

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
April 5, 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 5:30 p.m. There being present at the call of the roll the following persons:

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

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

New Business (g) was added to consider a letter of interest to fill a vacancy on the Creede Planning and Zoning Commission. Trustee Zurn moved and Trustee Powell seconded approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF MARCH 1, 8, AND 15, 2011 MINUTES

After some typographical and grammatical errors were corrected, Trustee Zurn moved and Trustee Wylesky seconded to approve the March 1, 2011 minutes as corrected. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

After a blank in a date was removed, Trustee Wylesky moved and Trustee Powell seconded to approve the March 8, 2011 minutes as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Zurn moved and Trustee Grossman seconded to approve the March 15, 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 MARCH 2011 CHECK
DETAIL REPORT

Questions were asked and answered. Trustee Skroch moved and Trustee Wylesky seconded to approve the previously paid disbursements on the March 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 Grossman seconded to approve the payments on the unpaid bills detail as of April 5, 2011 with the exception of only paying the March 2011 invoice for Heil Law and Planning, LLC up to the budgeted amount leaving a balance of \$259.52. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF RMS UTILITIES, INC. PAYMENT ESTIMATE #4

Trustee Powell moved and Trustee Zurn seconded to approve payment to RMS Utilities, Inc. in the amount of \$28,180.90. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REPORTS AND PRESENTATIONS

WATER LINE REPLACEMENT PROJECT UPDATE

McLaughlin Water Engineers, LTD engineer and project inspector, Clay Wade verbally updated the Board on the status of the water line replacement project. Wade told the Board that the contractors arrived mid-month to continue where they left off last December. The contractors are currently pressure testing the lines they installed last year and testing for water quality. Questions were asked and answered. Davis and Dooley answered questions that were directed to them about the project.

PUBLIC WORKS REPORT

Public works director, Ben Davis was available to answer questions about his report. Davis' report touched on water; wastewater; roads/drainage; parks; and fleet/buildings. Questions were answered. Davis told the Board that Creede resident Mike Atwater has been contracted to assist public works and the maintenance department (Schlough) part time as necessary through the spring and summer seasons. Davis added he has begun conversations about spring "sprucing" and other needed tasks. Aerating the parks was discussed. Davis said he could delegate equipment rental research and the task itself.

BUILDING INSPECTOR'S REPORT

Creede building inspector, Mike Kolisch, was available to answer questions about his report. It was first discussed that building permits are the responsibility of the property owner and not the contractor. The Board commented on item #5, The Historical society's cabin. They asked Kolisch if signage should not and could not be placed at the site of the cabin for safety reasons because the cabin is not yet sitting on the foundation, but is raised up where a small person (child) could climb under it and the cabin could potentially fall since it sits on city property. Kolisch and Dooley talked to the Board about considering having Rio Grande County's building department handle Creede's plumbing inspections rather than the State inspector. Creede currently has an Intergovernmental Agreement (IGA) with RG building department for commercial permits so it should be a smooth transition for them to assume the plumbing inspections as well. The possible need for signage at the Town limits stating the requirements for building permits will be discussed at a work session.

RECREATION REPORT

Recreation Director, Eloise Hooper was available to answer questions about her report. Hooper and Dooley talked to the Board about using the Town's vehicle (2001 Ford explorer) to transport children from Creede Early Learning Center to recreation programs and back this summer. Some of the Trustees said they did not feel this will work and the Town's vehicle cannot be used for this purpose. Town attorney Gibbons concurred. The Board did not approve of that plan. Trustee Zurn told Hooper the possibility exists that the town will take from her recreation budget if the Board finds it necessary while balancing the Town's budget, because she rarely if ever spends what she budgets.

TRUSTEE GROSSMAN PROJECT REPORT

Trustee Grossman updated the Board about his plans for the Board to make a trip to Rifle. Grossman talked about the Brownfields mixer in Denver that he attended. Start looking at the north property and how the Board wants it to look. Paperwork will follow.

