

**BOARD OF TRUSTEES**  
**CITY OF CREEDE, COLORADO – A TOWN**  
**June 12, 2007**

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 1:07 p.m. There being present at the call of the roll the following persons:

BOARD OF TRUSTEES: Kim Nagy, Debbie Wylesky, Martha Owens,  
Eldon Seime (left at 3:43 p.m.), Rex Shepperd, Dana Brink  
ABSENT: Chuck Barnes

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

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

REVIEW AGENDA

The presentation by the EPA was moved from (f) Reports and Presentations to immediately following Review Agenda. Janelle Kukuk's Fundraising Update Report was moved from (d) of Reports and Presentations to follow the EPA. MMP (Keith Siddel) Request for temporary certificates of occupancy (C.O.) was added to Reports and Presentations following the Building Inspector's Report. Trustee Shepperd moved and Trustee Wylesky seconded to approve the agenda as amended. The vote was unanimous. Mayor Seime declared the motion carried.

ENVIRONMENTAL PROTECTION AGENCY (EPA) PRESENTATION AND UPDATE (Q & A)

Gwen Christiansen and Peggy Linn of the Environmental Protection Agency (EPA) and Martin O'Grady and Mark Walker of the Colorado Department of Public Health and Environment (CDPHE) were on hand to help explain and answer questions about the proposed listing of the discharge from the Nelson Tunnel and the Nelson Tunnel on National Priorities List (Superfund). Funding was discussed and Christiansen and Linn provided a "Next Steps/Nelson Tunnel" process to follow (see attached) that outlines the schedule of what needs to be done and when. To list the Nelson Tunnel the EPA has to get support from the local government and a Governor's letter at the request of the City and/or the County. Samples of this letter have been provided to the City Manager. This is a proposed listing and will not become final until after the comment period. The EPA will hold as many community meetings to take public comment and to answer concerns as is deemed necessary.

FUNDRAISING UPDATE REPORT

Janelle Kukuk was available to update the Trustees on her fundraising efforts. The application process has begun with USDA for a loan/grant to finish the waterline replacement project. Kukuk is researching other funding sources for infrastructure. Kukuk suggested that the Board set a vision and a goal for the flume project. Kukuk explained "that funding sources often look at commitment of the applying agency as a whole as well as the individuals that make up that agency. Of course, match money is a part of that but so is the willingness of the individuals to participate financially as well."

APPROVAL OF MINUTES FOR MAY 8, 2007

Trustee Owens moved and Trustee Wylesky seconded to approve the minutes of May 8, as presented. The vote was unanimous. Mayor Seime declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Brink moved and Trustee Nagy seconded to approve the monthly disbursements as presented on the May 2007 check detail report. The vote was unanimous. Mayor Seime declared the motion carried.

## REPORTS AND PRESENTATIONS

### BUILDING INSPECTOR'S REPORT

Mike Kolisch was available to answer questions about his report. Item number eight on the report will be discussed further with the next item on the agenda.

Trustee Owens recused herself from any of the discussion or decisions made about MMP (Siddel's) issues and seated herself in the audience.

### MAMMOTH MOUNTAIN PROPERTIES (MMP) REQUEST FOR TEMPORARY CERTIFICATES OF OCCUPANCY (C.O.)

Keith Siddel of MMP and his attorney Steve Atencio addressed the Board of Trustees to ask them to consider authorizing temporary C.O.s to be issued for Units one, two, three, five and 931 Baltic Avenue while it is being determined if the International Building Code (IBC) is being interpreted correctly. Siddel requested a hearing before the Board of Appeals concerning the denial of his C.O.

It was discussed that according to the IBC, the City must appoint a Board of Appeals of persons who are knowledgeable and/or have training in the code or construction manual to help answer questions and to interpret the IBC and the IRC. A list of willing and qualified people will be made available to the Trustees so they can make appointments to said Board.

### EXECUTIVE SESSION

Trustee Wylesky moved and Trustee Shepperd seconded to go into executive session for the purpose of receiving legal advice from the Town's attorney pursuant to C.R.S. 24-6-402(4)(b) at 2:40 p.m. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Shepperd moved and Trustee Wylesky seconded to come out of executive session at 2:55 p.m. and return to regular session. The vote was unanimous. Mayor Seime declared the motion carried.

