

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
May 11, 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 5:31 p.m. There being present at the call of the roll the following persons:

PRESENT: Elizabeth Zurn, Evelyn Gant, Debbie Wylesky, Ed Skroch, Denis Powell, Debby Roughton-Miles, 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, Manager
Benjamin Gibbons, Attorney

REVIEW AGENDA

At the request of Virginia Christensen Advisory Committee member Jennifer Inge, the Board agreed to move New Business (g) ahead of New Business (a). New Business (k) was added to discuss and consider a temporary sign permit for Kip's Grill and Mayor Roughton-Miles added an Executive Session for attorney conferences near the end of the meeting after the public comment period and before adjournment. Trustee Powell moved and Trustee Zurn seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF APRIL 13, 20, AND 26, 2010 MINUTES

Trustee Wylesky moved and Trustee Powell seconded to approve the minutes of April 13, 2010 as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Zurn moved and Trustee Wylesky seconded to approve the minutes of April 20, 2010 as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Zurn moved and Trustee Powell seconded to approve the minutes of April 26, 2010 as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MONTHLY DISBURSEMENTS

Trustee Skroch moved and Trustee Wylesky seconded to approve and pay the monthly disbursements as presented on the April 2010 check detail report. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REPORTS AND PRESENTATIONS

PUBLIC WORKS REPORT

Public works director, Ben Davis was available to answer questions about his report. The Board told Davis to complete his report with the routine duties and special projects of the public works department and to use it as a job description.

BUILDING INSPECTOR'S REPORT

Mike Kolisch, the Town's building inspector was available to answer questions about his report. Questions were asked and answered. Building permit procedures were discussed as well. The last meeting of the building permit procedure committee was on July 20, 2009 preparing a draft of procedures to send to the Planning and Zoning (P&Z) Commission to recommend to the Board of Trustees for adoption. P & Z sent it back to the committee for some tweaking. P & Z commissioner Avery Augur was available to explain his view of the procedures. The Board invited Augur to explain his ideas further at their work session.

CREEDE-MINERAL COUNTY CHAMBER OF COMMERCE REPORT

Chamber Director, Martha Owens was unable to attend tonight's meeting so Trustee Wylesky the Board liaison to the Chamber spoke on her behalf. The Chamber report reflected information on the building damage. Manager Dooley informed the Board that Sue Eisenhoffer of CIRSA, the Town's insurance carrier will make a visit tomorrow morning, Wednesday, May 12, 2010, between 7:30 and 8:00 a.m. It was suggested that the contractor on the building project, Steve Lamb should be available at the meeting with Eisenhoffer. Several attempts have been made by the Chamber to reach Lamb, Trustee Grossman said he has spoken with him and felt that the Mayor should talk with him, as well. The city crew is being asked to assist the Chamber with the set up of tents and chairs for the *Taste of Creede* weekend at the end of this month. Manger Dooley said he will schedule this project with Davis and Schlough. Volunteers are being solicited to help with *Taste of Creede*. Bicycle Tour Colorado will be coming through Creede on Sunday, June 20, 2010 and spending the night here. The Chamber is asking assistance from community members that wish to allow bicyclists to camp in their yard for the night. The Ball Park and Fairgrounds are available, but the tour has estimated there will be between 1,500 and 1,700 bicyclists to accommodate. It was suggested that the city provide flags for interested persons to pick up and put in their yards identifying them as camp site. This should be posted so people will know about the flags.

ALLEY DISCUSSION-HANK NICHOLS

Creede resident Henry "Hank" Nichols verbally presented to the Board that he had heard someone may approach the Town with a request to buy the alley between Seventh and Eighth Streets. This alley provides access to Nichols' shop and access to emergency vehicles and so forth. The Town has utilities in that alley and Mayor Roughton-Miles said she does not for see the city selling it.

FOURTH OF JULY PARADE COMMITTEE UPDATE

Trustee Wylesky updated the Board and the audience about the upcoming Fourth of July Parade. Wylesky noted that currently she, gallery owner and resident Jenny Inge and resident Paul Stone are the Fourth of July Parade committee. They recruit additional volunteers as needed. Wylesky told the Board that there is a sign-up sheet to participate in the parade at Rare Things Gallery and entrants may also call Wylesky or Inge and leave a message if they are unavailable. This year's theme is *ARTS, INDUSTRY AND EDUCATION*. Line up for the parade begins at 9:00 a.m. on Sunday, July 4, 2010 facing southbound on N. Main Street at Town Hall and lining up to the north up the canyon. Resident John Goss is the Parade Marshal and may wish to recruit an assistant to keep the lineup from extending down "back street" (Loma Street) as it has done in the past. The lineup will begin with flag/color bearers followed by the Grand Marshal (who remains un-named at this time); the City (maybe the Mayor and/or Trustees will walk or ride); Chamber and etcetera. The parade will begin at 10:00 a.m.

