

**CITY COUNCIL  
CITY OF CREEDE, COLORADO – A TOWN  
June 8, 2004**

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 5:08 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss, Debbie Wylesky (arrived at 6:45 p.m.), Henry Brink, Eldon Seime, Martha Owens, Chuck Barnes, Gene Dooley

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

City Attorney Ben Gibbons will give an update on the meeting with Willow Creek Reclamation et al in Denver under Reports and Presentations (j); there will be a discussion about the news letter under Old Business (c); Trustee Owens also wanted to address the letter about the 2002 audit from the State Auditor's office under Old Business (d); and there will be an Executive Session to discuss personnel issues at the end of the meeting following New Business.

APPROVAL OF MINUTES FOR May 11, 2004

Trustee Barnes moved and Trustee Dooley seconded to approve the minutes of May 11<sup>th</sup> as corrected. The vote was unanimous. Mayor Seime declared the motion carried.

ACCEPT AND PAY BILLS

Trustee Barnes moved and Trustee Owens seconded to approve the bills to be paid as described on the check detail report May 7, through June 7, 2004. 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 his Manager's Report. Questions were asked and answered. The topic was brought up about a theme for the upcoming Fourth of July parade. With the recent dedication of the *World War II Veterans Memorial* in Washington, D.C. and Creede's own Memorial Committee working on a Memorial for the *Memorial Park*, Trustee Goss suggested the theme acknowledge our veterans. Trustee Brink suggested the theme be *Honoring Our Veterans*. Goss also added that he would like to see a WWII veteran as the grand marshal. Ed Hargraves was recommended. Trustee Barnes pointed out that the Mayor rides in the parade to represent the City and that the City Manager has been instrumental in the past arranging transportation for both the Mayor and the grand marshal. No other member of the Board recommended anyone else to be grand marshal nor did any of the audience members. City Manager Dooley will call Hargraves and ask him to be the grand marshal.

Trustee Barnes asked City Manager Dooley if Thomas Phillips the newspaper reporter received a copy of the Manager's/Maintenance Reports. Barnes feels this report often includes information the community should be aware of. Barnes suggested that Dooley and Phillips should talk about these topics at the very least.

City Manager Dooley was given an administrative directive to pay the City's twenty-five percent due to McLaughlin Water Engineers from work on the drainage project. These invoices were received after the project was closed and the grant monies were no longer available. Out of good faith, the City should and will pay their portion.

City Manager Dooley was directed to execute a contract with the current cleaning person until October 2004, at which time the job would be put out to bid. Currently there is no contract identifying a time frame for the work to be done, nor does it include a dollar amount, etc.

There was some discussion about the street paving and/or repairs. Some members of the Board and the audience would like to have this project wait until the weather is a little cooler and some would like to see something done sooner rather than later. Questions were asked and answered. Trustee Barnes moved and Trustee Brink seconded that the Board direct the City Manager to arrange for a three to five day project with a contractor to repair the streets at the appropriate time. The vote was unanimous. Mayor Seime declared the motion carried.

After discussion about the City having Davis Engineering mark the corners of the blocks for the purpose of re-platting Creede as it is today, Trustee Barnes moved and Trustee Dooley seconded that the City establish a fund in the next budget year to begin the project of setting the block corners in the Town.

City Manager Dooley reminded the Board that any time they would like to talk with the public works employees other than when they attend the meeting quarterly, they are asked to invite Ben Davis and Robert Schlough to any meeting they wish. Trustee Owens wanted to commend Ben, Robert and Alicia, the seasonal parks employee, on how the parks and the restrooms are looking. She, as well as others have received some nice compliments on them.

#### SHERIFF'S REPORT

Sheriff Leggitt was available to answer questions about his report for May. Trustee Barnes noted that it is nice having the Sheriff back with the City. Sheriff Leggitt requested that any of the Council needing further information and details about his report to please see him at his office.

