

ORDINANCE NO. 257

ORDINANCE AMENDING CERTAIN PROVISIONS OF ORDINANCE NO. 235, WHICH ORDINANCE GRANTED A NON-EXCLUSIVE FRANCHISE TO CUSTOM CABLE SYSTEMS, INC., TO UTILIZE PUBLIC WAYS FOR OPERATION OF A CABLE TELEVISION SYSTEM IN THE CITY OF CREEDE, COLORADO, A TOWN.

BE IT ORDAINED by the Board of Trustees of the City of Creede, Colorado, a Town:

SECTION 1. - REPEAL

The following provisions of Ordinance No. 235 be and the same are hereby repealed, without re-enactment or amendment:

- A. Sub-section (a), (b), (c) and (d) of Section 9; (Sub-section (e) of Section 9 is not hereby repealed).
- B. Section 10, in its entirety.
- C. Section 14, in its entirety.

SECTION 2. - REPEAL AND RE-ENACTMENT WITH AMENDMENT

The following provisions of Ordinance No. 235 be and the same are hereby repealed and re-enacted as specifically set forth herein:

- A. Section 2, Sub-section (g) be and is hereby amended to read as follows:
 - (g) "Grantee" is Pagosa Vision, Inc., a corporation, organized under the laws of the State of Colorado, and it is the grantee of rights under this franchise. Grantee will, during the term hereof and any extension, retain its lawful status to do business under the laws of and in the State of Colorado, and remain solvent and not in receivership.
- B. Section 2, Sub-section (h) be and is hereby amended to read as follows:
 - (h) "City Manager", is the Circuit Rider Administrator for Mineral County and the City of Creede, so long as such position exists. If such position ceases to exist or is not filled at any time, then the duties and powers of such office as created in the original Ordinance and this Amendment shall pass to the officer or officer of the City as designated by the City Council. If no such designation should be made, the Mayor of Creede shall be the designated officer.
- C. Section 12, Sub-section (e) be and is hereby amended as follows:

The word "Bank" wherever it appears in Sub-section (e), shall be read as "Financial entity".
- D. Section 12, Sub-section (f) be and is hereby amended to read as follows:
 - (f) The Grantee shall reimburse the City for all costs associated with any transfer of control, including auditor's fees, attorney's fees and costs of publication of any new Ordinance or Amendment of this Ordinance.

E. Section 13, Sub-section (a) be and is hereby amended to read as follows:

- (a) For the reason that the streets of the City to be used by the Grantee for the operation of its system within the boundaries of the City of Creede are valuable public properties acquired and maintained by the City at great expense to its taxpayers, and the grant to the Grantee of the limited use of said streets is a valuable property without which the Grantee would be required to invest substantial capital in rights-of-way costs and acquisitions, the Grantee shall pay to the City an amount equal to five percent (5%) of Grantee's gross annual revenue from all sources attributable to the operations of the Grantee within the confines of the City (hereinafter the "franchise fee"). Failure to pay this franchise fee is a material breach of this Ordinance.

F. Section 13, Sub-section (c) be and is hereby amended to read as follows:

- (c) The franchise fee and any other cost or penalties assessed shall be payable annually, to the City Clerk's office and the Grantee shall file a complete and accurate verified statement of the gross revenue derived from the system covered by this franchise, during the period for which said annual payment is made, and said payment shall be made to the City not later than one hundred twenty (120) days after close of the fiscal year of the Grantee, and at the same time as submission of the annual reports as provided in Section 20 hereof.

G. Section 15, Sub-section (e) be and is hereby amended to read as follows:

- (e) All of this Section 15 and the Sub-sections hereof are only applicable to the extent that the City's right to control any rates or charges has not been eliminated or pre-empted by any State or Federal law, rule, regulation or Court decision. In the event that any such Sub-section or all of this Section 15 is in violation of any such law, rule, regulation or Court decision or the City's right to regulate has been pre-empted, Grantee shall provide evidence thereof. If such is the case, Grantee need not comply with any procedures required by this Section 15 or adhere to any rates fixed by this Section 15. Both the City and the Grantee believe that some or all of the provisions of this Section 15 are no longer enforceable and the City does not, by this Amendment, purport to have the authority to enforce those Sub-sections that are, in fact, unenforceable. However, Section 15 shall remain a part of Ordinance No. 235 for the reason that the City does not wish to abrogate any rights that it still has to control rates or charges or any rights that it may acquire, in the future, as a result of future State or Federal laws, rules, regulations or Court decisions.

H. Section 15, be and is hereby amended by the addition of the following Sub-section (h):

(h) All rate increases not heretofore approved by Ordinance by the City Council, prior to the effective date of this Amendment, be and the same are hereby approved, including the rate increase requested by the Grantee at the regular meeting of the City Council of June 2, 1986.

I. Section 17, Sub-section (a) is amended in the following respects:

1. The phrase "Grantee's Denver office" shall be read as "Grantee's designated office".
2. The following sentence is added at the end of Sub-section (a):
"The Grantee shall make such designation, in writing, at the time of the acceptance of this Ordinance and Ordinance No. 235 and may change the designated office at any time, but only in writing."

J. Section 21, the title thereof, be and the same is hereby amended to read as follows:

SECTION 21. PERFORMANCE BOND AND GUARANTY

K. Section 21 be and the same is hereby amended by the addition of the following Sub-section (h):

(h) The City may also require and in such event, the Grantee shall furnish a Continuing Guaranty executed by such persons or entities as are acceptable to the City and in a form acceptable to the City.

L. Section 30, Sub-section (a) 5 be and the same is hereby amended to read as follows:

5. Fails to provide services as required herein;

M. Section 30, Sub-section (a) 8 be and the same is hereby amended to read as follows:

8. Fails to maintain the performance bond or any insurance coverage required herein or provide a Continuing Guaranty of Grantee's performance, throughout the term of this franchise.

N. Section 32 be and the same is hereby amended to read as follows:

The Grantee shall pay all advertising and publication charges and other expenses incurred by the City with respect to the renewal or transfer of this franchise. Said expenses shall include, but not be limited to, consultants' and attorneys' fees and expenses, reasonable value of service performed by the City's employees, agents or contractors, the cost of elections and the publication of any new Ordinance or subsequent Amendment of Ordinance 235, and any other costs associated with the renewing of this franchise or the transfer of control. Such expenses shall be paid to the City within thirty (30) days of the billing thereof. Grantee's obligation under this Section shall not exceed a reasonable sum and, in no event, more than Two Thousand Dollars (\$2,000.00).

