

## SPECIAL MEETING, 5:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. REVIEW AGENDA
- V. EXECUTIVE SESSION
  - a. Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. §24-6-402(2)(e) related to Town Attorney Interviews
- VI. OLD BUSINESS
  - a. Consider Municipal Attorney Appointment
  - b. Award Bid Basham Park Pavilion (Refer to IFB here)
- VII. ADJOURN

## REGULAR WORK SESSION (Following Mtg)

- Reports & Presentations – Public Works, LWCRCo, Recreation
  - FYI – Schedule Change RFP Willow Creek Flume
    - Municipal Judge Proposal
  - PZ Tiny Homes Recommendation/Direction
- Agenda Policy Draft [We discussed developing a whole agenda and meeting procedure policy back when we were doing the ethics code, so I've included it...let me know if you prefer to separate]
  - Water Meter System Information
  - MOU with Creede Historical Society
    - Any Other Business

Posted 8/11/17

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OPEN TO THE PUBLIC

# BID FORM

**PROJECT IDENTIFICATION:** Basham Park Pavilion Construction

**THIS BID IS SUBMITTED TO:** City of Creede, 2223 North Main Street, Creede, CO 81130

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with the City to perform the labor as specified for in the Bid Price and within the Bid times indicated in this Bid and in accordance with the other terms and conditions of the construction contract documents.
2. Bidder accepts all of the terms and conditions of the Invitation for Bids.
3. Bidder certifies the following statement of schedule, relevant experience, and any other information bidder wishes to include (a separate statement is acceptable if more room is needed):

Double D Log & Custom Homes is a premier residential and commercial contractor with over 30 years of experience in the industry and the Creede & Mineral County area. Past projects have included detailed timber work, metal fabrication, and ADA compliance work as required by this project. We have 2M aggregate liability insurance and comprehensive workers compensation. Our schedule allows for project completion as specified in the invitation.

4. In submitting this Bid, Bidder represents that:
  - (a) Bidder has examined and understands the Bidding Documents, the Bid Forms, General Provisions, and Project Specifications for this project.
  - (b) Bidder has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance and furnishing of the Work.
  - (c) Bidder acknowledges that Owner does not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bidding Documents with respect to underground facilities at or contiguous to the site.
5. Bid prices will remain firm for forty-five (45) days following the bid opening. Bidder will complete the project in accordance with the Contract Documents for the following price:

LUMP SUM BID PRICE Thirty five thousand five hundred (\$ 35,500 )

OPTIONAL ITEM: \_\_\_\_\_ PRICE: \_\_\_\_\_ (\$ \_\_\_\_\_ )

OPTIONAL ITEM: \_\_\_\_\_ PRICE: \_\_\_\_\_ (\$ \_\_\_\_\_ )

6. The undersigned hereby certifies that they are authorized to sign on behalf of the entity proposing the bid and agrees to comply with the provisions of this bid form:

CONTRACTOR: Richard DePries

By: Rich DePries Date: 8-17-17

# BID FORM

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2. Bidder accepts all of the terms and conditions of the Invitation for Bids.

3. Bidder certifies the following statement of schedule, relevant experience, and any other information bidder wishes to include (a separate statement is acceptable if more room is needed):

- all wood near ground is treated wood (Joists, Beams, & Deck)
- Ramp is Brushed Concrete with Rails on sides
- 50% Deposit to Begin 50% Balance upon Final sign off
- all wood is pre treated with UV Plus stain all 4 sides

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LUMP SUM BID PRICE \_\_\_\_\_ (\$ 35,000 )

OPTIONAL ITEM: \_\_\_\_\_ PRICE: \_\_\_\_\_ (\$ \_\_\_\_\_ )

OPTIONAL ITEM: \_\_\_\_\_ PRICE: \_\_\_\_\_ (\$ \_\_\_\_\_ )

6. The undersigned hereby certifies that they are authorized to sign on behalf of the entity proposing the bid and agrees to comply with the provisions of this bid form:

