

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
June 10, 2008**

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 PM. There being present at the call of the roll the following persons:

PRESENT: Kathy Lehman, Debbie Wylesky, Peter Calandruccio, Joe Keller,
Rex Shepperd (left at 6:30 PM), Dana Brink
ABSENT: Evelyn Gant

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

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

REVIEW AGENDA

Item (f) of Reports and Presentations was added for Recognition of Ron Johnson and (j) and (k) of New Business were added to Discuss Work Session Protocol and Brownfield's Application and Letter respectfully. Trustee Shepperd moved and Trustee Wylesky seconded to approve the agenda as amended. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS yes, DB yes. Mayor Calandruccio declared the motion carried.

APPROVAL OF MINUTES FOR MAY 13, 2008

Trustee Wylesky moved and Trustee Shepperd seconded to approve the minutes of May 13, 2008, as presented. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS yes, DB yes. Mayor Calandruccio declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Shepperd moved and Trustee Brink seconded to approve the monthly disbursements as presented on the May 2008 check detail report. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS yes, DB yes. Mayor Calandruccio declared the motion carried.

REPORTS AND PRESENTATIONS

DAVID BASLER PROPERTY UPDATE AND QUESTIONS

Anne Pizel was to be present to address the board with this issue; however, she had to be out of town and was unable to attend tonight's meeting. Pizel has requested that this issue be place on the July meeting agenda. The Board of Trustees agreed and granted Pizel's request.

BLOCK 25 REPLAT UPDATE

Anne Pizel had planned to address the Board to give them an update on the Block 25 Replat project; however, she had to be out of town and was unable to attend tonight's meeting. Pizel has requested that this issue be added to the July meeting agenda. The Board agreed and granted Pizel's request.

BUILDING INSPECTOR'S REPORT

Mike Kolisch was available to answer questions about his report. The Board reviewed Kolisch's report. Kolisch informed the Board that item four on his report for the Creede/Mineral County Chamber is no longer waiting for their door, it has come in and since been hung.

1) MICHAEL PITRE "TEE BLACK" ROOF MATTER

Tee Black was present for the discussion of this issue. Tee Black said he was not going to pursue this project and would not build. He will tear all but the door down and would like to put two little pieces of tin, two feet wide over the doorway. He was directed to come in and talk with city manager Dooley.

WRITTEN REPORT

This includes the Recreation Report to be read at the Board's leisure.

PARK DUMPSTER UPDATE

Previously a request had been made by Ron Fief of Kentucky Belle Market to replace the city's dumpster at the park for the summer so the visitor's would not fill his dumpster up at the store. The city's dumpster had been removed when work on the railroad tracks earlier this year had caused it to be moved. Mayor Calandruccio has informed the Board that Muley's Disposal Service (MDS) has replaced the dumpster.

RECOGNITION OF RAILROAD ATTORNEY RON JOHNSON

Trustee Lehman stated that it is important that the public, the citizens of Creede and the community understand why Ron Johnson is being recognized. Johnson's pro bono work saved the City budget so much. Suggestions were made of how the city could and would recognize Ron Johnson's hard work on railroad issues. The following suggestions were made: a) to make him a special guest in the Fourth of July Parade; b) name the children's playground at Basham Park after him; c) host a community potluck dinner and give him a plaque of appreciation and d) the same plaque that he receives can be duplicated in bronze on a rock at the park. Johnson and his wife will be in Creede June 27 to July 6. City Manager Dooley will contact Johnson and confirm that June 29th will work for the Johnsons to attend a community potluck dinner for all to say "thank you." If this date is acceptable the City Clerk will arrange for the Community Center and talk with Chuck Fairchild about preparing the main course for the event. Trustees Shepperd and Wylesky will get together tomorrow morning to choose a plaque design and draft the verbiage for it.

It was also briefly discussed that a tree should be planted in the park in Creede America and a plaque mounted and have a dedication ceremony for past Mayor Eldon M. Seime. This will be discussed further and action will be taken at a later date.

Trustee Shepperd left early at this time of 6:30 PM.

OLD BUSINESS

NOTICING PROCEDURES

Trustee Lehman moved and Trustee Brink seconded to adopt the following procedures for posting City Meetings/Notices: 1) A designated bulletin board at the U.S. Post Office and 2) Increase the City heading on the notices and add the City LOGO. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandruccio declared the motion carried.

MAYORAL INITIATIVES

1) CITY FINANCES

The city's audit will be scheduled sometime in July.