SECTION 3. - ACCEPTANCE

This Amendment shall become effective five (5) days following publication in the Mineral County Miner. Grantee shall have ten (10) days after adoption by the City Council to accept this franchise and deliver the Continuing Guaranty to be executed by Ropir Industries, Inc. and, when accepted by Grantee, the original Ordinance, as herein amended, shall be and become a valid and binding contract between the City and the Grantee; provided, however, that this Amendment shall be void unless Grantee shall, within ten (10) days after the final passage of this Amendment, file with the City Clerk a written Acceptance of the original Ordinance, as herein amended, and the franchise herein granted, agreeing that it will comply with all of the provisions hereof and that it will refrain from doing any or all of the things prohibited by the original Ordinance, as herein amended, together with the Continuing Guaranty of Ropir Industries, Inc.

SECTION 4. - SEVERABILITY

If any section, sub-section, sentence, clause, phrase or portion of Ordinance No. 235, as herein amended, is for any reason held invalid or unconstitutional by any Federal or State Court or administrative or governmental agency of competent jurisdiction, specifically including the Federal Communications Commission, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not effect the validity of the remaining portions of the original Ordinance as herein amended, so long as the part held invalid or unconstitutional shall not go to the essence hereof, or increase the liability of the City in any manner or form whatsoever.

SECTION 5. - EFFECTIVE DATE

In the opinion of the Board of Trustees of the City of Creede, an emergency exists with respect to this Amendment for the following reasons: that this Ordinance is of a contractual nature and imposes contractual liabilities both upon the Grantee and upon the City; that the contractual provisions of this Ordinance are necessary in every regard; that the provisions of this Ordinance are such that they are in direct conflict with any effective date other than the date commensurate with an emergency ordinance; that to declare otherwise would place the City in possible breach of the contractual provisions of this Ordinance and jeopardize the entire purpose of this Ordinance; that a contractual agreement exists between Custom Cable Systems, Inc. and the Grantee herein, for the Grantee's purchase of the Creede cable system and the City is obligated not to unreasonably interfere with either such party; that the declaration of emergency is necessary for the immediate preservation of the public peace, health and safety, by virtue of the foregoing. Accordingly, this Ordinance shall be in full force and effect upon the expiration of five (5) days from and after its publication, said publication to be in accordance with law.

INTRODUCED, READ IN FULL, PASSED BY A MAJORITY VOTE OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, AND ORDERED PUBLISHED ON THIS 7th DAY OF July, 1986.

CITY OF CREEDE, COLORADO

By:
Mayor

ATTEST:

City Clerk

ACCEPTANCE

COMES NOW, Pagosa Vision, Inc., and states:

1. That each of the undersigned holds the office in Pagosa Vision, Inc, a Colorado Corporation, as set opposite their names;
2. That they are authorized by the Board of Directors of such Corporation to execute this Acceptance;
3. That Pagosa Vision, Inc., does hereby accept Ordinance No. 235 of the City of Creede, as herein amended, granting a non-exclusive franchise to Pagosa Vision, Inc., and all of the terms and provisions set-forth therein and agrees to be fully bound thereby and as stated in Section 3 of this Ordinance.
4. That the Grantee delivers, with this Acceptance, the Continuing Guaranty of Ropir Industries, Inc. and states that the same has been executed by the lawful officers of Ropir Industries, Inc. and is the lawful act of such corporation.

IN WITNESS WHEREOF, the undersigned have executed this Acceptance for and on behalf of Pagosa Vision, Inc., A Colorado Corporation.

PAGOSA VISION, INC.

President

ATTEST:

Secretary

✓ (CORPORATE SEAL)

CERTIFICATE OF PUBLICATION

I certify that the foregoing Ordinance was published in the Mineral County Miner in accordance with the Certificate of Publication attached hereto and made a part hereof by reference and that the same is effective upon the expiration of five (5) days from and after the date of such publication.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town at my office in Creede, Colorado, this 17 day of July, 1986.

Donald W. Raughter - Miller
City Clerk, City of Creede, Colorado

(SEAL)

CONTINUING GUARANTY

This Guaranty is given in consideration of the City of Creede, Colorado, granting a non-exclusive franchise to Pagosa Vision, Inc., a wholly owned subsidiary of the undersigned. The undersigned acknowledge that the City of Creede, Colorado would not have granted such franchise to Pagosa Vision, Inc., in the absence of this Continuing Guaranty.

For valuable consideration, the undersigned (hereinafter called Guarantor) unconditionally guarantees and promises to perform each and every obligation of Pagosa Vision, Inc. (hereinafter Grantee) as set forth in Ordinance No. 235 of the Ordinances of the City of Creede and Ordinance No. 257 which Ordinance amends Ordinance No. 235 and which Amended Ordinance specifically grants the franchise to Grantee. The word "obligations" is used herein in its most comprehensive sense and includes any and all financial obligations and performance obligations of the Grantee, heretofore, now, or hereafter made, incurred or created, whether now due or not now due, absolute or contingent, liquidated or unliquidated, determined or undetermined.

1. The liability of the Guarantor shall not exceed, at any time, the maximum liability of the Grantee. This Guaranty is not intended to increase the duties and obligations of the Grantee over and above those duties and obligations set forth in Ordinance No. 235 and Ordinance No. 257 nor is it intended to make the liability of the Guarantor greater than that of the Grantee. This is a Continuing Guaranty, relating to every paragraph of both of such Ordinances and any successive obligations or duties arising under subsequent Ordinances, so long as such Ordinances are approved by the Grantee and the Guarantor herein.

2. This Guaranty can not be revoked during the term of the franchise as described in the Ordinances. In the event that the Guarantor, by order of Court or otherwise, succeeds in revoking this Guaranty, then it is understood that Ordinances No. 235 and No. 257 shall thereafter be null and void with respect to the grant of the franchise to Pagosa Vision, Inc. and the City of Creede may thereafter invoke all protective remedies set forth in those Ordinances.

