

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
August 10, 2010**

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: Elizabeth Zurn, Evelyn Gant, Debbie Wylesky, Ed Skroch, Debby Roughton-Miles, Denis Powell
ABSENT: Eric Grossman

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

Pamela Wilson, Clerk/Treasurer
Clyde Dooley, Manager
Benjamin Gibbons, Attorney
Ben Davis, Public Works Director

REVIEW AGENDA

Mayor Roughton-Miles added the US Army Corps of Engineers' Visit as New Business (f). Trustee Wylesky moved and Trustee Powell seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF JULY 7, 10, 13, AND 27, 2010 MINUTES

Trustee Zurn moved and Trustee Gant seconded to approve the minutes of July 7, 2010 as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Zurn said she felt that the language in paragraph one, line four was misleading and should be changed. The Board as a whole did not agree with Zurn and no change was made. Trustee Wylesky moved and Trustee Powell seconded to approve the minutes of July 10, 2010 as presented. There were four yes votes and one no vote (Zurn). Mayor Roughton-Miles declared the motion carried.

Trustee Powell moved and Trustee Zurn seconded to approve the minutes of July 13, 2010 as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Trustee Zurn moved and Trustee Wylesky seconded to approve the minutes of July 27, 2010 as presented. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MONTHLY DISBURSEMENTS

APPROVAL/DISAPPROVAL OF FARNER ENTERPRISES, INC. PAY ESTIMATE #6/FINAL PAYMENT FOR CHECK TO BE WRITTEN AND SIGNED

Trustee Zurn moved and Trustee Wylesky seconded to approve payment of pay estimate #6/final payment for Farner Enterprises, Inc. in the amount of \$9,418.97 and for presentation to them. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF PROFESSIONAL SERVICES INVOICES INCLUDING RMS UTILITIES, INC PAY ESTIMATE #1 FOR CHECKS TO BE WRITTEN FOR THE DATE INDICATED ON THE UNPAID BILLS LIST AND TO BE SIGNED

Mayor Roughton-Miles stated again that she feels the Board should review all the bills before payments are made. Trustee Zurn moved and Trustee Gant seconded to approve the check detail list of paid disbursements on the July 2010 check detail report as well as to approve payment of the unpaid bills on the unpaid bills detail as of August 10, 2010 with the exception of McLaughlin Water Engineers, LTD invoices until the city has a signed contract. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REPORTS AND PRESENTATIONS
PUBLIC WORKS REPORT

Public works director, Ben Davis was available to answer questions about his report. Questions were asked and answered. The Board agreed that Davis should stay for the entire Board meeting and take compensatory (comp.) time. The Board approved for Dooley to order ten signs printed with the verbiage "The operation of OHVs/ATVs is not permitted inside the city limits pursuant to § 33-14.5-108 C. R. S." The invoice will come before the Board for approval. Davis is to make a list for the Board of what paving/patching needs the city has. The Board directed Davis and Dooley to solicit bids on paving/patching based on square footage including remobilization and demobilization charges. The Board asked Davis to contact the "hockey group" that utilizes the city's ice rink in north Creede and ask them to please clean up the canyon.

BUILDING INSPECTOR'S REPORT

Mike Kolisch, the Town's building inspector was available to answer questions about his report. Kolisch stated for the record, "first of all I need to apologize to Mr. Siddel for something that I had said in a previous meeting that offended him, so I'm sorry I used the wrong wording." Kolisch proceeded to tell the Board that the Lamb building permit issue has been settled to the satisfaction of Kolisch and the Lambs. It was brought to the Board's attentions to bring all "cease and desist" orders before the Board for approval. This idea is not good for the reason that by the time the Board meets to approve or disapprove an order the project may be complete when it really needed to be stopped. Kolisch reminded the building permit committee and the Board of Trustees that an appeals board needs to be formed to appeal his decisions on building permits and related issues if necessary. The building permit committee has scheduled their first meeting to be held in Town Hall at 5:30 p.m. on Thursday, August 12, 2010.

