

**CITY COUNCIL
CITY OF CREEDE, COLORADO – A TOWN
June 9, 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 (away at school)

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: New Business item (e) to add the map of North Creede to the Town Boundary and official zoning map on the wall in the City Office.

APPROVAL OF MINUTES FOR May 12 and 16, 2003

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

ACCEPT AND PAY BILLS

There was some discussion about the cleaning contract increase being paid for May rather than starting in June. This was not discussed when it was approved and Ken has been doing the same work all along so it was decided it was okay to pay it for May.

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

REPORTS AND PRESENTATIONS

CITY MANAGER'S REPORT

Clyde was available to answer any questions the Council may have had about this report. The report covered updates on the drainage project, North Creede, Basham Park and the restrooms, restroom cleaning contract, the outdoor watering schedule, the repairs to the Vietnam War Memorial and the construction project down Highway 149. Clyde was asked about the Dolby pump warranty that he was asked to get. He reported that it is for seven years. The SLVREC check that was reported as a dividend will be confirmed by Pamela for the Friday meeting.

SHERIFF'S REPORT

Sheriff Leggitt was not available for questions this month. Sandy answered the questions she could for the Council. The May report reflected 1004 miles patrolled in the City, 366 hours patrolled in the City, with 17 incidents and complaints, 0 citations and 1 accident within the City.

CHAMBER OF COMMERCE REPORT

Pat Richmond was not at this meeting to answer questions about the Chamber of Commerce report. The report covered the Taste of Creede, the CDOT meeting, the upcoming summer events, the visitor information kiosk hours and the budget. Any questions the Council might have for Pat should be written down and will be given to her for answers.

MAINTENANCE SUPERVISOR'S REPORT

Shaun was available to answer questions about this report. The maintenance crew has been borrowing both orange cones and barricades from other Municipalities. They may have to look into purchasing some more for our needs. Trustee Homsher asked Shaun about steel toed boots being a requirement as well as some other items to be used while trenching and digging in ditches. Shaun reported some of the things that are required by OSHA. The Mayor asked Shaun to get some prices on either buying or renting ditch boxes by the Friday meeting. It was also brought up that Jon Graham would like to pour a ten foot by ten foot slab of concrete on the dirt floor of the blue building and also build a shed of that same size that will fit inside the building. This will be at Jon's expense. Trustee Alexander will go take a look at the building and give the approval for the Council. Several other questions were asked and answered about the report.

BUILDING INSPECTOR'S REPORT

There was nothing to report.

RECREATION REPORT

Eloise Hooper will have a report by Friday's meeting as her husband has been ill and she was unable to complete a report for this meeting.

SPECIAL EVENTS PERMITS FOR ELK'S

These permits for the Elk's are for their dance and their beer garden on July 4th and 5th. Trustee Barnes moved and Trustee Alexander seconded to authorize these permits for the Elk's. The vote was unanimous. Mayor Myers declared the motion carried.

LIQUOR LICENSE RENEWAL FOR CRT

Trustee Dooley moved and Trustee Alexander seconded to approve this renewal. The vote was unanimous. Mayor Myers declared the motion carried.

RURAL PLANNING INSTITUTE - RPI

Billing from RPI will be net thirty days rather than net fourteen. Also, clerical work will be billed at a lower hourly rate than research and development work.

MIDWEST MINE REPORT

Trustee Goss wrote a report explaining that the Forest Service wants someone to take over the upkeep of the buildings or they would have to tear them down. They have been talking with the City and the County about being the ones to do that. John was unavailable to explain his report and answer questions. There was some discussion about making the buildings safe for the public and the clean up of possible contamination and the galena. Casualty and liability insurance coverage will have to be provided by the City. Karl Kolisch will be involved as well as Willow Creek Reclamation Committee. More information will be obtained for clarification before taking this project over.

OLD BUSINESS

RALLY THE TROOPS – BASHAM PARK

Teresa Powell, Dan Arnold and Ernie Thompson made the presentation for Rally the Troops and answered questions. The Committee has Cass Garcia handling their incorporation as a non-profit organization and Rally the Troops will become The Veteran's Memorial of Creede. They provided a drawing (not to scale) for the Council to have an idea of what the Veteran's War Memorial will look like and what part of the park it will encompass. It will be approximately sixty feet in diameter with a forty foot flag pole, illuminated. This diameter could be reduced if need be. The Veteran's Administration office in Alamosa is writing a GOCO grant for them to help with funding. All they are asking from the City aside from the use of the property is to tap into the City's utilities from the rest-

rooms to light the flag pole at night. The lawn maintenance will remain the same as it is now. The Elk's Lodge #506 has agreed to be the custodians of the trust as well as committing five thousand dollars to the Veteran's Memorial of Creede Committee. They have also offered to help with construction of the memorial. The Committee said they have talked with the previous Mayor the park was named after, Jim Basham and he has given his approval of the memorial. The suggestion of returning the name of the park to it's original name of Memorial Park was mentioned.

