

WORK SESSION

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF AGENDA
- V. PUBLIC COMMENT
- VI. PRESENTATIONS
 - a. Colorado Rides presentation on the establishment of an on-demand ride service in the San Luis Valley and how the City of Creede can participate;
- VII. DISCUSSION ITEMS:
 - a. Discussion regarding a policy of allowing on-call employees taking City vehicles home;
 - b. Discussion regarding capital improvement project descriptions;
 - c. Discussion regarding the City of Creede Agenda Policy & Rules of Order;
 - d. Discussion regarding the establishment of a code enforcement policy for the City of Creede;
 - e. Discussion of Chapter 2, Article 9 as it relates to the form and function of the Planning and Zoning Commission;
- VIII. EXECUTIVE SESSION
- IX. ADJOURN



Louis Fineberg <manager@creedetownhall.com>

Taking Municipal Vehicles Home

6 messages

Louis Fineberg <manager@creedetownhall.com>
To: Managers List <MGRLIST@list.cml.org>

Tue, Jan 14, 2020 at 2:46 PM

Managers,

I wanted to see what other jurisdictions do in this respect. In Creede, I currently allow public works employees that need to respond to emergency situations at odd hours to take municipal vehicles home. However, I'm being told that some in the community are opposed to allowing this.

Thanks!

--

Louis M. Fineberg
Town Manager
City of Creede
2223 N. Main St.
Creede, CO 81130
Tel: (719) 658-2276 x 1

Scott Trainor <strainor@fountaincolorado.org>
Reply-To: CML Municipal Managers List <MGRLIST@list.cml.org>
To: MGRLIST@list.cml.org

Tue, Jan 14, 2020 at 3:02 PM

Good Afternoon Louis,

We have a number of employees who are on-call and may have to respond to an emergency during off hours but only those who may have to respond directly to the scene of an emergency get an on-call vehicle. For example, even though we have one of our Streets employees who are on-call, they always have to respond to the City shops to pick up their dump trucks or other equipment so they don't have an on-call vehicle. Meanwhile, our electric on-call journeyman will typically respond directly to the site of an emergency so they have an on-call vehicle.

The on-call vehicles rotate to whomever is on the on-call schedule.

Best Regards,

Scott Trainor

City Manager

City of Fountain | 116 South Main St., Fountain, CO 80817

www.fountaincolorado.org

office: 719-322-2021



From: CML Listserv <MGRLIST@LIST.CML.ORG> on behalf of Louis Fineberg <manager@CREEDETOWNHALL.COM>
Reply-To: CML Listserv <MGRLIST@LIST.CML.ORG>
Date: Tuesday, January 14, 2020 at 2:47 PM
To: CML Listserv <MGRLIST@LIST.CML.ORG>
Subject: [MGRLIST] Taking Municipal Vehicles Home

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- Helpdesk

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Visit www.cml.org for information on the Colorado Municipal League, including products, services and events

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Dara MacDonald <dmacdonald@crestedbutte-co.gov>
Reply-To: CML Municipal Managers List <MGRLIST@list.cml.org>
To: MGRLIST@list.cml.org

Tue, Jan 14, 2020 at 3:04 PM

Hi Louis,

In Crested Butte, the “on call” employee for water or wastewater can take a vehicle home for the night or weekend while they are on call.

In the winter someone from our streets crew takes a vehicle home to Gunnison and picks up the other plow drivers who live there to carpool into work. During most of the winter they work midnight – 8:00 a.m.

Good luck,

Dara MacDonald

Town Manager

(970) 349-5338



From: CML Municipal Managers List [mailto:MGRLIST@LIST.CML.ORG] **On Behalf Of** Louis Fineberg
Sent: Tuesday, January 14, 2020 2:47 PM
To: MGRLIST@LIST.CML.ORG
Subject: [MGRLIST] Taking Municipal Vehicles Home

Managers,

[Quoted text hidden]

Visit www.cml.org for information on the Colorado Municipal League, including products, services and events

[Quoted text hidden]

Reply-To: CML Municipal Managers List <MGRLIST@list.cml.org>
To: MGRLIST@list.cml.org

Hi Louis,

The Town of Eaton allows the public works employee who is on call to take the work vehicle home with them. This is not necessarily the case for snow events, where our drivers must come in to the shop to get their plows.