CHAMBER OF COMMERCE REPORT

Chamber Director, Martha K. Owens was available to answer questions about her report. In discussing the building damage, it was noted that CIRSA (city's insurance carrier) will not handle the claim nor did they offer a solution to collect on it or fix the problem. Avery Augur of Creede America Group, LLC explained to the Board about the stucco system that was used on this building and strongly recommended that the city not use the current system of exterior insulated foam system (EIFS). Augur offered to redesign the back wall without EIFS. Augur will work with Dooley and they will present Augur's design to the Board prior to moving forward. Dooley and Gibbons will review the project contracts and insurance regarding the matter correcting the situation. In the discussion about the Chamber's request for tents and street barriers Public Works Director Davis was asked to check with uniform traffic control about the barrier requirements. Trustee Zurn moved and Trustee Powell seconded to approve the purchase of one tent of the size requested by the Chamber and the appropriate number of street barriers with the cost to be approved by two of the three assigned Board members (Roughton-Miles, Skroch and Wylesky). The vote was unanimous. Mayor Roughton-Miles declared the motion carried. Owens told the Board that one work day has come and gone without any help from the city; however, the chamber still needs help staining their fence in September. The Chamber could stand some volunteers to help with many projects they have going.

WILLOW CREEK RECLAMATION COMMITTEE (WCRC) REPORT

Kathleen Murphy a Vista Volunteer with WCRC introduced the new Coordinator, Gwen Nelson. Mayor Roughton-Miles welcomed them both. Murphy told the Board about the upcoming creek cleanup project scheduled from 9:00 a.m. to 2:00 p.m. on Saturday, September 11, 2010. She asked for volunteers as well as permission from the city to utilize Ben Davis and the city's backhoe for that day. The Board approved the request as an in-kind donation for the project. [Davis will once again comp. out his time to be arranged with Dooley]. Murphy told the Board that this project has been registered with the National Rivers Association in hopes they will attract more volunteers from down in the "Valley". There will be a BBQ following the cleanup at the Gazebo in *Jim Basham Park*. Nelson told the Board of a second project to plant grass test plots and also re-pot some sapling ponderosa pines to take place in late September on the 28th and 29th, again calling for volunteers. A BBQ will follow this project as well at the Dustin's home up river in the County. There were several other informational items in this

report that Murphy and Nelson touched on. Mayor Roughton-Miles proposed to the Board to consider moving the WCRC work space from the space they currently use in the meeting room into the small office currently being used maybe a day a week by public works. Public works can use the space vacated by WCRC when they need to do paperwork and work on the computer. It was brought to the Board's attention that the in-kind donation for allowing WCRC to utilize Town Hall space is based on the square footage of the work space [do not forget the use of the facsimile machine, copy machine (including paper, toner and long distance) as well as upstairs storage]. Mayor Roughton-Miles suggested this item be added to the September meeting agenda.

WRITTEN REPORTS

This item includes written reports from Recreation. This report is to be read at the Board's leisure.

OLD BUSINESS

PARADE PERMIT APPLICATION FOR STREET CLOSURE – CHAMBER OF COMMERCE – CAR SHOW

With the upcoming Phase III water line replacement project beginning after Labor Day weekend, this item had been tabled from a previous meeting to clarify that the construction on Main Street would not conflict with this street closure. Trustee Powell moved and Trustee Zurn seconded to approve the Chamber of Commerce request for a street closure from 7:00 a.m. to 6:00 p.m. on Saturday, September 18, 2010 to accommodate the "Cruisin' the Canyon" vehicle show. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REVIEW AND CONSIDERATION OF PROPOSALS/OFFERS TO REMOVE THE HOMESTAKE BUILDINGS ON BULLDOG MOUNTAIN