3. The obligations herein created are independent of the obligations of the Grantee as arise under the Ordinances and a separate action or actions may be brought and prosecuted against the Guarantor whether action is brought against the Grantee or whether or not the Grantee is joined in any such action or actions. Provided however that so long as the Grantee is authorized to do business in the State of Colorado as a corporation and is authorized by F.C.C. regulations or any other state or federal laws to operate the cable system, the City of Creede will not institute action against the Guarantor herein or make demand upon the Guarantor herein until first having made demand upon the Grantee to do those things required by the Ordinances or to refrain from doing those things prohibited by the Ordinances. In making demand upon the Guarantor herein, the City of Creede will furnish a copy of its written demand upon the Grantee to cure any default under the Ordinances. The City of Creede need not prove delivery of such demand upon the Grantee but need only certify that such demand was duly posted and mailed to the last known address of the Grantee. In addition, the City of Creede will not make demand upon the Guarantor herein or institute an action against the Guarantor, under this paragraph, until at least 20 days after the posting of the demand to the Grantee.

4. In the event that a receiver is appointed for the Grantee or the Grantee files for bankruptcy or in the event that the Grantee permits its corporate authority to lapse in Colorado or in the event that the Grantee fails to maintain any necessary licenses to operate the cable system, the City of Creede may make immediate demand upon the Guarantor herein without prior demand or notice to the Grantee. None of the foregoing events shall discharge the Guarantor from its obligations arising under this Guaranty and as set forth in Ordinances No. 235 and No. 257 of the City of Creede. No waiver, by the City of Creede, of any breach by the Grantee, of any provision of the Ordinances shall be deemed a waiver, by the City, of any subsequent breach by the Grantee, whether or not the Guarantor herein had any notice whatsoever of any prior waivers by the City of Creede.

5. As limited above, the Guarantor waives any right to require the City of Creede to proceed against the Grantee or pursue any other remedy in the City's power, whatsoever. Until the Grantee has discharged all obligations to the City under the Ordinances, the Guarantor's liability herein shall be continuing.

6. Any claims which the Guarantor may now or hereafter have against the Grantee are hereby subordinated to all of the obligations of the Grantee to the City of Creede under the Ordinances.

7. It shall not be necessary for the City of Creede to inquire into the powers of the Grantee or the Guarantor or the officers, directors or agents acting or purporting to act on the behalf of either, and the City's actions, in reliance upon this Guaranty, are hereby guaranteed.

8. Guarantor agrees to pay a reasonable attorney's fee and all other costs and expenses which may be incurred by the City of Creede in the enforcement of this Guaranty.

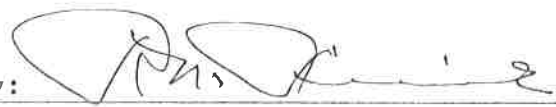
9. This Guaranty is binding upon the successors and assigns of the Guarantor. Provided however that in the event that Pagosa Vision, Inc. sells the Creede Cable System to a third party and such transfer is approved by the City of Creede and all provisions of this Ordinance and Ordinance No. 235 are complied with in the course of such transfer and such transfer is completed, the Guarantor's obligations herein shall forever cease except as to the remaining obligations of Pagosa Vision, Inc. arising prior to the date of such transfer. The Guarantor shall not be in the position of Guarantor with respect to any such third party transferee.

10. The Guarantor hereby agrees that the District Court of Mineral County, Colorado is the proper venue for any action brought by the City of Creede, Colorado or Ropir Industries, Inc. to enforce this Guaranty or to place the validity of the Guaranty at issue and for any action brought by the Grantee in which the City of Creede, Colorado is named as a defendant. The Guarantor also agrees that this Guaranty and Ordinances No. 235 and No. 257 shall all be construed under the laws of the State of Colorado.

IN WITNESS WHEREOF, the undersigned Guarantor has executed this Guaranty this 14th day of JULY, 1986, by and through its duly authorized officers. Such officers hereby personally warrant their authority to act on behalf of the Guarantor.

✓ (CORPORATE SEAL)

GUARANTOR:
ROPIR INDUSTRIES, INC., A corporation
duly organized and existing under and
by virtue of the laws of the State of
✓ DELAWARE.

✓ 
By: _____
Its President

✓ ATTEST:

✓ 
Secretary

ORDINANCE TO APPROPRIATE SUMS OF MONEY

255

AN ORDINANCE TO APPROPRIATE SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE CITY OF CREEDE, COLORADO, A TOWN, FOR THE 1986 BUDGET YEAR.

WHEREAS, the Board of Trustees has adopted the annual budget in accordance with the Local Government Budget Law, on December 23, 1985, and

WHEREAS, the Board of Trustees has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operations of the City of Creede, a Town,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund for purposes stated:

General Fund	
Current Operating Expenses	\$111,410
Capital Outlay	400
Debt Service	-0-
	<hr/>
	111,810
 Water and Sewer Fund	
Current Operating Expenses	\$ 61,696
Capital Outlay	3,251

ORDINANCE 254
SUPPLEMENTARY APPROPRIATION

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAID EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE, COLORADO.

WHEREAS, the City of Creede received unanticipated revenue not assured at the time of the adoption of the budget from the State of Colorado and Mineral County to operate the City/County Administrator program.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the City of Creede, a Colorado Town;

That the 1985 appropriation for the City/County Administrator fund is hereby increased from \$0.00 to \$13,000 for the purpose of operating the City/County Administrator program.

ADOPTED, this 2nd day of December, A.D., 1985.

ATTEST:


City Clerk


Mayor

ORDINANCE 253

CONTINGENCY ORDINANCE

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE, A COLOARDO TOWN.

WHEREAS, the operation of the trash fund is necessary to protect the public health, safety and welfare, and increased costs are being incurred due to insurance and repair costs;

WHEREAS, this contingency could not have been reasonably foreseen at the time of the adoption of the budget;


WHEREAS, Money is available in the same fund in the form of unappropriated or unrestricted surpluses to meet this contingency.


NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the City of Creede, a Coloardo Town;

That the 1985 appropriation for the Trash Fund is hereby increased from \$22,073 to \$27,000 including the contingency.

ADOPTED, this 2nd day of December, A.D., 1985

ATTEST:


City Clerk


Mayor

ORDINANCE # 252
TO SET MILL LEVY

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 1986 TO HELP DEFRAID THE COSTS OF GOVERNMENT FOR THE CITY OF CREEDE, COLORADO, A TOWN, FOR THE 1986 BUDGET YEAR.

WHEREAS, the Board of Trustees of the City of Creede, a Town, will adopt the annual budget in accordance with the Local Government Budget Law, and

WHEREAS, the amount of money necessary to balance the budget for general operating expenses is \$21,525., and


WHEREAS, the 1985 valuation for assessment for the City of Creede, a Town, as certified by the County Assessor is \$1,481,390

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN:

Section 1. That for the purpose of meeting all general operating expenses of the City of Creede, a Town, during the 1986 budget year, there is hereby levied a tax of 14.530 mills upon each dollar of the total valuation for assessment of all taxable property within the City of Creede, for the year 1985.