Jeff Schreier

Town Administrator

Town of Eaton

From: CML Municipal Managers List <MGRLIST@LIST.CML.ORG>**On Behalf Of** Louis Fineberg
Sent: Tuesday, January 14, 2020 2:47 PM
To: MGRLIST@LIST.CML.ORG
Subject: [MGRLIST] Taking Municipal Vehicles Home

Managers,

[Quoted text hidden]

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[Quoted text hidden]

Louis Fineberg <manager@creedetownhall.com>

Tue, Jan 14, 2020 at 3:12 PM

To: Manager Creede <manager@creedetownhall.com>

Cc: "K. Lintott" <kelintott@yahoo.com>, Scott Johnson <publicworks@creedetownhall.com>

Bcc: Jeff Larson <jeffreycincreede@yahoo.com>, Joel O'Connell <joeloconnell0049@gmail.com>, Dana Brink <dbcreeede@yahoo.com>, Teresa Wall <teresa9wall@gmail.com>, Lori Dooley <lgforth@hotmail.com>, Frank Freer <frankgreer@gmail.com>

Board,

A few months ago I instituted a policy of allowing employees that respond to emergency situations to take their vehicles home. It has come to my attention that some in the community have a problem with this policy. I was curious to see what other communities do with this respect so I put the question out to other managers on the manager listserve. See several of the responses below.

The Mayor has requested that we add this item to the agenda next week. I will assemble all responses that I receive so that we can have an informed discussion.

Thanks,

Louis

[Quoted text hidden]

Matt LeCerf <mlecerf@townofjohnstown.com>
Reply-To: CML Municipal Managers List <MGRLIST@list.cml.org>
To: MGRLIST@list.cml.org

Tue, Jan 14, 2020 at 3:48 PM

Louis,

We permit for vehicles to go home. Our hope is the response and resolution time is better to the emergency call.

Thanks,

ML

Matt LeCerf

Town Manager | Town of Johnstown

[450 Parish Avenue](#) | PO Box 609 Johnstown, CO 80534

970.587.4664 | 970.587.0141

mlecerf@townofjohnstown.com

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Sent: Tuesday, January 14, 2020 2:47 PM
To: MGRLIST@LIST.CML.ORG
Subject: [MGRLIST] Taking Municipal Vehicles Home

Managers,

[Quoted text hidden]

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[Quoted text hidden]

Capital Improvement Plan Project Descriptions

ROW Surveys – The City of Creede currently lacks a surveyed ROW map, making it difficult to plan for ROW improvements and to apply for grants to do those improvements. This project, most likely phased, would result in the creation of a surveyed map.

SCADA System – The City’s water and sewer system are currently monitored by an older analog alert notification system that has failed to alert staff of emergency situations on numerous occasions. This project would replace this older system with a newer SCADA (Supervisory Control and Data Acquisition) system that would provide alert notifications for events such as low and high storage tank levels and pump failure and also have the capability to conduct routine monitoring of a wide range of compliance parameters.

Back-Up Generators – Colorado regulations require the City’s potable water well pumps and booster pumps, as well as the aerators at the sewer plant, to have an emergency back-up power source. The City currently has no back-up generators. This project will entail the purchase and installation of back-up generators where required.

EV Level III Charging Station – The City of Creede is located on a scenic byway, and as such, is a good candidate community for the installation of an electric vehicle charging station. This project entails the installation of a fast charger at the Visitor’s Center.

Willow Creek Infrastructure Planning – The 2019 Spring runoff event revealed several weaknesses with regard to water delivery and flood control infrastructure along Willow Creek. This planning effort entails an engineering analysis of the North Creede water delivery system as well as the preparation of engineered plans for Phase II of the Willow Creek Flume rehabilitation and the North Creede Culvert.

Micro-Hydroelectric System Planning – This project would conduct preliminary planning work associated with the development of a micro-hydroelectric power generating facility along Willow Creek in the City of Creede.

Off-Street Parking – This project entails the preparation of railroad ROW located south of the Kentucky Belle parking lot for Municipal off-street parking.

Affordable Housing Study / Market Analysis – This project would entail a detailed investigation of the City’s need for affordable housing and if necessary, how that housing could be provided to those that need it.

Sewer System Replacement Project – This CDPHE-mandated project will entail the phased and targeted replacement of the City’s sewer collection system.

Creede Pedestrian Improvement Project – This project will focus on the planning and implementation of improvements to the City’s pedestrian infrastructure in the downtown area, to include ADA compliant sidewalks and intersections as well as a possible multi-modal pathway along the Willow Creek Flume.

New Town Hall Complex – This project will focus on the planning and development of a new Town Hall administration building as well as a new public works garage. The complex will likely be located on the

site of the existing complex although the City might be open to switching locations if the opportunity presents itself.

