

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
June 14, 2005**

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 6:41 p.m. There being present at the call of the roll the following persons:

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

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

There were two additions made to the agenda. New Business (i) Liquor License Renewal – Bear’s Spirits and an Executive Session to discuss job descriptions. Trustee Brink moved and Trustee Dooley seconded to approve the agenda as amended. The vote was unanimous. Mayor Seime declared the motion carried.

APPROVAL OF MINUTES FOR May 10, 2005

Trustee Brink moved and Trustee Wylesky seconded to approve the minutes of May 10th as presented. The vote was unanimous. Mayor Seime declared the motion carried. The minutes brought up the issue of the request by Planning and Zoning for Council to contract with a qualified attorney in land matters, encroachments, and land sales. City Manager Dooley was given the name of an attorney in Rico, Colorado. His name is Eric Heil and he quoted the City one hundred dollars an hour plus travel for his services. Trustee Owens moved and Trustee Wylesky seconded to authorize City Manager Dooley to contact the land use attorney in Rico. The vote was unanimous. Mayor Seime declared the motion carried.

ACCEPT AND PAY BILLS

Questions were asked and answered. Trustee Brink moved and Trustee Owens seconded to approve the bills to be paid as submitted on the check detail report for the month of May 2005. 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 this Report. Questions were asked and answered.

Council was asked if the City of Creede would be interested in coordinating the November 2005 election with Mineral County if research determines that the City is allowed to do so. The reason for doing so would be to ask the voters some questions about publishing certain documents differently than is required by statute without an election to change it. After a brief discussion, Trustee Brink moved and Trustee Owens seconded to pursue this option. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Dooley explained a situation about a crushed sewer lateral Green’s property at 201 South Loma. After a discussion, Mayor Seime offered to help with the necessary dig and it was decided by Council that the City will help fix the problem and then determine if the line was crushed by the telephone company doing some work or if the contractor working on the drainage project crushed it, making it the City’s responsibility.

City Manager Dooley wanted an action by Council regarding the Morton property just north of the Chamber of Commerce. In the past the City has signed a one dollar per year lease to use and maintain that property as a public park. Trustee Owens moved and Trustee Brink seconded to continue to lease and to keep up the maintenance on the Morton property. The vote was unanimous. Mayor Seime declared the motion carried.

After a brief discussion about watering restrictions for the City of Creede, Trustee Brink moved and Trustee Owens seconded that voluntary watering restrictions should be automatically put into place every year beginning June 1 and ending August 31. The vote was unanimous. Mayor Seime declared the motion carried.

On behalf of the City, Trustee Brink offered a genuine “thank you” to Mineral County for all the help they gave during the flooding in North Creede from East and West Willow in late May of this year. Mineral County Commissioner Philbern was present to receive the note of thanks for the County. Trustee Owens added a “thank you” to the County as well as the City workers. In addition, a request was made for Public Works to please remove the “unsightly” culvert from North Creede. A question of reimbursement for the City for the expenses it incurred was asked. It was explained that the City’s expense is considered in-kind and will not be reimbursed. Dooley will incorporate these expenses into the supplementary budget he will present to Council this fall.

SHERIFF’S REPORT

This report was reviewed and discussed. Sheriff Leggitt’s report reflected 1,410 miles and 431 hours had been patrolled in the City during the month of May. This report also reflected fourteen incidents and complaints, two citations and no accidents. Trustee Dooley requested a report from the Mineral County Emergency Manager about the flooding. Sheriff Leggitt said he would get Dooley a report.

WRITTEN REPORTS

This includes the Chamber of Commerce Report and the Recreation Report. These reports are to be reviewed at the Council’s leisure. A brief discussion took place about the Fourth of July vendors and setting up a committee to review, discuss, and compile a policy for vendor’s licenses. Mayor Seime said a work session would be scheduled to discuss guidelines and a committee will be appointed at Council’s next meeting. So far, both Keith Siddel and Eloise Hooper have volunteered for that committee.

BUILDING INSPECTOR’S POSITION

Trustee Owens had asked for a short discussion about the building inspector’s position with the City. A contract has been signed with Mike Kolisch for him to provide building inspection services to the City. The agreement states that Kolisch will be certified within six months of signing it. Kolisch said he plans on testing in early to late August. Payment for this contract position is one half of the collected building permit fees upon final inspection of each project. For the City to adopt the 2003 International Building Code (IBC) would require passing an ordinance. This would have to take place before the City can enforce it. Although he is not certified for the 2003 IBC, the City Attorney supports that Kolisch can enforce the current 1973 Universal Building Code. Kolisch expressed concern about a local business that is making some modifications. Kolisch has asked the owner to have a structural engineer look at the structure as a whole.

