

**CITY COUNCIL
CITY OF CREEDE, COLORADO – A TOWN
May 11, 2004**

REGULAR MEETING

The City Council 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 7:35 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss, Debbie Wylesky, Henry Brink, Eldon Seime,
Martha Owens, Chuck Barnes, Gene Dooley

Mayor Seime declared a quorum present:

Those members of staff also present were as follows:

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

REVIEW AGENDA

The following additions were made to the agenda: City Clerk Wilson added two liquor license renewals to Reports and Presentations. Bear's Den will be (m) and Bear's Spirits will be (n). City Manager Dooley also added to (c) of New Business to pass Resolution 04-02.

APPROVAL OF MINUTES FOR April 5, 8 and 13, 2004

Trustee Goss moved and Trustee Dooley seconded to approve the minutes of April 5th as presented. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Goss moved and Trustee Dooley seconded to approve the minutes of April 8th as presented. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Goss moved and Trustee Barnes seconded to approve the minutes of April 13th as corrected. The vote was unanimous. Mayor Seime declared the motion carried.

The question was raised about the rifles that were purchased by Kim Eggert with Virginia Christensen funds. Where are they now that Eggert has left the area and does the person who has them understand that there is an agreement between the City of Creede and Eggert that if the Biathlon Club goes defunct that the rifles come back to the City? Trustee Goss said he believes that Laura Haefeli of Del Norte has the rifles and Trustee Dooley confirmed this as well. Dooley said he would get something in writing from Haefeli that she acknowledges the rifles do belong to the City of Creede. Dooley said he would like to see that the City has the serial numbers of the rifles as well.

ACCEPT AND PAY BILLS

Trustee Barnes moved and Trustee Brink seconded to approve the bills to be paid as described on the check detail report dated April 6 through May 6, 2004. The vote was unanimous. Mayor Seime declared the motion carried.

REPORTS AND PRESENTATIONS

CITY MANAGER'S/MAINTENANCE REPORT

City Manager Dooley was available to answer questions concerning his Manager's Report. Questions were asked and answered. Two items covered in the Manager's Report will need a motion for approval. Questions were asked about Robin Crites codifying the ordinances and also HDR. City Manager Dooley reviewed with Council both the role of Crites and HDR in the codification process. Trustee Goss moved and Trustee Owens seconded for the City to hire *Colorado Code Publishing Company* to codify Creede's ordinances. The Vote was unanimous. Mayor Seime declared the motion carried. City Manager Dooley will compile the information needed for this project and get it sent off.

Trustee Barnes moved and Trustee Wylesky seconded that the City of Creede should send two hundred dollars to Hinsdale County to assist with the expense of producing additional informational brochures for the *Silver Thread Scenic Byway*. The vote was unanimous. Mayor Seime declared the motion carried.

Creede clean-up days were discussed. They are scheduled for May 15, 17 and 20, 2004.

CHAMBER OF COMMERCE REPORT

Pat Richmond was available to answer questions. Richmond touched on Action 22. Action 22 represents entities within the twenty-two counties of south-central and southeastern Colorado. They act as a source of information for the Cities and Counties regarding legislation. As far as tourism goes, they will be publishing 1.2 million half page ads that will be going out in eight cities' Sunday newspapers this weekend. Mayor Seime handed out brochures and information to the Board Members to review for a future conversation about Action 22. Richmond also reviewed with Council the Chamber's stats from the web-site and other sources.

WRITTEN REPORT

This includes the Recreation report. This report will be reviewed by Council at their leisure.

AFFORDABLE HOUSING PRESENTATION

City Manager Dooley explained that Rachel Willis of the San Luis Valley Housing Coalition would like to schedule a workshop some time this summer to explain and answer questions for not only City Council, but anyone else who would like to attend and learn more about affordable housing. In late June there might be time available for such a workshop.

WILLOW CREEK RECLAMATION COMMITTEE (WCRC)

Zeke Ward made a brief presentation asking the City of Creede if it would sponsor Willow Creek Reclamation Committee in an effort to receive Great Outdoors Colorado (GOCO) grant monies for various projects. WCRC will put up any and all matching funds. They are basically just asking the City for a letter of support. Council would be receptive to sponsoring the clean-up of a recreation area. Ward also talked about a long awaited meeting at 1:00 p.m. tomorrow in Denver between Creede Resources, Colorado Department of Public Health and Environment, The Environmental Protection Agency, City attorney Gibbons, Leigh Ann Vradenburg and himself. Ward asked the new Board members if the City is still committed to moving forward with this. The previous Board has already passed a motion on this meeting taking place and City attorney Gibbons attending on behalf of the City therefore Seime, Brink, Owens and Wylesky gave their approval as well.

