

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
March 9, 2010**

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 5:30 p.m. There being present at the call of the roll the following persons:

PRESENT: Evelyn Gant (arr. 5:34 p.m.), Debbie Wylesky, Joe Keller, Rex Shepperd, Dana Brink
ABSENT: Larry Lewis

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

REVIEW AGENDA

The Community Center follow-up report was added to item (d) of Reports and Presentations. Trustee Wylesky moved and Trustee Brink seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF FEBRUARY 9, 2010 MINUTES

Trustee Brink moved and Trustee Wylesky seconded to approve the minutes of February 9, 2010 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

Trustee Gant arrived now at 5:34 p.m.

Questions were asked and answered. Trustee Wylesky moved and Trustee Keller seconded to approve and pay the monthly disbursements as presented on the February 2010 check detail report. The vote was unanimous. Mayor Shepperd declared the motion carried.

REPORTS AND PRESENTATIONS

DOT RECOMMENDATION PRESENTATION

Mineral County resident Jim Loud addressed the Board to explain a proposal to complete four-foot shoulders (Department of Transportation (DOT) recommendation) on Highway 149 between Wagon Wheel Gap and Spring Creek Pass for pedestrian and bicyclist use. Questions were asked and answered. Trustee Brink asked Loud if a letter from the city would help his cause. Loud said it would help and he will draft a letter for the Mayor to sign. The Board agreed to support Loud.

GOVERNOR'S ARTS AWARD PRESENTATION, UPDATE AND DISCUSSION

Renee Stynchula and Ryan Prince both of Creede Repertory Theatre (CRT) made the presentation of the collage picture by collage artist Gayle Gerson of Grand Junction that was awarded to the Town for winning the *Governor's Arts Award* received on behalf of the Town by Mayor Rex M. Shepperd in Denver on Friday, February 26, 2010. Stynchula said this award can be used to bring visitors to town. Stynchula also suggested that the city allow a small committee to be formed to design a logo and/or slogan that the city the businesses and organizations can use to advertise (i.e. signs, banners and t-shirts). The Chamber of Commerce will help the city fund these items. It was suggested that the art work should make a rotation throughout town during the summer season and possibly end up at the Visitor's Center for final display. Creede/Mineral Arts and Recreation director, Eloise Hooper will work with Stynchula under the direction of the Chamber to put together a committee to present marketing ideas for the Chamber to present to the Board of Trustees.

BUILDING INSPETOR'S REPORT

Mike Kolisch was available to answer questions about his report.

WRITTEN REPORTS

This item includes written reports from Public Works; Chamber of Commerce [Trustee Keller moved and Trustee Gant seconded to approve four hundred dollars to help purchase additional Creede Visitors' Guides. The vote was unanimous. Mayor Shepperd declared the motion carried]; Recreation [Hooper, Grossman and Fief will bring a proposal to the Board of Trustees of where to locate the 4th of July vendors]; WCRC and Creede Community Center for the Board to read at their leisure. Two reports required some discussion and one required one action.

MEDICAL MARIJUANA DISPENSARY REGULATONS

City Manager Dooley gave each Board member a packet of sample ordinances from other municipalities. Because of the time involved and the amount of paper used, Dooley asked the outgoing Board members to please return their packet so the newly elected Board members can use them. The current moratorium of one hundred eighty days is up mid-July at which time regulations need to be in place or the Board will need to extend the moratorium. The city is asking for letters of interest from two town residents to join a Board member to form a committee to draft these regulations that the Board of Trustees will approve. State Legislature is continuing to work on regulations at the State level that may assist local government with regulations.

2010 ELECTION UPDATE

Clerk/ Treasurer and designated election official (DEO), Pamela Wilson, gave a verbal presentation on the upcoming election. Wilson reminded the candidates about the Finance Campaign Practices Act (FCPA) report due dates of March 16, April 2 before noon and May 6. The deadline for nomination petitions was March 5. I received petitions for three mayoral candidates and five trustee candidates. The deadline for a write-in candidate to file an affidavit of intent for write-in candidate is 5:00 p.m. March 17, 2010. Mail ballot packet will be mailed out between March 15 and March 19. They may be mailed back or hand delivered to the Clerk's office. The polling place for the April 6, 2010 election is the Town Hall meeting room and it is open on election day from 7:00 a.m. to 7:00 p.m. The candidates were all present and names were drawn for ballot placement.