Flume Rehabilitation Phase 2 – In 2018, the City of Creede completed Phase I of this project, which entailed the rehabilitation of the lower channel of the Willow Creek Flume. Phase II of this project will entail the rehabilitation of the upper portion of the channel.

City of Creede



Est. 1892

Agenda Policy & Meeting Rules of Procedure

Adopted 2017

AGENDA POLICY

1. Agendas for all regular meetings, work sessions, and special meetings of the City Council shall be prepared by the City Clerk and presented for the meeting absent any objections.
2. Agendas shall follow the order of business set forth in the Creede Municipal Code except as deemed appropriate by City Council majority during the agenda approval portion of the meeting or direction prior to agenda setting.
3. Agendas for all regular meetings and work sessions shall be prepared by Thursday of the week prior to the meeting by 4:00 p.m.
4. Agenda material must be received by the City Clerk for inclusion in the agenda packet by Thursday of the week prior to the meeting at 4:00 p.m. Material that is not received in time for inclusion will not be included in the packet.
5. Should material be provided directly to Council during a meeting, the Council may table the item to allow for sufficient review. Identical material must also be provided to the City Clerk for inclusion in the permanent record.
6. Prior to items being placed on the regular meeting agenda, they should be discussed and placed on an agenda during a regular work session.
7. In the event of a time constraint or other extenuating circumstances, items may be added to an agenda after the deadline by City Council majority during the agenda approval portion of the meeting.
8. Agenda items can be added to work session agendas by members of the public according to the following process:
 - a. Contact the City Clerk by Wednesday of the week prior to the work session at 4:00 p.m. and provide specific agenda item language, and;
 - b. Prepare a written synopsis of your agenda item and include any research and info related to your agenda item request, not to exceed two pages, and provide to the City Clerk by Thursday of the week prior to the work session at 4:00 p.m.
 - c. At the work session during which the proposed item is scheduled, the City Council may discuss, schedule for a different work session or agenda, request more information, or decline further discussion.
 - d. Any member of the public proposing an agenda item must attend the meeting at which the item is slated for discussion. If the requester is not present at the meeting, no action will be taken. The applicant must resubmit the request.
9. Unscheduled public comment will be allowed a three-minute opportunity to address Council with no action from Council at regular work sessions. City Council may then add the item to a future agenda, decline further discussion or request more information at their discretion.

MEETING RULES OF PROCEDURE

These Rules of Order establish rules and procedures for Creede City Council meetings. The intent is to set forth simplified rules which are readily accessible and usable by the Creede City Council members and understandable by the general public. The provisions of the Creede Municipal Code, or any ordinance adopted by the Creede City Council shall govern and apply in the event there is any conflict with these Rules of Order. Unless otherwise indicated, any reference to "Mayor" shall also mean the "Mayor Pro-Tem" or "Acting Mayor" in the absence of the Mayor.

1. During meetings, public servants of the City of Creede, including elected officials and staff, shall adhere to the "City of Creede Code of Ethics and Conduct."
2. Every meeting of the Creede City Council shall be presided over by the Mayor. If the Mayor is absent the Mayor Pro-Tem shall preside over the meeting. If the Mayor has a conflict of interest on a matter then the Mayor Pro-Tem shall preside over the meeting for such matter. If the Mayor and Mayor Pro-Tem are absent, or if they both have conflict of interest on a matter, then a quorum of Council members shall appoint an Acting Mayor by motion who shall then preside over the meeting or shall preside over such matter for which the Mayor and Mayor Pro-Tem have conflict of interest.
3. The Mayor shall strive to moderate Council meetings with impartiality, shall strive to allow input from all other Council members on matters before expressing his or her opinion, and shall refrain from making a motion or seconding a motion.
4. Regular meetings and regular work sessions shall take place regularly as scheduled by the Creede City Council. Special meetings and work sessions may be scheduled by the City Clerk by direction of the City Manager, Mayor, or two City Council Members.
5. No action shall be taken unless a quorum is present. A quorum shall consist of a majority of the Council, or at least four Council Members when there are no vacant seats. The mayor shall not be counted for the purposes of determining quorum. Should a Council Member have a personal or private interest in a matter pending before the governing body, and his or her participation is necessary for quorum, that member may vote on the matter by voluntarily disclosing such interest pursuant to C.R.S. Section 31-4-404 and the City of Creede Code of Ethics and Conduct.
6. Approval of ordinances, resolutions, and orders for the appropriation of money shall require majority approval of the governing body. All other matters, unless otherwise provided by statute or ordinance, shall only require majority approval of those present if a quorum exists.
7. Work sessions will include a "Public Comment" portion for those members of public who wish to comment on items not on the agenda and will generally be limited to three minutes. Members of the public who wish to present more extensive agenda items are encouraged to follow the process provided in the City of Creede's Agenda Policy. The Mayor may permit public comments during any agenda item provided that such invitation does not hinder the ability of Council to conduct official Town business in an efficient manner. For matters which may involve substantial public comment by numerous members of the public, the Mayor or Council may propose limiting public comment to no less than 3 minutes per individual, which limitation on public comment must be approved by a majority of the quorum present.

