

**CITY COUNCIL
CITY OF CREEDE, COLORADO – A TOWN
July 13, 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 5:13 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss (arrived at 5:28 p.m.), Henry Brink, Eldon Seime,
Martha Owens, Chuck Barnes (arrived at 5:44 p.m.), Gene Dooley
ABSENT: Debbie Wylesky (medical leave)

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

Trustee Owens asked to add the newsletter once again for discussion. It will be (a) under Old Business. The City Clerk asked to add an invoice from CCCJV for approval under Accept and Pay Bills.

APPROVAL OF MINUTES FOR June 8, 2004

Trustee Dooley moved and Trustee Brink seconded to approve the minutes of June 8th as presented. The vote was unanimous. Mayor Seime declared the motion carried.

ACCEPT AND PAY BILLS

Trustee Owens moved and Trustee Dooley seconded to approve the bills to be paid as presented on the check detail report for the month of June 2004. The vote was unanimous. Mayor Seime declared the motion carried.

An invoice from CCCJV was presented to the Board for payment. The invoice was for some work that had been done to repair a leak at the City's request under a previous administration. After work had been done and expenses incurred, it was discovered that the leak was not located where originally stated. There are utilities still due and some on/off charges as well for the last month that CCCJV owned the Silver Moon Trailer Park before it was sold to the current owner. Jack Payne of CCCJV asked if the utility bill and the other charges totaling seven hundred thirty-three dollars and sixty-three cents and the invoice from June 2002, for their expenses totaling \$1,016 could wash each other out. After some discussion, the question was raised to why it took two years for CCCJV to request payment for these expenses. After more discussion, Trustee Dooley moved and it was seconded to table further discussion and consideration of this invoice pending an answer to the Board's question. This will be heard again at the August meeting.

REPORTS AND PRESENTATIONS

DON SHANK (RAILROAD UPDATE)

Don Shank of the Denver & Rio Grande Historical Foundation (D&RGHF) addressed the Board to clear up some questions he had following a decision from the Surface Transportation Board (STB). Shank's understanding of what "The City" referred to is the Mayor, the Board of Trustees and the City Attorney. He then wanted to know if former mayor BJ Myers is acting in an official capacity on behalf of the City in the matter of railroad issues. Mayor Seime explained his decision to keep her in this capacity because it was already in the courts and she is in the know about the lawsuit. Myers was given the go ahead by the Board at the first meeting in April after the new Council members were sworn in. Myers was appointed to work along side of Trustee Brink and Mayor Seime bringing the two of them up to speed on the lawsuit and related issues. Mayor Seime asked Shank if he had ever given in writing to City Council his intentions of what he wishes to accomplish with the railroad. Shank said he had not, but would be happy to respond to a request from the three person committee if they wished to ask him in writing. His office is now in Monte Vista and he shared the address and phone number where he can be reached.

CITY MANAGER'S/MAINTENANCE REPORT

City Manager Dooley was available to answer questions concerning his Manager's Report. Questions were asked and answered. Dooley also answered questions about the maintenance crew and what projects they have been working on this past month.

SHERIFF'S REPORT

Sheriff Leggitt was available early on in the meeting, but had to leave before his report came up on the agenda. Any questions the Board has for Sheriff Leggitt can be addressed to him at his office. Sheriff Leggitt's report reflected 1,242 miles and 708 hours had been patrolled in the City during the month of June.

RAY DELLENBAUGH (ORDINANCE ENFORCEMENT)

Dellenbaugh explained to the Board that he had filed a complaint with the Sheriff's Office about the noise from the outside bands at Tommyknocker Tavern across the flume from his house. He feels that Ordinance No. 308 best applies to his situation. Questions were asked and answered.

Jeremy McComas of Tommyknocker had literature to hand out to the Board explaining how many decibels various noises generate. There was a discussion and questions were asked and answered. McComas explained that there have been some concessions made like keeping the band inside, closing windows and doors, etc., but they are a business and need to be able to conduct it. Brian Brittain of Tommyknocker was also available to answer questions. Brittain pointed out that they are in a commercial zoned district as is Dellenbaugh's house.

It was brought to light that the current ordinance that includes decibels is not enforceable the way it is written and a committee should be formed to help rewrite that ordinance. Some of the Board members volunteered to make themselves available for such a committee and invited representatives from Tommyknocker Tavern, Mac's Old Mine, the Elks, and other volunteers from the community to be a member of the committee as well. At this time the City does not have a decibel meter, nor does the Sheriff. Trustee Brink said it may even come down to erecting a sound barrier of some sort in a joint venture between Dellenbaugh and Tommyknocker. City Manager Dooley said he would request noise ordinances from other communities that can be used as examples.

RECREATION REPORT

Eloise Hooper was available to answer questions about her report. Trustee Owens acknowledged Hooper for her work over the Fourth of July. Questions were asked and answered.

WRITTEN REPORTS

This includes the Chamber report. This report will be reviewed by Council at their leisure. Trustee Goss noted that he noticed something in the report that he felt was addressed directly to him concerning the one call from someone in Rhode Island. He was pleased to see this in the statistics for a change.

