

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
April 11, 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 6:35 p.m. There being present at the call of the roll the following persons:

BOARD MEMBERS: John Goss, Debbie Wylesky, Henry Brink, Eldon Seime,
 Chuck Barnes, Martha Owens (arr. 6:39), Gene Dooley

Mayor Seime, presiding, declared a quorum present:

Those members of staff also present were as follows:

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

REVIEW AGENDA

Trustee Wylesky asked that the following items be added to the agenda accordingly: Old Business (b) Creede Repertory Theatre (CRT) Lease – Define/clarify “long-term”; (c) Recommendation of CRT zoning variance; and (d) *Model Land Use Code* adoption or deferral. The agenda was approved as amended.

Trustee Owens arrived now at 6:39 p.m.

APPROVAL OF MINUTES FOR March 14, 2006

Trustee Goss moved and Trustee Barnes seconded to approve the minutes of March 14, as presented. The vote was unanimous. Mayor Seime declared the motion carried.

ACCEPT AND PAY BILLS

Trustee Barnes moved and Trustee Dooley seconded to accept and pay the bills as presented on the March 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 from the Board (Kolisch arrived at 7:00). A written report was given to the Trustees on building projects within the Town. The report was reviewed and discussed.

SHERIFF’S REPORT

Sheriff Leggitt was available to answer questions about his report. Sheriff Leggitt’s report reflected 1,830 miles and 592 hours had been patrolled in Town during the month of March. This report also reflected fifteen incidents and complaints, one citation and one accident.

RECREATION REPORT

Eloise Hooper, the Recreation Director was available to answer questions. This report was reviewed and discussed.

WRITTEN REPORTS

This includes the Chamber report. This report is to be reviewed at the Board’s leisure.

CREEDE AMERICA ADDITION PHASE I PLAT PROGRESS UPDATE – AVERY AUGUR

Avery Augur made a verbal presentation to the Town Board about the preliminary plats that have been filed with the City for Phase One of the new subdivision. Questions were asked and answered.

OLD BUSINESS

PLANNING COMMISSION RECOMMENDATION OF THE PRELIMINARY PLAT OF CREEDE AMERICA ADDITION PHASE I

A written recommendation from a public hearing held by the planning commission on April 10, 2006 was received by the Town Board for consideration. Trustee Barnes moved and Trustee Owens seconded to accept the recommendation from the planning commission and approve the preliminary plat for Creede America Addition Phase I. The vote was unanimous. Mayor Seime declared the motion carried.

CREEDE REPERTORY LEASE (CRT) LEASE – DEFINE/CLARIFY “LONG-TERM”

After some discussion, Trustee Barnes moved and Trustee Wylesky seconded to lease the land for fifty years, reviewable as for rate every ten years. By roll call vote, there were five yeas and one nay (Dooley). Mayor Seime declared the motion carried.

RECOMMENDATION OF CRT ZONING VARIANCE

A written recommendation was not made by the Planning Commission to the Town Board. Dooley was waiting to hear from the City attorney regarding what procedures to follow for this since the City is the owner of record of the property in question. The attorney and Dooley included verbiage in the lease that upon signing, would allow the theatre to move forward with construction and not have to wait for the City to complete the platting and zoning process.

MODEL LAND USE CODE ADOPTION OR DEFERRAL

Trustee Wylesky wanted to clarify that the current Board did not need to adopt the *Model Land Use Code* document before the new Board is sworn in tonight, but rather the Board had intended for it to go to the new Board for approval. Trustee Brink moved and Trustee Barnes seconded to defer the *Model Land Use Code* document to the new Town Board for an action. The vote was unanimous. Mayor Seime declared the motion carried.

SWEAR IN NEWLY ELECTED TRUSTEES

City Clerk Wilson located the newly elected Trustees in the audience and asked them individually to stand, raise their right hand and read their Oath of Office aloud. These Trustees are: Dana Brink, Charles G. (Chuck) Barnes, and Rex Shepperd, each elected to serve a four-year term; and Kimberly (Kim) Nagy, elected to serve a two-year term. Trustees H. Brink, Dooley and Goss vacated their seats at the Board table and were replaced by Trustees D. Brink, Nagy and Shepperd.

PUBLIC HEARINGS

NEW HOTEL AND RESTAURANT (H & R) LIQUOR LICENSE – CASCADA, LLC

This public hearing was declared open at 7:25 p.m.

Denise Dutwiler, applicant and owner/manager of Cascada, LLC dba Cascada Bar and Grill located at 981 La Garita Avenue in Creede, was available to answer any questions and address any concerns that either the Local Licensing Authority or the public had. Steve Baxter of 107 East Fifth Street in Creede signed up to speak in opposition of this license. Keith Siddel, owner of the properties at both 123 North Main Street and 981 La Garita Avenue signed up to speak in favor of the license as well as address the concern Baxter had that Siddel was one of the applicants. Dutwiler finished up by explaining her position on her request. The hearing was closed at 7:35 p.m. Trustee Barnes moved and Trustee Owens seconded to grant the H & R Liquor License to Cascada, LLC. By roll call vote, there were five yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

Trustee Nagy recused herself from the following two public hearings due to conflict because of personal and financial interest.

DISTANCE VARIANCE REQUEST – KIP’S GRILL

This public hearing was declared open at 7:38 p.m.

