

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
July 11, 2006**

REGULAR MEETING

The Town Board 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 6:37 p.m. There being present at the call of the roll the following persons:

BOARD MEMBERS: Dana Brink, Rex Shepperd, Chuck Barnes, Martha Owens,
Debbie Wylesky, Kim Nagy
ABSENT: Eldon Seime

Mayor Pro-Tem Owens, presiding, declared a quorum present:
Those members of staff also present were as follows:

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

REVIEW AGENDA

New Business was moved to earlier in the meeting following Reports and Presentations and ahead of Public Hearings. The following items were added to the agenda: Old Business (g) Set distance for liquor ordinance; (h) Planning Commission recommendation for street signs; New Business (d) Parade Permit Request – Snowshoe Shuffle; and (e) Request to waive fees for EMS Garage building permit. Trustee Shepperd moved and Trustee Barnes seconded to approve the agenda as amended. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

APPROVAL OF MINUTES FOR June 13, 2006

Trustee Wylesky moved and Trustee Nagy seconded to approve the minutes of June 13, as presented. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

MONTHLY DISBURSEMENTS

Trustee Barnes moved and Trustee Wylesky seconded to approve the monthly disbursements as presented on the June 2006 check detail report. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

REPORTS AND PRESENTATIONS

BUILDING INSPECTOR'S REPORT

Mike Kolisch was unavailable for tonight's meeting; however, he did provide a written report for the Board to review.

SHERIFF'S REPORT

Sheriff Leggitt was unavailable for tonight's meeting; however, he did provide a report for the Board to review. Sheriff Leggitt's report reflected 1,911 miles and 588 hours had been patrolled in Town during the month of June. This report also reflected twenty incidents and complaints. There were no citations or accidents.

RECREATION REPORT

Eloise Hooper was available to answer questions about her written report.

WRITTEN REPORTS

This included the Chamber report. This report is to be reviewed at the Board's leisure.

BUSINESS LICENSE ORDINANCE

Ed Vita of 63 Silver Drive in Creede, made a verbal presentation with a request to the Board about the status of a business license ordinance. Vita, directing this issue more toward mobile vendors versus regular or fixed location businesses, asked for the Town to put together a committee to work on this ordinance. Vita was informed that nearly this same time last year this issue was brought before the Town Board with similar, if not the same, concerns. The Town Board recently formed a couple of committees that drafted other ordinances that generated mostly negative input; therefore, the Trustees suggested that other citizens and business owners in Town could arrange a committee and prepare a document to bring to the Town Board for approval to hold a public hearing and pass into law or not. At that time, a board member of the Creede/Mineral County Chamber of Commerce said that the Chamber would put together a committee and move forward with this project. The Town Board was asked by Vita not to put this on the Chamber, but for the Trustees to put together a committee and finish this project. It was suggested by the Board that the committee should still include citizens and business owners and the Board would ask for a Trustee to volunteer to be a liaison between the business license ordinance committee and the Town Board. This issue will be discussed further at a work session.

NEW BUSINESS

SPECIAL EVENTS PERMIT REQUEST – CREEDE HISTORICAL SOCIETY/FUNDRAISER

Trustee Shepperd moved and Trustee Barnes seconded to approve a special events permit for the annual “Bar Bash” fundraiser for the historical society to be held on Saturday, August 26, 2006 from 5:00 p.m. to Midnight. By roll call vote there were four yeas and one nay (Wylesky). Mayor Pro-Tem Owens declared the motion carried.

RESOLUTION ACKNOWLEDGING THE FOOT TRAIL CONNECTING THE CREEDE AMERICA ADDITION TO TOWN IS NOT ADA COMPLIANT

Trustee Barnes moved and Trustee Wylesky seconded that the City of Creede acknowledges by resolution (06-10) that the foot trail connecting Creede America Addition to Town is primitive and therefore not Americans With Disabilities Act (ADA) compliant. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

SET DATE FOR WORKING RETREAT FOR THE TOWN BOARD

The Board agreed to an afternoon session between Noon and 6:00 p.m. on Saturday, July 29, 2006. The location is to be determined.

On a date after the meeting it was determined that the Board will have their working retreat in the Redstone Room at the Rio Grande Club twenty-two miles out of Town in South Fork.