#### WRITTEN REPORTS

This includes the Chamber and the Recreation reports. These reports will be reviewed by Council at their leisure. Trustee Owens wanted to talk about some complaints that the Chamber had received over the beer garden in the street during *Taste of Creede*. There was considerable discussion about this subject. Business owners in the audience offered their opinions of the event as well. Questions were asked and answered. Clarification was made for what the parade permit was for and what type of liquor license the organization had requested. Some suggestions were made by various people for next year's event. Sheriff Leggitt added some comments from law enforcements point of view.

#### VIRGINIA CHRISTENSEN ADVISORY COMMITTEE

Jenny Inge introduced the advisory committee to City Council, and they are as follows: Ray Sharp (chairman); Sheriff Leggitt; Jimmy Basham; Charlene Ameal; Jan Jacobs; Steve Quiller and herself. Ray Sharp was unable to attend the meeting tonight due to other obligations and Steve Quiller was absent as well and will be vacating his seat on the committee as he is most often out of town at the time of the spring and fall funding rounds. Inge told Council that the advisory committee recommends JB Alexander to fill Quiller's seat. It is the Council's responsibility to fill that seat and the next funding round will be sometime near or during October. They may wish to solicit letters of intent as well. After some discussion Trustee Goss moved and Trustee Barnes seconded to appoint JB Alexander to the Virginia Christensen Advisory Committee pending a letter of intent from him. Inge also mentioned that if one of the Council Members would attend the advisory committee meetings in the capacity of a liaison, it would be appreciated. Trustee Brink said he had previously talked with Sharp about doing just that and would appreciate notification of the advisory committee's next meeting.

Nick Marble of Bank One will make a trip to Creede to meet with the members of City Council and the Virginia Christensen Advisory Committee. He will review the investments of the Trust monies and answer any questions he can about how the trust can be disbursed. Inge suggested that perhaps the advisory committee and City Council can meet before Marble arrives so they can gather their thoughts and compile any questions they may wish to ask Marble as not to take up his time for that once he arrives. Perhaps that morning for an hour.

Members of the advisory committee have reviewed the Virginia Christensen bank accounts to find that there is actually more money available than originally reported to them. They would like to ask the Board to consider honoring the balance of the requests made by the nine organizations with the exception of the Veterans Memorial Committee will receive less than their full request due to various reasons. Inge pointed out that the City

has already donated the space for the memorial, given help with the concrete and in kind donations of labor, etc. She has spoken with Ron Carpenter of the memorial committee and he did say that they have other sources of funding to consider. Eloise Hooper and Deanna Phenix were available to update the Board on the progress of the skate park and to ask them once again to pledge to them the funds they have requested for grant writing purposes. The project is moving along more quickly than they originally anticipated and they will be spending money now as well as later. Inge indicated that if the money can be spent now, they (the advisory committee) would like to recommend it be given now rather than held out as a pledge for the next funding round. Trustee Goss moved and Trustee Owens seconded that based on the Virginia Christensen Advisory Committee's recommendations that Council fully grant all the money that they have requested. There were four yeas and one nay (Dooley), Trustee Wylesky had not yet arrived. Mayor Seime declared the motion carried. The balance of \$26,900 will be disbursed to the April applicants. Combining with the May disbursements a grand total of \$51,900 will be awarded.

#### COMPREHENSIVE PLAN (FYI)

City Manager Dooley informed the Board of the status of this document, a.k.a. the Master Plan. Dooley is still waiting to receive a few of the articles.

#### LIQUOR LICENSE RENEWAL/CREEDE REPERTORY THEATRE

After a discussion and consulting Sheriff Leggitt about any possible problems there has been, Trustee Brink moved and Trustee Dooley seconded to renew the Creede Repertory Theatre's Arts Liquor License. The vote was unanimous. Mayor Seime declared the motion carried.

#### PARADE PERMIT (ROCKY MOUNTAIN KNIFE & TOMAHAWK ALLIANCE)

Mike Kolisch had requested that the north bound lane of Loma Street in front of the event arena between West Second Street and the Historical Museum be blocked off for safety reasons during the knife and tomahawk throwing event on June 26<sup>th</sup> and 27<sup>th</sup>. Trustee Dooley moved and Trustee Goss seconded to grant this parade permit for the requested street closure. The vote was unanimous. Mayor Seime declared the motion carried.