Section 2. That the City Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Mineral County, Colorado, the mill levy for the City of Creede, a Colorado Town, as hereinabove determined and set.

ADOPTED, THE 11th DAY OF OCTOBER 1985.


James Basham, Mayor

ATTEST:


Deborah Roughton-Miles, City Clerk

ORDINANCE NO. 251

AN ORDINANCE TO REPEAL, AMEND, AND RE-ENACT SECTION 2-10-1 OF THE CODE OF THE TOWN OF CREEDE CONCERNING THE CREATION AND DUTIES OF THE POLICE DEPARTMENT AND PERMITTING PERFORMANCE THEREOF BY INDEPENDENT, INTER-GOVERNMENTAL CONTRACT.

WHEREAS, it has been determined by the Board of Trustees that it is in the best interest of the Town of Creede to contract for police services, the same to be performed by the office of Sheriff of Mineral County, Colorado and the authority for such contract can be found in Section 2-2-3 of this Code and in Colorado Revised Statutes 1973, as amended, 30-11-410.

NOW, THEREFORE:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN IN MINERAL COUNTY, COLORADO.

Section One: Section 2-10-1 of the Code of the Town of Creede, be and the same is hereby repealed and re-enacted to read as follows, to-wit:

2-10-1 Creation; Composition - There is hereby created a Police Department for the Town of Creede which shall consist of one Chief of Police (Town Marshal) and as many police deputies as may from time to time be deemed necessary for the safety and good order of the Town. Provided, however, that the Board of Trustees, by intergovernmental contract as contemplated by Section 2-2-3 of this Code may enter into a contract with Mineral County, Colorado, to provide police services and protection through the Office of Mineral County Sheriff. In such event, the following shall apply:

(a) There shall be no Police Department for the Town of Creede, nor shall there be a Chief of Police (Town Marshal) or police deputies.

(b) Any contract with Mineral County shall place the Sheriff in the position of an independent contractor.

(c) The Office of Sheriff of Mineral County shall perform all of the duties required and have all of the responsibility of and have the authority of the Police Department under every provision of this Section 10 and any other provisions of this Code, including but not by way of limitation, Chapters 5, 10, and 11, and Ordinances Numbered 185, 210, and 215.

(d) Whenever, in this Code reference is made to the "Police Department", the same shall be read as the "Office of Sheriff of Mineral County, Colorado"; whenever in this Code, reference is made to the "Chief of Police" or "Town Marshal", the same shall be read as the "Sheriff of Mineral County, Colorado"; whenever in this Code, reference is made to "Police Officers" or "Deputies", the same shall be read as "Sheriff's Deputies" or "Undersheriff".

(e) Section 2-10-6 of this Code shall not apply inasmuch as the Sheriff, as an independent contractor, will be paid pursuant to any such contract; Section 2-10-9 shall not be applicable.

Section Two: EFFECTIVE DATE: In the opinion of the Board of Trustees of the City of Creede, an emergency exists with respect to this Ordinance for the following reasons: That the Chief of Police of the City of Creede has indicated his intention to resign and that such resignation may occur at any time; the Sheriff of Mineral County has agreed to enter into a contract as provided for in this Ordinance; that if such contract is not entered into in the immediate future, the possibility exists that there will be no police protection whatsoever available within the boundaries of the Town; that this declaration of emergency is necessary for the immediate preservation of the public peace, health and safety, by virtue of the aforesated circumstances. Accordingly, this Ordinance shall be in full force and effect upon the expiration of Five (5) days from and after it's publication, said publication to be in accordance with law and hereby ordered by the Board.

THIS ORDINANCE WAS INTRODUCED AND MOVED BY TRUSTEE Boppe, READ IN FULL, SECONDED BY TRUSTEE Skroch, AND PASSED BY A MAJORITY VOTE OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, AS FOLLOWS:

VOTING AYE: Trustee Fief Trustee Leggitt abstained
Trustee Skroch
Trustee Draffehn
VOTING NAY: Trustee Boppe
None

AND ORDERED PUBLISHED ON THIS 6th DAY OF August, 1985, IN THE MINERAL COUNTY COURT HOUSE ANNEX, BEING A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN.

CITY OF CREEDE, COLORADO

By: James Boppe
Mayor

ATTEST:

Debbie Roughton-Miles
City Clerk

CERTIFICATE OF PUBLICATION

I certify that the foregoing Ordinance was published in the Mineral County Miner in accordance with the Certificate of Publication attached hereto and made a part hereof by reference and that the same is effective upon the expiration of Five (5) days from and after the date of such publication.

IN WITNESS WEHREOF, I have hereunto set my hand and seal of said Town at my office in Creede, Colorado this 21 day of August, 1985.

(Seal)

Debbie Roughton-Miles
Debbie Roughton-Miles, City Clerk

ORDINANCE NO. 250

AN ORDINANCE AMENDING ORDINANCE NO. 235 BY ESTABLISHING A NEW SECTION 5.1 AND SUB-PARAGRAPHS, SUCH ADDITIONAL SECTION BEING FOR THE PURPOSE OF AUTHORIZING THE PROMULGATION OF RULES AND REGULATIONS REGARDING THE USE OF THE COMMUNITY ACCESS CHANNEL, INCLUDING CONDITIONS OF USE AND CHARGES THEREFORE AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section 1. Purpose and Scope. The purpose of this Ordinance is to amend Ordinance No. 235 of the ordinances of the City of Creede by the addition of a new Section 5.1 and sub-paragraphs, for the purpose of permitting the promulgation of Rules and Regulations governing all aspects of the Community Access Channel including conditions regarding such use and the charges for such use.

Section 5.1 shall read as follows:

Section 5.1 Rules and Regulation of Community Access Channel.

A. The Board of Trustees of the City of Creede reserves the right, at all times hereafter, to promulgate and adopt, by resolution, Rules and Regulations governing each and every aspect of the ownership, maintenance, and operations of the Community Access Channel and equipment utilized in conjunction therewith, so long as such Rules and Regulations are not inconsistent with this ordinance.