CREEDE OFF HIGHWAY VEHICLE (OHV) CLUB

Jim Basham addressed Council with the support of several members of the local OHV club. Basham asked Council if they would consider and approve an OHV staging area within the City limits across from the Community Center in north Creede. Basham and the other members of the club are of the opinion that said location would be a “prime” location to shuffle vehicles back and forth and for the riders to easily make the loop between East and West Willow. Questions were asked about what agency the road in north Creede belongs to. There was some confusion about the ownership, but it was discussed that Mineral County Road and Bridge Department is who maintains the road. However, when City Manager Dooley first arrived in 2003, he and the City crew also maintained a portion of that road on occasion. There was further discussion about the liabilities involved with allowing off highway vehicles on the City’s roads. Trustee Owens asked about the motion made at the July 13, 2004 meeting “to decline further consideration of allowing the operation of ATVs or OHVs in Town.” Trustee Dooley motioned to allow a trial period until September 1, 2005, but his motion died for a lack of a second. After further discussion of the matter and still uncertain of the owner of the road, Trustee Owens moved and Trustee Wylesky seconded to schedule a work session with the United States Forest Service (USFS) and the Mineral

County Commissioners to discuss ownership and jurisdiction and table any decision about the staging area until the next meeting. There were two yeas, one nay (Dooley), and Trustee Brink abstained. Mayor Seime declared the motion carried. A work session will be scheduled. City Attorney Gibbons requested a copy of the map that the OHV club has that shows the road in north Creede belongs to the USFS.

ANNEXATION UPDATE

Avery Augur of Creede America Group, LLC gave a brief presentation updating Council on the annexation process for the forty-five acres on the mesa above town. A pre-annexation agreement is still in the works. Augur explained that he has a concept plan available that he would like to share with both Council and Planning & Zoning at the July 7, 2005 Planning Commission meeting beginning at 7:00 p.m..

NEW BUSINESS

SPECIAL EVENTS PERMIT – ELKS LODGE NO. 506 – FOURTH OF JULY DANCE

Following a public hearing on this request where no one had signed up to speak either for or against this permit, Trustee Brink moved and Trustee Owens seconded to approve this permit for a dance on July 2nd at the Elks Lodge. There were three yeas and Trustee Wylesky abstained. Mayor Seime declared the motion carried.

SPECIAL EVENTS PERMIT – ELKS LODGE NO. 506 – FOURTH OF JULY WEEKEND BEER GARDEN

Following a public hearing on this request where no one had signed up to speak either for or against this permit, Trustee Brink moved and Trustee Owens seconded to approve this permit for an outside beer garden on July 2nd, 3rd, and 4th at the mining events arena by Basham Park. There were two yeas, one nay (Wylesky) and Trustee Dooley abstained. Mayor Seime declared the motion carried.

LIQUOR LICENSE RENEWAL – THE BEAR’S DEN

Trustee Dooley moved and Trustee Brink seconded to approve the renewal of this Hotel and Restaurant license. There were three yeas and Trustee Wylesky abstained. Mayor Seime declared the motion carried.

LIQUOR LICENSE RENEWAL – CREEDE REPERTORY THEATRE, INC. (CRT)

Trustee Owens moved and Trustee Dooley seconded to approve the renewal of this Arts license. There were three yeas and Trustee Wylesky abstained. Mayor Seime declared the motion carried.

PARADE PERMIT – FOURTH OF JULY PARADE

Trustee Brink moved and Trustee Dooley seconded to approve this parade permit. The vote was unanimous. Mayor Seime declared the motion carried.

PARADE PERMIT – ROCKY MOUNTAIN KNIFE AND TOMAHAWK ALLIANCE (RMKTA)

Trustee Brink moved and Trustee Dooley seconded to approve this parade permit. The vote was unanimous. Mayor Seime declared the motion carried.

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

Trustee Brink moved and Trustee Dooley seconded to approve this parade permit. The vote was unanimous. Mayor Seime declared the motion carried.

RETAIL WAREHOUSE STORAGE PERMIT AND MODIFICATION OF PREMISES – THE WILD BEAVER

Trustee Dooley moved and Trustee Owens seconded to approve this permit and modification of premises. The vote was unanimous. Mayor Seime declared the motion carried.

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LIQUOR LICENSE RENEWAL – BEAR’S SPIRITS

Trustee Dooley moved and Trustee Brink seconded to approve the renewal of this Retail Liquor Store license. There were three yeas and Trustee Wylesky abstained. Mayor Seime declared the motion carried.

EXECUTIVE SESSION

Trustee Owens moved and Trustee Wylesky seconded to go into executive session to discuss personnel. The vote was unanimous. Mayor Seime declared the motion carried. Council went into executive session at 8:48 p.m.

Trustee Owens moved and Trustee Brink seconded to come out of executive session at 9:31 p.m. The vote was unanimous. Mayor Seime declared the motion carried.

ADJOURN

There being no further business to come before the Council at this time, Trustee Brink moved, and Trustee Dooley seconded, to adjourn the meeting at 9:32 p.m. The vote was unanimous. Mayor Seime declared the motion carried.

Respectfully Submitted:

Approved by City Council:

Pamela Wilson, City Clerk/Treasurer

Eldon M. Seime, Mayor