CONTRACTOR: Frank Freer Construction

By: F. Freer Date: 8/11/17

June Director's Report  
AnnKate Sledd  
June 30, 2017

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**Financial:**

Membership Fees	1804.00
Program Registrations	30.00
Showers	10.00
Gym Rentals	220.00
Movie Night	66.50
Donations	460.00
4 <sup>th</sup> Vendors	465.00
Summer Camp Registration	1165.00
<b>TOTAL</b>	<b>4220.50</b>

**Gym Use**

The membership drive in June boosted our Annual Pass sales a bit, with 5 annual passes being purchased during that time. Most users still seem to be unsure if they will use the gym enough to purchase an annual pass, so monthly passes are in the highest demand. 25 monthly passes were purchased in June.

For June, we saw an average of 106 users each week. This number included class participants, summer camp and special program participants, and individual users.

**Current Programs**

Tee Ball will finish up the week after the 4<sup>th</sup>. We had 11 start in June, and 7 continued to come to every practice.

Spin has been filling up very quickly with a waitlist almost every class.

Pickleball is picking up again. A few weeks we have had over 20 players. They are planning a tournament for the end of the summer.

Summer camps have been going very well so far. June art camps had 26 participants between the two age groups, our youth hike had 10, and the monthly Trash to Treasures hike and craft day had 16 children. July and August camp spots are filling up quickly; some already have a wait list.

**Future Programs**

While the main focus is still on the success of summer camps, soon we will begin to line up programs for the Fall. We would like to give some new programs a try, depending on instructors and volunteers that we can find. We hope to find some individuals who are certified, or willing to get certified, to teach yoga, circuit training, or possibly Zumba.

**Additional Information**

4<sup>th</sup> of July vendors went very smoothly. Many of the vendors were very helpful and considerate of the fact that Kristeen and I had no prior experience with the event. Overall, they seemed happy with the transition since Eloise has retired. A total of \$3650 came in from booth registration fees. We are still waiting on the invoice from the generator rental and security before we know a figure for profits made. We have some ideas to make next year even better for everyone.

**July Director's Report**  
**AnnKate Sledd**

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**Financial:**

Membership Fees	\$661.00
Showers	\$14.00
Gym Rentals	\$30.00
Movie Night	\$75.41
Donations	\$28.75
4th vendors	\$455.00
Summer Camp Fees	\$310.00
<b>TOTAL</b>	<b>\$1574.16</b>

**Programs:**

Pickleball, spin class, HIIT/PIYO and Open Gym are still doing well. Spin fills up almost every week. This month, we added a morning Circuit workout class with Amy Wetherill on Wednesdays. Each week she has 1-5 people attend. The Fall schedule is starting to come together. It looks like we will add dance and yoga to the existing classes.

**Gym Use:**

We are still seeing between 80 and 120 users each week. This number includes summer campers, but our individual use numbers have stayed steady throughout the summer. This number may decline once summer residents begin to leave.

**Summer Camp:**

The summer camp programs were a huge success. Overall, we had 33 children sign up. Most of them attended multiple camps throughout the summer. A few of our camps ended up with over 20 children each day. The camps that did very well will continue next year, and the ones that only had a couple participants will be revised or replaced for next summer.

**Extras**

We will host an outdoor movie night over Labor Day weekend, as well as some Labor Day activities the day of Salsa Fest. We still have to choose the location of the movie, and we are taking a Facebook vote for which movie to show. So far, we have gotten a positive response from the community.

Things are going well at the gym. Kids and parents seem to have enjoyed the summer programs. We're excited to get some fall and winter things planned.



# RECOMMENDATION

To: Board of Trustees  
From: Planning Commission  
Date: 8/8/17  
Re: Tiny Homes

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During the past several months, the Planning & Zoning Commission has delved deeply into the discussion of Tiny Homes and have developed the following general “direction” for a recommendation to present to the Board of Trustees.

The following recommendations passed 8/8/17 with one objection. PZC will proceed with technical legislative recommendations based on your input:

-That RV regulations be thoroughly overhauled in consideration of the State of Colorado classification of tiny homes as RVs.