Mayor Roughton-Miles opened two proposals that had arrived to the city by the advertised deadline of 5:00 p.m. on July 30, 2010. The proposals were from Muniz Construction of Alamosa for \$35,000 and Frank Freer Construction of Creede for \$22,186.38. Both Ralph Muniz and Frank Freer were present. There was a discussion. Trustee Zurn moved and Trustee Skroch seconded to table these bids to the August 24, 2010 work session and discuss other options. There were four yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

CREEDE HISTORICAL SOCIETY CABIN PLACEMENT REQUEST (CHANGE IN LOCATION)

Mayor Roughton-Miles presented a proposal to the Board showing her thoughts on cabin placement in relation to a plan for much needed parking at the corner of Wall Street and Loma Avenue. The Board is interested to know why the Creede Historical Society (CHS) has decided to change the location placement of the cabin from where it was previously and the Board has approved. The Board will discuss this further at a work session.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Recommendation (1) Rio Grande Avenue Encroachments: Trustee Zurn moved and Trustee Powell seconded to approve this recommendation and engage Keith Luttrell of Davis Engineering Services, Inc. of Alamosa with his bid of less than \$2,500. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. Recommendation (2) Engineering Report on Railroad R-O-W: a decision on this recommendation has been tabled until the survey is complete on the Rio Grande Avenue encroachments recommendation. Recommendation (3) Preserve Railroad Bridge: The Board briefly discussed this issue until they were reminded this may be a moot point because the bridge belongs to Don Shank of Denver and Rio Grande Railway Historical Foundation. Recommendation (4) Heike Wilson Easement Request with an amendment to say that All Easements Are Non-Exclusive: Trustee Skroch moved and Trustee Powell seconded that the city does not grant an easement to the Wilson property. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

DISCUSS AND REVIEW DRAFT ORDINANCE 361, PROHIBITING THE LICENSES AND OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS AND MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURERS WITHIN THE CITY LIMITS OF CREEDE, COLORADO AND TO SCHEDULE A PUBLIC HEARING ON SAID ORDINANCE

At the direction of the Board at their July 13, 2010 meeting Attorney Gibbons drafted an “opt-put” ordinance for the Board to review and scheduled a public hearing for. The Board asked for more time to review this draft before a public hearing is scheduled. They will review it further at a work session. Attorney Gibbons recommended to the Board that they schedule the public hearing date to be no later than November 2010. The Board will address this item again at the September 14, 2010 meeting and schedule a public hearing at that time.

NEW BUSINESS

PARADE PERMIT APPLICATION – COMMUNITY CENTER – REQUESTED STREET CLOSURE/USE FOR ATV POKER RUN

Lonnie Rogers of the Community Center was available to answer questions concerning this request. Alternate routes were discussed. The Board talked about ideas of potential requirements of the participants that would be enforced by the community center. It was noted that approving this event is not to be construed as allowing all ATVs in town. Rogers said he has been told that there may be as many as two to three hundred participants in this event. The request is from 8:00 a.m. to 1:00 p.m. on Saturday, September 25, 2010. The Board has tabled this item to discuss further at the August 24, 2010 work session and will take action on it at the September meeting. Trustee Zurn provided Rogers with a list of requests from the Board that he is to provide information for at the work session.

OLD MINERS INN (OMI) ALLEY STORAGE – UPDATE BY TRUSTEE GROSSMAN AND POSSIBLE ACTION

Trustee Grossman was not at tonight’s meeting to review this agenda item with the Board. Mayor Roughton-Miles explained this issue how she understands it to the Board. Ed Vita of OMI was available for the discussion. The concern is that the placement of the cans of used vegetable oil in the alley is impeding the flow of drainage. Vita explained that he hopes to purchase a filter unit to convert the used vegetable oil into a re-usable energy form. The Board has requested that Vita please move the barrels in the mean time. Vita has agreed to move the barrels to his home. OMI is not the only property using a city alley for personal use. The Board wants to discuss in a work session to consider drafting a letter to all alley properties to keep the rights-of-way clear.