JIM COLLINS-SILVER PARK RECREATION COMMITTEE

Jim Collins, owner/operator of Mac's Old Mine here in Creede made a presentation to the Board about ice climbing on the rocks across from the Underground Mining Museum in North Creede. This topic had been brought up last year in the spring to the previous Board of Trustees and administration. There was some discussion at that time and a committee of residents had been put together to further study and move forward with this project. Some of the committee members relocated away from Creede and Collins himself was only here part time. Needless to say, this project was put on a back burner. Collins is now in Creede full time and is ready to gather more information and move forward with this project. He explained the difference between ice climbing and rock climbing and expressed that ice climbing is the safer of the two not to mention that rock climbing is very invasive and does leave marks on the rocks. Collins explained that he is currently working on the funding for this project and fully intends on keeping the Board updated each month on the progress of his endeavor. Collins reiterated to the Board, that "by no means in no way, shape or form do I want to destroy anything that is up there, or deform

anything that is already there that God put there. Leave no trace is my motto," Collins said. He has spoken with Mac Roeber about what he would be dealing with as far as the rock goes. Trustee Goss said that he understood that Roeber's role in this would be to test the rock with and without ice for integrity. Collins explained that the first season will be a test season to find out exactly what the rock will withstand. It will be advertised that way and used in that capacity. Collins used Ouray as an example of how the lease, if necessary, could be handled and for various other examples as well. All climbers would sign a waiver releasing the City from any liability. The water would come from the river via pumps. Collins has been in communication with City Manager Dooley about the water that will be used for reporting purposes. At this point, everything is still in the "studies" phase, but Collins wants to know that the present Board and administration are willing to move forward with this project. Trustee Goss pointed out that Ordinance No. 312 will have to be considered because it addresses rock climbing on City property. Trustee Goss, by the way, is part of the previously formed committee. Trustee Brink expressed that he did not feel any action was required at this time, but added that he was not opposed to the idea as a whole.

ZEKE WARD-CREEDE RESOURCES DONATION UPDATE

Marvin "Zeke" Ward was available to explain the status of the Creede Resources property. Ward said that Willow Creek Reclamation Committee has been offered targeted Brownfields dollars to finish the investigations of the characterization of the Creede Resources property. There has to be a formal request from the City of Creede for EPA/Brownfields to make this money available. The City will not be obligating itself to any expense, to any liability or to any clean-up. This request merely expresses that the City is serious about pursuing acquiring this piece of property; however, for any good reason the City can back out. Willow Creek Committee will, with its resources, put a formal request together for someone to sign on the City's behalf. Questions were asked and answered and there was a discussion. Trustee Barnes moved and Trustee Goss seconded that the City support the seeking of Brownfields funds to accomplish the first step in the process of considering the acceptance of Creede Resources property. There were four yeas and one nay (Dooley). Mayor Seime declared the motion carried. Ward asked and was given the approval to present the letter of request to the Board at the next meeting for a signature.

UPDATE ON HYDRO-ELECTRIC POWER MEETING

Trustee Barnes updated the Board about a meeting that he and Trustees Brink and Dooley attended. This meeting was held June 29th, at Town Hall. Another workshop is scheduled for July 15th, at noon starting at Town Hall. These informational workshops were scheduled at the request of Jim Mietz of San Luis Valley Resource Conservation & Development. Also present at these workshops was and will be Ravi Malhotra, a representative for all the educational schools in Colorado. Malhotra wants to put together a program to use graduate students to handle such projects as a feasibility study like the one that was done for the City in 1996 about having micro-hydro electric generators on Willow Creek. Wind power was also brought up as an option for an alternate power source.

OLD BUSINESS

CITY NEWS/NEWSLETTER

Trustee Owens wanted to discuss the newsletter. Owens said she is unable to contribute anything to the newsletter until September. Her schedule is too full at this time and she does not have the time to devote to it right now. She apologized for having to renege on her original offer, but will be happy to take it up again in September. She feels that some form of information in print is necessary for the public. Mayor Seime will do his best to generate copy for the newsletter and an abbreviated form of the Manager's and/or the Maintenance report along with recreation information from Eloise will finish filling the pages for publication. Trustee Goss has volunteered to continue proofreading it for errors. Pamela reminded the Board that any copy for the *City News* should be given to her on either a diskette or in electronic form and preferably as a *Microsoft WORD* document. She also reminded them that it should be ready to go out the first week of any given month and definitely by the monthly Council meeting.

NEW BUSINESS

PARADE PERMIT – SNOWSHOE SHUFFLE

Deb Haverfield has requested a parade permit for the *Snowshoe Shuffle Run* to be held on August 7th, between the hours of 8:00 a.m. and 11:00 a.m. The route for the street closures was explained. 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 MOUNTAIN RUNS

Deb Haverfield has requested a parade permit for *The Creede Mountain Runs* to be held September 4th, between the hours of 8:00 a.m. and 3:00 p.m. The route for the street closures was unclear and questions had to be answered. The City Clerk will get in touch with Haverfield and clarify the exact route and present this permit at August's meeting. Trustee Brink moved and Trustee Dooley seconded to table the approval of this permit until next month if the route has been clarified. The vote was unanimous. Mayor Seime declared the motion carried.

