

**CITY COUNCIL  
CITY OF CREEDE, COLORADO – A TOWN  
May 12, 2003**

**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 7:30 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: JB Alexander, Merle Knous, BJ Myers,  
Jennifer Homsher, Chuck Barnes, Gene Dooley  
ABSENT: John Goss (at knowledge bowl competition)

Mayor Myers, presiding, declared a quorum present:  
Those members of staff also present were as follows:

Robin Crites, City Attorney  
Clyde Dooley, City Manager  
Pamela Wilson, City Clerk/Treasurer

**APPROVAL OF AGENDA**

Items added to the agenda included: Reports and Presentations item (h) Don Shank, New Business item (g) to appoint a temporary Mayor Pro-Tem to cover Chuck Barnes' absence. Chuck explained his absence which includes both vacation time as well as medical leave. The agenda was approved as amended.

**APPROVAL OF MINUTES FOR April 14 and 18, 2003**

There were no additions or corrections made to the minutes. Trustee Dooley moved and Trustee Alexander seconded to accept the minutes as presented. The vote was unanimous. Mayor Myers declared the motion carried.

**ACCEPT AND PAY BILLS**

The Dolby Pump invoice was reviewed and discussed. The need for urgency was necessary, as the child care facility at the fish hatchery was without water and had to relocate for two days. It was brought to the attention of the Council by Bo Freedle who was in the audience, that the pump we received and were charged for was more than it should have been. Clyde and Shaun are to discuss this invoice with Dolby to clarify the process taken and the need for this particular pump and further explain it to the Council at Friday's meeting. The discussion focused on the need to refer to the budget for purchases for repairs. Approval to pay this invoice will be voted on at Friday's meeting.

A motion was made by Trustee Barnes and seconded by Trustee Dooley to accept and pay the other bills. The vote was unanimous. Mayor Myers declared the motion carried.

**REPORTS AND PRESENTATIONS**

**WALL, SMITH AND BATEMAN 2002 AUDIT**

Christy Lopez of Wall, Smith and Bateman presented the City's 2002 audit. She reviewed the income accounts as well as the expense accounts and explained the balances in each of them. It was also explained that the utility billing portion of the City should be self supporting and profitable. She brought a management letter to the Council that outlines suggestions made by the auditing firm to keep the City in compliance. Christy suggested that any changes made to the budget be done so prior to the end of the year. Some discussion took place regarding the allocation of certain funds and where they should go and should not have gone based on the 2002 budget. Questions were asked of and answered by Christy to the best of her ability. Further need for her services in assisting the new staff in keeping the books on track for 2003 will be necessary. In the next month or two Clyde and Pamela will contact her when they are caught up. There is a copy of the City's 2002 Audit in the office.

**CITY MANAGER'S REPORT**

Clyde was available to answer any questions the Council may have had about this report. The report covered updates on Basham Park and the restrooms, spring clean-up day, the upcoming Taste of Creede and The First National Bank's annual picnic.

### SHERIFF'S REPORT

Sheriff Leggitt reported for the month of April, 1092 miles and 310 hours patrolled in the City, with 9 incidents and complaints, 0 citations and 0 accidents.

### CHAMBER OF COMMERCE REPORT

Pat Richmond reported on the Chamber of Commerce. She covered the upcoming summer activities as well as reporting on a Taste of Creede Commemorative stamp that would be available this Taste of Creede weekend. Pat also talked about the write-up that National Geographic is doing about Creede.

### MAINTENANCE SUPERVISOR'S REPORT

Shaun was not available to answer questions about this report. Clyde was to clarify some things on the report with Shaun and bring them to Friday's meeting. The hour's portion of the report was missing and needed to be obtained for the next meeting as well. A discussion did take place about charging for turning water on and off seasonally. Some figures were mentioned, but Clyde may want to ride with the maintenance crew a few times to determine what amount of time and effort is involved in the process.

### BUILDING INSPECTOR'S REPORT

Building Inspector Fred Eastland was present to answer questions about the Building Inspector's Report. He reported on three separate projects.