PARADE PERMIT REQUEST – DEB HAVERFIELD – SNOWSHOE SHUFFLE

Trustee Barnes moved and Trustee Shepperd seconded to approve a parade permit to temporarily close certain streets in Town between 8:30 a.m. and 10:30 a.m. for the Snowshoe Shuffle Race to be held on Saturday, August 5, 2006. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

EMERGENCY MEDICAL SERVICES (EMS) AND AMBULANCE GARAGE BUILDING PERMIT FEES

Mineral County Commissioner Bill Philbern updated the Town Board on the Mineral County Health Clinic project and reported the progress and budget of the ambulance barn project. This building will be 4,083 square feet in size and house four ambulances, a training facility and a decontamination area. Philbern asked the Board to waive the building permit fees for the ambulance barn. Trustee Barnes moved and Trustee Wylesky seconded to waive the building permit fees as well as the cost of a commercial water meter for the County to build the new ambulance barn. By roll call vote there were four yeas and one abstained (Brink-she is an emergency medical technician (EMT)). Mayor Pro-Tem declared the motion carried.

The concern of the building inspector’s pay was discussed and it was decided that the Board would address this issue further in their upcoming working retreat.

PUBLIC HEARINGS

DELLENBAUGH RE-PLAT OF LOTS 13 – 15, BLOCK 24 IN CREEDMOOR

No one signed up to speak at this public hearing.

PLANNING COMMISSION RECOMMENDATION ON DELLENBAUGH RE-PLAT

The Creede planning commission made the recommendation at their July 10, 2006 regular meeting that they felt the Dellenbaugh property could be subdivided by survey without re-platting. Trustee Shepperd moved and Trustee Wylesky seconded to accept the Planning Commissions recommendation by resolution (06-11) including the verbiage “to indemnify and hold harmless, the City, as to ownership of the property.” The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Ordinance 321, vacating the alley that crosses Dellenbaugh’s property will be recorded and a quit claim deed for such is to be drafted, signed by the mayor and recorded as well.

OLD BUSINESS

PLANNING COMMISSION RECOMMENDATION ON ENCROACHMENT POLICY

Planning Commission Chair Calandrucchio was available to make the recommendation to the Town Board and to answer any questions they had. The recommendation is of an outline of proposed lease for encroachment properties in Creede. There was an active discussion. Trustee Barnes moved and Trustee Wylesky seconded to table any decision until the next regular meeting. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

The Board administratively directed City Attorney Gibbons to write up his legal opinion of this recommendation prior to the Board’s upcoming working retreat.

ALLEY VACATION BETWEEN HAGUE’S AND LARSON’S PROPERTY

The alley in question is east of Main Street and west of the Flume in Block eight in south Creede. Ron Hague was present to address the Board with his request to vacate this alley and record the documents required to clean up his title. Hague was under the opinion from a previous administration and Town Board that the alley had already been vacated as early as 1968. Hague requested a survey of his property, including the alley, to find out recently that a deed had not been recorded quit claiming any interest the City may have in the alley. A quit claim deed will not be recorded until such time that the alley is in fact vacated. Questions were asked and answered. City Attorney Gibbons offered a legal recommendation to the Town Board to resolve this particular case by vacating the alley with the retention of easement and deed one half of the alley to one land owner and the other one half of the alley to the other land owner. Trustee Wylesky moved and Trustee Nagy seconded to vacate the alley east of Main Street and west of the Flume in Block eight in south Creede with a caveat to retain easement for the City’s utility access as well as San Luis Valley Rural Electric Cooperative’s (SLVREC) access. By roll call vote there were four yeas and one nay (Brink). Mayor Pro-Tem Owens declared the motion carried.

A public hearing for this ordinance will be scheduled for the August 8th Regular Town Board meeting.

SKATE PARK COMMITTEE Q & A FOR VIRGINIA CHRISTENSEN FUNDING

Ron Carpenter, Leeanna Tiley and Linda Ussery, members of the skate park committee were available to answer questions from the Board about this project. Carpenter provided the Board with updated information about grants and cash or in-kind donations. Peter Calandrucchio confirmed with the Board that he is donating his architectural expertise to this project as well. Carpenter told the Board that as an Elk member, he was working with them to be able to apply for grants and other funding under the umbrella of their 501(c)3. The Board reminded the committee members that there is seven thousand dollars available at this time for funding. The Board will make a decision at their August meeting.