B. Such rules and regulations may be amended, from time to time, by resolution.

C. Any Rule, Regulation or fee may be enforced in any Court of competent jurisdiction.

D. Penalty. Any person who violates any such Rule or Regulation promulgated and adopted in accordance with this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than Three Hundred and no/100 Dollars (\$300.00), or by imprisonment for a term of not to exceed ninety (90) days, or by both such fine and imprisonment.

Section 2. Effective date. This ordinance shall be published and become effective as provided by law, thirty (30) days subsequent to the publication thereof. The Clerk of the Town of Creede shall, at all times after the effective date hereof, keep on file in her office three (3) complete sets of the Rules and Regulations regarding the Community Access

Channel as then in effect, and shall amend such Rules and Regulations as may be necessary, from time to time, as a result of amendment resolutions adopted by the Board of Trustees of the City of Creede.

INTRODUCED, READ IN FULL, ADOPTED, APPROVED, AND ORDERED PUBLISHED AT the regular meeting of the Board of Trustees of the City of Creede, Colorado, a Town, held on the 1 day of February, 1985.

(SEAL)

CITY OF CREEDE, A TOWN

[Handwritten Signature]
MAYOR

ATTEST:

[Handwritten Signature]
CITY CLERK

CERTIFICATE OF PUBLICATION

I certify that the foregoing ordinance was published in the Mineral County Miner on the 28 day of February, 1985 and that the same shall become effective thirty (30) days subsequent to such date.

In witness whereof, I have hereunto set my hand and seal of the said Town, at my office in Creede, Colorado, this 1 day of March, 1985.

[Handwritten Signature]
City Clerk

(SEAL)

ORDINANCE NO. 249

A CONTINGENCY ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE, COLORADO, A TOWN, IN THE GENERAL FUND

WHEREAS, the provision of a sufficient road eliminated a potential public health nuisance, and the acquisition of a police car was necessary and both judged to be an emergency, and


WHEREAS, these contingencies could not have been reasonably foreseen at the time of the adoption of the 1984 budget, and

WHEREAS, sufficient funds are available in the General Fund in the form of unappropriated surpluses to meet these contingencies.


NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the City of Creede, Colorado, a Town;

That the 1984 appropriation for the General Fund is hereby increased from \$159,100 to \$225,000 including the contingencies.

ADOPTED, and passed by majority vote at the regular meeting of the Creede Board of Trustees this 3rd day of December, 1984.


James Basham, Mayor

ATTEST:


Emma Swinchart, Acting City Clerk

ORDINANCE NO. 248

A CONTINGENCY ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE, COLORADO, A TOWN, IN THE CAPITAL IMPROVEMENTS FUND

WHEREAS, the provision of a sufficient road eliminated a potential public health nuisance, and is judged to be an emergency, and


WHEREAS, this contingency could not have been reasonably foreseen at the time of the adoption of the 1984 budget, and

WHEREAS, sufficient funds are available in the General Fund in the form of unappropriated surpluses to meet this contingency.


NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the City of Creede, Colorado, a Town;

That the 1984 appropriation for the Capital Improvements Fund is hereby increased from \$124,164 to \$140,000 including the contingency.

ADOPTED, and passed by majority vote of the Creede Board of Trustees at the regular meeting this 3rd day of December, 1984.


James Basham, Mayor

ATTEST:


Emma Swinehart, Acting City Clerk

ORDINANCE NO. 247

A CONTINGENCY ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE, COLORADO, A TOWN, IN THE WATER AND SEWER FUND

WHEREAS, the construction of a new sewer lagoon system eliminated a potentially serious public health nuisance and such sewer lagoon construction extended into the 1984 budget year, and completion of the lagoons was judged to be an emergency, and


WHEREAS, this contingency could not have been reasonably foreseen at the time of the adoption of the 1984 budget, and

WHEREAS, sufficient funds are available in the Water and Sewer Fund in the form of unappropriated surpluses to meet this contingency.


NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the City of Creede, Colorado, a Town;

That the 1984 appropriation for the Water and Sewer Fund is hereby increased from \$84,300 to \$215,802, including the contingency.

ADOPTED, and passed by majority vote of the Creede Board of Trustees at the regular meeting this 3rd day of December, 1984.


James Basham, Mayor

ATTEST:


Emma Swinehart, Acting City Clerk

ORDINANCE NUMBER 246

AN ORDINANCE REZONING LOTS ALONG SAN LUIS, LA GARITA AVENUE AND SEVENTH STREET

WHEREAS, the City of Creede Planning Commission has reviewed and recommended the following zoning changes to the Board of Trustees of the City of Creede, a Colorado Town, and

WHEREAS, the Creede, Colorado, Zoning Ordinance requires, in Part III, Section 1, that after first reading of this ordinance and no sooner than fifteen days after publication, a public hearing shall be held and the property to be posted.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN:

Section 1. The following described property within the city limits be and the same is hereby re-zoned, as of the effective date of this ordinance, from the zoning classification to the zoning classification as set forth opposite each property description.

CREEDMOOR

Block	Lots	Zoning From	Change To
15	1,2,3,4,5,6,7	R-1	B-1

SOUTH CREEDE

Ord.	Block	Lots	Zoning From	Change To
12-5-83	9	North 25 feet of Lots 6 & 7	R-1 to B-1	
	8	16,17,18,19	R-1	B-1
	9	4,5, South 75' of Lots 6,7,	R-1	B-1
	12	1,2,3,4,12,13,14,15,	R-1	B-1
	13	12,13,14,15,16,17,18,19	R-1	B-1
	16	12,13,14,15, North 50' of Lots 16,17,18,19	R-1	B-1
	17	1,2,3,4,19,20	R-1	B-1
	18	1,2,3,4,24,25,26,27	R-1	B-1
	19	12,13,14,15,16,17,18,19	R-1	B-1
	21	8,9,10,11	R-1	B-2
	22	12,13,14,15	R-1	B-1
	22	16,17,18,19,20	R-1	B-2
	22	21,22,23,24	R-M(p)	B-2
	22	25,26,27,28,29,30	B-1	B-2
	23	1,2,3,4	R-1	B-1
	23	23,24,25,26	R-1	B-2
	24	20,21,22,23	R-1	B-2
	25	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,28	R-1	B-2
	25	29,30	R-1	B-2
	25	16,17,18,19,20,27	R-M(p)	B-2
	26	4,5,6,7,8,9,10,11	B-1	B-2
	27	4,5,6,7	B-1	B-2
	27	8,9,10,11,12	R-M(p)	B-2
	29	1,2,3,4,13,14,15,16	R-1	B-2
	30	7,8,9,10,11	B-1	B-2
	30	12,13,14,15,16	R-M(p)	B-2
	32	11,12,13,14,15,16,17,18,19,20	R-M(p)	B-2
	33	1,2,3,4,14,15	R-1	B-2
	33	12,13	R-2	B-2
	35	11,12,13,14,15,16,17,18,19,20	R-1	B-2

