

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
September 29, 2009**

SPECIAL MEETING

The Board of Trustees of the City of Creede – a Town, County of Mineral, State of Colorado, met in a special session in the Creede Town Hall at the hour of 5:32 p.m. There being present at the call of the roll the following persons:

BOARD MEMBERS PRESENT: John Mattingly, Evelyn Gant, Debbie Wylesky (arr. 5:34 p.m.),
Larry Lewis, Joe Keller, Rex Shepperd, Dana Brink (arr. 5:35
p.m.)

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
Ben Davis, Public Works Director
Eric Czaikowski, McLaughlin Water Engineers LTD

NEW BUSINESS

BOARD DISCUSSION OF WATERLINE PROGRESS AND RELATED ISSUES

Keith Siddel of Mammoth Mountain Properties (MMP) and Gerald Garcia of Colorado Department of Transportation (CDOT) were both in attendance for this meeting.

City Manager Dooley had prepared an interoffice memorandum for the Board to review and follow while Dooley explained what has been taking place with the water line replacement project. A temporary construction permit is being discussed and considered. Some verbiage was clarified, changed and/or removed from the document. Several of the Board members feel the *Silvermoon Re-Plat No. 2* recorded with the Mineral County Clerk and Recorder on May 22, 2008 identifying a utility easement “was our agreement.” It was explained that Siddel requested a construction agreement for the construction period, as well as having an easement deed recorded allowing for routine utility maintenance.

Trustee Mattingly moved and Trustee Keller seconded to approve the agreement with the following changes: to allow for twenty days of access commencing on October 5, 2009; the elimination of the verbiage “sewer line” and it’s depth; and that no permanent structures can be built on the easement and to authorize Mayor Shepperd to sign the agreement on behalf of the city. There were five yes votes and one no vote (Lewis). Mayor Shepperd declared the motion carried.

Trustee Lewis expressed concerns about these delays and what additional costs may be submitted to the city for payment. Public works director Davis told the Board that there will possibly be change orders because of other issues the contractors have encountered during this project. City Manager Dooley told Lewis and the Board that so far there has been no evidence to show that there is additional cost to the city because of the delay on MMP property. Also, considering the time of year and possible weather any day now, will twenty days now be enough time altogether. Siddel told the Board that he is okay with another twenty days, an extra twenty days or whatever is needed to complete the construction across MMP property. Engineer Czaikowski, Davis and Garcia from CDOT talked to the Board about using temporary water service for the residents south of MJ’s Buffet. Questions were asked and answered.

Trustee Wylesky arrived early in this discussion at 5:34 p.m. and Trustee Brink directly followed at 5:35 p.m.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Gant moved and Trustee Wylesky seconded that the meeting be adjourned at 6:20 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

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Respectfully submitted:

Pamela Wilson, City Clerk/Treasurer