

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
July 14, 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 5:31 p.m. There being present at the call of the roll the following persons:

PRESENT: John Mattingly, Evelyn Gant, Debbie Wylesky, Joe Keller,
Rex Shepperd, Dana Brink (arr. 5:39 p.m.)
ABSENT: Larry Lewis

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

Add Old Business (d) Recycle•Creede, Inc. – Lease Agreement. Trustee Gant moved and Trustee Mattingly seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

EXECUTIVE SESSION

Trustee Wylesky moved and Trustee Gant seconded to adjourn regular session and go into executive session at 5:34 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 Brink arrived at 5:39 p.m. and directly joined the Board in executive session.

Trustee Wylesky moved and Trustee Keller seconded to adjourn executive session and go into regular session at 6:25 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF JUNE 9, 2009 MINUTES

Trustee Wylesky moved and Trustee Mattingly seconded to approve the minutes of June 9, 2009 as corrected. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

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

The clerk was told she could leave the payroll checks off of the check detail report for the Board and present the report like she did before the June meeting.

REPORTS AND PRESENTATIONS

BUILDING INSPECTORS REPORT

Mike Kolisch was available to answer questions about his report. Item number two was missing from the report. Kolisch explained that it was Mineral County Sheriff's Office. They had been issued a certificate of occupancy (CO). The Board reminded Kolisch that at the last meeting the Board had requested that this report should always include the initial date of the building permit and the date the CO was issued. Kolisch was not in attendance at the June meeting, but acknowledged their request and said he will include this information in the future.

RECREATION REPORT

Recreation Director, Eloise Hooper, was available to answer questions about her report. Hooper also reported that this year there were more vendors on July third and fourth for the Days of '92 Mining events and Fourth of July festivities than last year. Last year, Hooper explained, there were twenty-six vendors and this year saw an increase to thirty-four for profit vendors occupying forty-nine and one half spaces and four non-profit vendors occupying six spaces. Hooper collected an extra ten dollars per space this year to hire some security for the nighttime hours of Thursday, Friday and Saturday as last year someone had set off some fireworks in the vendor area and some of their tents were damaged.

CREEDE AMERICA AFFORDABLE HOUSING PRESENTATION

Creede America Group, LLC General Manager, Avery Augur presented his idea for what was initially to be called affordable housing. Augur is interested in dividing two of his current lots in Phase I into four smaller lots to sell at a more affordable price. Augur presented the Board with copies of the original plat of the sub-division as well as the proposed plat modification. Augur said he has changed from calling this plan "affordable housing" to calling it "resident housing". Affordable has a different definition to different people. He recommends having only one deed restriction, that the person living in these smaller, resident homes must be a fulltime resident of Creede and work here. Questions were asked and answered. Augur was directed to fill out an application with the City Manager to begin the process.

WRITTEN REPORTS

This includes read only, informational reports from Chamber, Willow Creek Reclamation Committee (WCRC). These reports are to be read at the Board's leisure.

OLD BUSINESS

RESOLUTION 09-07, THE RE-PLAT OF A PORTION OF LOT 7, LOT 8 AND A PORTION OF DEPOT STREET IN BLOCK 33 OF SOUTH CREEDE

Trustee Wylesky moved and Trustee Gant seconded to approve, adopt and direct the Mayor to sign on behalf of the City Resolution 09-07 Re-platting Ken and Stella Taylor's south Creede property. The vote was unanimous. Mayor Shepperd declared the motion carried.

FOURTH OF JULY COMMITTEE MEMBER RECOMMENDATIONS

The clerk reported that two of the people the Board had appointed to this committee at their last regular meeting said they would be unable to participate. Ed Hargraves and Sandy Kroll were confirmed as those two people. During the discussion, Recycle•Creede's Cary Bush volunteered to be a part of the committee. The Board administratively directed that the two remaining members of the committee, Debbie Wylesky and Jenny Inge should recruit willing volunteers to help them when the time comes.

LETTER TO FLUME CITIZENS REGARDING COMMUNITY MEETING

The Board reviewed the draft of the letter that Trustee Mattingly had prepared. Some changes were made to the letter and the Board agreed on a public meeting date of August 18, 2009 at 6:30 p.m. The meeting will be a non-action, informational meeting with discussion between the City and the property owners adjacent to the flume in Town concerning the Town's access easement that it has on either side of the flume as it relates to upcoming repairs and/or replacement of the flume. The clerk noted that she was still gathering mailing addresses of the property owners. The Board asked the clerk if she could have them together and this letter ready to send on Friday, July 24, 2009. The clerk confirmed that she could and would do this.