CONSIDER HAVING TWO REGULAR MEETINGS A MONTH

The Board agreed that keeping the meeting moving and “stop the meandering” is a better solution to the on-going late meetings. It was unanimously decided to not have a second regular meeting each month.

AGREE TO DATE(S) FOR CITY/COUNTY RETREAT

Thursday, August 26, 2010 at 6:00 p.m. is the upcoming city/county retreat and the county will provide dinner. The Board also agreed to tentatively set Thursday, October 21, 2010 as the next city/county retreat and will discuss dinner options at a later date.

ACTION ON VACATION REQUEST MEMORANDUM

The Board agreed to grant Wilson her vacation from August 23 through August 27, 2010. There is a work session scheduled for Tuesday, August 24, and the city/county retreat scheduled for Thursday, August 26; however, Wilson rarely attends these types of meetings. Items from these meetings to go to the September agenda will be forwarded to her when she returns.

The Board agreed to grant Dooley his vacation from September 13 through September 17, 2010. Although the water line replacement phase III construction will have started and the regular Board meeting will take place on September 14, the Board is okay with Dooley being away. The deadline for meeting packet materials is Thursday, September 9, before close of business; therefore, Dooley will have completed his Manager’s Report for the Board prior to leaving and Ben Davis of Public Works will be available to answer any questions the Board will have about the construction project.

US ARMY CORPS OF ENGINEERS (USACE) VISIT TO WCRC AUGUST MEETING

Following the USACE presentation to the WCRC, some of the Town Board members joined them as they walked the Willow Creek Flume through town. The Board offered ideas to USACE as they prepare a scope of services for the repair and renovation of the flume. A letter of intent was received some time ago from the city and is still good. The USACE will draft the original scope of services for consideration. The cost sharing discussed was that USACE will pay the first one hundred thousand dollars of the feasibility study and anything over and above one hundred thousand dollars will be split fifty/fifty between USACE and the city. It is possible that the ideas shared by the Board during the walk can be incorporated into the scope of services. It was asked that if the feasibility study were to exceed one hundred thousand dollars can the city back out. The attorney will check the scope of services as to not allow in excess of one hundred thousand dollars.

MANAGER'S REPORT

The items discussed and the actions taken were as follows:

RIO GRANDE AVENUE SURVEY – DIRECTION: This was handled in agenda item VII d.

SNOWSHOE LODGE PARKING LOT – DIRECTION: Trustee Zurn moved and Trustee Wylesky seconded to approve the city to expend \$1,875.33 to reimburse John Bruce for the repairs Bruce had to make following the phase II water line replacement project this past spring and early summer. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. The check will be written and signed for August 13, 2010.

STREET SIGNS – DIRECTION: Trustee Zurn moved and Trustee Wylesky seconded to approve the expenditure of \$1,297.96 so thirty-seven street signs with brackets can be ordered. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

NEW WORK TRUCK – WORK SESSION: Work session.

HAROLD BRINK PROPERTY ON LOMA STREET – DIRECTION: Dooley was given permission to write an abatement order.

RAILROAD TRACKS – ATTORNEY DIRECTION: Attorney Gibbons was directed by the Board to send a letter to Shank to remove the rest of his rails and ties from the city limits within forty-five days.

GUY DRESSER PROPERTY – WORK SESSION: Work session.

2011 PROPOSED BUDGET – FYI: This item explained that Dooley will have a first draft of the 2011 proposed budget ready for the August work session. Dooley also recommends that the Board meet in a budget work session weekly. The Assessor's office will be certifying the new assessed and actual values by August 25th and this starts the budgeting process.

WORK SESSIONS: The Board will hold their regular work session on Tuesday, August 24, 2010 at 5:30 p.m. Pat McDermott of Division of Water Resources will make a presentation to the Board about water rights.

This report also contains several information only items as well financial reports for the Board members to review.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

Ed Vita had signed up to speak; however, he left before this item came up on the agenda.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Zurn moved and Trustee Wylesky seconded that the meeting be adjourned at 8:13 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted: