

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
June 9, 2009**

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 5:30 p.m. There being present at the call of the roll the following persons:

PRESENT: John Mattingly, Evelyn Gant, Debbie Wylesky, Larry Lewis,
Joe Keller, Rex Shepperd, Dana Brink (arr. 5:37 p.m.)

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

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

REVIEW AGENDA

Move Reports and Presentations (d) up to (a) and move (a), (b) and (c) down. Add recreation Fourth of July Parade Permit as (h) of New Business and (i) New Business is Work Permit for work on public lands-Don Shank. Trustee Mattingly moved and Trustee Keller seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF MAY 12, 2009 MINUTES

Trustee Gant moved and Trustee Mattingly seconded to approve the minutes of May 12, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Mattingly moved and Trustee Brink seconded to approve the monthly disbursements as presented on the May 2009 check detail report. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Brink arrived now at 5:37 p.m. during this discussion before the vote.

REPORTS AND PRESENTATIONS

CHAMBER REQUEST FOR BOARD TO CONSIDER PASSING AN ORDINANCE CONCERNING BUSINESSES “BOARDING UP” FOR THE OFF SEASON

Martha Owens, Chamber Director, request that “the trustees consider researching the passage of an ordinance to the effect that businesses on Main Street NOT place boards over their windows in the winter season if they are closed.” Owens continued, “Many businesses and Chamber members have expressed concern that this is a detrimental to the businesses that remain open year-round.” Suggestions were discussed such as: talk to these business owners that “board-up” and find out why they feel it necessary; ask local artists to paint on the boards the businesses use for this; consider shutters that match the building. City Manager Dooley was directed to contact the two businesses that currently “board-up” and ask them their concerns for why they do this and if they would consider something more decorative. Owens said this was a preliminary request and she had not researched anything yet. The Board agreed to discuss this further at a work session.

BUILDING INSPECTOR’S REPORT

Mike Kolisch was not present. The Board asked the City Manager to have Kolisch include the date the building permit was issued as well as the date the certificate of occupancy (CO) is issued.

WRITTEN REPORTS

This includes read only, informational reports from Chamber, Recreation, Community Center, and WCRC. These reports are to be read at the Board’s leisure.

MINERAL COUNTY FAIRGROUNDS ASSOCIATION (MCFA) REQUEST FOR WATER

Zeke Ward, President of the MCFA, made a verbal request to the Board of Trustees for the city to provide water to the fairgrounds. Ward said an immediate need for water would be for stock, events and possibly green houses. The in-door arena is in the future yet. Ward told the Board that with a commitment from the city to consider in principal of providing water along with community support will help the MCFA to leverage grant monies. The city told Ward to put his request of exactly what he wanting for the fairgrounds in writing and explore the possibility of purchasing water to bring to the city and the Board will consider this request. The Board agreed that when they have received a written request they will discuss it further in a work session.

SOIL SAMPLE UPDATE

Public Works Director, Ben Davis, explained to the Board that Jeff [last name unknown], a representative from Ductile Iron Pipe Association (DIPA) came to Creede at the direction of the city's engineer, Ron McLaughlin and the approval of the city manager to soil sample for ductile iron pipe (DIP). Davis told the Board that they had a very difficult time finding any soil. The soil sample results have not yet been received. Davis answered questions to the best of his ability and did comment that he feels, "DIP is worth the investment." The Board directed the city manager to invite part-year resident, Alan McLean and his C900 engineer to their work session to talk about Polyvinyl Chloride (PVC) pipe and to answer questions.

OLD BUSINESS

FOURTH OF JULY COMMITTEE MEMBER RECOMMENDATIONS

This ongoing agenda item at the request of the Board of Trustees gives the Board the opportunity of considering committee members for future Fourth of July parade organization as well as the opportunity to approve ideas for this year's parade. The previous ideas for Grand Marshal of Edna Miles then Kris Kroll failed when both women had to graciously decline for reasons of their own. The Board directed the clerk to invite first Kenny Dellenbaugh to be the grand marshal and if that does not work to ask Margaret Lamb.

The names the Board had suggested at the May meeting were: Jenny Inge, Zeke Ward, Ed Hargraves and Sandy Kroll. Ward had to decline the offer, but Trustee Wylesky said she would like to help plan the parade. Trustee Mattingly moved and Trustee Gant seconded to approve the committee as Inge, Hargraves, Kroll and Wylesky for the 2010 Fourth of July Parade Committee. The vote was unanimous. Mayor Shepperd declared the motion carried.

[Dellenbaugh said "thank-you very much," but graciously declined the offer for reasons of his own. Margaret Lamb agreed to ride in the 2009 parade as the Grand Marshal.]

NEW BUSINESS

SPECIAL EVENTS PERMIT APPLICATION – CREEDE ELKS LODGE NO. 506 – 4TH OF JULY AND NEW YEAR'S EVE DANCES

Trustee Brink moved and Trustee Gant seconded to approve the special events permit for the Creede Elks Lodge Fourth of July dances and the New Year's dance. There were five yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

SPECIAL EVENTS PERMIT APPLICATION – CREEDE ELKS LODGE NO. 506 – 4TH OF JULY BEER GARDEN

Trustee Brink moved and Trustee Gant seconded to approve the special events permit for the Creede Elks Lodge Fourth of July beer garden in Basham Park by the mining events arena. There were five yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

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

Trustee Mattingly moved and Trustee Gant seconded to approve the parade permit request for the Fourth of July parade. The vote was unanimous. Mayor Shepperd declared the motion carried.

MORTON PARK LEASE AGREEMENT

Trustee Brink moved and Trustee Wylesky seconded to approve the lease agreement with the Morton's for the portion of land north of the Mineral County courthouse annex to use as a park. The vote was unanimous. Mayor Shepperd declared the motion carried.

THE HOLY MOSES GIFT SHOP REQUEST TO CONSTRUCT A RETAINING WALL

Holy Moses gift Shop owners Nick and Victoria (Vicki) Kulyk, presented a drawing outlining their request for permission to build an eighteen inch retaining wall constructed of cinder blocks and cement. Kulyk said the retaining wall would essentially be built on city property, until such time that the city deeds the property behind their building to them, this is why the request to the city. Kulyk went on to explain the drainage situation behind their building and in the alley and what else has been done in the past to contribute to the problem. Trustee Mattingly explained that he had approached the business owners along the alley in that block, as a resident and not on behalf of the city, to help find a solution to the problem other than building a retaining wall. Following a discussion, Trustee Mattingly moved and Trustee Wylesky seconded to authorize the city to move four to five loads of number six road base behind specific businesses in Block twenty-five of Creedmore. The gravel put on city property will be at the city's expense and any gravel put on the business owner's property at their request they will pay for. Send a letter to Muley's Disposal Service (MDS) requesting him (Jon) to remove the dumpsters in the alley from the businesses that close at the end of the season. The vote was unanimous. Mayor Shepperd declared the motion carried. Kulyk's were okay with this arrangement.

AGENDA ITEMS FROM MATTINGLY

The clerk was reminded that listing these items as *Agenda Items from Mattingly* violates the "Sunshine Law" for posting the agenda for the public.

- 1) Mattingly returned his May stipend to the city and is requesting once again that the Board approve a waiver for future payments to him. The Board approved Mattingly's request and the letter drafted by him last month will be held on file with the clerk as his official waiver of payment.
- 2) The discussion of accounting changes were: A) budget to actual. City Manager Dooley currently provides the Board with an excel spreadsheet cash flow on a quarterly basis, but this information is always available at their request. It is not possible to generate a report in QuickBooks that compares the budget to the disbursements report directly. The Board agrees to receive a quarterly cash flow report. B) Full iteration on monthly disbursements of all checks cut is now being done as of this meeting. C) Clarification for discretionary spending limit by town manager for repairs and maintenance was discussed. It has been determined that the manager has a fifteen hundred dollar threshold to spend without first receiving Board approval; however, it is not written anywhere that the manager knows of. It was agreed that repairs and maintenance items do not fall within this discretionary spending providing monies are already budgeted for repairs and maintenance. The manager will take action as needed and inform the Board of what he has approved for R & M.
- 3) Case 07CW60, Richard Mehren. Due to the attorney-client confidentiality, Trustee Lewis moved and Trustee Wylesky seconded to not include this item three in this agenda. There were five yes votes and one no vote (Mattingly). Mayor Shepperd declared the motion carried. This item will be discussed in an executive session.
- 4) The Board discussed the need of having attorney Gibbons attend all regular meeting of the Board of Trustees. Gibbons explained that the city does not pay a retainer, but actual charges including travel time; however, Gibbons feels a retainer would cost the city more than they are currently paying for legal representation. At this time Gibbons will continue to attend all regular meetings and special meetings as requested.
- 5) Need for job descriptions for town staff. Consider committee of trustees to review and draft. This is already being done. A committee of trustees is already working on job descriptions.
- 6) Flume Letter. Date for public meeting on flume. Mattingly has drafted a letter the city will send to the property owners that own property adjacent to the Willow Creek Flume. The clerk is currently gathering those specific addresses. No date was set for the public meeting.

CREEDE REPERTORY THEATRE (CRT) PROGRAM ADVERTISING “THANK YOU” AND BONUS “KICK-OFF THE 2009 SEASON” TICKETS

The CRT sent out letters to those who advertised in the 2009 Theatre Program along with complimentary tickets in number according to the size of advertisement purchased. The city purchased an ad receiving it two complimentary tickets. Trustee Lewis moved and Trustee Keller seconded to allow the clerk to use these two tickets this season. The vote was unanimous. Mayor Shepperd declared the motion carried. The clerk thanked the Board.

The CRT also sent letters to local business owners in Creede stating their knowledge of the difficulty they have attending a performance and the city received this letter as well. Included with these letters were two complimentary tickets for a specific weekend of a specific performance. Trustee Lewis moved and Trustee Gant seconded to allow the manager to use these two complimentary tickets. The manager thanked the Board.

PARADE PERMIT REQUEST – CMAR – FOURTH OF JULY VENDORS

Trustee Brink moved and Trustee Mattingly seconded to approve the parade permit request from Creede/Mineral Arts and Recreation (CMAR) to close Second Street west of Kentucky Belle Market to Loma Street from noon July 1, 2009 until 11:00 a.m. July 5, 2009 for the Days of '92 vendors. The vote was unanimous. Mayor Shepperd declared the motion carried.

WORK PERMIT FOR WORK ON PUBLIC LANDS – DENVER AND RIO GRANDE RAILROAD

Trustee Mattingly moved and Trustee Gant seconded to approve a permit to perform work on public lands that was applied for by Don Shank of Denver and Rio Grande Railroad (D&RG RR) located at 70 N. Broadway Street, Monte Vista, Colorado to remove his track within the city limits of Creede with the following conditions: 1) must provide proof of insurance; 2) If work is not completed by June 30, work will cease until July 6, 2009; 3) property will be restored to a usable condition when needed for the activities of the town; otherwise the town will arrange for restoration and bill D&RG RR for the actual costs. The vote was unanimous. Mayor Shepperd declared the motion carried.

CITY MANAGER’S REPORT

The items discussed and the actions taken were as follows:

NEIGHBORHOOD ELECTRIC VEHICLES (NEVs) - DISCUSSION: This discussion is about Senate Bill (SB) 09-075, allowing NEVs on roadways with speed limits of no greater than thirty-five miles per hour. City Manager Dooley was told by the Attorney that he thought this bill died and therefore did not pass. Dooley was to find this out and bring the information to the June work session for further discussion.

CASH FLOW AND BANK BALANCES - FYI: Dooley attached a copy of the most recent cash flow, a comparison of income and expenses to budget as well as a list of the most current bank balances for the Board’s information.

CREEDE REPERTORY THEATRE (CRT) INTER-GOVERNMENTAL REVIEW - FYI: Mayor Shepperd brought to the attention of the Board a letter from the CRT that they had received prior to the meeting in their office files. This letter requested comments for the city as they pertain to a specific proposed project for which CRT is seeking a grant from USDA Rural Development. The Board of Trustees directed City Manager Dooley to draft a letter on behalf of the city to CRT in support of leveraging said grant.

The Trustees agreed to hold their regular work session on Tuesday, June 23, 2009 at 5:30 p.m. The Board also agreed to a work session on Monday July 13, 2009, with Mark Walker of CDPHE, Paul Glader of CRI and representatives of GOCO and CHFA to discuss potential grants available for clean-up or development of the CRI Property. [Since the June 9, 2009, meeting, the Mayor had been contacted per the request of city appointed CRI Property Planner, Eric Heil to hold a special meeting to adopt the Sub-Area Plan for the CRI Property and to execute an MOU with CRI at 5:30 p.m. just prior to the scheduled work session on Monday July 13, 2009]

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

A Public Works Report accompanied the City Manager’s Report.

EXECUTIVE SESSION

Trustee Keller moved and Trustee Wylesky seconded to adjourn regular session and go into executive session at 7:54 p.m. for the purpose of attorney conferences §24-6-402(4) (b), C. R. S. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Gant moved and Trustee Mattingly seconded to adjourn executive session and go into regular session at 8:51 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

ACTIONS FOLLOWING EXECUTIVE SESSION

Trustee Keller moved and Trustee Larry seconded to have the city manager send a letter to Richard Mehren the town's water attorney of specific questions the Board has for him. The vote was unanimous. Mayor Shepperd declared the motion carried.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Wylesky moved and Trustee Gant seconded that the meeting be adjourned at 8:53 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

Pamela J. Wilson, City Clerk/Treasurer