RECYCLE•CREEDE INC. – LEASE AGREEMENT

Cary Bush of Recycle•Creede Inc. was present to remind the Board of her August first deadline for State funds that have been awarded to Recycle•Creede and to request the City sign a lease with her for the property in south Creede they have been discussing for her recycling center. Bush said that she has a draft of another lease the City has with another entity in Town that leases property in south Creede from the City. With the legal opinion of

the City Attorney, Trustee Brink moved and Trustee Wylesky seconded to authorize Bush and City Manager Dooley to draft a lease agreement including a general description of the property to be leased and confirmed at a later date by a survey. City Attorney Gibbons will review and approve the agreement drafted by Bush and Dooley that will include consideration of one dollar per year and a fifty year term with five year reviews. Following Gibbons' approval, the mayor has been authorized to sign the lease agreement on behalf of the City. The vote was unanimous. Mayor Shepperd declared the motion carried.

NEW BUSINESS

PARADE PERMIT REQUEST – SNOWSHOE SHUFFLE

Trustee Wylesky moved and Trustee Brink seconded to approve the parade permit request to close streets on August 1, 2009 for the Snowshoe Shuffle. The vote was unanimous. Mayor Shepperd declared the motion carried.

LIQUOR LICENSE RENEWAL APPLICATION – CREEDE REPERTORY THEATRE (CRT)

Trustee Brink moved and Trustee Keller seconded to approve the liquor license renewal application for the CRT Arts License. There were four yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

PARADE PERMIT REQUEST – CHAMBER OF COMMERCE – “CRUISIN’ THE CANYON CAR SHOW”

Trustee Keller moved and Trustee Wylesky seconded to approve the parade permit request to close parts of Main Street on September 19, 2009 for the “Cruisin’ the Canyon” car show. The vote was unanimous. Mayor Shepperd declared the motion carried.

ART GALLERY PERMIT RENEWAL APPLICATION

Trustee Keller moved and Trustee Brink seconded to approve the Art Gallery Permit Renewal for Jennifer Inge of Rare Things Gallery. There were four yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

SPECIAL EVENTS PERMIT APPLICATION – CREEDE HISTORICAL SOCIETY

Trustee Keller moved and Trustee Gant seconded to approve the Special Events Permit for the Creede Historical Society to hold their annual “Bar Bash” fundraiser at the Creede Museum on August 29, 2009. There were four yes votes and one no vote (Wylesky). Mayor Shepperd declared the motion carried.

PROPOSED LETTERS OF THANKS

Trustee Mattingly had drafted two letters of thanks and suggested that the Board approve to send these letters to Paul Stone and Crew for the Fourth of July fireworks display and to Keith Siddel for allowing the material for the fireworks display to be hauled across his property. The majority of the Board agreed that the letter was between Stone and Siddel because the City is not affiliated with the fireworks display; however, the City Clerk had signed the permit after the Mineral County Sheriff confirming that the site had been inspected. Trustee Mattingly moved and Trustee Gant seconded to move the discussion of the “Paul Stone and Crew” letter for further review and a possible re-write to a work session. The vote was unanimous. Mayor Shepperd declared the motion carried.

PUBLICATION AND POSTING OF CREEDE CITY INFORMATION

The City Attorney objected and disagreed with the last paragraph on the page that Trustee Mattingly had drafted for discussion of this item. It is his opinion that not all *Electronic communications between City Staff and Trustees, and between Trustees, can constitute a “meeting” under the Sunshine Law...* The City Clerk noted, too, that item 1. (c) *Creede City monthly disbursements* was handled via the 2006 Municipal Election when voters voted nearly two to one to allow the City to post the monthly disbursements at Town Hall versus publish them in the newspaper. The Board agreed this agenda item should go to a work session for further consideration.

DRAFT OF CODE ENFORCEMENT OFFICER DUTIES

The Board is interested in reviewing and considering adopting this document; however, they would like to take more time with it and look at it in a work session.

GENERAL DISCUSSION OF EXECUTIVE SESSION

The majority of the Board agreed that no action was required on this item. There was a discussion and questions were asked and answered. During a discussion of item number 3 (B) on this agenda, it was noted that the Board had given City Manager Dooley direction to hire security for Fourth of July weekend at their June 23, 2009 work session.