CREEDMOOR

Block	Lots	Zoning	Change
5	7,8,9,10,11,12,13,14,15,16,17,18,19,20	R-1	B-1
14	1,2,3,4,5,6	R-1	B-1

Creedmoor Parcels of Land
All of Third Rd. St. between Blk 5 & 14

can be included on second page

Zoning	Change
R-1	B-1


SOUTH CREEDE-PARCELS OF LAND

An unplatted area lying within the area North of the Northwest corner of Lot 4, Block 29, to the Southwest corner of Lot 20, Block 24, then East to the Southeast corner of Lot 23, Block 24, then South to the Northeast corner of Lot 1, Block 29 then West to the point of beginning. Zoning change from R-1 to B-2.

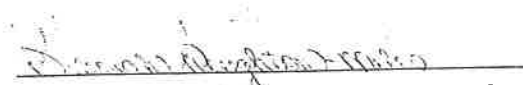
An unplatted area lying within the area South from the Southwest corner of Lot 16, Block 25 75 feet, then East to the flume, then North to the Southeast corner of Lot 20, Block 25 then West to the point of beginning. Zoning change from R-M(p) to B-2.

An unplatted area lying within the area North from the Northwest corner of Lot 11, Block 30, 75 feet then East to the flume, then South to the Northeast corner of Lot 7, Block 30, then West to the point of beginning. Zoning change from B-1 to B-2.

PASSED, APPROVED AND ADOPTED ON FIRST READING AT REGULAR MEETING OF THE BOARD OF TRUSTEES, OF THE CITY OF CREEDE, COLORADO, A TOWN, HELD ON THIS 5th DAY OF NOVEMBER, 1984, UPON MOTION, SECOND, AND UNANIMOUS VOTE.


James Basham, Mayor

ATTEST:



Deborah Roughton-Miles, City Clerk

Ordered that a public hearing will be held at the Mineral County Court House Annex, December 3rd, 1984, at 7:30 P.M., to give interested citizens an opportunity to be heard regarding the above ordinance and orderd the property to be re-zoned, posted and the ordinance published.

PASSED, APPROVED AND ADOPTED ON SECOND READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN, HELD ON THIS 3rd DAY OF DECEMBER, 1984, UPON MOTION, SECOND AND UNANIMOUS VOTE.


James Basham, Mayor

ATTEST:


Deborah Roughton-Miles, City Clerk

ORDINANCE TO APPROPRIATE SUMS OF MONEY

AN ORDINANCE TO APPROPRIATE SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE CITY OF CREEDE, COLORADO, A TOWN FOR THE 1985 BUDGET YEAR.

WHEREAS, the Board of Trustees has adopted the annual budget in accordance with the Local Government Budget Law, on November 5, 1984, and

WHEREAS, the Board of Trustees has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the City of Creede, a Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A TOWN, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

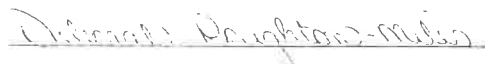
General Fund	
Current Operating Expenses	\$117,055
Capital Outlay	-0-
Debt Service	-0-
	<u>\$117,055</u>
Water and Sewer Fund	
Current Operating Expenses	\$62,262
Capital Outlay	500
Debt Service	22,938
	<u>\$85,700</u>
Trash Fund	
Current Operating Expenses	\$22,073
Capital Outlay	-0-
Debt Service	-0-
	<u>\$22,073</u>
Police Pension Fund	
Current Operating Expenses	-0-
Capital Outlay	\$10,000
Debt Service	-0-
	<u>\$10,000</u>
Conservation Trust Fund	
Current Operating Expenses	\$2,300
Capital Outlay	5,446
Debt Service	-0-
	<u>\$7,746</u>
Revenue Sharing Fund	
Current Operating Expenses	\$6,050
Capital Outlay	5,353
Debt Service	-0-
	<u>\$11,403</u>

Capital Improvement Fund	
Current Operating Expenses	-0-
Capital Outlay	\$31,000
Debt Service	-0-
	<u>\$31,000</u>

ADOPTED THIS 5th DAY OF NOVEMBER, 1984.


James Basham, Mayor

ATTEST:


Deborah Roughton-Miles, Clerk

ORDINANCE TO SET MILL LEVY

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 1984, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE CITY OF CREEDE, COLORADO, A TOWN, FOR THE 1985 BUDGET YEAR

WHEREAS, the Board of Trustees of the City of Creede, a Town, will adopt the annual budget in accordance with the Local Government Budget Law, and

WHEREAS, the amount of money necessary to balance the budget for general operating expense is \$21,511, and

WHEREAS, the 1984 valuation for assessment for the City of Creede, a Town, as certified by the County Assessor is \$1,480,420.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN:

Section 1. That for the purpose of meeting all general operating expenses of the City of Creede, a Town, during the 1985 budget year, there is hereby levied a tax of 14.530 mills upon each dollar of the total valuation for assessment of all taxable property within the City of Creede, for the year 1984.

Section 2. That the City Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Mineral County, Colorado, the mill levy for the City of Creede, a Colorado Town, as hereinabove determined and set.

ADOPTED, THE 1st DAY OF OCTOBER 1984.



James Basham, Mayor

ATTEST:



Deborah Roughton-Miles, Clerk

AN ORDINANCE TO AMEND 9-1-13 OF ORDINANCE NO. 184 CONCERNED WITH COLLECTION OF DELINQUENT WATER RENTS

WHEREAS, because it has been found and deemed necessary to more strictly enforce collection of delinquent water services charges:

BE IT ORDAINED by the Board of Trustees of the City of Creede, Colorado, a Town:

SECTION I. That under authority of 31-20-105 of Colorado Revised Statutes, 1973, as ammended, 9-1-13 of Ordinance No. 184 of the City of Creede, Colorado, a Town, is hereby amended by the addition of the following paragraph;

Each water charge levied pursuant to this Ordinance shall be a lien therewith and if the same is not paid within sixty (60) days after it shall become due and payable, the Town Clerk shall certify such unpaid rates or charges to the Mineral County Treasurer to be placed by him upon the tax list for the current year, to be collected, in the same manner as other taxes are collected, with ten (10) percent penalty thereon to defray the cost of collection, and the same shall be collected and paid over by the Mineral County Treasurer to the Town in the same manner as taxes are authorized to be paid by all laws of the State of Colorado. Such delinquent water charges may also be certified to the Board of County Commissioners and shall become a lien upon the real property served by such water connection or connections, and collected in the same manner as though they were part of the taxes.

SECTION II. Except as specifically ammended herein or in conflict with any provisions hereof, all of the provisions of Ordinance No. 184, as amended, and any subsequent ordinances amending such Ordinance No. 184, shall remain in full force and effect.

INTRODUCED, READ IN FULL, ADOPTED, APPROVED, and ordered published at a regular meeting of the Board of Trustees of the City of Creede, Colorado, a Town, held on the 2 day of July, 1984.



Mayor

ATTEST:



Clerk

242

ORDINANCE TO APPROPRIATE SUMS OF MONEY

AN ORDINANCE TO APPROPRIATE SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE CITY OF CREEDE, COLORADO, A TOWN FOR THE 1984 BUDGET YEAR.

WHEREAS, the Board of Trustees has adopted the annual budget in accordance with the Local Government Budget Law, on December 5, 1983, and

WHEREAS, the Board of Trustees has made provisions therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described below, so as not to impair the operations of the City of Creede, a Town.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A TOWN, COLORADO:

Section 1. That the following sums are hereby appropriated from the revenue of each fund, to each fund, for purposes stated:

General Fund	
Current Operating Expenses	\$149,100
Capital Outlay	10,000
Debt Service	-0-
	<u>\$159,100</u>
Water and Sewer Fund	
Current Operating Expenses	\$60,729
Capital Outlay	308
Debt Service	23,263
	<u>\$84,300</u>
Trash Fund	
Current Operating Expenses	\$20,581
Capital Outlay	-0-
Debt Service	-0-
	<u>\$20,581</u>
Police Pension Fund	
Current Operating Expenses	-0-
Capital Outlay	\$14,000
Debt Service	-0-
	<u>\$14,000</u>
Conservation Trust Fund	
Current Operating Expenses	\$2,030
Capital Outlay	2,030
Debt Service	-0-
	<u>\$4,060</u>

Revenue Sharing Fund	
Current Operating Expenses	\$4,600
Capital Outlay	5,285
Debt Service	-0-
	<u>\$9,885</u>
Capital Improvement Fund	
Current Operating Expenses	-0-
Capital Outlay	\$124,164
Debt Service	-0-
	<u>\$124,164</u>

ADOPTED THIS 5th DAY OF DECEMBER, A.D., 1983.



James Basham, Mayor

ATTEST:



Deborah Roughton-Miles, Clerk

#241

ORDINANCE TO SET MILL LEVY

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 1983, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE CITY OF CREEDE, COLORADO, A TOWN, FOR THE 1984 BUDGET YEAR

WHEREAS, the Board of Trustees of the City of Creede, a Town, has adopted the annual budget in accordance with the Local Government Budget Law, on December 5, 1983, and

WHEREAS, the amount of money necessary to balance the budget for general operating expense is \$21,217, and


WHEREAS, the 1983 valuation for assessment for the City of Creede, a Town, as certified by the County Assessor is \$1,460,230.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:


Section 1. That for the purpose of meeting all general operating expenses of the City of Creede, a Town, during the 1984 budget year, there is hereby levied a tax of 14.530 mills upon each dollar of the total valuation for assessment of all taxable property within the City of Creede, for the year 1983.

Section 2. That the City Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Mineral County, Colorado, the mill levy for the City of Creede, Colorado, a Town, as hereinabove determined and set.

ADOPTED, THE 5th DAY OF DECEMBER 1983.


James Basham, Mayor

ATTEST:


Deborah Roughton-Miles, Clerk

21240

AN ORDINANCE APPROPRIATING ADDITIONAL
SUMS OF MONEY TO DEFRAY EXPENSES
IN EXCESS OF AMOUNTS BUDGETED FOR 1983

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY
EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE,
COLORADO, A TOWN, FOR THE CONSERVATION TRUST FUND.

WHEREAS, the City of Creede, Colorado, a Town, received
unanticipated revenue for the Conservation Trust Fund not
assured at the time of the adoption of the budget from the
State of Colorado, and

WHEREAS, the State of Colorado distributes lottery revenue
to local governments through the Conservation Trust Fund which
was received by the City of Creede, Colorado, a Town.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of
the City of Creede, Colorado, a Town;

That the 1983 appropriation for the Conservation Trust
Fund is hereby increased from \$-0- to \$3,983 to be used
for the acquisition, development, and maintenance of new
conservation sites or for capital improvements or main-
tenance of new conservation sites or for capital improv-
ments or maintenance for recreational purposes on any
public site.

ADOPTED, this 9 day of December, A.D., 1983.



James Basham, Mayor

ATTEST:



Deborah Roughton-Miles, Clerk

#239

A CONTINGENCY ORDINANCE
TO APPROPRIATE ADDITIONAL SUMS
OF MONEY TO DEFRAY EXPENSES
IN EXCESS OF AMOUNTS BUDGETED

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE, COLORADO, A TOWN, IN THE GENERAL FUND

WHEREAS, the provision of cable television service was proposed for the City of Creede at a time when the budget was adopted, and this proposal could not have been reasonably foreseen at the time of the adoption of the 1983 budget, and

WHEREAS, no cable television service would have been provided, thus creating the necessity of an emergency action, and

WHEREAS, sufficient funds were made available to the City of Creede General Fund by the cable company to cover our General Fund expenditures.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the City of Creede, Colorado, a Town;

That the 1983 appropriation for the General Fund is hereby increased from \$92,882 to \$95,917 including a \$3,035 contingency.

ADOPTED, this 5th day of December, A.D., 1983.