Trustee Knous wanted to know if the Committee was set on having the memorial at Basham Park or if they would consider some other property in another location that the City could let them use. The committee will consider an alternate location. The Council will go to the Park and step off the memorial based on the drawings they have. South Creede was suggested as well as Homestake as possible alternate sites.

Already, four thousand names are available to go on the memorial with a potential seven thousand two hundred names. A letter was read to the Council written by Chuck Lehman expressing his feelings about the memorial and how it should be handled.

Trustee Alexander moved and Trustee Barnes seconded that the City should support this committee and give the sixty feet diameter at Basham Park they are requesting providing the memorial will fit within that space or find some other land for them to use. The vote was unanimous. Mayor Myers declared the motion carried.

CDOT MEETING

Mayor Myers reported on the CDOT meeting. She said that CDOT said it was up to us to decide whether or not to re-route the highway down to Eleventh Street. They would be unable to do anything budget wise for at least two years. There is no possibility of trading property because they couldn't afford to build new buildings. The Chamber is probably going to look for another location for it's visitor's center. It was suggested that the City donate the property just north of the ballpark restrooms to the Chamber of Commerce for the visitor's center. It was pointed out that the Colorado State Constitution prohibits the City from doing that. The Chamber would have to purchase the property at current market value. They may be looking at the Silver Moon RV Park with an existing building that may be able to be converted for their use.

POWER POLES

Trustee Knous reported on the letter he wrote to the various mining companies regarding right of way easements granted to Emperius in the early 1950s, for a power line from the power house located in south Creede to the Commodore Mine. There was discussion about the previous motion to give Kelly Mortensen permission to put in an anchor pole on City property to brace the poles from falling down as he removed wires from the other parties' properties. There was also discussion about the City paying extra to have poles and wires removed from the City's property. Trustee Alexander moved and Trustee Dooley seconded that the City not spend any money taking down wires from the City's property. The vote was unanimous. Mayor Myers declared the motion carried. The City can still provide a "dead man" somewhere around Windy Gulch where the backhoe can get to. City Attorney Crites looked up the Governmental Immunity Act to determine the City's liability if the poles were to fall or cause damage sometime in the future. C.R.S. 24-10-106. There was argument about the interpretation of the law. Trustee Dooley moved and Trustee Barnes seconded to release Kelly Mortensen of any liability to the City while he is working on this specific project on City property. The vote was unanimous. Mayor Myers declared the motion carried. Trustee Knous moved and Trustee Alexander seconded that the City send out the letter to the interested parties that are directly involved with the right of way that they have no objection that the poles will be taken down. The vote was unanimous. Mayor Myers declared the motion carried.

WATER TURN ON/TURN OFF

This was tabled until the next meeting.

PROGRESS ON THE RESTROOMS

Mayor Myers asked that this wait to be discussed during the discussion later in the meeting with Ron McLaughlin.

NEW BUSINESS

FAIRGROUND COMMITTEE REQUEST FOR PIPE

The pipes they are asking for are the pipes that were used for the fence at the ballpark. This pipe was donated to the City by John Neild. If John Neild is willing to donate the unused pipe to the Fairground Committee the Council has no objection. This will avoid any question of the law allowing the City to make this donation. John will be contacted about this request.

RESTROOM CLEANING

There was discussion about the applicants for this contract so far. One application came in this morning and we are still hoping for some others. This applicant is out of town until Thursday. When she returns, Pamela will talk to her about the position.

Due to the recent vandalism that has been taking place at the ballpark restrooms, there was discussion about maybe closing those restrooms at a certain hour of the night and re-opening them each morning. More discussion on this topic and what the damages are to the restrooms will be covered in the next meeting.

PLANNING COMMISSION REQUESTS FOR RPI CONSULTING

Mayor Myers included in her Mayor's memo the recommendations that the planning commission would like for the Council to have RPI research and develop.

MCLAUGHLIN RINCON LTD

Ron McLaughlin and Ron DeVorak were here from Denver to make the presentation. The first order of business was to review the bids that had been received for the foundation work for the Basham Park restrooms. The engineer's estimate on this project was eight to nine thousand dollars. One bid they received was for twenty thousand dollars. There was brief discussion and Trustee Barnes moved and Trustee Alexander seconded to reject the twenty thousand dollar bid because it was too high compared to the engineer's estimate. The vote was unanimous. Mayor Myers declared the motion carried.

There was also a bid from both Gardner Excavating, Inc. of Alamosa for the excavation and concrete work totaling nine thousand nine hundred fifty two dollars and from Doyle Enterprises, Inc. of Center for the concrete work totaling six thousand six hundred and twenty five dollars. The work that Doyle would do would delay the time the restrooms can be placed at the park. The Council discussed this based on the type of foundation and the end result of the quality of the foundation explained by the engineers. A motion to accept the Doyle Enterprise bid and delay the completion of the restrooms until July 15, 2003 was made by Trustee Alexander and seconded by Trustee Dooley. The vote was unanimous. Mayor Myers declared the motion carried.