### RECREATION REPORT

Eloise Hooper was available to answer questions about this report. She also wanted to address the council about the recreation center possibilities at the community center. This will be on Friday's agenda. Trustee Barnes's and Mayor Myers acknowledged Eloise' hard work and complimented her on the recent dance recital. This was shared by other council members as well.

### DON SHANK – Railroad Right of Way

Don was asked to tell the council whatever he had to share with them, but any legal questions he had regarding the railroad right of way he needed to communicate with his lawyer. A few weeks prior to this meeting Don, Clyde and George Slovensky of McLaughlin Water Engineers Ltd, got together and walked an area of the RR track discussing the current plans for the ongoing drainage project. They, together, recognized a problem with some of the plans and looked at making some changes in them that they could all agree on.

The council asked to see a copy of the report Don had from an engineer outlining the previous damage that allegedly had been done to the track last fall. Don agreed that would be no problem to produce a copy for them.

He insisted on bringing up legal issues that the Council could not comment on. Don and Merle had a fairly lengthy, heated discussion concerning the happenings involving the City and the Railroad.

Mayor Myers thanked Don for coming and hope they can resolve the problems between them.

### OLD BUSINESS

#### CDOT LETTER – HWY 149 Proposed Bypass

Chuck Powers reported on the information he had about the upcoming meeting with CDOT at City Hall at 10:30 a.m. Thursday May 29, 2003. Due to the interest in at least three council members wanting to attend this meeting, it will be posted.

Chuck's interest in where the Information/Visitor Center would or could be placed was discussed. He said that recently the County Commissioners have expressed concern in having the information center on Hwy 149 in the area between Seventh Street and Main Street next to the creek due to congestion. This was in the Chamber's original plan, but these plans may have to change. They are checking into alternate sites. At the last Chamber of Commerce Meeting Lonnie Rogers of the County attended and is keeping them updated on CDOT's plans.

What Chuck understood Lonnie to convey to him was the plans they, CDOT, may be able to donate some of their land for the bypass. The County would then trade some of their land out by the airport for the existing land where the CDOT barn is. The County would then commit the present structure CDOT uses now to the Chamber for an Information/Visitor's Center. Chuck expressed his approval of this idea.

The funding they have received so far is over \$400,000.00. They have been approved for \$260,000.00 of enhancement funding from the Federal Government through CDOT for right of way improvements. They have also been approved for \$150,000.00 from the Mineral Impact Fund, but due to the budget shortfall there is a possibility they may lose it. There are also various local contributions and commitments as well.

It is important for the Chamber of Commerce to get resolved whether the bypass is approved or not, because they would like to have a good Visitor's Center in a good location. They feel it is necessary for the economy of Creede and Mineral County and they've worked hard to arrange the funding.

### SOUTH CREEDE EXTENSION

There has been considerable discussion on this matter. The two potential proposals in BJ's write-up of South Creede involve 5 and 10 year pay off plans based on property taxes collected from the property owners affected by the water lines and streets to be put in South Creede. This is called tax increment financing. The taxes of the property are based on the value and assessment of that property. It is assessed at 29% of its market value if it is either vacant land or commercial land. If it is improved, residential land it is assessed at 9.15%. The assessed value is then multiplied by the mill levy, part of which is the City's portion. This is where the change in tax comes from, not the zoning or availability of services. However, the value of each property may be affected by one or more of these aspects. Either way, the City and property owners need to come to some sort of agreement to get water and streets made available to South Creede. Trustee Knous suggest that anyone involved, CDOT, Mark Tiley, Brian Anderson and Harold Brink, and anyone else wanting to be involved should approach the City Council with their proposal. Mayor Myers offered a couple different options in her write-up of South Creede. Brian Anderson would like to see one of those proposals implemented. Mayor Myers said she would contact the other parties in this matter and show the proposals to them for their input and get any other offers they would like to make by Friday.

