of Trustees  
City of Creede  
March 1, 2011  
Page 5

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Powell moved and Trustee Zurn seconded that the meeting be adjourned at 7:57 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted:

---

Pamela J. Wilson, City Clerk/Treasurer

D:/data/2011 Minutes/3/1/11.doc 3/17/11