

**BOARD OF TRUSTEES REGULAR MEETING  
CITY OF CREEDE, COLORADO – A TOWN  
September 6, 2011**

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:

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

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

Randi DePriest, Clerk/Treasurer  
Clyde Dooley, Town Manager  
Eric Heil, Town Attorney (by phone)

REVIEW AGENDA

Trustee Grossman suggested adding the Board of Adjustments document from Planning and Zoning to Old Business item d. Trustee Powell moved and Trustee Skroch seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF AUGUST 2, 2011 MINUTES

Trustee Skroch identified an inaccuracy in the discussion of Ordinance 367. It was discussed and Clerk DePriest was directed to remove six words from the minutes in the third sentence of that section starting with “based” to “along.” Trustee Grossman moved and Trustee Gant seconded to approve the August 2, 2011 minutes as corrected. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MONTHLY DISBURSEMENTS

REVIEW/CONSENT OF PREVIOUSLY PAID DISBURSEMENTS ON THE AUGUST 2011 CHECK DETAIL REPORT

Questions were asked and answered about Mineral County Road and Bridge Dump charges and the BSN Sports item. Trustee Zurn moved and Trustee Grossman seconded to approve the previously paid disbursements on the August 2011 check detail report with consideration of the item to be discussed at the September 21<sup>st</sup> work session. The vote was unanimous. Mayor-Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF PROFESSIONAL SERVICES INVOICES (AND OTHERS AS NECESSARY) FOR CHECKS TO BE WRITTEN AND SIGNED

Questions were asked and answered about Lower Willow Creek Restoration Company, Moses, Wittemyer, Harrison, and Woodruff, travel expenses and Chamber of Commerce insurance costs. Trustee Skroch moved and Trustee Gant seconded to approve the payments on the unpaid bills detail as of September 6, 2011 as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF RMS UTILITIES, INC. PAYMENT ESTIMATE #8 FOR PAYMENT

Mayor Roughton-Miles asked Manager Dooley to clarify that this is the final payment. Dooley confirmed and reminded the board that they should only approve the payment on the condition the contract is signed by Brian Malouff. He also went over the additional expenses incurred by water line damage and Change Order #1 for unforeseen charges. Mayor Roughton-Miles tabled approval of the estimate until it was signed.

#### PUBLIC WORKS REPORT

Public Works Director, Ben Davis, was unavailable to comment on his written public works report. Mayor Roughton-Miles commented that she had many concerns and that the flowers needed to be addressed. She asked that Manager Dooley request Davis be present at the September 21<sup>st</sup> work session.

#### BUILDING INSPECTOR'S REPORT

Exiting Creede building inspector, Mike Kolisch, addressed the board and confirmed that everything had been taken care of. Mayor Roughton-Miles thanked him for his efforts. Kolisch voiced his support for the future Building Inspector.

#### MAYOR ROUGHTON-MILES' REPORT/UPDATE

Mayor Roughton-Miles commented that she didn't have anything to present.

#### WRITTEN REPORTS

Written reports include reports from Chamber of Commerce, Recreation, WCRC, and the Creede Community Center. The reports were received and filed.

#### PRESENTATION AND DISCUSSION OF CREEDE'S WATER RIGHTS AS SUBMITTED BY JOHN MATTINGLY AND MERLE KNOUS

John and Merle asked three questions in the agenda item they submitted that they hoped would be answered by the Town Water Attorney. John discussed the town's pump capacity and who should be charged should that capacity be increased. Merle discussed the Colorado Water Conservancy's Water Right at Wagon Wheel Gap and Goose Creek. Mayor Roughton-Miles said we need to pursue answering questions so that we have a better understanding of the water situation and thanked Mr. Mattingly and Mr. Knous for their presentation.

#### PRESENTATION AND DISCUSSION OF REPAIRING OR REPLACING THE FLUME AS SUBMITTED BY TRUSTEE ERIC GROSSMAN AND ZEKE WARD

Zeke Ward gave a preliminary description of his conversations with Ron Tapler of the Concrete Doctor. Mr. Tapler has found to date a way to divert the water and some options for doing the flume repairs. His information does not include cost estimates yet because he needs some direction. Ward noted that he would get the information to Manager Dooley as soon as possible. Trustee Zurn suggested that we add the flume to the September 21<sup>st</sup> Work Session with Ron's information.

#### PUBLIC HEARING OF RESOLUTION 2011-07 REPLAT AND SSIP OF TOMKIN'S LUMBERYARD BLOCK 25 A IN CREEDMOOR, CITY OF CREEDE

Mayor Roughton-Miles announced that the public hearing was open. Ed Vita said that he still trying to resolve issues related to his business dumpster and propane tank. Various options and solutions were discussed, including different sized dumpsters, roof drainage and gutters, and burying the propane tank and placing the dumpster over it. Trustee Grossman said that important issues to the Board of Trustees were egress, alley drain pans, and safety. Mayor Roughton-Miles suggested that once something was worked out, the Board could decide whether or not the plan was acceptable based on those concerns and closed the public hearing.

