

**BOARD OF TRUSTEES  
CITY OF CREEDE, COLORADO – A TOWN  
April 14, 2009**

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 5:31 p.m. There being present at the call of the roll the following persons:

PRESENT: Evelyn Gant, Larry Lewis, Joe Keller, Rex Shepperd, Dana Brink  
ABSENT: Debbie Wylesky

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

Kathleen Murphy of Willow Creek Reclamation Committee (WCRC) asked to address the Board about an upcoming Brownfields workshop. Murphy's topic was added as (f) Reports and Presentations. Trustee Gant moved and Trustee Keller seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF MARCH 3, 10, AND 31, 2009 MINUTES

Trustee Brink moved and Trustee Keller seconded to approve the March 3, 2009 minutes as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Gant moved and Trustee Lewis seconded to approve the March 10, 2009 minutes as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Gant moved and Trustee Brink seconded to approve the March 31, 2009 minutes as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Brink moved and Trustee Keller seconded to approve the monthly disbursements as presented on the March 2009 check detail report. The vote was unanimous. Mayor Shepperd declared the motion carried.

REPORTS AND PRESENTATIONS

JP MORGAN CHASE BANK, NA- FINANCIAL UPDATE

Debra Gatton, Investor and John Kitchen, Wealth Manager both of J.P. Morgan presented the Board of Trustees and the Virginia Christensen Advisory Committee members in attendance with a copy of a J. P. Morgan Outlook and Performance Report dated April 2009. J.P. Morgan is the Trustee of the Virginia Christensen Trust that the City of Creede is the beneficiary of. Gatton and Kitchen covered the following topics for the Board and the meeting attendees: Overview of J.P. Morgan [during this review, Gatton added that "no one at J.P. Morgan is commission based, this is very different from our competitors." "You won't be getting the personal investments of Debra Gatton..." They have a set of ideas they use for everyone.]; Economic Outlook; Portfolio Performance and Current Holdings. Gatton explained [in reference to the trust losing 21% net of fees versus the stock market down 38%], "...it's not as bad as it could be, I mean not that that makes it good." Questions were asked and answered. When asked about the fee structure, Gatton responded, "the fees are set up that such that it is just under about one percent of a market value. So there's the thought that it's in our interest, too, to have the market value go up because it's based on a monthly average so it looks at the market value everyday and divides by thirty and applies a percentage." Kitchen added, "so it's a sliding scale. The first million is one and a quarter, the next million I think is one percent or the next two million and then it continues to go down based on the size of the relationship with the size of the assets." Gatton explained that based on where the current holdings are today the income is estimated to be \$110,000 for the trust.

#### WILLOW CREEK FLUME REPAIR PROPOSAL

Mineral County Resident, Jay Weber representing Dwayne's Engineering and Construction addressed the Board of Trustees. Weber had given the Board a handout prior to this meeting outlining his proposal "to address problems of the flume repair, hydro electric generation, Hecla properties and overall benefit to Creede." Weber produced a second handout for the Board at the meeting, further outlining his opinions and ideas. Trustee Brink alluded to an article in a recent Colorado Municipal League (CML) Newsletter explaining the availability of funds for planning for renewable energy. Questions were asked and answered. The Board agrees that the City engineer still needs to produce an acceptable set of plans for an RFP to go out for this project.

#### BUILDING INSPECTOR'S REPORT

Mike Kolisch was not present. Kolisch's report reflected no activity to report for the month of March.

#### RECREATION REPORT

Eloise Hooper, Recreation Director was available to answer questions about her report. Questions were asked and answered. Hooper said that twenty children participated in decorating eggs and thirty-five children and parents showed up to hunt Easter eggs. Hooper expressed, "great turnouts." Hooper also told the Board that the School has hired Alicia Hess to teach next year in the elementary and to possibly teach an art class in the junior high school and the high school easing up on her budget by about \$3,000.

#### WRITTEN REPORTS

This includes reports from the Chamber of Commerce and John Mattingly's reports (2) as an appointee to the Rio Grande River Basin Water Advisory Board. These reports are to be read at the Board's leisure.

#### UPCOMING BROWNFIELDS WORKSHOP INFORMATION

Willow Creek Reclamation Committee (WCRC) Vista Volunteer, Kathleen Murphy, told the Board of Trustees about a Brownfields workshop to be held in Alamosa from 8am to 1pm on Friday, April 24, 2009. Murphy invited any interested Board members to attend with her and said they could ride down with her. Trustee Keller expressed some interest in attending. The fee for workshop including lunch is twenty dollars per person. Murphy explained that this workshop had to do with buying and selling property. Where the city may not be in the business of buying and selling property it may be acquiring some property in the near future.

#### OLD BUSINESS

##### RESOLUTION 09-05, DEEP CREEK SANITATION INTERGOVERNMENTAL AGREEMENT (IGA) AND IGA DOCUMENT APPROVAL

Trustee Brink moved and Trustee Keller seconded to approve Resolution 09-05 authorizing the city of Creede to enter into an intergovernmental agreement with Deep Creek Sanitation. The vote was unanimous. Mayor Shepperd declared the motion carried. City Attorney Gibbons advised that by approving resolution 09-05 the agreement is then approved. Mayor Shepperd has been directed to sign the IGA on behalf of the city.