#### PUBLIC HEARING

Six different dates on two Special Events Permits were being requested by Creede Elks Lodge No. 506. Four persons were present and signed up to express their opinions of the various dates requested for a special events permit.

#### SPECIAL EVENTS PERMIT (CREEDE ELKS LODGE NO. 506)

The dates requested for a special events permit to sell malt, vinous and spirituous liquor at the Elks Lodge on South Main Street in Creede are as follows: June 26<sup>th</sup> for Rare Things 30<sup>th</sup> anniversary party; July 2<sup>nd</sup> and 3<sup>rd</sup> for dances on Fourth of July weekend and July 17<sup>th</sup> for the Keen/Basler wedding reception.

Trustee Owens moved and Trustee Goss seconded to grant the special events permit for June 26<sup>th</sup>. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Barnes moved and Trustee Goss seconded to grant the special events permit for July 17<sup>th</sup>. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Brink moved and Trustee Barnes seconded to grant the special events permit for July 2<sup>nd</sup>. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Goss moved and Trustee Dooley seconded to grant the special events permit for July 3<sup>rd</sup>. The vote was unanimous. Mayor Seime declared the motion carried.

SPECIAL EVENTS PERMIT (CREEDE ELKS LODGE NO. 506)

The dates requested for a special events permit to sell malt, vinous and spirituous liquor at the location near the mining events that is defined on a map are as follows: July 3<sup>rd</sup> and 4<sup>th</sup> for a Fourth of July/Days of '92 beer garden. Ron Carpenter and Scott Lamb were being located and asked to come to this meeting to clarify on the map enclosed with the application where exactly the boundaries will be for these events. Council could then complete the public hearing and resume their discussion on these requests. This issue has been tabled until they arrive and adjust their application to reflect the exact boundaries of the beer garden.

UPDATE ON MEETING WITH WILLOW CREEK RECLAMATION COMMITTEE IN DENVER

City Attorney Ben Gibbons explained that on May 12<sup>th</sup> at the office of the Environmental Protection Agency in Denver, Members of the EPA; Creede Resources (property owner); a representative of HECLA; Zeke Ward and Leigh Ann Vradenburg both of Willow Creek and himself as a legal representative for the City gathered for a meeting. Gibbons reviewed with Council what was discussed during this meeting. If funds are available for testing the subject property was much of the discussion. Ward, a representative for Creede Resources and a representative of the Colorado Health Department are to come up with a proposal of how to monitor/test this property and where the funds are to come from to test it. Brownfield money may be available for both the study as well as the clean up of this property. Trustee Barnes moved and Trustee Goss seconded to adopt a resolution that the City take a position of strong interest in development of a plan and its inception for assuming the control of the property we have identified today, generally speaking as *Creede Resources*. There were five yeas and one nay (Dooley). Mayor Seime declared the motion carried.

SPECIAL EVENTS PERMIT (CREEDE ELKS LODGE NO. 506)-CONTINUED

Trustee Brink moved and Trustee Barnes seconded to take a brief recess while the Elks members amended their map for their special events permit application. The vote was unanimous. Mayor Seime declared the motion carried. The Board took a brief recess from 7:10 p.m. to 7:20 p.m.

The defined area now identified as the Elks beer garden for the purpose of a special events permit application is as follows: The trailer and the tent will be set up behind the restrooms and this will be the backside of the beer garden. The fence with a gate will run along the side walk between the restrooms and the library. Between the library and the depot museum and between the depot museum and Loma Street (back street) and up the back street to the mining events along the park to the play ground (excluding the equipment). From the play ground back across to the south side of the beer tent and the new restrooms. All the gates will be manned by volunteers. There will be signage to keep the beer within the designated area.