-That RV-type tiny homes are allowed in R1, R2, and MH as a permitted use and B1 and B2 as a special review use\*.

-That minimum square footage of all permanent-foundation homes and all accessory dwelling units in all zones be reduced to 400 square feet (for reference, approx. 20’ x 20’ home). Smaller square footage homes may be considered by special review use.

-That RV-type Tiny Homes used for a residence are be hooked up to city water and sewer.

-That RV-type Tiny Homes used for a residence are permitted on vacant lots and RV Parks and that use of an RV-Type tiny home as a residence may be permitted elsewhere by special review use.

\*A Special Review Use is a mechanism in the Creede Development Code by which individuals may apply for a particular land use that is reviewed by PZC and BOT with consideration of individual property particulars and Comprehensive Plan-RS

# City of Creede



Est. 1892

## Agenda Policy & Meeting Rules of Procedure

[We discussed developing a whole meeting procedure policy back when we were doing the ethics code, so I've included it...let me know if you prefer to separate -RS]

Adopted 2017

## AGENDA POLICY

1. Agendas for all regular meetings, work sessions, and special meetings of the City Council shall be prepared by the City Clerk subject to approval by the Mayor or in their absence, the Mayor Pro-tem.
2. Agendas shall follow the order of business set forth in the Creede Municipal Code except as deemed appropriate by City Council majority during the agenda approval portion of the meeting or direction prior to agenda setting.
3. Agendas for all regular meetings and work sessions shall be prepared by Thursday of the week prior to the meeting by 4:00 p.m.
4. Agenda material must be received by the City Clerk for inclusion in the agenda packet by Thursday of the week prior to the meeting at 4:00 p.m. Material that is not received in time for inclusion will not be included in the packet.
5. Should material be provided directly to Council during a meeting, the Council may table the item to allow for sufficient review. Identical material must also be provided to the City Clerk for inclusion in the permanent record.
6. Prior to items being placed on the regular meeting agenda, they should be discussed and placed on an agenda during a regular work session.
7. In the event of a time constraint or other extenuating circumstances, items may be added to an agenda after the deadline by City Council majority during the agenda approval portion of the meeting.
8. Agenda items can be added to work session agendas by members of the public according to the following process:
  - a. Contact the City Clerk by Wednesday of the week prior to the work session at 4:00 p.m. and provide specific agenda item language, and;
  - b. Prepare a written synopsis of your agenda item and include any research and info related to your agenda item request, not to exceed two pages, and provide to the City Clerk by Thursday of the week prior to the work session at 4:00 p.m.
  - c. At the work session during which the proposed item is scheduled, the City Council may discuss, schedule for a different work session or agenda, request more information, or decline further discussion.
  - d. Any member of the public proposing an agenda item must attend the meeting at which the item is slated for discussion. If the requester is not present at the meeting, no action will be taken. The applicant must resubmit the request.
9. Unscheduled public comment will be allowed a three-minute opportunity to address Council with no action from Council at regular work sessions. City Council may then add the item to a future agenda, decline further discussion or request more information at their discretion.



## MEETING RULES OF PROCEDURE

These Rules of Order establish rules and procedures for Creede City Council meetings. The intent is to set forth simplified rules which are readily accessible and usable by the Creede City Council members and understandable by the general public. The provisions of the Creede Municipal Code, or any ordinance adopted by the Creede City Council shall govern and apply in the event there is any conflict with these Rules of Order. Unless otherwise indicated, any reference to "Mayor" shall also mean the "Mayor Pro-Tem" or "Acting Mayor" in the absence of the Mayor.