8. The following general rules shall apply to the order and conduct of public hearings.
 - a. The Mayor shall open the public hearing by announcing the topic of the agenda item. The Mayor shall at all times during public hearings strive to maintain civility, decorum and order.
 - b. The Mayor and/or appropriate Town Staff person shall introduce the topic, explain the applicable procedures and laws, and provide any presentation by the Town.
 - c. The applicant, licensee or appellant shall have the opportunity to present information, provide testimony, or respond to any comments or details in the Town's presentation.
 - d. The Council shall have the opportunity to ask technical questions of the appropriate Town staff, Town officials and the applicant, licensee or appellant but Council members shall not express opinions on the matter prior to opening the public hearing for public comment.
 - e. The Mayor shall officially open the public hearing for public comment and shall allow for members of the public to provide comment to the Council. The Council may approve a time limitation not less than 3 minutes for individual public comment and may approve public comment procedures to promote order and efficiency by a majority vote of the quorum present. After all public comments are received, or if the Council determines that the volume of public comments requires additional time and moves to continue the public hearing, the Mayor shall close the public comment portion of the public hearing.
 - f. The Council may discuss the merits of the topic of the public hearing and take such action as deemed appropriate after the public comment portion of the public hearing is concluded. If the volume of public comments requires a continuation, if additional information is required to consider the public hearing matter, or if the Council determines that additional time is warranted to consider the matter of the public hearing, the Council may continue the public hearing to a later date and may re-open the public comment portion of the public hearing at any continued public hearing.
9. Council may convene into executive session at any time by the affirmative vote of 2/3rds of the quorum present and by announcing the specific statutory citation and purpose of the executive session in accordance with the Colorado Open Meetings Law, CRS §24-6-402(4). The Council is not permitted to take official, final action on any matter in executive session.
10. All official City Council actions are initiated by motion. There are two basic motions: action motions and procedural motions. Action motions carry out Council Business. Procedural motions relate to how the meeting is conducted, and may be used to help conduct business smoothly. Only one action motion may be on the floor at a time. A procedural motion may be proposed, discussed and acted upon when an action motion is on the floor or at any other time.
11. The Creede City Council makes motions according to the following table:

| TO DO THIS... | ...SAY THIS | INTERRUPT SPEAKER? | SECOND NEEDED? | MOTION DEBATABLE? | VOTE REQUIRED |
|---|---|--------------------|---|-------------------------------------|--|
| ACTION MOTIONS | | | | | |
| Introduce business | I move that... | No | Yes | Yes, but only after second is made. | Majority |
| Amend a motion (by any Trustee) | I move this motion be amended by... | Yes | Consent required from motion maker and second maker | | No Vote |
| Propose a substitute motion (by any Trustee) | I propose this motion be substituted by... | Yes | Consent required from motion maker and second maker | | No Vote |
| Withdraw a motion | I move to withdraw this motion. | Yes | No | No | No Vote |
| Adjourn meeting* | I move that we adjourn | No | Yes | No | Majority |
| Recess meeting | I move that we recess until... | No | Yes | No | Majority |
| Suspend further consideration of something* | I move we table... (Does not require a specific time) | No | Yes | No | Majority |
| Take up a matter previously tabled* | I move to take from the table... | No | Yes | No | Majority |
| Postpone consideration of something without needing to re-notice public hearing | I move we postpone this matter until...(Requires a specific time) | No | Yes | Yes | Majority |
| Have something studied further | I move we refer this matter to staff for [more information] | No | Yes | Yes | Majority |
| PROCEDURAL MOTIONS | | | | | |
| End Debate** | I call the question | No | Yes | No | Majority |
| Request information | Point of information | Yes | No | No | No vote |
| Complain about noise, room temp., etc.* | I call for a point of privilege | Yes | No | No | No vote, Mayor decides |
| Object to procedure or personal affront* | I call for a point of order | Yes | No | No | No vote, Mayor decides |
| To object to discussion straying from the agenda | I call for orders of the day | Yes | No | No | No vote, Mayor Decides |
| Appeal Mayor's decision on procedural vote | I move to appeal the ruling of the mayor on.... | Yes | Yes | Yes | Majority, Mayor ruling or conduct reversed |

*Not Amendable

**If successful, motions on table must be immediately considered. If no motions are currently on the table, the Mayor must proceed to the next agenda item.