#### CREEDE MINING HERITAGE, INC. WRITTEN REQUEST

A letter from Creede Mining Heritage, Inc. (CMHI) signed by Charles C. Powers was presented to the Board for consideration of their request for one thousand dollars from the Town of Creede to help the non-profit with matching money for a ten thousand dollar project of preserving the Commodore Mining Complex. A letter of intent was included with this request from Del Monte Inc. and Commodore Mining Company Inc to donate the properties. Powers had told the Clerk that The Creede Historical Society has approved \$1,000 to donate to the project and a request for \$2,500 has been made to Mineral County. City Manager Dooley advised the Board that he would like to make sure that Mineral County is on Board with this project, to reaffirm that the Poxin family, after the deaths of both Ben and Ty, still has intent to transfer the properties and that this project in no way will interfere with the Environmental Protection Agency's (EPA) work on the Nelson Tunnel. Dooley told the Board that the city does have \$1,000 in the budget that can be allocated to this. Trustee Lewis moved and Trustee Brink seconded to make the \$1,000 available for this project providing the following stipulations are met: Mineral County donates

\$2,500, The Poxin's intent to transfer is still there and the EPA is on board with this project. The vote was unanimous. Mayor Shepperd declared the motion carried.

#### NEW BUSINESS

##### LETTER OF INTENT TO FILL TRUSTEE VACANCY

By majority vote of a secret ballot, Creede resident John Mattingly was appointed to fill the vacancy on the Board of Trustees left by the resignation Kathleen Lehman in February of this year. Mattingly took the Oath of Office, received his meeting packet and took his seat at the Board table. Mattingly resigned his position on the Planning and Zoning Commission. The Board accepted his resignation.

##### PARADE PERMIT APPLICATIONS – CREEDE/MINERAL COUNTY CHAMBER OF COMMERCE

Trustee Keller moved and Trustee Brink seconded to approve the application for *Taste of Creede* to be held May 23 and 24, 2009. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Brink moved and Trustee Gant seconded to approve the application for *Creede Mountain Run* to be held September 5, 2009. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Lewis moved and Trustee Gant seconded to approve the application for *Salsa Fiesta* to be held September 5 and 6, 2009. The vote was unanimous. Mayor Shepperd declared the motion carried.

##### LIQUOR LICENSE RENEWAL – KEVIN J. AND KIMBERLY J. NAGY D/B/A KIP'S GRILL

Trustee Lewis moved and Trustee Gant seconded to approve the renewal of a Hotel and Restaurant License for Kip's Grill. The vote was unanimous. Mayor Shepperd declared the motion carried.

##### LIQUOR LICENSE RENEWAL – THE CREEDE HOTEL AND RESTAURANT

Trustee Brink moved and Trustee Gant seconded to approve the renewal of a Hotel and Restaurant License for The Creede Hotel and Restaurant. The vote was unanimous. Mayor Shepperd declared the motion carried.

##### PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission recommended the following to the Board of Trustees at its April 7, 2009 regular meeting: the owner and the contractor of the new Black Box Theatre project be notified to do the following: 1) clean dirt out of Main Street; 2) move fence paralleling Main Street back to four feet from curb and put down a leveled, compacted gravel walk way; 3) remove all dirt and building material from Second Street and level the street to accommodate parking of passenger cars. This is all to be done within ten days of receiving a letter from the Board of Trustees. The Board was informed that the sidewalk was poured today. The cleanup is in the contractor's plans according to Trustee Lewis. These items have already been addressed and most are nearly complete.

The Planning Commission recommended the following to the Board of Trustees at its April 7, 2009 regular meeting: That a letter is sent to all persons who have property that abuts the flume, reminding them of the rules regarding the fifteen foot easement along the flume. The Board agreed to this and directed staff that a letter should be sent. Trustee Mattingly has drafted the letter that will go out.

##### CITY MANAGER'S REPORT

The items discussed and the actions taken were as follows:

**WASTEWATER BLOWER:** City Manager Dooley was directed to spend \$4,220 and purchase a new blower from Brimhall Industrial for \$3,820 and .to get it inspected for four hundred dollars.

**RECREATION DEPARTMENT REQUEST:** The Board directed Dooley to send the Mineral County Commissioners a letter of request asking for assistance with the Creede/Mineral Arts and Recreation (CMAR) program. Mayor Shepperd will sign this letter on behalf of the City.

**1995 DUMP TRUCK:** Dooley suggested that the discussion of a 1995 Ford L9000 dump truck for sale by the Town of Timnath should be held over for the work session. Trustee Mattingly has offered to look up the blue book value of this truck.

**DAY CARE CENTER-FYI:** Dooley told the Board the day care center is closed for now and the fish hatchery buildings are vacant. The city will resume responsibility for the utilities.

**USDA 1971 REVENUE BOND-FYI:** The City's joint water and sewer revenue bond, series 1971 aka Loan 02, has been paid in full.

**COMMUNITY CENTER UTILITIES-FYI:** Dooley informed the Board of Trustees that to remain consistent and to ensure that all users of the city's system are paying their fair share, staff will begin billing the Community Center for water, sewer and drainage this month. There was a discussion. Mayor Shepperd asked the trustees to state yes or no to billing these utilities. JM abstain (due to the lack of information); EG yes; DW absent; LL yes; JK yes and DB no. Staff will begin billing the Community Center for city services.

**MUNICIPAL CODE-FYI:** Dooley reminded the Board that was passed by ordinance no. 347 and the municipal code document should be reviewed on a regular basis being certain to add any new applicable ordinance and resolutions.

The Trustees agreed to hold their regular work session on Tuesday, March 28, 2009 at 5:30 p.m.

Dooley informed the Board that the Drinking Water Revolving Fund Loan Document between *The Colorado Water Resources and Power Development Authority* and *The City of Creede, Colorado* will be signed on April 15, 2009.

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

#### ADDENDUM TO THE CITY MANAGER'S REPORT

A draft was provided of an Intergovernmental Agreement to share building inspection services for commercial building permit applications between Rio Grande County and City of Creede. This item will be discussed further at a work session.

#### ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Brink moved and Trustee Lewis seconded that the meeting be adjourned at 7:01 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

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Pamela J. Wilson, City Clerk/Treasurer