James Basham, Mayor

ATTEST:



Deborah Roughton-Miles, Clerk

1238

A CONTINGENCY ORDINANCE
TO APPROPRIATE ADDITIONAL SUMS
OF MONEY TO DEFRAY EXPENSES
IN EXCESS OF AMOUNTS BUDGETED

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY
EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE CITY OF CREEDE,
COLORADO, A TOWN, IN THE REVENUE SHARING FUND

WHEREAS, the provision of appropriate public restroom
facilities eliminated a potentially serious public health
nuisance and the construction of restrooms was judged to be
an emergency, and

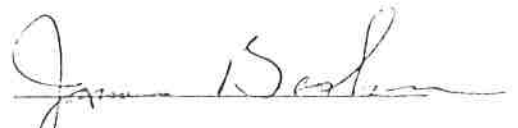
WHEREAS, this contingency could not have been reasonably
foreseen at the time of the adoption of the budget, and

WHEREAS, sufficient funds are available in the Revenue
Sharing Fund in the form of unappropriated surpluses to meet
this contingency.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees of the
City of Creede, Colorado, a Town;

That the 1983 appropriation for the Revenue Sharing
Fund is hereby increased from \$5,656 to \$15,097
including the contingency.

ADOPTED, this 5th day of December, A.D., 1983.


James Basham, Mayor

ATTEST:



Deborah Roughton-Miles, Clerk

ORDINANCE NO. 237

AN ORDINANCE REZONING THE NORTH 25 FEET OF LOTS SIX AND SEVEN, BLOCK NINE, SOUTH CREEDE, FROM R-1 RESIDENTIAL (Low Density) to B-1 CENTRAL BUSINESS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section One: That the north 25 feet of Lots Six and Seven, Block Nine, South Creede are re-zoned from Residential, Being R-1 Low Density, to B-1 being Central Business.

READ IN FULL, PASSED AND ADOPTED AND APPROVED ON FIRST READING This 7th day of NOVEMBER, 1983, the same being the date of a Regular Meeting of the Board of Trustees.

ATTEST:

THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A TOWN,

Deborah Roughton-McCoo
TOWN CLERK

James Bashin
MAYOR

READ IN FULL, PASSED, APPROVED, AND ADOPTED ON THE SECOND READING, THIS 5th day of Dec, 1983 being a regular Meeting of the Board.

ATTEST:

THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A TOWN,"

Deborah Roughton-McCoo
Town Clerk

James Bashin
Mayor

ORDINANCE 236

AN ORDINANCE INCREASING THE SALES TAX FOR THE CITY OF CREEDE, COLORADO, A TOWN, FROM 1% TO 2% BY AMENDMENT OF ORDINANCE #201, CREATING THE SALES TAX CAPITAL IMPROVMENTS FUND AND APPROPRIATING THE REVENUES DERIVED FROM SUCH 1% SALES TAX INCREASE TO SUCH FUND

WHEREAS, the electors of the City of Creede, Colorado, a Town, approved Ordinance 202 by majority vote at an election held the 6th day of April, 1976 titled, "AN ORDINANCE AUTHORIZING THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN, TO INCREASE THE SALES TAX FOR THE CITY OF CREEDE, COLORADO, A TOWN, TO A MAXIMUM OF THREE PERCENT (3%) IN ACCORDANCE HEREWITH", and

WHEREAS, the Board of Trustees of the City of Creede, Colorado, a Town, held a public hearing at the County Court House, 7:30 P.M., October 24th, 1983, notice of such public hearing being advertised in the Mineral County Miner on the 13th and 20th of October, 1983, and

WHEREAS, as a result of such hearing, the Board of Trustees hereby determines, in its best discretion, that this Ordinance is in the best interests of the City of Creede, Colorado;

NOW THEREFORE: BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, A TOWN:

Section 1. Authority: The authority for this Ordinance is found in Ordinance #202 of the City of Creede, Colorado, a Town, and in the following Statutes of the State of Colorado: CRS 1973, Article 26 of Title 39 and Article 2 of Title 29, as amended.

Section 2. Creation of a Capital Improvments Fund: As provided in CRS 1973, 29-2-111, as amended, there is hereby created a special fund to be known as the "Sales Tax Capital Improvments Fund". All revenue received by the City of Creede, Colorado, a Town as a result of the 1% increase in local sales tax implemented by this Ordinance shall be deposited in such Sales Tax Capital Improvments Fund and the resulting revenue shall be appropriated solely

for capital improvements.

Section 3. Increase Sales Tax: The Board of Trustees of the City of Creede, Colorado, a Town is exercising the right to increase the local sales tax from 1% to 2% as provided in Section 4, Subsection 1 of Ordinance 202. Furthermore, the Board of Trustees specifically finds in its best discretion, that it is in the best interests of the City of Creede, Colorado, a Town, to increase the local sales tax from 1% to 2%.

Section 4. Effect of Ordinance: From and after the 1st day of January, 1984, there shall be imposed a total local sales tax of 2% on the sale of tangible personal property at retail or the furnishing of certain taxable services as provided by law, upon every retailer in the City of Creede, Colorado, a Town. The City Clerk is directed to forthwith give notice to the executive director of the Colorado Department of Revenue that the City has, by this Ordinance, increased the total local sales tax from 1% to 2% effective January 1, 1984.

Section 5. Amendment of Ordinance #201: All provisions of Ordinance #201 shall remain in full force and effect except:

A. "Section 6. Schedule of Sales Tax:" be and is hereby repealed and re-enacted to read as follows:

Section 6. Schedule of Sales Tax:
(1) There is hereby imposed on all sales of tangible personal property at retail and the furnishing of certain tangible services, as previously defined, a tax equal to 2 per cent (2%) of the gross receipts of said sales.

Section 6. Severability of Parts of Ordinance: If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance or Ordinances number 201 and 202 is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not effect the validity of the remaining portions hereof. The Board of Trustees hereby declares that it would have adopted these Ordinances and each section, sub-section, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one

or more of the sections, sub-sections, clauses, phrases, parts or portions maybe declared invalid or unconstitutional.

Section 7. Emergency: The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, because the revenue generated by this sales tax increase is necessary to match state grant funds for the paving of the Back Street in the City. Without the timely implementation of this Ordinance the City would not have sufficient funds, estimated to be approximately \$94,000, to meet the City's obligation to receive State of Colorado grant assistance for approximately \$94,000 and thus successfully eliminate a serious threat to the public health, welfare and safety by paving the Back Street, and making other necessary capital improvements. The Board of Trustees hereby declares that an emergency exists and this Ordinance shall take effect and be in force upon the expiration of five (5) days after publication.

INTRODUCED, read in full, adopted, approved, and signed this 7th day of November, A.D., 1983.

Robert A. Koppe Mayor Pro Tem

James Basham, Mayor

ATTEST:

Deborah Roughton-Miles

Deborah Roughton-Miles, City Clerk