Code Enforcement Policy Guidelines

I. Introduction

The purpose of this policy is to provide guidelines to the Town's Code Enforcement Staff. The Town Staff is expected to act consistently with these policies, compliance or noncompliance with these policies, they may not be used as a defense in an enforcement action or civil infraction proceeding. Town Code Enforcement staff is authorized to use discretion in enforcement or in refraining from enforcement, so long as they do so in a non-discriminatory manner.

Code Enforcement staff is responsible for the enforcement of the Town's Ordinances, adopted Land Development Regulations, Town of Blue River Building Code, and all other issues as directed by the Town Administrator and Board of Trustees. These ordinances and codes are designed to protect the Health, Safety, and Welfare of all who live, work or visit our Town. They ensure a positive effect on property value, community appearance and Town pride.

1. Responsibility for maintenance of properties and the overall aesthetic appearance of neighborhood ultimately lie with the property owners and tenants of the Town. Properties that are not maintained fall into disrepair; deteriorate; devalue neighborhoods; become an encouragement to crime and lead to blight. As the Town grows and ages, it becomes more crucial and challenging to ensure that all property owners are aware of the ordinances and requirements for maintenance of their properties. Code compliance provides a viable effective means of educating and enforcing the Town's standards to ensure that our Town remains and continues to grow to become a model town for all to enjoy and admire.
2. Code Enforcement's primary goal is voluntary compliance. This is achieved through a proactive, comprehensive community communication initiative that stresses cooperation through education. When necessary, Code Enforcement Officers must use other steps to insure compliance. Enforcement procedures are outlined in this manual.

II. Mission Statement

To provide residents with the highest quality of service and to uphold and enforce Codes and Standards established to protect the Public, Health, Safety and Welfare of all residents, and visitors based upon priorities which are consistent with established standards. Courtesy and professionalism will serve as guiding principles which will permeate the character of the Code Enforcement Office, thereby ensuring that our determination to deter blight within the Town is tempered with sensitivity and compassion.

III. Objective & Goals

1. Educated the public about the Town Codes and Ordinances and to obtain voluntary compliance.
2. Strive to perform duties in a fair, professional and courteous manner.
3. Protect the Health, Safety, and Welfare of all property owners, residents, tenants, businesses and visitors.

4. Develop and establish standards and ordinances that ensure positive effects on property value, community appearance, and neighborhood pride.
5. Partner with other agencies to reach common goals.
6. Establish and maintain a proactive environment to help solve community issues and stay at the forefront of creative and effective Code Enforcement.

IV. Priorities

The Town of Blue River has identified the following areas of priority for code enforcement:

- ❖ Enforcement of life, health and safety violation
- ❖ Common Law Nuisances
- ❖ Illegal Parking
- ❖ Goose Pasture Tarn Restrictions
- ❖ Timely monitoring and enforcement of permit and approval conditions
- ❖ Abatement of nuisances
- ❖ Stop work orders for non-permitted activity
- ❖ Procedures to obtain compliance and recovery of enforcement costs

A. Priority Cases

- a. Violations presenting an imminent threat to public health and safety.
- b. Building Code violations consisting of ongoing non-permitted construction or failure to obtain permits for construction started after the effective date of this manual.
- c. Land use violations
 - i. Specifically Goose Pasture Tarn restrictions/use
- d. Planning and Zoning permit violations.

V. Adoption of Standard Operating Procedures

The Town Administrator may adopt additional standard operating procedures to implement Town of Blue River provisions relating to code enforcement and these policies.

VI. Interpretation

These policies and procedures are to be interpreted to maximize both efficiency of town code enforcement and compliance with town codes. Nothing in this policy manual shall be interpreted to require the Town to act or to refrain from acting or to establish a standard of care for town actions.

VII. Code Enforcement

Code enforcement should follow the priority ranking but be flexible to allow enforcement that fits the type and circumstance of the code violation(s).

