

**CITY COUNCIL
CITY OF CREEDE, COLORADO – A TOWN
September 8, 2003**

REGULAR MEETING

The City Council 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 7:33 p.m. There being present at the call of the roll the following persons:

COUNCIL MEMBERS: John Goss, JB Alexander, Merle Knous, BJ Myers,
Chuck Barnes, Gene Dooley
ABSENT: Jennifer Homsher

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

Robin Crites, City Attorney
Clyde Dooley, City Manager
Pamela Wilson, City Clerk/Treasurer

APPROVAL OF AGENDA

John Mills invoice was added as b) under accept and pay bills; f) of reports and presentations was added to approve a liquor license renewal for Beaver Liquors; d) old business is Midwest update; e) old business RV dump was added and c) new business nuisance ordinance was added.

APPROVAL OF MINUTES FOR August 4, 11, and 15, 2003

Trustee Barnes moved and Trustee Dooley seconded to accept the minutes of August 4, 11, and 15, 2003 as corrected. The vote was unanimous. Mayor Myers declared the motion carried.

ACCEPT AND PAY BILLS

While Shaun is still doing minimal work for the City until September 15, he has been asked to use the City pickup rather than being paid mileage for his own vehicle. Trustee Alexander moved and Trustee Goss seconded to accept and pay bills including the Moses, Wittemyer, Harrison and Woodruff P.C. invoices. The vote was unanimous. Mayor Myers declared the motion carried. City Attorney Crites explained the charges from Moses, Wittemyer, Harrison and Woodruff P.C. There are some readings that are to be reported four times a year and McLaughlin will work on a plan to implement this process. The work that Moses is doing is making application for water rights every so many years because the City has a conditional use permit versus permanent. Trustee Knous disputes that the City's permit is conditional use. Robin will send a copy of that application to Trustee Knous to review.

The McLaughlin Rincon, Inc. invoice were reviewed and discussed. The City is still waiting to receive the ordinance provisions that he has billed us for. Trustee Alexander moved and Trustee Goss seconded to accept and pay the McLaughlin Rincon, Inc. invoice when we receive the utility ordinance provisions book. The vote was unanimous. Mayor Myers declared the motion carried.

John Mills sent the City an invoice for repairs he had to make at Second and La Garita to a sewer line for a customer. The sewer line had been damaged by Rio Grande Communications, but the City's public works department told them to cover it and go on. Therefore, the City became responsible for the repair. Trustee Knous moved and Trustee Barnes seconded to pay John Mills for his services. The vote was unanimous. Mayor Myers declared the motion carried.

REPORTS AND PRESENTATIONS

CITY MANAGER'S REPORT

This report covered updates on the drainage project agreement, *Basham Park* restrooms, North Creede and the Railroad Avenue water line and road extension project. There was discussion about Shaun continuing to work at the water and wastewater plants until September 15, 2003. He is finished with medical leave and has used his vacation time up. Trustee Barnes moved and Trustee Alexander seconded to pay Shaun Basham by the hour for services rendered, not to exceed two hours a day. The vote was unanimous. Mayor Myers declared the motion carried.

SHERIFF'S REPORT

Sheriff Leggitt was available to answer questions about his report. He also requested that Council schedule some time for him to re-negotiate the law enforcement contract. Council agreed to schedule an executive session during the Friday, September 19, 2003 meeting at 2:30 p.m. This was acceptable to Sheriff Leggitt.

MAINTENANCE CONSULTANT'S REPORT

Fred Eastland wrote this report and was available to answer questions. Sandy Kroll requested something please be done about the chuck holes in the streets. She will provide a list of them to the City. Trustee Alexander said Gardner should be asked to look at them and quote the City a price to repair them. Mayor Myers reminded Council that Carter-Burgess, a consulting firm, will be coming up to make an assessment of the City's streets and future maintenance of them. McLaughlin will also be assessing the water delivery system. Until that assessment is made and changes, if any, are completed, it would not behoove the City to re-pave the streets only to maybe have to tear them up again.

BUILDING INSPECTOR'S REPORT

Fred Eastland turned in a report updating the Council on the outstanding building permits. All of the outstanding projects are nearing completion.

WRITTEN REPORTS

This included the Recreation Department report and the Chamber of Commerce report. These reports were read and reviewed. There were no questions or comments.

LIQUOR LICENSE RENEWAL FOR BEAVER LIQUORS

Trustee Goss moved and Trustee Dooley seconded to renew the liquor license for Beaver Liquors. The vote was unanimous. Mayor Myers declared the motion carried.

OLD BUSINESS

FIEF LEASE AGREEMENT

There were some changes made to the measurements of the property being leased by Kentucky Belle Market. City Manager Dooley provided a sketch of the revisions to Council. The overall area did not change, but the measurements had to be revised to avoid encroaching on the railroad right-of-way. Council approved these changes. Ron Fief also approved and signed off on these corrected measurements.