### MMP REQUEST CONTINUED

Trustee Brink moved and Trustee Nagy seconded for the city to issue temporary certificates of occupancy for units one, two, three and five only for a period of six weeks with the caveat this issue goes before a third party inspector to flush out the specific issues being discussed (which code applies IBC vs. IRC for number of occupants and fire suppression system requirements) and Mr. Siddel has agreed to pay to retain this person. By roll call vote there were four yeas and Owens abstained. Mayor Seime declared the motion carried.

### CREEDE SKATE PARK COMMITTEE QUARTERLY REPORT

Ron Carpenter and Linda Ussery were present to answer questions about their report. Carpenter and Ussery reported that the skate park opening was still on schedule. A work day on June 2<sup>nd</sup> accomplished much of the phase II landscaping. They closed by telling the Board of Trustees and the city thank you for the support of this project and the community is very excited.

At 3:43 p.m. Mayor Seime turned the meeting over to Mayor Pro-Tem Owens to run until adjournment and then he left the meeting.

### WRITTEN REPORTS

This includes the Chamber of Commerce and the Recreation Reports to be read at the Board's leisure.

### CREEDE EARLY LEARNING CENTER – PRESENTATION AND REQUEST

Davis Basler, Treasurer for the Creede Early Learning Center, addressed the Board. Basler explained that the name of the child care changed from Creede Child Care Center to Creede Early Learning Center. A handout that Basler had provided to the Board explained a project at the "center" had been bid out at \$36,000+ for materials and labor. A church group from Texas who will be coming to Creede in July have offered to work on completing the projects for the "center". Their labor is free of charge, thus reducing the cost to materials only for \$5,500. Basler, on behalf on the "center", is asking the city for one-third of this cost (\$1,800). Questions were asked and answered and a discussion took place. Trustee Brink moved and Trustee Wylesky seconded that the school should

be included in a four-way split and the city will donate one thousand three hundred seventy-five dollars to the Creede Early Learning Center toward the cost of materials for these projects. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

#### PRESENTATION FROM PROPERTY OWNER OF LOTS 16-19, BLOCK 19, SOUTH CREEDE

Don Seastone, owner of said property, addressed the Board. Seastone explained that he acquired this property through trade and the lots run north and south and the structures run east and west. Seastone said that when the Planning and Zoning Commission heard his request for a boundary adjustment of the property made by his representative Martha Owens, they considered the issue as if it were in R-1 (Single-family Residential) zoning rather than its actual zoning of B-1 (Downtown Business District) which made a difference in lots size, setbacks and etcetera. Questions were asked and answered.

#### SIGN REGULATIONS

Trustee Wylesky explained that she understood the Town has a draft of a sign ordinance that has been recommended to follow for those who have asked; however, it has never officially been adopted by the Town. Wylesky would like for the Town to adopt sign regulations. The Trustees agreed that they would discuss this further at their next work session.

#### OLD BUSINESS

##### TRUSTEE REPLACEMENT

After several attempts to invite Trustee Barnes to send a letter of resignation because of his excessive absenteeism due to health issues, it has not yet been received by the city. Pursuant to C.R.S. 31-4-108, Trustee Shepperd moved and Trustee Nagy seconded to schedule a special meeting at 4:45 p.m. on July 2, 2007, for a cause hearing and charging Barnes for missing too many meetings in the past six months. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried. The Clerk as the election official was directed to send notice of the charge and the hearing to Trustee Barnes.

#### NEW BUSINESS

##### PLANNING AND ZONING COMMISSION RECOMMENDATION OF BOUNDARY ADJUSTMENT FOR LOTS 16-19, BLOCK 19 IN SOUTH CREEDE

The Planning and Zoning Commission recommended to the Board of Trustees that they reject the request to the Seastone Boundary Adjustment for block 19 in south Creede due to the fact the parcel does not meet the minimum lot size requirement in the land use code. After a discussion, Trustee Wylesky moved and Trustee Nagy seconded to not take the recommendation and to approve the division of property based on the preliminary plat that was presented and Seastone is to pay now (defined as within fifteen days) for water and sewer taps and a water meter which are to be installed no later than thirty days of the sale of the property (coach house). The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

##### SPECIAL EVENTS PERMIT REQUEST

Trustee Brink moved and Trustee Nagy seconded to approve the special events permit request for the Creede Elks Lodge #506 to hold their "Fourth of July Dances" at their lodge on July 3 and 4, 2007. There were three yeas and one nay (Wylesky). Mayor Pro-Tem Owens declared the motion carried.