A. Enforcement Mechanisms

- a. Obtaining voluntary compliance

- b. Mediated settlement of code violation complaints
- c. Notice of Violation (NOV)
- d. Informal and formal Enforcement Methods
 - i. Informal
 - 1. Informal methods will be used whenever possible, and should be used at the initiation of a case unless extenuating circumstances exist.
 - a. Personal contact
 - b. Verbal education
 - ii. Formal
 - 1. Formal methods are required to show proof of due process.
 - a. Written warnings
 - b. All official notices and citations
 - c. Adjudication of cases before Municipal Court
- e. Citation and prosecution of infractions in municipal court
- f. Petition for injunction in circuit court
- g. Stop work order
- h. Permit revocation
- i. Nuisance abatement
- j. Assisting in enforcement by other regulatory and licensing agencies
- k. Any other remedy under Town Code or existing law.

VIII. Performance Standards

Code Enforcement handles violations from trash and debris, dogs off leash, to building codes. It is important, reasonable and equitable to inform all parties involved as to all violations found at the time of inspection.

In General:

- i. Personal contact is our most valuable tool
- ii. Treat every case as an opportunity to educate
- iii. Use informal methods first wherever possible
- iv. Always show respect, be courteous, polite and professional
- v. Always use commonsense
- vi. Always be careful and use officer safety techniques
- vii. Never exit your vehicle without your issued cell phone
- viii. Follow up on cases is vital.

IX. Initiation of Code Enforcement

Code Enforcement may be initiated by any of the following methods:

- 1. Citizen Complaint. Any person may make a complaint to the Town alleging one or more code violations.
 - i. Form. A citizen's complaint may be made on a town complaint form. Staff may transfer information received onto a complaint form. Complaints processed by code enforcement staff may be directly recorded into the code enforcement database.

- ii. Anonymous Complaints. The Town's policy is to not accept anonymous code violation complaints. Nothing in this policy precludes the Town from investigating any violation.
- iii. Observation. Town staff may initiate enforcement any time a violation is observed.
- iv. Permit/Approval Condition. Town staff shall conduct timely monitoring of ongoing conditions of approval for all permits and approvals as time and resources allow.
- v. General. Information from other sources may reveal code violations and may be investigated.

X. Recording Complaint, Opening File and Timelines

- A. Recording Complaint/Opening File. All code enforcement complaints shall be recorded in the Town software system. Recording the complaint shall consist of assigning the complaint a case number and entering into the computer following minimum information:
 - a. Case number
 - b. Site location
 - c. Date received
 - d. Name of the reporting person, telephone number and any other applicable personal information
 - e. Type of violation
 - f. Name of property owner in question
 - g. Code Enforcement name
 - h. Any applicable photos
- B. Projected Timeline. When a file is opened, and before an investigation of the complaint is commenced, code enforcement shall establish a projected timeline for investigating the complaint and issuing a Notice of Violation. This timeline should be based on consideration of the following criteria:
 - a. Type of alleged violation
 - b. Priority ranking of the violation(s)
 - c. Timeline established in this manual and elsewhere for processing code violation complaints.

XI. Investigation

- A. At the beginning of each investigation, the following shall be established.
 - a. Jurisdiction. The property upon which the alleged code violation has occurred must be land over which the Town has code enforcement jurisdiction.
 - b. Zoning. The zoning of the subject property shall be determined, if relevant.
 - c. Permit Status. The status of any land use, and building permits on the subject property shall be determined, if relevant.
 - d. Property Ownership. All persons with a recorded legal interest in the subject property should be identified. These persons should include the owners, contract purchasers, lessees and lien-holders or other security interest holders.

- e. Other Potentially Responsible Persons. In addition to the persons listed in subparagraph 4 of this paragraph, any other persons potentially responsible for the alleged code violation(s) should be identified. These persons could include tenants, construction and landscape contractors and excavators.
- f. Identification of Applicable Code Provisions. The code enforcement staff, with the assistance of other Town staff and Town legal counsel as necessary, shall identify the pertinent provisions of the town codes that may have been violated according to the complaint.
- g. Prior Complaint History. The code enforcement staff shall examine records to determine the existence and status of any prior or existing code violation complaints on the subject of property or concerning the alleged violator.
- h. Photos. Where necessary, photos shall be taken of alleged violation. The photos shall be recorded with property and attached to violation.

B. Establishing the Elements of a Violation.

- a. Notice of Violation shall be sent to all responsible persons, prior to conducting a field investigation. The Notice shall provide a minimum of 5 days for the violations to be abated on the subject property or to contact Town staff to negotiate terms for compliance.
- b. The Town staff and Town legal counsel as necessary, and after any necessary field investigation, shall determine if the following elements have been established:
 - i. Responsible Person: The person or persons who are reasonably believed to have committed the code violation, or who are or may be legally responsible for the alleged code violation, have been identified.
 - ii. Alleged violation Occurred or is Occurring: A complaint may allege a code violation that occurred in the past (e.g., construction without a permit) or that occurs only intermittently (e.g., periodic non-permitted commercial activity in a residential zone.) Town staff shall determine whether there are reasonable grounds to believe that the alleged violation did or does occur. Such grounds may be established either by personal observation by Town staff, or by reliable evidence from a complainant. If Town staff determines that reasonable grounds do not exist, no enforcement action should be taken until the complainant or Town staff has had a reasonable opportunity to develop such grounds. If no reasonable grounds are developed within a reasonable period, the case should be resolved by the file closure as provided in section XIV of this manual.