2) INFRASTRUCTURE

Mayor Calandruccio presented his design of the "flume hopper," his concept for a water diversion method for the flume renovation that he had presented previously at a work session. City engineer, Ron McLaughlin proposed his idea of a "structural liner," a six inch concrete base at the bottom that goes about three feet up the walls either side. It has rebar steel reinforcement in it. It is a long-term solution of 75 to 100 years costing approximately 1.2 to two million dollars. Another suggestion came from Marvin "Zeke" Ward, Chairman of Willow Creek Reclamation and Mineral County residents Jay and Ramona Weber and a family member to shoot shotcrete on the base of the flume and it would go up the walls and feather out. Reinforcement for this process where there are big holes would be rebar; otherwise fiber mesh is in the shotcrete. This is a short-term patch solution costing four hundred to five hundred thousand dollars and the city does not have a firm bid for this. Dewatering, which is rerouting the flume and is a significant cost in either process. Calandruccio provided a handout of information and asked that at the next meeting the Board should make a conclusive decision on which direction to take so that the city manager has an idea of what funding to go after.

MINING AND COMMUNITY

Mayor Calandrucchio and the Trustees noted that Brian Egolf is hosting a dinner on June 15, at the Community Center to welcome Rio Grande Silver, Inc. Rio Grande Silver, Inc. will be holding a meeting at the Community Center on June 18. Exploratory work is still being done.

NEW BUSINESS

PARADE PERMIT REQUEST – CITY OF CREEDE – FOURTH OF JULY PARADE

Trustee Brink moved and Trustee Keller seconded to approve the parade permit for the Fourth of July Parade. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

PARADE PERMIT REQUEST – CREEDE/MINERAL ARTS AND RECREATION (CMAR) – DAYS OF '92 VENDORS

Questions were asked and answered about the vendors being required to report sales tax, what the vendors pay for a space, who collects these fees and how they are distributed.

Trustee Keller moved and Trustee Lehman seconded to approve the parade permit to close Second Street west of Kentucky Belle Market to Loma Street for the Days of '92 vendors. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

MORTON LEASE AGREEMENT

This lease is an agreement between Richard J. and Eva Jane Morton and the City of Creede for public use of the Morton's property on the north side of the Mineral County courthouse annex (AKA Creede/Mineral County Chamber of Commerce) to the Morton's home referred to as "Morton Park" from July 1, 2008 to July 1, 2009.

Trustee Brink moved and Trustee Wylesky seconded to approve the lease between the Morton's and the City of Creede for the use of their property. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

SPECIAL EVENTS PERMIT REQUEST – CREEDE ELKS LODGE #506

This special events permit request is for a Fourth of July dance on July 4 and 5, 2008; a dinner for the Creede Repertory Theatre (CRT) on August 29, 2008; and a New Year's Eve dance on December 31, 2008 to all be held at the Elks Lodge at 104 S. Main Street, Creede.

Trustee Keller moved and Trustee Brink seconded to approve the special events permit request. By roll call vote: KL yes, EG absent, DW no, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

SPECIAL EVENTS PERMIT REQUEST – CREEDE ELKS LODGE #506 – JULY FOURTH BEER GARDEN

This event is held near the mining events arena at 110 S. Loma Street on July 4 and 5, 2008.

Trustee Brink moved and Trustee Lehman seconded to approve the special events permit request. By roll call vote: KL yes, EG absent, DW no, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

LIQUOR LICENSE RENEWAL – CREEDE REPERTORY THEATRE (CRT) – ARTS LIQUOR LICENSE

Trustee Brink moved and Trustee Keller seconded to approve the renewal of the Arts Liquor License for CRT. By roll call vote: KL yes, EG absent, DW no, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

RESOLUTION 08-07, THE REPLAT OF SILVERMOON PROPERTY IN SOUTH CREEDE

Trustee Wylesky moved and Trustee Keller seconded to approve and adopt resolution 08-07. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

This resolution is a result of a decision from a court-ordered mediation between the City of Creede and Keith Siddel.

RESOLUTION 08-08, REZONING LOTS OF SILVERMOON PROPERTY IN SOUTH CREEDE

Trustee Wylesky moved and Trustee Lehman seconded to approve and adopt resolution 08-08. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

This resolution is a result of a decision from a court-ordered mediation between the City of Creede and Keith Siddel.