The bids chosen by the City were for the excavation to be done by Gardner Excavation, Inc. for one thousand one hundred fifty two dollars and the concrete to be done by Doyle Enterprises, Inc. in the amount of six thousand six hundred twenty five dollars. The total amount of the bids accepted was seven thousand seven hundred seventy seven dollars.

There are eight additional items that Ron McLaughlin wanted to cover during this visit.

1. NORTH CREEDE

Gardner Excavating will do this job if they are still up here from the drainage project. This work has been promised to the residents of North Creede since the 1980's. BJ made an executive decision to spend an extra eleven hundred dollars on this project so that Gardner could get the pipe ordered that they need for this job. Trustee Alexander moved and Trustee Homsher seconded that they approve the Mayor's executive decision. The vote was unanimous. Mayor Myers declared the motion carried.

2. SOUTH CREEDE

This project consists of a block and a half of water line and road extension for South Street or Railroad Avenue in South Creede that has been previously approved for completion. The amount in the budget for this is forty two thousand dollars. This street has no official name as of yet. The road will be gravel rather than pavement. The City has about twenty thousand yards of gravel. The County had mentioned at one time they would furnish fill dirt for us. Clyde has been asked to find out what the County will do as far as providing and hauling the fill dirt. The specs of the bid package will be written around that.

3. UTILITIES ORDINANCE (RULES AND REGULATIONS)

Last fall, Ron sent the Council copies of an outline for ordinances for water, sewer and drainage. The book was reviewed with the Council and tap fees were covered. They should be part of the Capital Fund and not the General Fund. Tap fees (system development fees) not taxes should pay for work done leading up to customer taps and related maintenance for them. The monthly fees should be charged according to EQR's (Equivalent Residential Units). New constructions should have to buy a meter. Currently the existing properties won't have meters. The idea of this book is to put together one ordinance that can be adopted to supercede all other water, sewer and drainage ordinances.

4. WATER SYSTEM MASTER PLAN

The Master Plan has been completed by McLaughlin and it was recommended that the Maintenance department periodically check pipes and determine which ones are going to need replaced and when. This is a plan that will take place over time bringing the pipes all up to current standards. Trustee Barnes moved and Trustee Alexander seconded to accept the master plan to repair gradually as needed the pipes, etc. within the City. The vote was unanimous. Mayor Myers declared the motion carried.

5. WATER RIGHTS – SERVICE TO OUTSIDE USERS

As far as a water resource fee, Ron suggests the City ask for money over water. There is already a contract being drawn up for Mesa Group to have them give the City an acre foot of water that will in turn serve the eight houses they are going to build. This will change what our well permit will allow us to pump. The developer/homeowner will need to pay for the increase in pumping rights. The water attorneys are working on this contract for Mesa Group.

6. PAINT/INSULATION FOR STEEL TANKS

The two storage tanks will need maintenance. The next time the tanks need painted be sure and insulate them. No need to pay a company a couple thousand dollars to check for leaks when Shaun can drain them and look for leaks and cost the City only a hundred dollars or so. This may be something that should be budgeted for in the future. Ron and Shaun can get together and decide when they can drain the tanks and look at them.

7. WASTEWATER PLANT IMPROVEMENTS ("201" Plan)

Right now do nothing with it. It works fine for the City right now. If there is enough annexation that causes a need for expansion the persons being annexed should have to pay for the expansion of the wastewater plant. Not now, but at some point the City will also have to upgrade the sewer treatment plant to handle the removal of ammonium. This will be mandatory once Willow Creek is cleaned up and becomes a fishery.

8. PUBLIC RESTROOM FINISH

This was addressed at the beginning of this section.

9. RECORD DRAWINGS/DOCUMENTS

The original drawings for the pumping stations, water wells and water lines into town. Robin will write a request to McLaughlin Water Engineers Ltd. for these. Ron will keep them at McLaughlin Rincon and send copies to Shaun to change and mark up and each year they will be returned and Ron will update the originals and send out a new print for Shaun.

MAPS – ADD ZONING MAP OF NORTH CREEDE

The zoning map of North Creede that the City has will be added to the zoning map that is on the wall. This will complete the town boundaries for Creede.

NEXT MEETING

The next meeting is scheduled for Friday June 20, 2003 at 2:00 p.m. This meeting may have to be re-scheduled because both the Mayor and the City Manager will be away at the CML conference in Pueblo that day.

EXECUTIVE SESSION

Robin requested an executive session referencing State statute 24-6-402(4)(e & f), requesting just the Council. Trustee Alexander moved and Trustee Dooley seconded to go into executive session at 11:35 p.m. The vote was unanimous. Mayor Myers declared the motion carried.

As per notes received from City attorney Crites, Trustee Barnes moved and Trustee Alexander seconded to come out of executive session at 12:35 a.m. The vote was unanimous. Mayor Myers declared the motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved, and seconded, that the meeting be adjourned. The vote was unanimous. Mayor Myers declared the motion carried and the meeting was adjourned at 1:05 a.m.

Respectfully Submitted:

Approved by City Council

Pamela Wilson, City Clerk/Treasurer

Betty Jean Myers, Mayor