PUBLIC HEARINGS

ORDINANCE, AN ORDINANCE TO AMEND SECTIONS 2-3-60, 2-3-70, 2-3-80 AND 2-3-90 OF CHAPTER 2 OF THE CREEDE MUNICIPAL CODE REGARDING APPOINTMENTS

Mayor Shepperd opened the public hearing and read the title of the ordinance. A brief explanation was given of the reason for this ordinance. A draft copy of this ordinance has been available in the clerk's office during regular business hours for public inspection since the publication of the public hearing on February 18, 2010. Creede residents John Mattingly and Eric Grossman signed up to speak.

Mattingly asked when this ordinance was drafted and if it is in the minutes? Trustee Keller said it was discussed at a work session. Mattingly asked why are the ordinances not published in the *Mineral County Miner*? He was told that we publish them by title after they are adopted because it was approved to publish by title only by the voters at the April 4, 2006 election. Towns are not required by statute to publish an ordinance prior to a second reading or a public hearing.

Grossman clarified that this ordinance applies to appointments.

Mayor Shepperd closed the public hearing. Trustee Wylesky moved and Trustee Gant seconded that they adopt ordinance 357. The vote was unanimous. Mayor Shepperd declared the motion carried.

NEW BUSINESS

LIQUOR LICENSE RENEWAL – THE CREEDE HOTEL– HOTEL & RESTAURANT LIQUOR LICENSE

Trustee Keller moved and Trustee Brink seconded to approve the Hotel and Restaurant liquor license renewal for The Creede Hotel and Restaurant. There were three yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

LIQUOR LICENSE RENEWAL – THE MERMAID CAFE LLC– BEER AND WINE LICENSE

Trustee Brink moved and Trustee Keller seconded to approve the Beer and Wine license for The Mermaid Café LLC d/b/a The Mermaid Café. There were three yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

MINERAL COUNTY SHERIFF’S REQUEST FOR *CREEDE AFTER PROM* DONATION

Trustee Brink moved and Trustee Wylesky seconded to approve a donation of one hundred dollars more than the 2009 donation. The vote was unanimous. Mayor Shepperd declared the motion carried. The 2010 donation will be two hundred fifty dollars.

RIO GRANDE PREVENTION PARTNERS REQUEST TO DISPLAY A BANNER AT THE BALL PARK

Betty Jo Bell of Mineral County Public Health is requesting to hang a four foot by eight foot banner at the Ball Park to display the words “Talk it up Lock it up”. This campaign is an attempt to reduce underage drinking in Rio Grande and Mineral Counties. Prevention Partners are working through a grant to discourage underage alcohol, tobacco and drug use. The Board referenced the current sign ordinance and determined that a special permit will have to be issued for Bell to display this banner. Trustee Brink moved and Trustee Wylesky seconded to approve a special permit to hang a 4 X 8 banner at the Ball Park. The vote was unanimous. Mayor Shepperd declared the motion carried. The banner will be displayed between the months of April and September in a location at the Ball Park that it can be seen, but hopefully not tampered with.

VIRGINIA CHRISTENSEN ALLOCATIONS FOR APRIL AND OCTOBER FUNDING CYCLES, COMMITTEE MEETING DATE AND DATE FOR CREEDE CLEAN UP DAY

The Virginia Christensen (VC) Advisory Committee meeting is scheduled for Wednesday, April 28, 2010 at 6:00 p.m. Presentations to the committee begin at 7:00 p.m. Currently thirty-eight thousand has been appropriated for the 2010 year including ten thousand that has been allocated to the community center and recreation leaving twenty-eight thousand for the spring and fall funding cycles. After reviewing the availability of cash on hand in the VC Creede money market account the Board agreed to increase the appropriation. Trustee Wylesky moved and Trustee Gant seconded to increase the appropriation for 2010 up to eighty-two thousand six hundred seventy-three dollars (\$82,673). The vote was unanimous. Mayor Shepperd declared the motion carried. Having increased the appropriations for the year, Trustee Gant moved and Trustee Keller seconded that the allocation split between spring and fall will be sixty percent spring and forty percent fall. The vote was unanimous. Mayor Shepperd declared the motion carried. The split is \$43,604 spring and \$29,069 fall.