CITY MANAGER'S REPORT

The items discussed and the actions taken were as follows:

HAROLD BRINK NOTICE OF ACTION - DIRECTION REQUESTED: Trustee Brink [openly admitted to be Harold's sister-in-law] challenged that the City has clear knowledge of where its street is that (Harold) Brink has refuse within. Trustee Brink also noted that *refuse* means different things to different people only to be clarified by Trustee Wylesky that "one man's trash is another man's treasure." It was noted by the attorney that *refuse* is defined in the nuisance ordinance. The Board agreed to table this issue until Dooley gets clarification of where the city street is. Dooley said he will talk to Keith Luttrell of Davis Engineering Services, Inc. of Alamosa about a survey and provide this information to the Board at the July work session.

SOIL ANALYSIS REPORT - FYI: Dooley attached a copy of this report that he had received from Jeffry Giddings of Ductile Iron Pipe Research Association (DIPRA) for the Board's information.

SPECIAL EVENTS PERMIT APPLICATION DRAFT – DIRECTION REQUESTED: This draft application is to apply for a permit for events held on public property. The clerk requested that if the Board agrees to implement this application she would like to have it renamed because the State has an application of the same name for the sale of alcohol at special events hosted by non-profit organizations. The Board asked for a suggestion for a name and agreed to discuss this application further at a work session. The clerk noted that she would have a recommended name change by the work session.

WATER HYACINTH – FYI: The Board asked that Public Works Director, Ben Davis report on this subject in person at the August meeting.

EXTRA CITY SECURITY AND PATROLLING – FYI: Mineral County resident and recent graduate of the Trinidad State Junior College Police Academy in Alamosa, Dawn Kemper was the person contracted with the City by City Manager Dooley to provide Fourth of July weekend security. Kemper provided the Board with a follow-up report of her three shifts. The Board offered "kudos" to Kemper for providing such a thorough report.

CRT SUPPORT LETTER – DIRECTION REQUESTED: Dooley attached a draft of the letter he was previously direct to write in support of the CRT's efforts in securing funding for the second stage of their construction for the new theatre. The Board reviewed the draft and changed some of the wording and made typographical corrections. Dooley was directed to send the letter as amended.

ISO INSPECTION – FYI: Dooley explained the Insurance Services Office, Inc. (ISO) periodic evaluation of communities that offer public fire protection. The Board noted that the fire department has far more people available to it than the City has employed. Perhaps the City can negotiate with MCFPD to maintain the fire hydrants throughout Town. The hydrants are the property of the city; however, due to the lack of manpower and the fact that the fire department relies on these hydrants, it would be helpful if the city could turn the maintenance of the hydrants over.

FIREWORKS DISPLAY PERMIT – FYI: A copy of this permit was included with the Manager's Report. At the request of Paul Stone and after Sheriff Hosselkus as the Fire Marshal had signed the permit, the clerk was asked to sign it as well. The Board discussed this issue. The attorney said we will take a look at this permit and change the verbiage that the fire department or fire marshal has inspected this site. Where the display does not take place within the city limits, it was discussed that the clerk should not have to sign the permit at all.

4TH OF JULY LESSONS – DISCUSSION: This discussion will take place in a work session.

DENVER AND RIO GRANDE RAILWAY HISTORICAL FOUNDATION – FYI: Dooley was directed to continue sending applications for Shank to work on Public Lands until he completes one and returns it.

WORK SESSIONS: The Trustees agreed to hold their regular work session on Tuesday, July 28, 2009 at 5:30 p.m.

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

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

EXECUTIVE SESSION

Trustee Gant moved and Trustee Mattingly seconded to adjourn regular session and go into executive session at 8:23 p.m. for the purpose of attorney conferences §24-6-402(4) (b), C. R. S. [a continuation of the session held earlier in this meeting]. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Keller moved and Trustee Mattingly seconded to adjourn executive session and go into regular session at 8:45 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

ACTIONS FOLLOWING EXECUTIVE SESSION

Trustee Mattingly moved and Trustee Wylesky seconded to authorize water attorney Richard Mehren to sign the Rio Grande Water Users Association stipulation. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Mattingly moved and Trustee Gant seconded to direct city manager Dooley to put Mehren on hold after he signs said stipulation. The vote was unanimous. Mayor Shepperd declared the motion carried.

Administrative direction was given to city manager Dooley to research bids on ground water specialists.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Brink moved and Trustee Keller seconded that the meeting be adjourned at 8:47 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

Pamela J. Wilson, City Clerk/Treasurer