PLANNING COMMISSION RECOMMENDATION

The City of Creede Planning and Zoning Commission (P&Z) sent the following recommendation to the Board of Trustees (BOT) for consideration for approval: In reference to the Board of Adjustments (BOA), the P&Z recommend to the BOT to appoint one member of the BOT to attend the BOA meetings as an ex-officio advocate for the city. Signed by P&Z Chair, J. B. Alexander. Trustee Keller volunteered to be this advocate. Trustee Wylesky moved and Trustee Brink seconded to appoint Trustee Keller as the ex-officio advocate for the city to attend meeting of the BOA. By roll call vote: KL yes, EG absent, DW yes, JK abstain, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

DISCUSS WORK SESSION PROTOCOL

It was stated that both the Public and the Council understand that at a work session the council cannot make decisions. Work sessions are a time for gather and reviewing information. Direction may be given for another member of council or a staff member to further research something or to provide more information, but no direction to move forward with something or decisions to approve something can be made at a work session. If a member of the public is directed to come to a work session hoping to get a decision, they are being misled because decisions cannot be made at work sessions. Mayor Calandrucchio accepts the responsibility to announce this at the next work session.

BROWNFIELDS APPLICATION LETTER

City Manager Dooley received a draft letter and application for the Targeted Brownfields Assessment from the director of Willow Creek Reclamation Committee (WCRC) to get approval from the Board of Trustees for the City to submit to Mark Walker of Colorado Department of Public Health and Environment (CDPHE). Dooley explained that with this application, "there is no cost to the City." The City Attorney expressed that he feels this letter is legally sufficient to send. Trustee Keller moved and Trustee Brink seconded to authorize the mayor to sign the letter and for the city manager to submit the letter and application. The vote was unanimous. Mayor Calandrucchio declared the motion carried.

CITY MANAGER'S REPORT

The items discussed and the actions taken were as follows: Trustee Keller moved and Trustee Brink seconded to authorize the mayor to sign the twenty thousand DOLA grant application for monies to do a feasibility plan to consider the expenses and options for a clean-up of the Creede Resources property south of the City. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandrucchio declared the motion carried.

Trustee Brink moved and Trustee Keller seconded to authorize the mayor to sign the engagement letter with Eric Heil as planner of the Creede Resources Property after the signed DOLA contract has been received from the State and the ten thousand dollars has been received from CDPHE with the caveats that the mileage expense and the reimbursable fees are within the original Thirty thousand dollar proposal. The vote was unanimous. Mayor Calandrucchio declared the motion carried.

Trustee Keller moved and Trustee Wylesky seconded to authorize the mayor to sign the Drinking Water Revolving Fund (DWRF) application and for City Manager Dooley to submit it by the June 15, 2008 deadline. The vote was unanimous. Mayor Calandrucchio declared the motion carried.

A request had been made by the Chamber of Commerce for the City to release one half of the ten percent (\$28,217.14 to date) retainage of the General Contractor's pay for the construction on the Visitor Information Center to equal \$14,108.57. Trustee Wylesky moved and Trustee Brink seconded to release the retainage as

requested. By roll call vote: KL yes, EG absent, DW yes, JK yes, RS absent, DB yes. Mayor Calandruccio declared the motion carried.

City Manager Dooley requested for the Board to approve spending an extra \$9,203, the difference between the original quote for paving La Garita Avenue of \$93,747.50 and the latest quote of \$102,950 (increased due to the price of petroleum). At this time the paving will be done mid July. Dooley was asked to ask Todd Stockebrand of Asphalt Constructors, Inc, (ACI) for a fixed price for 120 days and/or to quote cost plus with a maximum amount not to exceed X with a time frame.

Dooley asked the Board to approve replacing Darrell Davis of Mountain Man Consulting who has resigned as the city's water consultant with Fred Hand of Southern Colorado Water Operators who has purchased Davis' customers from him. The Board agreed to this change until City public works employee, Robert Schlough earns his water certification.

Dooley provided a copy of a draft notice outlining the city's orders to designate a "water zone" for the July Fourth parade. Dooley asked for direction to publish and post this notice. The Board agreed to this.

Cary Bush of Recycle•Creede was available to receive direction from the Board of what she needs to do next to move forward with her request to use city property in south Creede to locate her recycling business. Trustee Keller moved and Trustee Wylesky seconded for Bush to go before the P&Z so they can review her request and send a recommendation to the BOT. The vote was unanimous. Mayor Calandruccio declared the motion carried.

The suspension of the enforcement of Ordinance No. 345 is once again nearing expiration. A public hearing for the amended sign ordinance will be held at the July 8, 2008 meeting. Trustee Wylesky moved and Trustee Keller seconded to extend the suspension of the enforcement of Creede City Ordinance No. 345, Sign Regulations until July 8, 2008. The vote was unanimous. Mayor Calandruccio declared the motion carried.

The Trustees agreed to have their regular work session on Tuesday, June 24, 2008 at 5:30 PM.

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

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Wylesky moved and Trustee Brink seconded that the meeting be adjourned at 8:26 PM. The vote was unanimous. Mayor Calandruccio declared the motion carried.

Respectfully submitted:

Pamela J. Wilson, City Clerk/Treasurer