Trustee Zurn stated that she was comfortable with approving the replat and SSIP. Mayor Roughton-Miles indicated that she was concerned about parking being available. Nick Lenzini said that there was parking on the upper part of the property. He apologized for the current shortage and explained that it was temporary until the SSIP passes and he can complete his project and organize the inventory. Trustee Zurn asked Manager Dooley if the SSIP is accurate and Dooley confirmed that it was. Trustee Grossman brought up the recitals in paragraph #3 for sidewalk and parking room and suggested we leave room for a trail from one end of town to the other. After discussing the "bottleneck" area at length, it was requested of Dooley that "trail" be inserted into #3 of the SSIP. Trustee Wylesky and Trustee Zurn moved to approve resolution #2011-07 Replat of Block 25A. The vote was

unanimous. Mayor Roughton-Miles declared the motion carried. Trustee Skroch moved and Trustee Powell seconded to accept the SSIP with the addition of “/trail” in paragraph #3. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

#### OLD BUSINESS

##### ACTION/DIRECTION FOR BUILDING INSPECTOR POSITION OPENING

Mayor Roughton-Miles suggested that we remove the percentage of pay from the notice to be published. Manager Dooley was directed to change the term “employee” to “independent contractor,” refrain from including any pay scale, and to then move forward with publishing the notice. Trustee Grossman suggested that we discuss the percentage and the training costs at the September 21<sup>st</sup> Work Session. Dooley asked for direction on what to do in the meantime while we were seeking a new Building Inspector. Trustee Zurn moved and Trustee Powell seconded that we authorize Dooley to hire a temporary building inspector at the temporary fee breakdown of 60% of building fees to the city and 40% to the building inspector. There were five yes votes and one no vote (Wylesky). The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

##### DISCUSSION OF LETTER TO SUMMER BUSINESSES REGARDING SHOVELING SNOW PER ORDINANCE 203

Mayor Roughton-Miles wanted to be sure that we get that letter out to summer residents before they left for the winter. The board discussed giving discounted rates for shoveling if businesses notified the Town in advance. Manager Dooley was directed to bring a draft of the letter to the September 21<sup>st</sup> work session.

##### APPROVAL OF TERMS OF SETTLEMENT REGARDING PETERSON V. CITY OF CREEDE

Attorney Heil suggesting discussing the case in executive session. Jenny Peterson asked when the board would be voting on the matter, and was told that it would most likely be on agenda for October 4th.

##### APPROVAL OF THE BOARD OF ADJUSTMENTS DOCUMENT FROM PLANNING AND ZONING

Trustee Grossman suggested that the item be tabled so that the board could take a closer look at it. Trustee Zurn suggested that it be added to the September 21<sup>st</sup> Work Session.

#### NEW BUSINESS

##### ACTION/DIRECTION TO RESCHEDULE WORK SESSION

It was requested that the Board of Trustees reschedule the work session on Tuesday, September 20<sup>th</sup>, 2011 so that Manager Dooley, Mayor Roughton-Miles, Trustee Grossman, Trustee Zurn, and Clerk DePriest could attend Colorado Municipal League’s District 8 Meeting in La Jara. The Board agreed to reschedule the work session for September 21<sup>st</sup>, 2011.

##### MANAGER’S REPORT

The items discussed and the actions taken in the Town Manager’s Report were as follows:

**WATER INSPECTOR INTRODUCTION:** Dooley introduced Water Inspector Paul Berry. Berry explained that the water project had begun on Capital. He described what work would be done to install a vault building for a pressure relieving valve. He said that, depending on the weather, it may be possible to install the new main line all the way to Loma by the end of this fall but that delays may cause service connection to be postponed until spring. Road closures on Capital Avenue were discussed. Berry explained that the hole could be filled in case of an emergency and thanked the Board for having him.

**BLOWER AT WASTEWATER PLANT:** Dooley asked for and received administrative direction on purchasing a new blower at the wastewater plant that would cost around \$4,325 from the Capital Improvement Fund as the current one is quickly deteriorating. He was also directed to send the old one in for repairs as a backup.

**CONTRACT REVISION:** A revision to the asphalt patching contract was suggested to save the Town about \$9,125 by using rubberized asphalt as it would be paved over within the next few years. Dooley was approved to go ahead with temporary patching material.

**APPOINTMENT OF CODE OFFICER:** Dooley asked for and was given approval to hire Deborah Lamb as the new Town Code Officer.

**RMS CHANGE ORDER:** RMS Change Order #1 was tabled in July awaiting Bryan Malouff's signature. Trustee Grossman moved and Trustee Zurn seconded to approve RMS Change Order 1. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

**SCHEDULE BUDGET WORK SESSIONS:** Dooley said that he will prepare at preliminary 2012 budget proposal for the October 4<sup>th</sup>, 2011. Mayor Roughton-Miles thought it would be better to begin going over it at the September 21<sup>st</sup> work session and Dooley agreed to bring it then.

**RGS EXPENSE AGREEMENT** Dooley has been working with Brian Morris and Ron McLaughlin regarding an agreement for utilities. Involved parties are to look over the agreement, approve it, and put it on the agenda of the October 4<sup>th</sup>, 2011 board meeting.

**UPDATE ON AJ HOSSELKUS PROPERTY** Dooley described that AJs property on Wall Street was sold to AW Collins by the Town of Creede in 1916 according to the minutes of a meeting. The Board discussed whether the conveyance was valid. Attorney Heil was asked for his opinion on whether this should be considered as proof he owns it. He noted that it was a somewhat slippery slope and that it would be best if we legally finish the agreement made properly. The Trustees agreed.

**UPDATE ON SAWYERS AND SURROUNDING NEIGHBORS** Manager Dooley updated the board on the neighbors' progress on La Garita Street.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)

No one signed up for public comment.

EXECUTIVE SESSION AND RELATED ACTIONS

Trustee Skroch moved and Trustee Zurn seconded to convene into executive sessions with the town Attorney for the purpose of receiving legal advice for specific legal questions pursuant to Colorado Revised Statute 23-6-402 4b related to pending litigation regarding Peterson v. City, claim #5013145. Trustee Zurn moved and Trustee Grossman seconded to move out of Executive Session.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Grossman moved and Trustee Wylesky seconded that the meeting be adjourned at 7:25 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

Respectfully submitted:

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Randi DePriest, City Clerk/Treasurer

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