

**BOARD OF TRUSTEES  
CITY OF CREEDE, COLORADO – A TOWN  
September 8, 2009**

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 5:32 p.m. There being present at the call of the roll the following persons:

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

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  
Benjamin Gibbons, City Attorney

REVIEW AGENDA

Mayor Shepperd added an item to New Business (f) Personnel. Trustee Gant moved and Trustee Wylesky seconded to approve the agenda as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

APPROVAL OF AUGUST 11, 2009 MINUTES

Trustee Lewis moved and Trustee Wylesky seconded to approve the minutes of August 11, 2009 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

MONTHLY DISBURSEMENTS

Questions were asked and answered. Trustee Mattingly asked the manager to explain a difference in what is budgeted and what the check is written for to San Luis Valley Health Maintenance Organization (SLVHMO) each month for employee health benefits. City Manager Dooley told Mattingly he would have to research what he was asking for and would have the information available in the office tomorrow.

Trustee Brink arrived during this discussion at 5:35 p.m.

Trustee Brink moved and Trustee Wylesky seconded to approve the monthly disbursements as presented on the August 2009 check detail report. There were four yes votes and one no vote (Mattingly). Mayor Shepperd declared the motion carried.

REPORTS AND PRESENTATIONS

BUILDING INSPECTORS REPORT

Mike Kolisch was not present. The Board reviewed the report.

WRITTEN REPORTS

This includes read only, informational reports from Recreation, Willow Creek Reclamation Committee (WCRC), Creede Community Center and the Chamber. These reports are to be read at the Board's leisure. Although the Chamber report was a "read only" report, Trustee Wylesky answered questions on behalf of the Chamber. City manager Dooley explained that some vandalism has been reported to him on occasion and Dooley asked the Board to consider allowing the closure of the restrooms during specific hours regularly or following special events and holidays. This issue along with the issue of cleaning the restrooms will be discussed further at a work session.

PUBLIC HEARINGS

ORDINANCE 350, VACATING THE NORTH PORTION OF RIO GRANDE AVENUE

Mayor Shepperd opened the public hearing, read the title of the ordinance and since no one signed up to speak at this public hearing, the Mayor closed the public hearing. Trustee Lewis moved and Trustee Gant seconded to approve Ordinance 350. The vote was unanimous. Mayor Shepperd declared the motion carried.

ORDINANCE 351, ESTABLISHING THE POSITION AND RESPONSIBILITIES OF CODE ENFORCEMENT OFFICER

Mayor Shepperd opened the public hearing, read the title of the ordinance and since no one signed up to speak at this public hearing, the Mayor closed the public hearing. Trustee Wylesky moved and Trustee Gant seconded to approve Ordinance 351. The vote was unanimous. Mayor Shepperd declared the motion carried.

OLD BUSINESS

CRUISIN' THE CANYON CAR SHOW PARADE PERMIT AMENDMENT REQUEST

Business owners, Nick and Vicki Kulyk presented the amended parade permit on behalf of the Chamber of Commerce. Kulyk's said that registration is Saturday, September 19, 2009, between 8:00 a.m. and 10:30 a.m. Kulyk's also told the Board that after registration any of the unused streets included in the amended request will be reopened for public use. Trustee Gant moved and Trustee Mattingly seconded to approve the amended parade permit request allowing street closure from the originally requested Third Street to Fifth Street with the understanding that following registration, any unused streets south of Third Street will be reopened. The vote was unanimous. Mayor Shepperd declared the motion carried.

FIEF SITE SPECIFIC IMPROVEMENT PLAN AMENDMENT REQUEST

City Manager Dooley provided a draft addendum to Kentucky Belle Market's Site Specific Improvement Plan. The Board said to remove recital eleven on this draft and rename recital twelve as eleven. Trustee Wylesky moved and Trustee Gant seconded to approve the addendum as amended. The vote was unanimous. Mayor Shepperd declared the motion carried.

NEW BUSINESS

PLANNING COMMISSION RECOMMENDATION: RESOLUTION 09-10, THE RE-PLAT OF A PORTION OF BLOCK 34 AND A PORTION OF THE PROPERTY KNOWN AS DEPOT STREET IN BLOCK 33 OF SOUTH CREEDE

Trustee Wylesky moved and Trustee Mattingly seconded to approve the planning commission recommendation and approve resolution 09-10, granting Broce/Walters their requested replat and conditional use request to allow Tracts 1R and 2R single family and two family developments. The vote was unanimous. Mayor Shepperd declared the motion carried. Walters told the Board that he had been contacted by a representative of USDA Rural Development to talk to Walters/Broce of potential affordable housing units on this property.

PLANNING COMMISSION RECOMMENDATION: RESOLUTION 09-11, THE RE-PLAT OF BLOCK 4, A PORTION OF RIO GRANDE AVENUE AND SECOND STREET IN SOUTH CREEDE

Concerns about the mining events were discussed. The Board will hold a public meeting to discuss this issue further if and when it is needed. Trustee Mattingly moved and Trustee Gant seconded to approve the planning commission recommendation and approve resolution 09-11. The vote was unanimous. Mayor Shepperd declared the motion carried.

Trustee Wylesky moved and Trustee Gant seconded to set the date of October 13, 2009, the Board's regular meeting for a public hearing for Ordinance 352, Rezoning property for Kentucky Belle Expansion. The vote was unanimous. Mayor Shepperd declared the motion carried. The clerk will publish and post notice of the public hearing at least fifteen days prior.