PARADE PERMIT – CMCC FOR SALSA FIESTA

The Creede/Mineral Chamber of Commerce has requested a parade permit for Salsa Fiesta to be held September 5th, between the hours of 7:00 a.m. and 5:00 p.m. The street will be closed from North First Street south to Wall Street and from Wall Street south to South Second Street leaving Wall Street open to traffic. Trustee Dooley moved and Trustee Barnes seconded to approve this permit. The vote was unanimous. Mayor Seime declared the motion carried.

ALL TERRAIN VEHICLES (OHVs) IN TOWN-NORTH CREEDE ROAD

The Board discussed this issue at length and heard public input. Commissioner Wardell was present on behalf of Mineral County. Wardell explained the County's view on the issue. It was Council's understanding that someone from the newly formed ATV Club would be available to make the request of the City for a staging area. No one was until Karl Kolisch claimed that role after arriving later in the discussion. Questions were asked and answered. Concerns were addressed and considered about both sides of this issue. Trustee Barnes moved and Trustee Dooley seconded to decline further consideration of allowing the operation of ATVs or OHVs in Town. The vote was unanimous. Mayor Seime declared the motion carried.

It was also discussed that there is some confusion to some of the "off road" participants that North Creede is within the City's limits. Therefore, loading and unloading these vehicles across from the Mining Museum and riding them up and down that road to access County or Forest Service trails is breaking the law. It has been requested and suggested that signage may be necessary up there, and perhaps at the North Creede City limit signs as well, to properly inform persons that they are inside the City limits at that point and the off highway vehicles (OHV) are not allowed. Trustee Brink moved and Trustee Barnes seconded to have City Manager Dooley check into the cost of some signs not to exceed five hundred dollars and to look at the language on the sign to determine its accuracy. The vote was unanimous. Mayor Seime declared the motion carried.

SILVER MOON RE-ZONING REQUEST FIRST READING OF ORDINANCE NO. 332

Keith Siddel of Mammoth Mountain Properties, owner of the property more commonly known as Silver Moon Trailer Park, was present for the first reading of Ordinance No. 332. Currently the entire property is zoned R-M(p) *Residential Mobile Home Permanent*. Siddel is asking to leave lot one, which houses the mobile homes, as R-M(p) and re-zone lots two, three and four next to Highway 149 as B2 *Highway Business*. The ordinance was read aloud and Trustee Barnes moved and Trustee Goss seconded to pass, approve and adopt Ordinance No. 332 on the first reading. The vote was unanimous. Mayor Seime declared the motion carried.

The ordinance will be published in the *Mineral County Miner*, the subject property will be posted, and the adjoining property owners will be notified at least fifteen days prior to a public hearing set for Friday, August 27, 2004, at six o'clock p.m. The Board can at that time, if they should choose, make their final decision on Ordinance No. 332.

TRASH ORDINANCE FOR UNAUTHORIZED DUMPING (JON GRAHAM)

Jon Graham of Muley's Disposal Service addressed the Board about initiating an ordinance prohibiting persons from avoiding paying for trash service and using trash receptacles that someone else is paying for, namely the City/resident tax payers. There was some discussion. Questions were asked and answered. It was decided that before going through the process to create another law, a sign outlining the intention of such receptacles (i.e. for visitors only and not for City or County residents' household trash) and requesting a donation from those persons that continue to use it for their household trash. The donations will help defray the City's expense for dumping these receptacles more often because of the regular use and extra garbage. Graham will take care of ordering a sign and setting up a donation box. For persons that trespass on private property and use the dumpster or trash cans of paying trash customers, it is possible that the ordinance that addresses trespassing may apply. This would need to be initiated by the private party not Muley's or the City.

SCHEDULING FOR FUTURE MEETINGS

There was a brief discussion to determine a time for future meetings that will accommodate all the Board members as well as the community wishing to attend these meetings. Five o'clock p.m. is a little early for some, and the previous time of seven thirty o'clock p.m. is too late for some. The hour of six o'clock p.m. was agreed upon for the August meeting as well as all other regular meetings.

EXECUTIVE SESSION LEGAL MATTERS

City Attorney Ben Gibbons requested a brief executive session to discuss legal matters. Trustee Goss moved and Trustee Barnes seconded to go into executive session for the purpose of discussing legal matters with the City attorney. The vote was unanimous. Mayor Seime declared the motion carried and the Board went into executive session at 7:45 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 7:58 p.m.

ADJOURN

There being no further business to come before the Council at this time, the motion was made, 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 7:58 p.m.

Respectfully Submitted:

Approved by City Council:

Pamela Wilson, City Clerk/Treasurer

Eldon Seime, Mayor