1. During meetings, public servants of the City of Creede, including elected officials and staff, shall adhere to the "City of Creede Code of Ethics and Conduct."
2. Every meeting of the Creede City Council shall be presided over by the Mayor. If the Mayor is absent the Mayor Pro-Tem shall preside over the meeting. If the Mayor has a conflict of interest on a matter then the Mayor Pro-Tem shall preside over the meeting for such matter. If the Mayor and Mayor Pro-Tem are absent, or if they both have conflict of interest on a matter, then a quorum of Council members shall appoint an Acting Mayor by motion who shall then preside over the meeting or shall preside over such matter for which the Mayor and Mayor Pro-Tem have conflict of interest.
3. The Mayor shall strive to moderate Council meetings with impartiality, shall strive to allow input from all other Council members on matters before expressing his or her opinion, and shall refrain from making a motion or seconding a motion until it is apparent that no other member of the Council will do so.
4. Regular meetings and regular work sessions shall take place regularly as scheduled by the Creede City Council. Special meetings and work sessions may be scheduled by the City Clerk by direction of the City Manager, Mayor, or two City Council Members.
5. Work sessions will include a "Public Comment" portion for those members of public who wish to comment on items not on the agenda and will generally be limited to three minutes. Members of the public who wish to present more extensive agenda items are encouraged to follow the process provided in the City of Creede's Agenda Policy. The Mayor may permit public comments during any agenda item provided that such invitation does not hinder the ability of Council to conduct official Town business in an efficient manner. For matters which may involve substantial public comment by numerous members of the public, the Mayor or Council may propose limiting public comment to no less than 3 minutes per individual, which limitation on public comment must be approved by a majority of the quorum present.
6. The following general rules shall apply to the order and conduct of public hearings.
  - a. The Mayor shall open the public hearing by announcing the topic of the agenda item. The Mayor shall at all times during public hearings strive to maintain civility, decorum and order.

- b. The Mayor and/or appropriate Town Staff person shall introduce the topic, explain the applicable procedures and laws, and provide any presentation by the Town.
  - c. The applicant, licensee or appellant shall have the opportunity to present information, provide testimony, or respond to any comments or details in the Town's presentation.
  - d. The Council shall have the opportunity to ask technical questions of the appropriate Town staff, Town officials and the applicant, licensee or appellant but Council members shall not express opinions on the matter prior to opening the public hearing for public comment.
  - e. The Mayor shall officially open the public hearing for public comment and shall allow for members of the public to provide comment to the Council. The Council may approve a time limitation not less than 3 minutes for individual public comment and may approve public comment procedures to promote order and efficiency by a majority vote of the quorum present. After all public comments are received, or if the Council determines that the volume of public comments requires additional time and moves to continue the public hearing, the Mayor shall close the public comment portion of the public hearing.
  - f. The Council may discuss the merits of the topic of the public hearing and take such action as deemed appropriate after the public comment portion of the public hearing is concluded. If the volume of public comments requires a continuation, if additional information is required to consider the public hearing matter, or if the Council determines that additional time is warranted to consider the matter of the public hearing, the Council may continue the public hearing to a later date and may re-open the public comment portion of the public hearing at any continued public hearing.
7. Council may convene into executive session at any time by the affirmative vote of 2/3rds of the quorum present and by announcing the specific statutory citation and purpose of the executive session in accordance with the Colorado Open Meetings Law, CRS §24-6-402(4). The Council is not permitted to take official, final action on any matter in executive session.
  8. All official City Council actions are initiated by motion. There are two basic motions: action motions and procedural motions. Action motions carry out Council Business. Procedural motions relate to how the meeting is conducted, and may be used to help conduct business smoothly. Only one action motion may be on the floor at a time. A procedural motion may be proposed, discussed and acted upon when an action motion is on the floor or at any other time.