Kevin J. (Kip) Nagy, applicant and owner/vice president of operations of Kip’s Grill located at 101 East Fifth Street in Creede, was available to answer any questions and address any concerns that may arise in this hearing. The request made to the Town Board/local licensing authority is to grant a distance variance from the required five hundred feet [C. R. S. § 12-47-313 (d)(I)] for Kip’s Grill to apply for an H & R liquor license. The following persons signed up to share each of their views in opposition of a distance variance to allow the application of a Hotel & Restaurant Liquor License: Diana Leggitt of 106 East Fifth Street; Phil Leggitt of 106 East Fifth Street; and Betty Jo Bell of One Silver Drive, all in Creede. Diana Leggitt read a letter she had authored and provided for the Board with the public hearing materials. The persons that had signed up to share each of their views in support of the Board granting a distance variance were Peter Calandruccio of 113 North Loma Street; Anne Pizel, owner of Broken Arrow Land Company at 103 North Main Street; Scott Lamb of 109 East Third Street; and Annie Butler of 111 West Sixth Street, all in Creede. Scott Lamb had a prior commitment and had to leave before he was up to speak, so he put his views on paper and asked Lindsay Fox who, was in the audience, to read his letter to the Board. Nagy finished up by explaining his position and answering questions on this request. The hearing was closed at 8:02 p.m.

EXECUTIVE SESSION

Trustee Owens moved and Trustee Barnes seconded to come out of regular session and go into executive session to receive legal advice from the City attorney concerning a specific issue C. R. S. § 24-6-402 (4)(b). The vote was unanimous. Mayor Seime declared the motion carried and the Board went into executive session at 8:04 p.m.

Trustee Barnes moved and Trustee Shepperd seconded to come out of executive session and back into regular session. The vote was unanimous. Mayor Seime declared the motion carried and the Board came out of executive session at 8:21 p.m.

ACTION TAKEN FOLLOWING EXECUTIVE SESSION

In the matter of the request for a distance variance for Kip’s Grill at 101 East Fifth Street in Creede, the following action was taken: Trustee Barnes moved and Trustee Brink seconded to grant the distance variance request to allow Kip’s Grill to apply for an H & R Liquor License. By roll call vote, there were two yeas and three nays (Owens, Wylesky and Shepperd). By majority vote, Mayor Seime declared the motion did not pass.

The public hearing for a Hotel & Restaurant Liquor License will not be held since the variance did not pass.

NEW BUSINESS

FOOT BRIDGE DESIGN COMPETITION REQUEST FOR CITY SUPPORT

Peter Calandruccio and Stephanie Wood were present to explain what they call “The Fabulous Flume Footbridge Project” and to ask the Town Board to give them approval to move forward. The Army Corps of Engineers (USACE) as well as Colorado Department of Transportation (CDOT) will have to be consulted prior to actual changes to the structures. Questions were asked and answered. Trustee Nagy moved and Trustee Wylesky seconded that the Board give approval to go ahead with this project. The vote was unanimous. Mayor Seime declared the motion carried.

CHOOSE A MAYOR PRO-TEM AND THREE BOARD OF ADJUSTMENT (BOA)

Trustee Shepperd nominated Trustee Owens to be the Mayor Pro-Tem. Owens accepted the nomination. Trustee Barnes nominated himself to be the Mayor Pro-Tem. Trustee Shepperd moved and Trustee Wylesky seconded to close nominations. The vote was unanimous. Mayor Seime declared the motion carried. By secret vote of the Board, Owens received four votes and Barnes received three votes. Mayor Seime announced that Trustee Owens is Mayor Pro-Tem.

Due to the outgoing Board members, there is a need to appoint three new Board of Adjustments (BOA) members to make a five-person panel. The City attorney was asked if there was any reason all seven members of the Town Board could not be on the Board of Adjustments, and there is no reason. Trustee Barnes moved and Trustee Shepperd seconded that all seven members of the Town Board will be members of the Board of Adjustments. The vote was unanimous. Mayor Seime declared the motion carried.

RESOLUTION 06-01 "AMENDED" - APPOINTMENTS

Mayor Seime announced his appointments for the two seats on the Planning and Zoning Commission that were recently vacated by Rex Shepperd and Mac Roeber. These appointments are Henry Brink and Peter Calandrucchio.

Before the approval of the amended "appointments" resolution, Trustee Brink moved and Trustee Owens seconded to move the title of Zoning Officer from Mike Kolisch, Building Inspector to Clyde Dooley, City Manager. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Brink moved and Trustee Owens seconded to adopt, pass and approve the appointments resolution 06-01 as amended. The vote was unanimous. Mayor Seime declared the motion carried.

CITY MANAGER'S REPORT

The points discussed and the actions taken were as follows: San Luis Valley Hazardous Substance Board, Inc. has asked for a contribution to offset expenses for their assistance with handling the containment of hazardous spills. Trustee Wylesky moved and Trustee Barnes seconded for the City to pay the requested contribution of sixty-eight dollars. The vote was unanimous. Mayor Seime declared the motion carried.

The City received a request from Tu Casa, Inc. in Alamosa asking that the Town Board proclaim the month of April as *Sexual Assault Awareness Month*. Administrative direction was given to Mayor Seime to sign the proclamation.

Creede Magazine is currently in production of the *Creede Summer Guide 2006*. A full page ad will cost three hundred eighty-five dollars, with the possible addition of an ad creation charge of twenty dollars. Trustee Owens moved and Trustee Wylesky seconded to approve the City to take out a full page ad in this publication. By roll call vote, there were five yeas and one nay (Barnes). Mayor Seime declared the motion carried.

Creede clean-up day was discussed. The City Clerk will post and publish this information.

The Board agreed that the monthly work session will be held at 6:30 p.m. on Tuesday, April 25, 2006. The Board will continue reviewing the Municipal Code as well as meet with Avery Augur to discuss a Subdivision Improvement Agreement as part of the final plat process for Creede America Addition Phase I.

Various other informational items were shared with the Board that required no action.

ADJOURN

There being no further business to come before the Board at this time, Trustee Owens moved and Trustee Barnes seconded that the meeting be adjourned at 9:36 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