WRITTEN REPORTS

This item includes written reports from Recreation and WCRC for the Board to read at their leisure. No actions were taken.

OLD BUSINESS

MCLAUGHLIN PROFESSIONAL SERVICES AGREEMENTS

Professional services agreements were requested by the Board at the April 20, 2010 special meeting when the bids for the water line replacement phase III were accepted or rejected.

The fee schedule the agreements referred to as an attachment, were not attached. The Board agreed they could not move forward with approval of the agreements without first reviewing the fee schedule. The agreements with the fee schedule will be considered at the next work session.

APPOINTMENTS RESOLUTION 2010-04

Trustee Zurn moved and Trustee Wylesky seconded to approve Resolution 2010-04 appointing municipal officers Pamela J. Wilson as Town Clerk and Town Treasurer and Benjamin F. Gibbons as Town Attorney. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

PLANNING COMMISSION RECOMMENDATION FOR RAILROAD HISTORICAL SIGN PLACEMENT

This recommendation had been tabled at the April 13, 2010 meeting until after the Board “walk-about” took place on May 1, 2010. Trustee Skroch moved and Trustee Powell seconded to accept the planning commission recommendation to allow the Historical Society to decide upon what pictures and verbiage to put on the sign, and as long as the sign meets size requirements, they may put the sign wherever they decide on the east side of the museum. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

NEW BUSINESS

VIRGINIA CHRISTENSEN ADVISORY COMMITTEE RECOMMENDATIONS FOR SPRING FUNDING CYCLE

After quite the lengthy discussion and one motion dying for the lack of a second and another motion failing, Trustee Wylesky moved and Trustee Zurn seconded to take away the five hundred dollar funding recommendation from the second request of the Historical Society to move the Bachelor cabin, to increase the fifteen hundred dollar recommendation to two thousand dollars for the Creede Arts Council to complete the Art Park and to approve the other nine Virginia Christensen Advisory Committee recommendations for a total funding cycle of \$43,604. There were five yes votes and one no vote (Grossman). Mayor Roughton-Miles declared the motion carried.

Funding is as follows: Creede 4th of July Fireworks Committee for the 2010 show and to start saving for a computerized firing system will receive \$6,000; CSMC & Days of '92 for the 2010 events will receive \$5,500; Creede Historical Society for interview restoration and a more durable media will receive full funding of \$2,600; Creede Arts Council to complete the Art Park will receive \$2,000; Creede Repertory Theatre cover the expenses of two of five major productions will receive \$7,504; Creede-Mineral County Chamber of Commerce for exterior building site enhancements will receive \$2,000; Recycle•Creede, Inc. for operating expenses and leverage money will receive \$2,000; Creede Historical Society to move the Bachelor cabin will receive nothing at this time; Mineral County Fairgrounds Association extend electrical, drill a well and additional projects will receive \$12,000; Creede Early Learning Center for 2010 Kids Camp will receive \$2,000; and Willow Creek Reclamation Committee for admin expenses and leverage money will receive \$2,000.

GOVERNOR’S ARTS AWARD CELEBRATION COMMITTEE UPDATE AND REQUESTS

Jonathan Allsup was available on behalf of the Chamber of Commerce and the Governor’s Arts Award Celebration Committee. Allsup had previously addressed the Board in a work session on April 27, 2010, to discuss the committee’s requests of the city. The Board had suggested the committee provide some additional information and make some changes to their requests. Trustee Powell moved and Trustee Grossman seconded to approve the requests for the committee. There were five yes votes and one abstain (Zurn). Mayor Roughton-Miles declared the motion carried.

The following are the seven approved requests: (1) Approval of the 5 marketing recommendations, either in part or as a whole; (2) Approval for the sale proceeds on the bumper stickers to go to the Chamber for further marketing of the area; (3) Initial approval of the city logo to be included in the Common Image Branding Design (pending approval of the final design), this would ideally enable the design to be approved by a designated official (Trustee Wylesky is the City’s liaison to the Chamber) when the design is approved by the committee and preventing delay of action on these materials until a design approved by the entire Board in June; (4) Financial approval in the amount of \$1,280 to purchase the street banner, pole flags, and bumper stickers (amount is minus the amount of donations and pledges to date) after the design has been approved; (5) Permission for and commitment of city crew to install two single posts mounted in concrete one next to each of the city limit signs approaching the city on Hwy. 149 as per the requirements and specifications of CDOT; (6) Permission for and commitment of city crew to seek permission from CenturyLink and install cables on poles for over-the-street banner at a position designated by the city [position recommended by the committee being one or two blocks either north or south of current over-the-street banner position]; and (7) Permission from city to move the Art Piece awarded to the City to the Chamber of Commerce so it can be viewed and recognized by travelers during the summer tourist season.