MESA ESTATES

Bill Hayden of Creede/Mesa explained that they were prepared to present the agreement between them and the City of Creede for a decision tonight, but the attorneys have been in conversation and due to their hectic schedules and the inability to get together to complete this agreement, they have only an imperfect draft to present. They would like to put this presentation off for another month.

PARADE PERMIT (FOURTH OF JULY)

This permit is requested by the City for the Fourth of July parade between the hours of 9:00 a.m. and 11:00 a.m. Trustee Barnes moved and Trustee Dooley seconded to issue this permit. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Goss also reminded the Board that he did write a letter, on behalf of the City of Creede, to his friend who has the plane that he would like to fly in the skies over Creede on Fourth of July weekend. His plane is a Russian Yak.

PARADE PERMIT-AMENDED (TASTE OF CREEDE)

This permit requested by the Chamber of Commerce and previously issued by Council is being amended. The portion of Main Street on the south side of Wall Street is being surrendered by the Chamber for another organization to request closure of. Trustee Dooley moved and Trustee Brink seconded to issue the amended permit for Taste of Creede festivities. The vote was unanimous. Mayor Seime declared the motion carried.

PARADE PERMIT (TOMMY KNOCKER TAVERN & KIP'S GRILL FOR CREEDE ATHLETICS)

This permit is being requested by Tommy Knocker Tavern and Kip's Grill for Creede Athletics, a non-profit organization. They are requesting the previously relinquished portion of Main Street between the United States Post Office and the Creede Trading Post. Trustee Barnes moved and Trustee Dooley seconded to issue this permit for street closure on May 29th and 30th between the hours of 8:00 a.m. and 5:00 p.m. each day. The vote was unanimous. Mayor Seime declared the motion carried.

PUBLIC HEARING

Three different Special Events Permits were being requested by Tommy Knocker Tavern & Kip's Grill for Creede Athletics, a non-profit organization. One person was present to express their concern against the issuance of all of these permits. Trustee Wylesky also expressed her concern about these permits. The property owners for the location of the Fourth of July event were present to assure the City that they have given approval for the use of their property and to show support for *Creede Athletics* in their request for these permits. Council will take this public comment into consideration when making their decision about the following Special Event Permit requests. Pat Richmond of the Creede/Mineral County Chamber of Commerce informed the Board of the Chamber's reason for changing its request for street closures and the regulations they currently have in place regarding the sale of alcohol during Chamber sponsored events.

SPECIAL EVENTS PERMIT (TOMMY KNOCKER TAVERN & KIP'S GRILL FOR CREEDE ATHLETICS)

The dates for this request are May 29th and 30th, 2004, to sell malt, vinous and spirituous liquor between the hours of 8:00 a.m. and 6:00 p.m. each day. Trustee Barnes moved and Trustee Dooley seconded to approve this special events permit. There were five yeas and one nay. Mayor Seime declared the motion carried.

SPECIAL EVENTS PERMIT (TOMMY KNOCKER TAVERN & KIP'S GRILL FOR CREEDE ATHLETICS)

The date for this request is July 4, 2004, to sell malt, vinous and spirituous liquor between the hours of 8:00 a.m. and 6:00 p.m. The location for this beer garden will be on the lawn in front of Beaver Liquors. Trustee Dooley moved and Trustee Barnes seconded to approve this special events permit. There were five yeas and one nay. Mayor Seime declared the motion carried.

SPECIAL EVENTS PERMIT (TOMMY KNOCKER TAVERN & KIP'S GRILL FOR CREEDE ATHLETICS)

Trustee Dooley moved and Trustee Owens seconded to table this request until a parade permit has been requested and approved. The vote was unanimous. Mayor Seime declared the motion carried. At that time the location will be posted and public comment will again be heard.

LIQUOR LICENSE RENEWAL – BEAR'S DEN

Trustee Goss moved and Trustee Owens seconded to approve the renewal of this liquor license. There were five yeas and one nay. Mayor Seime declared the motion carried.

LIQUOR LICENSE RENEWAL – BEAR'S SPIRITS

Trustee Goss moved and Trustee Owens seconded to approve the renewal of this liquor license. There were five yeas and one nay. Mayor Seime declared the motion carried.

OLD BUSINESS

MORTON LEASE

This property is the grassy area on the north side of the Court House Annex/Chamber building. The City has leased this "park" in the past for one dollar per year. The picnic tables belong to the City and the insurance and the up keep is the City's responsibility as well. Judge Wardell has been mowing, watering and fertilizing the grass. Trustee Barnes moved and Trustee Brink seconded to adopt and sign the lease contract with the Mortons for this "park". The vote was unanimous. Mayor Seime declared the motion carried.