### EMPERIUS POWER POLES

Based on a per foot price for line, Mesa Group is willing to pay their share, per Bo Freedle., to remove the line from their property. According to Merle, the land owners in Amethyst Heights are willing to pay their share as well. Trustee Alexander will find out if the City owns the other land and is responsible to pay or if the Forest Service owns the land and is responsible to pay to remove these power poles. He thinks it may be the City. He will find out before Friday about the land above town. Clyde said he would contact the property owners if he is given the acreage of their property.

### ACTION 22

No one from the City was able to attend the latest Action 22 Committee meeting. It was decided the City needs to have a representative to attend these meetings and report information back to the Council. Trustee Knous will be the City's representative to Action 22.

### ORDINANCE NO.329

Trustee Knous moved and Trustee Alexander seconded to vacate Ordinance No.329. The vote was unanimous. Mayor Myers declared the motion carried. Trustee Alexander moved and Trustee Knous seconded to accept Ordinance No.329 Revised. The vote was unanimous. Mayor Myers declared the motion carried. Ordinance No.329 Revised now replaces Ordinance No.329.

## NEW BUSINESS

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### COLOTRUST

There was some discussion and questions asked and answered about the proposed changes based on state statute. Trustee Barnes moved and Trustee Dooley seconded to accept the changes COLOTRUST outlined and return the ballot by May 30, 2003. The vote was unanimous. Mayor Myers declared the motion carried.

### VIRGINIA CHRISTENSEN

After some discussion and recommended changes to the Committee's funding recommendations, Trustee Barnes moved and Trustee Homsher seconded to accept the funding recommendations made by the Virginia Christensen Advisory Committee. The vote was unanimous. Mayor Myers declared the motion carried. Funds will be disbursed as follows: CRT - \$2,000; Days of '92 - \$5,000; RMKTA - \$1,500; CAC - \$1,000; CMAR - \$2,500; Mineral County Fairgrounds Assn. - \$3,000 and CHS Cheerleaders – received nothing based on their status as a school activity. There will be no fall funding round this year.

### KENNY LEGGITT CLEANING PROPOSAL

Trustee Knous moved and Trustee Dooley seconded to table this discussion and decision until Friday's meeting so it could be determined where the funds will come from in the budget. The vote was unanimous. Mayor Myers declared the motion carried.

### PORTABLE TOILETS FOR BASHAM PARK (BROWN'S SEPTIC)

The restroom project is behind schedule. They definitely won't be here before Memorial Day weekend. They will possibly be in by the end of June and in time for July 4<sup>th</sup>. Mayor Myers will check on what funds are available and where in the budget the funds are to pay for the porta-toilets. She will have this information by Friday's meeting.

### DRAINAGE PROJECT CHANGE ORDERS

Deb Downs of DOLA needs to approve any and all changes that go over the original contracted amount for the drainage project prior to them being done. Also, the Council needs to vote on them. Trustee Alexander moved and Trustee Dooley seconded to accept change orders. Although Mayor Myers declared the motion carried Trustee Barnes did object to approving the changes because some of them affected the Railroad Right of Way and the City had not yet communicated with Don Shank about these changes.

### CENTURYTEL-ORIUS TELECOMMUNICATIONS FYI

For Your Information about the route the telecommunications people are taking to run their cable and how they will be doing so. There is information on this in both the Mayor's Memo and the New Letter.

### APPOINTMENT OF TEMPORARY MAYOR PRO-TEM

Chuck Barnes will be gone for approximately a month, May 14, 2003 through June 15, 2003, as he previously explained. A temporary Mayor pro-tem will need to be elected for that period of time. Trustee Alexander moved to nominate John Goss for this position and Trustee Dooley seconded it. The vote was unanimous. Mayor Myers declared the motion carried and John Goss the temporary Mayor pro-tem.

### NEXT MEETING

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The next meeting is scheduled for Friday May 16, 2003 at 2:00 p.m.

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ADJOURN

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There being no further business to come before the Council at this time, Trustee Homsher moved, and Trustee Knous seconded, that the meeting be adjourned. The vote was unanimous. Mayor Myers declared the motion carried and the meeting was adjourned at 10:55 p.m.

Respectfully Submitted:

Approved by City Council

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Pamela Wilson, City Clerk/Treasurer

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Betty Jean Myers, Mayor