CHAMBER OF COMMERCE PRIVATE EVENT PERMIT AND SEPTEMBER 4, 2010 PARADE PERMIT AMENDMENTS

On the *Private Event Permit Application* approved on April 13, 2010 the Chamber of Commerce made the following amendments: to remove June 19, 2010 fish fry and to add May 29 and 30, 2010 Taste of Creede and amend the location for all the events to include Basham Park and the Gazebo. Trustee Zurn moved and Trustee Gant seconded to approve the amended permit. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

On the *Parade Permit Application* approved on April 13, 2010 the Chamber of Commerce added the street closure that had been erroneously left off the original permit application for the Creede Mountain Run scheduled on September 4, 2010. Trustee Zurn moved and Trustee Powell seconded to approve the addition of the Loma Street closure from Third Street to Fourth Street on September 4, 2010 for the Creede Mountain Run. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

PARADE PERMIT APPLICATION – CREEDE-MINERAL COUNTY CHAMBER OF COMMERCE CAR SHOW

Uncertain of the progress of the phase III water line replacement beginning after Labor Day weekend, the Board agreed that this permit application can wait until the September meeting and the Chamber can be asked to amend their request if necessary.

PRIVATE EVENT PERMIT APPLICATION – CREEDE ELKS LODGE #506 – JULY 3RD AND 4TH

Trustee Grossman moved and Trustee Powell seconded to approve the Private Event Permit Application for the Creede Elks Lodge #506 to use the city property consisting of the mining events area and west of the public restrooms and the historical building on July 3rd and 4th, 2010. There were five yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

SPECIAL EVENTS PERMIT APPLICATION TO SELL ALCOHOL – CREEDE ELKS LODGE #506

Trustee Grossman moved and Trustee Zurn seconded to approve the following five special events permit applications for the Creede Elks Lodge #506: June 20, beer garden on East First Street; July 3, Fourth of July dance at Lodge; July 3 and 4, beer garden at mining events area west of the public restrooms and the historical building; and December 31, New Year's Eve dance at the lodge all in 2010. There were five yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

PLANNING COMMISSION RECOMMENDATIONS

Trustee Powell moved and Trustee Wylesky seconded to accept the planning commission recommendation to grant the set back variance requested at 107 E. Eleventh Street from fifteen feet to ten feet. There were five yes votes and one no vote (Zurn). Mayor Roughton-Miles declared the motion carried.

Trustee Zurn moved and Trustee Wylesky seconded to accept the planning commission recommendation to hold any decision on the Historical Society cabin placement request pending a total railroad right-of-way plan. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Wylesky moved and Trustee Gant seconded to not approve the planning commission recommendation allowing the construction of a foot bridge at the upper end of the flume to gain access to the old gauge station (even though the bridge will be built by others at no cost to the city). The vote was unanimous. Mayor Roughton-Miles declared the motion carried. It was suggested that a title search for the owner of that property on the east side of the flume and the city should involve the US Army Corps in this decision.

The planning commission recommended since whether ATVs are allowed from north city limit on East Willow Creek to north city limit on West Willow Creek will have no effect on the rest of the railroad right-of-way plan, that the city Board of Trustees consider whether or not to allow ATVs there without waiting for the remainder of the railroad right-of-way plan. The Board agreed to hold this discussion over to a work session and include a presentation from the OHV club and others from the community to present how the city might deal with the liability of allowing ATVs in the city limits to help them make this decision.

MAYOR ROUGHTON-MILES' REQUEST FOR APPROVAL TO ATTEND CML CONFERENCE IN JUNE

Trustee Zurn moved and Trustee Gant seconded to approve meals, registration and travel for Mayor Roughton-Miles to attend the 2010 CML conference in Breckenridge June 22 – 25. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

RESOLUTION 2010-07, SAN LUIS VALLEY COUNCIL OF GOVERNMENTS (SLVCOG)

Trustee Zurn talked about this organization, as she attended their April 26th meeting. Zurn said the 501(c)3 Non-profit will ultimately have a board made up of one representative from each of the six counties in the San Luis Valley (SLV) and one representative from one municipality in each of the six counties. This year there will be no dues for the members and the dues next year will be based on the assessed value and population of the venue. Zurn said Creede's dues next year will be approximately \$750. The attorney advised the Board that they should see a copy of the Articles and the Bylaws before passing a resolution to ratify them. Trustee Grossman said he thinks it would be nice to draft a letter for the mayor to sign saying that we fully support the concept, but we cannot approve these changes this time [sic]. The Board agreed to this direction.