##### SPECIAL EVENTS PERMIT REQUEST

Trustee Brink moved and Trustee Nagy seconded to approve the special events permit request for the Creede Elks Lodge #506 to hold their "beer garden" at the mining events area on July 3 and 4, 2007. There were three yeas and one nay (Wylesky). Mayor Pro-Tem Owens declared the motion carried.

SETBACK WAIVER REQUEST – MARK TILEY

The waiver process is defined in the current Land Use Code. The Board determined that since this request is a permitted use and keeps the continuity with the storage units and fits the current architecture that not holding a public hearing that would be otherwise required would be acceptable. Questions were asked and answered. After a discussion, Trustee Nagy moved and Trustee Wylesky seconded to approve Tiley's waiver request contingent upon receiving letters of support/approval from adjacent property owners to lots 21-29, block 35 and lots 1-7, block 36 in south Creede. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Tiley will work with the City Manager to complete this process.

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

Trustee Shepperd moved and Trustee Brink seconded to approve this parade permit request to close Second Street west of the Kentucky Belle Market to Loma Street from 4 PM on July 1, 2007, until 11 AM on July 5, 2007, for the Days of '92 vendors. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Trustee Wylesky left the meeting at 4:53 p.m. for a short time and did not vote on this issue.

RESOLUTION 07-10 – ADOPTING RULES OF PROCEDURE FOR THE CREEDE PLANNING AND ZONING COMMISSION (P & Z)

This document was reviewed, discussed and amended as needed. Trustee Brink moved and Trustee Nagy seconded to approve resolution 07-10 - adopting these rules of procedure for the Creede P & Z as amended. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Trustee Wylesky returned at 5:16 p.m. with enough time to briefly review the document and vote on the motion.

PLANNING AND ZONING (P & Z) REQUESTING DIRECTION TO REVISE THE WESTCLIFFE LAND USE CODE DOCUMENT

Direction was given for the P & Z to review and revise the Westcliffe Land Use Code document. P & Z can keep what they feel is necessary from the City's existing Land Use Code (i.e. Annexation, Subdivisions and maybe add an Article on signage). The Board will review and revise the amended document as necessary.

MORTON LEASE AGREEMENT

Trustee Shepperd moved and Trustee Brink seconded to approve the lease agreement between the Morton's and the City of Creede for the grassy area north of the Courthouse annex as a park for the public's use. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

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

Trustee Shepperd moved and Trustee Nagy seconded to approve the parade permit request for the City to hold its annual Fourth of July Parade beginning at the Mineral County Sheriff's Office south on Main Street to Seventh Street west to Loma Street and north to the Mineral County Court House. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

CONSIDER AND DRAFT VERBIAGE FOR CRT WEBSITE

It was expressed by the Trustees to advertise the summer events that the Chamber of Commerce lists in their directory. Trustee Owens said she would get with the clerk and draft something.

CITY MANAGER'S REPORT

The points discussed and the actions taken were as follows: Trustee Shepperd moved and Trustee Wylesky seconded to approve resolution 07-08 – to authorize engineering and environmental reports for USDA Rural Development funding. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried. Mayor Seime will sign the resolution on behalf of the City.

City Manager Dooley was given direction to invoice Keith Siddel for MCED (the attorney will confirm the status of this non-profit) for \$5,657.54 for legal and engineering expenses incurred since early 2006, as well as invoicing Cascada Bar & Grill for water and sewer tap fees that remain unpaid.

As of the date of this meeting, the subsurface work on the La Garita waterline replacement project is complete.

The Ladies Aid was given approval to use the Gazebo in Basham Park on the evening of August 18, 2007, for an "ice cream social and fill a bag" campaign.

The Board of Trustees has agreed to have a work session at 5:00 p.m. on Monday, July 2, 2007.

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

#### OTHER BUSINESS

The Trustees agreed to have their regular meetings at 5:30 p.m. on the second Tuesday of each month beginning next month.

The Trustees drew the following two names to each receive two of the four season tickets provided by CRT for the Virginia Christensen grant awarded to them last November: Trustee Shepperd and Trustee Brink.

#### ADJOURN

There being no further business to come before the Board at this time, Trustee Brink moved and Trustee Nagy seconded that the meeting be adjourned at 5:47 p.m. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Respectfully submitted:

Approved by Board of Trustees:

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Pamela J. Wilson, City Clerk/Treasurer

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Eldon M. Seime, Mayor