The clerk informed the Board that the Mineral County Commissioners approved Saturday, May 15, 2010 a free day at the landfill for all Mineral County residents and residents up-river from Creede in Hinsdale County. On this day, the town crew is available to pick pre-scheduled loads of items from town residents only that Muley’s Disposal service will not pick up and cannot be hauled to the landfill by the person themselves. I have been asked about the possibility of a roll-off dumpster for citizens to fill to dispose of their items. This will be discussed at the next work session. The clerk was directed to call MDS and find out the cost involved and what size the roll-off is, as well as to ask the County if there will be a charge for a roll-off at the landfill.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Planning commission sent the following recommendation to the Board of Trustees for approval: The Planning Commission recommends to the Board of Trustees to charge P&Z with addressing encroachments as part

of their railroad right-of-way master plan recommendations from Third Street to the south end of town. Trustee Keller moved and Trustee Wylesky seconded to approve this recommendation to address encroachments. The vote was unanimous. Mayor Shepperd declared the motion carried.

VILLAGE AT WOLF CREEK POSSIBLE LETTER OF SUPPORT

Mayor Pro-Tem Brink asked the Board if the town would consider sending a letter of support for the environmental impact study pertaining to the Village at Wolf Creek. Questions were asked and answered. Manager Dooley was directed to draft a letter for the mayor to sign.

CONSIDER ADDING A PUBLIC COMMENT PERIOD TO THE AGENDA

Trustee Brink moved and Trustee Gant seconded to add a public comment period to the agenda at the end of the regular meetings before adjournment limiting each speaker to three minutes to comment only on non-agenda items for a maximum of ten speakers and thirty minutes. The vote was unanimous. Mayor Shepperd declared the motion carried.

MANAGER'S REPORT

The items discussed and the actions taken were as follows:

HUTTON CONSULTING, INC. – UPDATE: Dooley was directed with attorney Gibbons to amend the engagement letter to clarify the breakout of monies and the contingency of the receipt of the fifteen thousand dollar grant. Trustee Brink moved and Trustee Wylesky seconded to approve the scope of services language attachment to the Hutton Consulting engagement agreement with the additional language about the fifteen thousand dollar grant and the city to not pay more than \$7,500. The vote was unanimous. Mayor Shepperd declared the motion carried.

BSN SPORTS – WORK SESSION: Dooley provided information to the Board about bleachers. The Board asked Dooley to check with other vendors for bids. This will be discussed at a work session.

ENERGY AUDIT – WORK SESSION: This item will be discussed further at a work session.

DOLA CONTRACT EXTENSION – ADMINISTRATIVE DIRECTION: Currently DOLA grant EIAF#6293 for the Water Main Replacement Phase II expires March 31, 2010. Trustee Gant moved and Trustee Keller seconded to direct the mayor to sign a request for extension to September 30, 2011. The vote was unanimous. Mayor Shepperd declared the motion carried.

COMMUNITY CENTER DONATION – ADMINISTRATIVE DIRECTION: The Board directed Dooley to write a letter for the mayor to sign to the community center explaining the reduction in monthly donation from \$833.33 per month to 416.67 per month beginning with April. The balance of the allocated ten thousand dollars will transfer to recreation donations (\$3,750).

FARNER AND MCLAUGHLIN CHANGE ORDER NO. 9 – DISCUSSION: This will be discussed at the next work session. Dooley updated the Board during his report that Ron McLaughlin and Eric Czaikowski of McLaughlin Water Engineers LTD will be at the March work session to discuss phase III of the water line replacement project.

CREEDE BLACK BOX THEATRE – ADMINISTRATIVE DIRECTION: Dooley updated the Board on a conversation he had with the town public works guys about what the theatre had told Dooley about the extra cost incurred from the town not knowing an exact location of a curb box. The Board said do not pay the invoice difference. Write a letter explaining the reasons.

WORK SESSIONS: The Trustees agreed to hold their regular work session on Tuesday, March 23, 2010 at 5:30 p.m.

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

EXECUTIVE SESSION

Trustee Brink moved and Trustee Keller seconded to go out of open session and into executive session at 8:01 p.m. for attorney conferences § 24-6-402 (4)(b) C. R. S. The vote was unanimous. Mayor Shepperd declared the motion carried.

Board of Trustees
City of Creede
March 9, 2010
Page 5

Trustee Keller moved and Trustee Gant seconded to leave executive session and return to open session at 8:32 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Keller moved and Trustee Wylesky seconded that the meeting be adjourned at 8:32 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

/s/ Pamela J. Wilson

Pamela J. Wilson, City Clerk/Treasurer

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