MAMMOTH MOUNTAIN PROPERTIES LLC (MMP) ALLEY ISSUE

Keith Siddel of MMP asked the Town Board to give a directive authorizing someone with the City of Creede to work with Siddel on the blocked alley issue and the storm drain issue he has presented in writing. The Town Board directed City Manager Dooley to work with Siddel and draft a negotiated solution to bring back to the Board for approval. The drafted solution will be sent to the City Attorney for a legal review of the document and the Board has requested to receive a copy prior to the August meeting.

MINERAL COUNTY ECONOMIC DEVELOPMENT INC. (MCED) AFFORDABLE HOUSING PROJECT

The following MCED board members were present at the meeting: Keith Siddel, Sarah Scott, Lynn Harris, Zeke Ward and Debbie Wylesky (also a Town Trustee). Denise Dutwiler and Jon Graham were unable to attend. They asked the Town Board for the City's position on the final grade and drainage plan and the utility plan. The City Engineer requires these plans be approved and sealed and the Board agrees to this. Siddel explained the financial condition of this non-profit organization and that the extra six thousand dollars may be too much for MCED to spend on an engineer. Ward explained that the MCED board will need to meet to decide if they can comply with the City's specifications or if they need to move in a different direction. There was further discussion. Questions were asked and answered. During the meeting, MCED board member Ward gave the other MCED board members a letter and after a brief moment, Siddel stated, "We're gonna [sic] withdraw our request, there's no affordable housing." Siddel clarified again that MCED is withdrawing its request from the City. Then explaining that MCED board member Ward had just resigned. Siddel asked Harris for her vote and having two other letters authorizing him to do so, he made the official withdrawal of the request. With that, Siddel left the meeting.

LAND USE CODE PRE-PUBLIC HEARING DISCUSSION

Mayor Pro-Tem Owens said she had some typographical corrections she wanted to make to the document, but there were no other issues about it she needed to discuss at this time. Owens will meet with City Manager Dooley about the errors that need to be corrected. There was no further comment about this document.

DISTANCE FOR LIQUOR ORDINANCE

The Board reviewed and discussed a sketch showing how the shortest distance was measured from school property to the west side of the flume (basically the main business district in Creede) per their request. The distance measured was two hundred sixty four feet. Trustee Brink moved and Trustee Nagy seconded to reduce the distance of five hundred feet currently required by State statute and City ordinance down to two hundred sixty feet for an establishment to apply for a liquor license, and to do so by ordinance approval at a public hearing rather than as a ballot issue. By roll call vote there were four yeas and one nay (Wylesky). Mayor Pro-Tem Owens declared the motion carried.

A public hearing for this ordinance will be held at the August 8, 2006 Regular Town Board meeting.

PLANNING COMMISSION RECOMMENDATION ON STREET SIGNS

Planning and Zoning Committee Chair Calandrucchio was available to answer questions about the recommendation to the Town Board on street sign designs. The Board received a sketch of the proposed street sign design being recommended. The drawing outlines the six inch by six inch clear cedar posts which will have a beveled end for rain. Stop, yield, speed limit, and other signs will be standard and comply with regulations as required; however, street signs will be individual placards routed out and placed on all four sides as needed on the cedar posts and painted with reflective paint. The post base will be drilled to accommodate standard break-away pipe and footing. A bolt will be placed at the base in the side of the post for stability. A committee member has volunteered to ask the high school shop teacher if he would be interested in making the signs as project in class. Trustee Wylesky moved and Trustee Brink seconded to approve this recommendation for a street sign design. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

CITY MANAGER'S REPORT

The points discussed and the actions taken were as follows: Administrative direction was given to the City Manager to proceed with adverse abandonment of the railroad right-of-way.

Administrative direction was given to the City Manager to begin the process of mapping the water and sewer as the first step of the City's Water Distribution Replacement Project.

Administrative direction was given to the City Attorney to write a letter to property owner, Mike Green requesting him to prove ownership of the south twenty feet of West Third Street in Creede. This was apparently transferred in error to this property owner on a warranty deed that had been brought to the City Manager's attention.

City Manager Dooley received administrative direction to explore further any requirements on the length of painted "no parking" on the curbs to reduce the vision problems at certain intersections within Town. Dooley was asked to bring this information to the work session.

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

ADJOURN

There being no further business to come before the Board at this time, Trustee Brink moved and Trustee Wylesky seconded that the meeting be adjourned at 9:35 p.m. The vote was unanimous. Mayor Pro-Tem Owens declared the motion carried.

Respectfully submitted:

Approved by Board of Trustees:

Pamela J. Wilson, City Clerk/Treasurer

Martha K. Owens, Mayor Pro-Tem