MAYOR'S REPORT/UPDATE

Mayor Roughton-Miles addressed the Board verbally. Roughton-Miles reported that she and some of the trustees met with Mineral County Commissioner Adelman at the Ball Park to discuss the trail on the south end of Town. The Board agreed with Roughton-Miles that they should allow the county to move forward and extend the trail south of Town so it runs to the east of Rio Grande Avenue. She is excited about the cooperation between the city and the county and feels it is only a win-win for the community. Roughton-Miles understands there will not be a bill for this work to the city. She added that the city property south of the Ball Park could also be a park given some water and tender loving care (TLC). It was noted that some parking at the Ball Park and trail area should be added. Mayor Roughton-Miles said she has received comments that Main Street could use some half-barrel

planters in front of the businesses to “spruce-up” the Main Street corridor that maybe the city and/or business owners could maintain if/or the city could buy flowers for them with Virginia Christensen Fund money. Roughton-Miles finished by announcing the final draft of the Economic Development Plan for Mineral County requested by the Governor’s office will be presented to the community for input on Tuesday, April 12, 2011 at 5:00 p.m. at the Creede-Mineral County Chamber of Commerce located at 904 S. Main Street.

WRITTEN REPORTS

Written reports include reports from the Chamber of Commerce, Willow Creek Reclamation Committee (WCRC) and a Clerk’s memorandum. These reports were received and filed. The Town Board welcomed the newly appointed chamber executive director, Mineral County resident Della Brown.

PUBLIC HEARINGS AND RELATED ACTIONS

ORDINANCE 365, REZONING LOTS 7, 8, 9 AND 10, BLOCK 22 SOUTH CREEDE FROM MOBILE HOME (MH) TO RESIDENTIAL SINGLE FAMILY (R-1)

Mayor Roughton-Miles opened the public hearing. No one had signed up to speak. Mayor Roughton-Miles closed the public hearing.

Trustee Powell moved and Trustee Zurn seconded to pass, approve and adopt Ordinance 365, rezoning lots 7, 8, 9 and 10 in Block 22, in South Creede from Mobile Home (MH) to residential Single Family (R-1) at the request of Michael S. and Deborah S. Lamb. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

ORDINANCE 366, TRANSFERRING CERTAIN PORTIONS OF CITY PROPERTY TO A PRIVATE PARTY

Mayor Roughton-Miles opened the public hearing. No one signed up to speak. Mayor Roughton-Miles closed the public hearing.

Trustee Powell moved and Trustee Wylesky seconded to pass, approve and adopt Ordinance 366, transferring certain portions of city property in a land trade (as described in exhibit A attached to this ordinance) to a private party (Kenneth and Wendy Leggitt). The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Powell moved and Trustee Wylesky seconded to approve and adopt resolution 2011-03, re-platting tract 48 in south Creede at the request of Kenneth and Wendy Leggitt. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

OLD BUSINESS

ACTION/DIRECTION – WILSON ACCESS REQUEST OR PURCHASE OPTION

Trustee Gant moved to remove this item from the agenda. The motion died for a lack of a second.

Mayor Roughton-Miles announced that originally the Clerk had denied this item for the agenda because the request is not different enough for the Board to reconsider it. Because Pizel went to a Trustee, they requested it be on the agenda and out of respect for the Trustee is the only reason this item is on this agenda. The Mayor added the clerk was correct in denying its place on the agenda as she was only following directions.

Anne Pizel, owner of Broken Arrow Land Company represented property owner, Heike Wilson in this request. Trustee Zurn moved and Trustee Grossman seconded to grant the access easement as proposed with the prior requirements of the Planning and Zoning Commission. There were three yes votes (Zurn, Grossman, Powell) and there were three no votes (Gant, Wylesky, Skroch). Mayor Roughton-Miles broke the tie with a no vote. Mayor Roughton-Miles declared the motion did not carry.

Trustee Zurn moved and Trustee Wylesky seconded the corner of Block 34 for sale. There were two yes votes (Zurn, Wylesky), three no votes (Gant, Skroch, Powell) and Grossman abstained. Mayor Roughton-Miles declared the motion did not carry.