PLANNING COMMISSION RECOMMENDATION: BUILDING PERMIT PROCEDURES

Trustee Gant moved and Trustee Lewis seconded to approve the recommendation of Planning Commission to accept the building permit policy dated 7/20/09 as presented. The vote was unanimous. Mayor Shepperd declared the motion carried.

CLERK'S MEMORANDUM FOR WEBSITE DIRECTION AND POSSIBLE DATE CHANGE FOR CITY-COUNTY RETREAT

As briefly discussed at the August work session, the clerk asked for direction from the Board to contact Martha Owens at the Chamber of Commerce to work with her on posting the city's approved minutes and select other documents as approved by the clerk on the Chamber website. Trustee Lewis moved and Trustee Wylesky seconded to direct the clerk to make such contact with Owens at the Chamber. The vote was unanimous. Mayor Shepperd declared the motion carried.

The clerk had also informed the Board that the CML District eight meeting is scheduled for the same time as the city-county retreat. The Board told the clerk most of them would be attending the CML meeting in Monte Vista and directed city manager Dooley to contact the county commissioners and tell them the meeting for the thirtieth conflicts with another meeting and ask them if they would be interested in rescheduling the retreat for Wednesday, October 7, 2009.

SCHEDULE SPECIAL MEETING FOR PRESENTATION AND ACCEPTANCE OF 2008 AUDIT

Trustee Mattingly moved and Trustee Gant seconded to schedule a special meeting prior to the regular work session at 5:30 p.m. on Tuesday, September 22, 2009 to receive and accept the 2008 city audit. The vote was unanimous. Mayor Shepperd declared the motion carried.

PERSONNEL

Trustee Wylesky moved and Trustee Gant seconded to not accept Trustee Keller's letter of resignation. City Attorney Gibbons advised the Board that they could table this issue and ask Trustee Keller to reconsider her resignation. There was no vote to the motion. Mayor Shepperd asked the Board if it was acceptable to table this item until the October meeting and ask Trustee Keller to reconsider her resignation. No one protested tabling this item.

CITY MANAGER'S REPORT

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The items discussed and the actions taken were as follows:

**CREEDE AMERICA LETTER – DIRECTION REQUESTED:** City Manager Dooley was given administrative direction to send a letter he drafted to be used for their title company for Avery Augur and Charles (Chuck) Powers.

**WATER LINE REPLACEMENT PHASE TWO – DISCUSSION:** Dooley told the Board that the water tank contractors will start on the upper tank today and the water line contractors will begin tomorrow. A tentative schedule has been provided to the Board for the water line replacement project.

**RECYCLE•CREEDE LEASE – DIRECTION REQUESTED:** Dooley told the Board that September 1, 2009, the Planning Commission approved the recommendation for the Recycle•Creede structure site, but did not consider the total site for the lease. Dooley said that originally the site discussed was ninety feet by one hundred feet. The Board directed Dooley to get a legal description and move forward. The Board also directed Dooley to notify Jon Graham of Muley's Disposal Service (MDS) about the site size and location in relation to his location at the city's blue barn.

**UNCC PROXY STATEMENT – DIRECTION REQUESTED:** Dooley provided a copy of a proxy statement from Utility Notification Center of Colorado (UNCC) asking the Board to appoint Dale Miller and Todd Petry to represent the city at the annual meeting of members on September 15, 2009. Dooley informed the Board that the proxy is valid for eleven months. No one from the City has met either of these two gentlemen and the Board agreed to take no action on this request.

**KIDDIE PARK/JOHNSON PARK – DISCUSSION:** Dooley reminded the Board that part of the Kentucky Belle Market expansion involves moving the kiddie park to a location in the vicinity of *Jimmy Basham Park*. Dooley would like to discuss possibly renaming kiddie park as a thank you to railroad attorney Ron Johnson. This will be discussed further at a work session.

**WINDOWS – DISCUSSION:** Dooley announced that the Town has three large windows that were removed when new windows were installed. They are available for anyone who has a need for them. If any of the Board is aware of someone, please let Dooley know.

**MOTORIZED GOLF CARTS – DISCUSSION:** Dooley reminded the Board that he had previously brought to their attention Senate Bill (SB) 09-75, Neighborhood Electric Vehicles. Dooley asked if the Board wants to consider a discussion at a works session to allow electric or motorized golf carts on the city's streets. The Board in agreement told Dooley "no".

**DENVER & RIO GRANDE RAILWAY HISTORICAL FOUNDATION – FYI:** Dooley told the Board Don Shank of D&RGRHF is struggling with his work force and equipment, but maintains he is doing all he can to get his tracks removed. The Board agreed that Dooley use some leverage and require Shank to apply for a new permit each time he exceeds the time limit the permit allows for him to complete his project.

**FACE LIFT FOR CREEDE – FYI:** The trim has been touched up where the new windows went in and we are still waiting for a bid for a new sign from Southern Colorado Sign.

**CASH FLOW – FYI:** Dooley attached a copy of the cash flow report through July 2009 for the Board to review at their leisure.

**WORK SESSIONS:** The Trustees agreed to hold their regular work session on Tuesday, September 22, 2009, following a special meeting at 5:30 p.m. The Board also agreed to hold budget work sessions on Tuesday, September 29, Wednesday, October 7, Tuesdays October 20 and 27, 2009 at 5:30 p.m.

This report had other informational only items in it as well.

#### ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Brink moved and Trustee Gant seconded that the meeting be adjourned at 7:26 p.m. The vote was unanimous. Mayor Shepperd declared the motion carried.

Respectfully submitted:

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Pamela J. Wilson, City Clerk/Treasurer