CREEDE ELKS LODGE #506 VETERAN'S MEMORIAL PARK REQUEST FOR DONATIONS

Trustee Wylesky moved and Trustee Gant seconded to donate four hundred dollars to the Veteran's Memorial Park. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

SIGN PERMIT FOR KIP'S GRILL

The purpose of having a sign ordinance was discussed by the Board. Trustee Zurn said she feels that we should either follow it, amend it or get rid of it. Mayor Roughton-Miles gave some history on the sign ordinance and lit signs take away from Creede. Trustee Gant moved and Trustee Wylesky seconded to deny the temporary sign permit. There were two yes votes (Gant, Wylesky), three no votes (Zurn, Skroch, Grossman), Powell did not vote. Mayor Roughton-Miles declared the motion does not carry.

Trustee Grossman moved to approve the temporary sign permit as presented. The motion dies for the lack of a second.

Trustee Zurn moved and Trustee Powell seconded to approve the temporary sign permit for Kip's Grill waiving the height requirement and adding the requirement that it must be turned off by 9:00 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MANAGER'S REPORT

The items discussed and the actions taken were as follows:

USA COMMUNICATIONS – DIRECTION: Dooley was directed to contact USA Communications and initiate franchise fee contract negotiations.

FORWARD EDGE INC. – DIRECTION: Dooley was directed to get a sample policy for drug and alcohol testing for the work session. It was discussed that random drug testing is not a good idea and if the Town wishes to implement something it should be based on reasonable suspicion. Dooley will provide sample policies for review.

BLEACHER RETROFITTING – DIRECTION: Dooley told the Board that Trustee Skroch had been working with Dannie Rogers of the Mineral County Road and Bridge Department to retrofit the Town's bleachers to meet the requirements of the Town's insurance carrier, CIRSA. Rogers offer to do the work if the town would provide the material for all seven sets. The cost for this will be \$500. The Board agreed with this and directed to happen.

ACI PAVING BID – DIRECTION: The Board would like to see the bid that Dooley has not yet received from Asphalt Paving of Basalt and will schedule a special meeting if it is deemed necessary to make a decision.

FARNER ENTERPRISES AND MCLAUGHLIN WATER ENGINEERS NEGOTIATIONS – DIRECTION: Dooley asked the Board to state for the record that negotiations will be left to work out between Farner and McLaughlin; however, the Board said they would like to discuss this in their executive session.

SOUTH FORK TEA PARTY – DISCUSSION AND/OR DIRECTION: The Board agreed if they meet the requirements the other parade entrants meet, there is no reason to not let them participate. There is a parade committee that these requests to go to.

OLD PLAYGROUND EQUIPMENT – DIRECTION: Dooley said that Steve Baxter is interested in the Town's old playground equipment. Dooley was directed to ask Baxter to make an offer and to sign a waiver and release.

PHASE III CONSTRUCTION LETTER – DIRECTION: Dooley was directed to draft and send a press release to the newspaper now and a couple of weeks before phase III begins.

FLOODPLAIN REGULATIONS – WORK SESSION: The Board agreed to discuss this at a work session.

CARL STONE WATER ISSUE – FYI: Dooley was directed to draft a proposal of how to resolve the issue of the leak filtering down the hill and creating a problem for Stone.

CDOT PROPOSED SIGNING REVISION FOR HWY 149 – DIRECTION: Dooley was directed to notify CDOT to leave the intersections in Town set up as they are and to make no changes at this time.

REMOVAL OF TRAFFIC HAZARDS – DISCUSSION OR DIRECTION: Dooley was directed that the Town is to initiate the complaints based on §42-4-114 C.R.S.

SPEED LIMIT REDUCTION – DISCUSSION: The Board said to do nothing at this time.

FIRE HYDRANT PAINTING CONTEST – DISCUSSION: To be discussed another day.

WORK SESSIONS: The Board will hold their regular work session on Tuesday, May 25, 2010 at 5:30 p.m.

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

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

No one signed in to comment tonight.

EXECUTIVE SESSION

Trustee Zurn moved and Trustee Wylesky seconded to go out of open session and into executive session at 9:15 p.m. for attorney conferences § 24-6-402 (4)(b) C. R. S. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Grossman moved and Trustee Powell seconded to leave executive session and return to open session at 9:35 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

ACTION FOLLOWING EXECUTIVE SESSION

Trustee Wylesky volunteered to act as a liaison between McLaughlin Water Engineers LTD and Farner Enterprises. The Board was in agreement with this.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Wylesky moved and Trustee Zurn seconded that the meeting be adjourned at 9:38 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