The Board will discuss and consider selling all of Block 34 at their work session.

ACTION/DIRECTION – LOMA AND WALL STREETS PARKING

The Board discussed and agreed to temporary lines for two rows of parking by the Creede Historical Museum and to rope off a portion of the area for Fourth of July activities. Maybe the compressor could be moved closer to the building when it is not in use during the two days of events over the Fourth of July.

ACTION/DIRECTION – SIDEWALK SNOW SHOVELING

The Board discussed the requirements and enforcement of Creede Ordinance 203 requiring the removal of snow from the sidewalks within the City of Creede. It was agreed that a letter should be drafted and sent in September explaining Ordinance 203 to business and property owners with adjacent sidewalks in town. For those that leave for the winter months the letter will ask them to please make arrangements for someone to shovel the sidewalk(s) adjacent to their business/property while they are away. Trustee Skroch moved and Trustee Gant seconded that the city should enforce Ordinance 203 as written. There were five yes votes and one no vote (Grossman). Mayor Roughton-Miles declared the motion carried.

ACTION/DIRECTION - PARK BLEACHERS

The Board discussed using Virginia Christensen money to pay to retro-fit the bleachers. With the help of the County the process was started last year by Trustee Skroch when he had more time himself to put into it. One set of bleachers has been retro-fitted. The Board asked Dooley to ask Days of '92 (Kenny Wyley) to ask the County to help again with the process. The city will provide the money for materials and the pipe.

ACTION/DIRECTION TO APPROPRIATE FUNDS FOR DISTRIBUTION FOR THE VIRGINIA CHRISTENSEN SPRING FUNDING CYCLE AND/OR SCHEDULE A PUBLIC INFORMATIONAL FORUM

Trustee Grossman moved and Trustee Zurn seconded to approve and to appropriate \$50,000 for the spring funding cycle. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. The Board approved Thursday April 21, 2011 for the Advisory Committee meeting. No public informational forum was scheduled at this time.

ACTION/DIRECTION – COMMUNITY CENTER DONATION PAYMENT

Town Manager Dooley prepared a memorandum to the Board supporting the appropriation of five thousand dollars to the Creede Underground Community Center for 2011. The January payment of \$416.67 had been made, but when it came time to approve February's payment the Board questioned the appropriation of these funds until Dooley could research it and tell the Board if they had in fact been appropriated in the 2011 proposed budget or not. Trustee Grossman moved and Trustee Zurn seconded to approve the five thousand dollar donation from the Virginia Christensen fund that was appropriated for 2011 to the Community Center. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. The Board would like to discuss this item /process further at a work session.

NEW BUSINESS

PARADE PERMIT APPLICATION – CREEDE REPERTORY THEATRE (CRT)

Jonathan Allsup, Managing Director, CRT presented a parade permit application to the Town Board for approval to close Main Street north of the main stage theatre located at 124 N. Main Street south the Kentucky Belle Market at Second Street not including Second Street on July 16, 2011 from 4:00 p.m. to 11:00 p.m. for the purpose of a street performance in celebration of the opening of the new Second Stage Theatre located at 120 S. Main Street (across from the Kentucky Belle Market). Trustee Powell moved and Trustee Wylesky seconded to approve the CRT parade permit application with the requirement for them to place a detour sign at Third Street. There were five yes votes and Zurn recused herself because she is a CRT employee. Mayor Roughton-Miles declared the motion carried. Barricades are provided by the city.

SIGNAGE WAIVER PERMIT APPLICATION

Jonathan Allsup, Managing Director, CRT made the request on behalf of the CRT Second Stage Theatre for signage approval. Allsup is requesting a marquee sign on the south wall along Second Street; a blade sign, lettering and two LCD poster boxes on the west wall along S. Main Street. The permit, if granted by the Board, will be for the two permanent LCD signs measuring approximately two feet by five feet each. Trustee Wylesky moved and Trustee Powell seconded to approve the signage permit for the two permanent LCD poster boxes as requested. There were five yes votes and Zurn recused herself as an employee of CRT. Mayor Roughton-Miles declared the motion carried.

LIQUOR LICENSE RENEWAL – HOTEL & RESTAURANT LIQUOR LICENSE – KEVIN J. AND KIMBERLY J. NAGY D/B/A KIP’S GRILL

Trustee Zurn moved and Trustee Powell seconded to approve the H&R Liquor License renewal for Kip’s Grill. There were five yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

LIQUOR LICENSE RENEWAL – HOTEL & RESTAURANT LIQUOR LICENSE – THE CREEDE HOTEL & RESTAURANT, M. DAVID TOOLE

Trustee Powell moved and Trustee Zurn seconded to approve the H&R Liquor License renewal for The Creede Hotel & Restaurant. There were five yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

LIQUOR LICENSE RENEWAL – HOTEL & RESTAURANT LIQUOR LICENSE – CASCADA BAR & GRILL, DENISE DUTWILER

Trustee Zurn moved and Trustee Grossman seconded to approve the H&R Liquor License renewal for Cascada Bar & Grill. There were five yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

CLEAN-UP DAY INFORMATION – DISCUSSION/ACTION/DIRECTION

Mineral County has approved a free landfill day to all Mineral County residents and residents’ up-river from Creede in Hinsdale County excluding commercial companies and contractors on Saturday, May 21, 2011 from 10:00 a.m. to 4:00 p.m. The County is allowing the city trucks in at no charge on Monday, May 23, 2011 as well to finish un-loading what they pick up on Saturday. City trucks will be used to pick up refuse for Town residents only if they sign up for that service. A sign-up sheet and “pick-up” tags will be provided in the Town Hall office for this service. At 4:00 p.m. at *Jim Basham Park* the Town will host a potluck picnic to celebrate everyone’s hard work. Big 6 Barbeque (Darryl and Debby Miles) will provide the meat for the event. It was also mentioned and agreed that between the Ball Park and the Flume as well as down by the Blue Barn needs to be cleaned up as well. Large trash bags will be available at Town Hall for those who wish to help pick-up trash in the Town’s common areas. The clerk will post notices about “Clean-up Day” near the end of April, first part of May.

MARY BETH MILES’ LETTER OF INTEREST FOR PLANNING AND ZONING COMMISSION

Trustee Grossman moved and Trustee Powell seconded to accept Miles’ letter, approve it and appoint her to the Creede Planning and Zoning Commission. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. There is still one vacancy on P&Z.

MANAGER’S REPORT

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

HAROLD BRINK’S DEBRIS ON RAILROAD AVENUE – DIRECTION: Dooley was directed to move forward with RW Contracting, Inc. on Railroad Avenue. The Board said notices have been issued and it is time to issue a summons to municipal court on the Loma Street property when Brink returns to Town. Woods will haul scrap iron to Star (Estrella, CO) for payment to the Town to help off-set this expense.

MAIN STREET PAVING – DIRECTION: Dooley attached a copy of a memorandum from Town Engineer, Ron McLaughlin outlining a couple of options of how to move forward with the post construction

paving. The Board liked "option A" to patch Main Street trenches now under contract three and plan on repaving all of Main Street, probably in the fall of 2012. The Board would like more discussion of service line replacement at a work session.

UPPER TANK ACCESS – UPDATE: Dooley told the Board that the process for the access has begun through the Egolf and Butler properties. Dooley has submitted the application for Transportation and Utility Systems and Facilities on Federal Lands. Tom Malecek of the US Forest Service is reviewing the application and Dooley will be looking for it by the end of April.

WORK SESSIONS: The Board will hold their regular work session on Tuesday, April 19, 2011 at 5:30 p.m. Additional Informational only items were included in this report.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

Sherri Knowlton of the Creede Early Learning Center (CELC) asked the Board to consider paying a portion of the State required ramp and stairs at the daycare facility. Knowlton told the Board she has also asked Mineral County to contribute as well.

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 8:15 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