C. Field Investigation

- a. Purpose.
 - i. To verify the existence and severity of code violations;
 - ii. To document code violations by means of written notes, photographs, witness interviews, etc.;
 - iii. To obtain supporting evidence, such as the names and statements of potential witnesses; and
 - iv. If possible, to discuss with the property owner, occupant or other responsible person;
 - 1. The nature of the code violation(s);

2. Methods for complying with the code(s);
 3. Timelines for code compliance;
 4. Code enforcement procedures; and
 5. Potential consequences for failure to comply
- b. Preparations and Precautions
- i. Town staff, as well as members of the public, should not be exposed to unreasonable risks of violent confrontation or injury during the course of field investigations. Town staff shall take whatever actions are reasonable and necessary to minimize the known risk of violent confrontation or injury to themselves or others in conducting their field investigations.
 1. Law Enforcement Assistance. When appropriate, the Town staff should contact the sheriff's office to determine if there have been previous criminal complaints or investigations concerning the subject property or alleged code violator, and whether, in the opinion of the sheriff's department, a field investigation would present any threat to the safety of the code enforcement staff, other staff, the alleged code violator or other persons present during a field investigation. The Town staff may request enforcement assistance in conducting the field investigation, and may postpone such investigation until law enforcement assistance is available.
 2. Announced/Unannounced Field Visits. At the discretion of Town staff, a field visit to the subject property may be conducted with or without prior notice to the property owner, occupant or alleged code violator. The determination of whether or not to give prior notice shall be made on the basis of the following criteria:
 - a. The nature of the alleged violation;
 - b. Whether or not prior notice will make detection and documentation of the alleged violation more difficult, and
 - c. Whether or not prior notice will unnecessarily increase the known risk of violent confrontation or injury to the Town staff.
 3. Right of Entry. When it is necessary to make an inspection to enforce the provisions of town code, or when Town staff has reasonable cause to believe that there exists in a building or upon a premise a condition which is contrary to or in violation of town code which makes the building or premise unsafe, dangerous or hazardous, Town staff may enter the building or premise at reasonable times to inspect or to perform the duties imposed by town code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. Entry to a building or premise shall be according to law. If entry is refused, Town staff shall have recourse to the remedies provided by law to secure entry.

- D. Report of Field Investigation. Upon completion of the field investigation, Town staff shall enter their findings into the code enforcement computer file. The report shall include the following information:
- a. Name of investigator
 - b. Date, time and place of field visit
 - c. Code violation(s) observed
 - d. If no code violation(s) observed, explanation
 - e. Witnesses, if any, interviewed
 - f. Evidence, if any, obtained (e.g., photographs)
 - g. Discussion, if any, of violation with owner, occupant or other responsible person
 - h. Action necessary to correct violation, and
 - i. Recommended enforcement action

XII. Enforcement Procedures

- A. Voluntary compliance without Penalty
- a. Policy. It is the Town's policy to encourage voluntary code compliance by providing code violators and other responsible persons with the opportunity during code enforcement to comply with the codes with little or no penalty. Voluntary compliance generally is less expensive for all parties and of a more satisfactory and lasting nature than involuntary compliance.
 - i. In some cases, allowing code violators the opportunity to voluntarily comply may result in abuse of this opportunity in order to delay compliance. Therefore, a time frame for compliance should be part of any voluntary compliance.
 - ii. Voluntary compliance without penalty or cost recovery will not be allowed where the alleged violation is a repeat offense either on the subject property or by the code violator, or where the original violation was not corrected following prior code enforcement action.
 - iii. Following the issuance of a Notice of Violation, if the alleged violator admits the violation(s) and requests extended time for voluntary compliance, the alleged violator shall sign a "Voluntary Compliance Agreement." The agreement shall provide that, in exchange for the extended time for voluntary compliance, the alleged violator agrees to abate the violation(s) by a specified time, and consent to judgment against him/her if voluntary compliance is not obtained during the extended time allowed by the Town and a citation is filed in court. All penalties may be doubled if the voluntary compliance agreement is violated.
 - b. Notice of Violation.
 - i. The Town staff may issue a notice of violation to the property owner and any responsible party when there are reasonable grounds to believe a violation did or does occur. Notice of violations shall be sent standard and/or certified mail to the most recent known address for the property owner(s) and other responsible person(s). The notice of violation shall establish a deadline for compliance.
 - c. Citation and Complaint