SEWER BLOWER

Trustee Alexander had some information on the cost to replace the blower at the sewer plant. Since only one blower runs at a time and two of the blowers at the plant are still in good running order, the City shouldn't have to worry about this expense until next year's budget. The oil drain lines will need to be fixed to avoid another blower going down. Shaun is qualified to repair them and will do that before he leaves.

Trustee Dooley checked with some companies in *The Valley*. He talked with Central Pump and they told him that the City should write down model numbers and serial numbers of all the City's pumps and motors so they can always have a backup on hand to avoid delay in getting one in if the City needs one. Most of the pumps we have are pretty common and the City has spares for most everything it has.

MESA GROUP

Trustee Knous gave City Attorney Crites some suggested changes for the Mesa Group agreement. He said he could integrate the changes in the contract, but he will have to leave some of the verbiage the same. Trustee Alexander moved and Trustee Barnes seconded to add an extra ten percent *water to the table* to this agreement. There were four yeas and Trustee Knous abstained from voting. Mayor Myers declared the motion carried.

The issue of the charge for the tap fees and the monthly consumption fees for outside users is to be discussed and decided on at the October meeting. This is after the Board has had a chance to read McLaughlin's report. Trustee Alexander moved and Trustee Barnes seconded that the City issue no outside City taps until such time the City agrees on and votes on what the tap fees will be for outside City users vis-à-vis the inside City users fee. The vote was unanimous. Mayor Myers declared the motion carried.

MIDWEST UPDATE

The Les Dobson of the Forest Service called the City Manager at 8:30 this morning and said they are currently doing the reclamation work at the Phoenix Mine and they are going to start at the Midwest tomorrow morning. They wanted the City to clean out and move the buildings by 8:00 a.m. Fred Eastland and City Manager Dooley looked at the site and it appears to be too big of a job for the City's crew to clean up given such short notice. Trustee Goss met with Dobson earlier today. His understanding is that the City won't have to have the buildings empty by tomorrow, but for the City to be clear on what buildings they want to salvage. If they tear the buildings down, we have to have trucks up there to haul the stuff inside away. They will be excavating the galena and at some point we will have to haul that away as well. Dooley will contact the County to find out if they can furnish a man and a dump truck for tomorrow. The core samples can be buried where they excavate the galena from. Trustee Knous moved and Trustee Barnes seconded that the Forest Service take the small metal building away. The vote was unanimous. Mayor Myers declared the motion carried. The Council agreed that the galena the Forest Service finds should be set aside and the City will deal with it at a later date.

RV DUMP

Trustee Knous expressed Shaun Basham's concern about the readings he is getting from the sewer ponds. He feels the RVs are causing the non-compliance. Trustee Goss explained why he would like to have a second opinion. Fred Hand will be called for a second opinion on the wastewater readings. If we are out of compliance, we need to know what the cause is so it can be dealt with.

NEW BUSINESS

BASHAM PARK RESTROOM DECK

Because of what the elevation of the concrete ramp for handicap access to the door of the Basham Park restrooms would need to be, Fred Eastland drew up plans for a deck with such access. Mark Jones wrote up a proposal of what he would build the deck for. Trustee Knous moved and Trustee Barnes seconded to accept Jones Construction's proposal of \$4,684.00 to build this deck. The vote was unanimous. Mayor Myers declared the motion carried.

REFERENDA "A"

After some discussion, Trustee Knous moved and Trustee Barnes seconded that the City join the growing list of Coloradoans who oppose referendum "A" and sign the form and submit letters to the editor of the *Mineral County Miner*, *South Fork Times* and *The Valley Courier*. The vote was unanimous. Mayor Myers declared the motion carried.

NUISANCE ORDINANCE NO. 189

The City has notified Harold Brink a number of times that he needs to come to the City and apply for a zoning change of his property on Railroad Ave. because presently he is in violation of the current zoning codes. The Mayor asked the City Attorney to look into the nuisance ordinance and tell us the best way to ask him to remove his *treasures* from both his property as well as the City's property on which he has things.

LAST MINUTE ITEMS

There was a brief review and clarification of the summons to answer from State Farm Insurance Company/Ronald Stobbe versus City of Creede and its employees.

The City Clerk has asked that two members of the Board please go to Community Bank of The Rockies and sign a stop payment form on a check to a vendor that was never received. This check will be replaced by another check written for the same amount. No finance charges or late fees will be paid by the City. The bank has agreed to waive the fee they charge to stop payment for us. Mayor Myers and Trustee Goss have both volunteered to stop by and sign for this.

ADJOURN

There being no further business to come before the Council at this time, Trustee Barnes moved, and Trustee Dooley seconded, that the meeting be adjourned. The vote was unanimous. Mayor Myers declared the motion carried and the meeting was adjourned at 10:09 p.m.

Respectfully Submitted:

Approved by City Council

Pamela Wilson, City Clerk/Treasurer

Betty Jean Myers, Mayor