Trustee Dooley moved and Trustee Barnes seconded to approve the special events permit for the July 3<sup>rd</sup> beer garden. There were five yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

Trustee Brink moved and Trustee Dooley seconded to approve the special events permit for the July 4<sup>th</sup> beer garden. There were five yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

OLD BUSINESS

WATER & SEWER ORDINANCE/UTILITY COMMITTEE

City Manager Dooley explained that the City is not quite ready to adopt this ordinance yet. Some changes need to be made. Trustee Owens feels strongly that an agreement needs to be reached on the fees that were presented to each of them prior to the meeting. The City Attorney needs to look at the Ordinance written by Ron McLaughlin before an action can be taken on it. The decisions made tonight on the fees and the handling of delinquent utility bills will be incorporated into McLaughlin's ordinance for future adoption. Questions were asked and answered, by both Board members as well as audience members. Trustee Barnes proposed the City set up an interest bearing account to set aside the development fees to be used for their purpose of expanding the City's

infrastructure. Trustee Brink proposed that persons outside the City limits should be charged one and one half times the tap fee based on what the in town people pay. Brink then suggested that the system development fee and the tap fees should be a percentage of the in town charges and escalate based on the City's costs. The rest of the Board seemed to agree with that idea. This money has to be earmarked for capital improvements. City Attorney Gibbons suggested that the fees should be set by resolution and reviewed annually rather than by ordinance. Brink continued the discussion asking the rest of the Board what percentages should be used for the system development and tap fees. They discussed and agreed upon the fees increasing over a three year period by thirty percent, then forty percent and reaching fifty percent the third year for a dollar amount of \$3,725 (\$1,140 for a water tap; \$760 for a sewer tap and \$1,825 system development fee). These fees apply to persons within the City limits. There was some confusion about the previous Council passing a motion or a resolution that outside persons must bring water with them. Trustee Brink suggest tabling the decision of fees for persons outside the City limits until the Board receives more information on the water rights the City has. These fees will not be more than two times what the in town user pays. Trustee Brink moved and Trustee Barnes seconded to write a resolution to increase fees starting this year at \$3,125 (effective thirty days from now); next year to increase to \$3,460 and the third year to increase to \$3,725 for in town users and for the fees are subject to annual review by the Council. The vote was unanimous. Mayor Seime declared the motion carried.

The utility committee comprised of Trustees Brink, Dooley and Owens and Mayor Seime met in a work session on Friday, June 4<sup>th</sup>, to discuss the City's policy on delinquent utility bills. There are quite a few dollars passed due to the City. The committee came up with a schedule to propose to the Council to adopt. The monthly fees will not be increased at this time, but the City is losing money every month and it is not fair to the persons paying timely. City Attorney Gibbons explained that all but the lien on the property will be City policy. This can be set by resolution. Trustee Goss moved and Trustee Barnes seconded that the City adopt a resolution adopting these policies recommended by the utility committee except for the terminology regarding the lien which will later become an ordinance. The vote was unanimous. Mayor Seime declared the motion carried.

#### MESA ESTATES AGREEMENT

Bo Freedle, Lucien Freedle, Dick DePriest and Attorney Chuck Powers were available to ask the City Council to agree to sign the agreement on the table between Creede Mesa Group LLLP and the City of Creede. City Attorney Ben Gibbons explained the agreement that Council was given to look at. Chuck Powers explained some of the agreement to the Board as well and answered any questions they had for Creede Mesa Group LLLP. Trustee Barnes moved and Trustee Goss seconded that the Board agree in principal to the agreement as presented and the Mayor sign it on behalf of the City after the two attorneys clean up the language without changing the terms of the agreement. The vote was unanimous. Mayor Seime declared the motion carried.

#### CITY NEWS/NEWSLETTER

Trustee Owens wanted to discuss the newsletter. Owens provided a proposal to the Board because she is unable to write the entire newsletter like she originally thought. The Mayor is being asked to write something monthly and the other Trustees could write something for the newsletter twice a year and alternate doing so creating copy for the publication. Eloise can provide recreation information and updates; Martha will write a human interest article and edit parts of the Manager's report for the newsletter as well. The public nurse, the ambulance and/or fire department are encouraged to write something as well. This would need to be sent to the City Clerk either in electronic form or on a diskette as a Word document or in Word Perfect. This information is requested to be in the Clerk's office the end of the previous month or the first week of the month it is to be published. Copying, folding and distributing take a great deal of time. Debbie Whitmore was a suggestion for this. If there are volunteers that can help copy and fold them each month this would help a great deal. Currently the City Clerk handles this when the newsletter is being produced. It was suggested that maybe the National Honor Society at the school would be able to help. Susan Birdsey would be the contact person for that. The Board has agreed to help with the process of publishing the City News.