9. The Creede City Council makes motions according to the following table:

TO DO THIS...	...SAY THIS	INTERRUPT SPEAKER?	SECOND NEEDED?	MOTION DEBATABLE?	VOTE REQUIRED
<b>ACTION MOTIONS</b>					
Introduce business	I move that...	No	Yes	Yes, but only after second is made.	Majority
Amend a motion (by any Trustee)	I move this motion be amended by...	Yes	Consent required from motion maker and second maker		No Vote
Propose a substitute motion (by any Trustee)	I propose this motion be substituted by...	Yes	Consent required from motion maker and second maker		No Vote
Withdraw a motion	I move to withdraw this motion.	Yes	No	No	No Vote
Adjourn meeting*	I move that we adjourn	No	Yes	No	Majority
Recess meeting	I move that we recess until...	No	Yes	No	Majority
Suspend further consideration of something*	I move we table... (Does not require a specific time)	No	Yes	No	Majority
Take up a matter previously tabled*	I move to take from the table...	No	Yes	No	Majority
Postpone consideration of something without needing to re-notice public hearing	I move we postpone this matter until...(Requires a specific time)	No	Yes	Yes	Majority
Have something studied further	I move we refer this matter to staff for [more information]	No	Yes	Yes	Majority
<b>PROCEDURAL MOTIONS</b>					
End Debate**	I call the question	No	Yes	No	Majority
Request information	Point of information	Yes	No	No	No vote
Complain about noise, room temp., etc.*	I call for a point of privilege	Yes	No	No	No vote, Mayor decides
Object to procedure or personal affront*	I call for a point of order	Yes	No	No	No vote, Mayor decides
To object to discussion straying from the agenda	I call for orders of the day	Yes	No	No	No vote, Mayor Decides
Appeal Mayor's decision on procedural vote	I move to appeal the ruling of the mayor on....	Yes	Yes	Yes	Majority, Mayor ruling or conduct reversed

\*Not Amendable

\*\*If successful, motions on table must be immediately considered. If no motions are currently on the table, the Mayor must proceed to the next agenda item.

# MEMO

DATE: July 10, 2017  
TO: Mayor and BOT  
FROM: Randi  
SUBJECT: Treasurer's Info on Metered Water System

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I have begun preliminary research that is specific to my office on the inevitable switch to a metered water system that was discussed at the last work session. Much more is needed...

I'm very much intrigued by the idea of water conservation through metered billing, but I've been otherwise hesitant to pursue a system like this, mainly because of the cost. Much of the pressure that we get to switch to this system is the misperception that users will save money on their water bills rather than conservation reasons, and I think everyone will be disappointed. Currently, as Clyde has mentioned in Manager Reports, our water and sewer enterprise isn't as healthy as it could be, even with the rather sharp increases in rates we assess every year. We have ever-rising testing costs and we've recently lost a big water lease. As an enterprise fund, this system is supposed to operate like a business, so that it generates enough revenue to cover system costs as well as possible future infrastructure improvements. Just in order to maintain this "breaking even" revenue, the base rate would have to be almost as high as the flat rate given our large number of non-year-round customers. Not to mention, meter installation would cost customers more than one year's worth of water, which I imagine is out of the question for some of our users. Do we give people the option to switch and continue to make sure meters are being installed with new construction? Do we subsidize some of the costs? Should we be in charge of installation and charge accordingly since we need to inspect the installation anyway?

There are routine costs involved, which include meter reading equipment, probably a utility software upgrade, and increased public works meter collection time and administrative billing time. We might be able to get by with our current software and an investment in handheld meters, but understand that it is a very "budget" option and doesn't have a great deal of capability. If it can't handle it, a better utility program will run us into the thousands per year. The best one is at least \$7k-\$8k/year, and the next step up from ours is \$2k/year.. We can invest in more expensive automatic meter reading, but they would still require at least a drive-around every month to pass each meter, and regardless of what technology we opt for, this would be I'm guessing a half-day for one guy. These upgrades aren't terribly steep, but they do represent a permanent recurring increase in overhead, and that would need to be built into the base rate in order to sustain the fund.

All that being said, I know its probably on the horizon and we might as well begin planning for it. There is so much to consider with a project like this, and I hope that we can prepare a thoughtful and well-researched plan for switching over that taps into the experiences of other small towns that have switched like Lake City as well as in-depth input and deployment ideas from our Public Works staff. If we don't seem to be able to generate that plan in-house and are interested in doing it sooner rather than later, I think we should pursue a professional study. I would also like to see it included in a comprehensive Capital Improvement Plan that identifies our infrastructure needs, how we intend to pay for them, and what priority this project has over the potential for a waste water treatment facility and any other capital improvements, in general, and also specific to our enterprise fund.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into between the City of Creede, a Colorado municipality ("City"), and Creede Historical Society ("CHS") this 5<sup>th</sup> day of September, 2017.