NEW BUSINESS

APPOINT PLANNING COMMISSION BOARD

Mayor Seime accepted his position on the commission and asked the Council for one other volunteer or interested member to sit on the commission as well. Trustee Wylesky volunteered to be a member of the Planning and Zoning Commission. Mayor Seime also appointed a non-member of Council to the commission and that is JB Alexander. Rex Shepperd and Mac Roeber are both currently serving six year terms.

The members of this Planning and Zoning Commission are Mayor Seime, Trustee Wylesky, JB Alexander, Rex Shepperd and Mac Roeber.

APPOINT BOARD OF ADJUSTMENTS

The Board of Adjustments may or may not be appointed from members of the Board of Trustees. Five members are needed and it was discussed that it has been accommodating, in the past, having the Council members also serving as members of the Board of Adjustments. Trustee Owens has asked that she not be appointed to this Board. Trustee Barnes offered to be an alternate in the event that one of the Board members was absent. The members of the Board of Adjustments are Mayor Seime, Trustees Brink, Dooley, Goss and Wylesky.

AMEND RESOLUTION 04-01 (APPOINTMENTS) AND PASS RESOLUTION 04-02 (COUNCIL SALARIES)

Trustee Barnes moved and Trustee Brink seconded to approve and adopt Resolution 04-01 as amended with the new appointments. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Barnes moved and Trustee Dooley seconded to approve and adopt Resolution 04-02 declaring the salary increases for the newly elected Mayor and Trustees where a motion was entertained and passed by the previous Board at a special meeting on April 5, 2004. The vote was unanimous. Mayor Seime declared the motion carried.

SPEEDER TRAIN INSURANCE NEEDS

City attorney Gibbons explained to the Board what this discussion would cover if it were to take place, but the speeder train will not be making its way to Creede this summer and there is no need for this discussion at this time.

VIRGINIA CHRISTENSEN ADVISORY COMMITTEE RECOMMENDATIONS

Advisory Committee Members Ray Sharp and Charlene Ameel were present to express to City Council the recommendations of the Advisory Committee for the Virginia Christensen funding and the committee's reasons why they made the recommendations they did. Questions were asked and answered. Sharp explained when they meet and what their function is in relation to the funding process. The Advisory Committee has requested five thousand dollars more than were originally allocated by Council for this spring funding round. The amount of funds requested by applicants this funding round is \$55,900. The amount allocated by Council to distribute is \$20,000. The Virginia Christensen Advisory Committee is requesting an additional five thousand dollars to be able to come closer to what the applicants are requesting. Ameel explained that so many of these projects take place now and not in the fall and it would be more beneficial to have a larger amount to grant to the applicants at this time. The following recommendations were made to City Council by the Advisory Committee: Days of '92 - \$3,000; Willow Creek Reclamation Committee - \$1,000; Creede/Mineral County Chamber of Commerce - \$3,000; Creede Repertory Theatre - \$3,000; Rocky Mountain Knife & Tomahawk Alliance - \$2,000; Creede Veteran Memorial - \$2,000; Creede/Mineral Arts & Recreation (CMAR) - \$4,500 (to be used to engineering costs to plan and design the concrete slab and skate park structure); Creede Arts Council - \$1,500 and Mineral County Fairgrounds Association - \$5,000. The Advisory Committee also informed the Council that they had requested a refund of unused funds from (CMAR) they received from last year's funding round. Also, they asked Council if they would keep up with or create a committee to keep up with the follow-up reports each year. These reports contain important information that the advisory committee uses to determine future funding recommendations for

these organizations as well as to make certain that the funds have been spent according to their application request. Trustee Barnes moved and Trustee Owens seconded to adjust the Virginia Christensen fund amount to allow funding as recommended by the Advisory Committee in the amount of \$25,000. The vote was unanimous. Mayor Seime declared the motion carried.

CITY'S POSITION ON UTILITIES

Keith Siddel was present to ask the City what the policy is on billing utilities and the collection thereof. Questions were asked and answered. There was some discussion regarding finance charges and if they are being charged or not. When do the utilities get cut off for non-payment? If a home is a rental, who is ultimately responsible for the utilities? The City staff will look for policies, resolutions or ordinances on this matter. Trustees Brink, Owens and Dooley are the members that will make up a utility committee to work through and answer these questions and hopefully determine if there is an existing policy and see that it is being enforced.

ADJOURN

There being no further business to come before the Council at this time, Trustee Brink moved, and Trustee Barnes seconded, that the meeting be adjourned. The vote was unanimous. Mayor Seime declared the motion carried and the meeting was adjourned at 10:23 p.m.

Respectfully Submitted:

Approved by City Council:

Pamela Wilson, City Clerk/Treasurer

Eldon Seime, Mayor