#### STATE AUDITOR'S LETTER ABOUT 2002 CITY AUDIT

This letter requires no action be taken; it is simply notification to the Board that the proper process was not followed regarding the budget in 2002 in the matter of the *Legal Defense Fund*. It is however, recommending that future changes in the budget be handled properly and timely as to not generate another letter.

A work session to review the 2003 audit with Wall, Smith, Bateman and Associates, Inc. will be scheduled for 1:30 p.m. on Thursday, June 17, 2004.

#### NEW BUSINESS

##### PUBLIC HEARING/SPECIAL EXCEPTIONS USE FOR ENCROACHMENT (RODEN)

Trustee Goss moved and Trustee Barnes seconded to adjourn at 9:15 p.m. as Trustees and open as Board of Adjustments. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Owens briefly explained what the request is about and then she recused herself from any further discussion or decision about the Roden property.

Four people signed up to speak at the public hearing plus David Basler who was representing the potential buyers. After the public explained their views and concerns about this request there was a discussion between the Board members. Trustee Barnes moved and Trustee Goss seconded that the Board approve permanent easement be granted to the owners of the property at 15 Loma Street, for the encroachment of the corner of the residence, the propane tank, and the fence overlap into the Loma Street right-of-way. There were three yes, one nay (Dooley) and one abstained (Brink). Mayor Seime declared the motion carried.

Trustee Goss moved and Trustee Barnes seconded to adjourn at 9:40 p.m. from the Board of Adjustments and re-open the meeting as Trustees. The vote was unanimous. Mayor Seime declared the motion carried.

#### ACTION 22

The question here is should the City join the Action 22 Committee or not? After discussion it was a mutual agreement that the Board could find a better use of one hundred fifty dollars than to join Action 22. They are already members of Colorado Municipal League and they can handle most of what Action 22 would handle as far as keeping the Board in touch with State Legislation.

#### PLANNING COMMISSION RECOMMENDATIONS (2)

The first recommendation is for the re-zoning of the Silver Moon Trailer Park. Trustee Barnes suggested that this be tabled until there is an ordinance to read. The City Manager and the City Attorney have been directed to prepare the ordinance for a first reading at the July meeting.

The second recommendation is to add a number 17-Medical Facilities under the zoning of B-2 Highway Business in the Creede Code. Questions were asked and answered. Trustee Brink moved and Trustee Owens seconded that a resolution be written to add number 17-Medical Facilities to the Creede Code 18-5-2-6 concerning B-2 Highway Business. The vote was unanimous. Mayor Seime declared the motion carried.

#### EXECUTIVE SESSION/PERSONNEL

Trustee Owens moved and Trustee Goss seconded to go into executive session for the purpose of discussing personnel and their job descriptions. The vote was unanimous. Mayor Seime declared the motion carried and the Board went into executive session at 10:00 p.m.

Trustee Goss moved and Trustee Barnes seconded to come out of executive session and back into open session. The vote was unanimous. Mayor Seime declared the motion carried and they came out at 10:25 p.m.

#### OPEN SESSION FOLLOWING EXECUTIVE SESSION

Trustee Brink moved and Trustee Goss seconded that a management committee be created, consisting of Trustees Goss, Owens and Brink, to review the job description and job functions of the City Manager and the City Clerk, and review the resources available to them to accomplish those responsibilities. The vote was unanimous. Mayor Seime declared the motion carried.

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ADJOURN

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There being no further business to come before the Council at this time, Trustee Barnes moved, and it was seconded, that the meeting be adjourned. The vote was unanimous. Mayor Seime declared the motion carried and the meeting was adjourned at 10:30 p.m.

Respectfully Submitted:

Approved by City Council:

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Pamela Wilson, City Clerk/Treasurer

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Eldon Seime, Mayor