**WHEREAS**, the City of Creede and the Historical Society both own certain portions of the land within Tract 53 commonly referred to as Basham Park in Downtown Creede bordered by Main Street and Loma Avenue from East to West, Wall Street to the North, and private buildings on second street to the south that require surveying to define; and,

**WHEREAS**, the City and CHS desire to cooperate to achieve mutually desirable goals concerning showcasing historic structures, facilitating public park recreation, preservation and expansion of open space, and development of Basham Park in conjunction with the development of a Basham Park Master Plan; and,

**WHEREAS**, the City and CHS desire to identify various tasks which must be accomplished and acknowledge what role each party intends to assume in order to implement the goals and desires of Creede citizenry and community leaders in order to provide the best downtown community park possible; and,

**WHEREAS**, the City and CHS each own land in the park and wish to mutually clarify and preserve each entity's ownership through a survey and replat process, but wish to identify best locations and usage throughout the park and relocating certain structures before committing to this process, and wish to grant mutual use of Basham Park land to each other as necessary before official land exchanges take place;

**NOW, THEREFORE**, the City and CHS approve this MOU as follows:

1. **No Legal Rights Created**: This MOU shall not create any contractual rights, obligations or remedies for either party nor shall the failure to abide by the terms of this MOU by either party be construed to constitute a lack of good faith dealing. The Parties recognize that many circumstances can affect the estimated timeframe for identified actions or goals stated in this MOU.
2. **Historic Library Relocation**: The City and CHS wish to relocate the Historical Society Library to a new location West of the Historical Society Depot & Museum which is most likely owned by the City of Creede during the summer of 2017. The City, CHS, and Mineral County have agreed to support the relocation of the Historic Library by splitting costs equally. Relocation costs will be paid by the City of Creede and invoiced to CHS and Mineral County. Relocation costs include the following:
  - a. Crane Services (estimated cost \$2500.00)
  - b. Railroad Ties for Temporary Foundation (estimated cost \$200.00)
  - c. Storage Container Rental & Delivery/Pickup (cost \$509.35)
  - d. Electricity Service (estimated cost \$1000.00)
  - e. In-Kind Volunteer Work (estimated in kind \$2000)

**TOTAL CASH COSTS \$4209.35 (\$1403.12)**

Once the library is relocated, construction of a pavilion near the former library's location can commence on land most likely owned by CHS.

3. **Transfer of Title:** The City hereby declares a good faith intention to ensure that permanent ownership of the land upon which the final location of the Creede Historical Library, the Creede Historical Depot & Museum, and the Creede Historical Bachelor Cabin within Basham Park is transferred to CHS along with necessary easements to access pathways and outdoor structures. The CHS hereby declares a good faith intention to ensure that permanent ownership of the land used for park space within Basham Park is transferred to the City. The City and CHS intend to research, investigate, and conduct appropriate due diligence concerning the potential transfer of portions of the Basham Park Property in between the City and CHS once the structures in Basham Park are in a location that is agreeable to all parties. Both parties agree to mutually honor existing deeds and ownership, and work together to arrive at an eventual property agreement that serves the purposes of both entities while maintaining each entity's approximate acreage ownership as determined agreeable by both parties.
4. **Mutual Park Use:** The City and CHS wish to collaborate on this park improvement project, and therefore, grant each other mutual permission to use all lands within the above-described area, subject to individual structure relocation approval by each entity, for all uses until boundary lines can be corrected and a mutually beneficial land ownership agreement can be reached.

**ACKNOWLEDGED AND EXECUTED:**

**City of Creede, Colorado**

**Creede Historical Society**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
President