- i. Where voluntary compliance is obtained within a reasonable time, a citation may be issued as provided by the Town Code
- d. Stop Work Orders
 - i. The Town may issue stop work orders to assure compliance with permits and approvals or when otherwise authorized by applicable law.
 - ii. A stop work order may be issued for non-compliance with permits or approvals or for doing work without a permit or approval when a permit or approval is required.
 - iii. If construction, installation or land use activity continues after the issuance of a stop work order, the activity shall be reported to code enforcement. The Building Official or Designee shall cite the violator.
- e. Nuisance Abatement. The Town Code authorizes the abatement of code violations that are defined as “nuisances.”
- f. Town Cost Recovery. The Town incurs costs investigating code violations and enforcing codes. They include the cost of personnel and equipment, legal advice and representation, service of summons, and administrative expenses. It is the policy of the Town to maximize code enforcement and to increase the incentives for code compliance by recovering its reasonable code enforcement costs from code violators when authorized by the Town Code.

XIII. File Closure

Code enforcement files may be closed for the following reasons:

1. When no code violation is found after investigation
2. When there is voluntary compliance
3. When a judgment is entered resolving the matter
4. When an injunction has been issued and the property owner or other responsible person has corrected the violation
5. When investigation and prosecution of the violation(s) have been completed by a federal or state agency to which the town deferred code enforcement
6. When it is determined in writing that the code violation(s) are not likely to be successfully resolved within a reasonable timeline, due to factors outside the Town’s control

The Town may send written notice to the complainant when the complaint is resolved, describing the resolution.

ARTICLE 9

Planning and Zoning Commission

Sec. 2-9-10. Creation.

Pursuant to state law, there is hereby created a Planning and Zoning Commission as an advisory board for the City as set forth in Sections 31-23-202 and 31-23-306, C.R.S.

(Ord. 342 §1, 2006)

Sec. 2-9-20. Members.

The policies and procedures of the Planning and Zoning Commission shall be developed by the Planning Commission and approved by the Board of Trustees. The Planning and Zoning Commission shall consist of not less than five (5) or more than seven (7) members. When the Commission is limited to five (5) members, the membership shall consist of the Mayor and a member of the governing body as ex officio members and three (3) persons appointed by the Board of Trustees. When the Commission has five (5) or fewer members all members shall be entitled to vote and act with the full authority and powers set forth in this Article 9. When the Commission consists of seven (7) members, the Mayor and Trustee will act as ex-officio members. All members of such Commission shall be bona fide residents of the Municipality. The term of each appointed member shall be four (4) years, and the term of the members of the governing body will end with their respective term expiration.

(Ord. 342 §§2-5, 7, 2006; Ord. 377, §2, 2013)

Sec. 2-9-30. Compensation.

All members of the Commission shall serve without compensation, and the appointed members shall hold no other Municipal office.

(Ord. 342 §6, 2006)

Sec. 2-9-40. Purpose.

The Planning and Zoning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapter 16 of this Code, and to perform all functions and powers referred to in said Chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the City.
- (4) To study and recommend appropriate zoning classifications for all annexations to the City.

(5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.

(6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the City, such powers expressly being reserved by the Board of Trustees.

(Ord. 347 §1, 2008)

ARTICLE 9
Planning and Zoning Commission

Sec. 2-9-10. Creation.

Pursuant to state law, there is hereby created a Planning and Zoning Commission (PZC) as an advisory board for the City as set forth in Sections 31-23-202 and 31-23-306, C.R.S. (Ord. 342 §1, 2006)

Sec. 2-9-20. Members.

The policies and procedures of the PZC shall be developed by the PZC and approved by the Board of Trustees. The PZC shall consist of five (5) members, composed of the Mayor and a member of the governing body as ex officio members and three (3) persons appointed by the Board of Trustees. All members shall be entitled to vote and act with the full authority and powers set forth in this Article 9. All members shall be bona fide residents of the Municipality. The term of each appointed member shall be four (4) years, and the term of the members of the governing body will end with their respective term expiration. Failure by any member to attend three (3) or more meetings in any calendar year, or any other action or inaction that renders a member incapable of performing the duties conferred upon that member by virtue of the appointed position, shall constitute grounds for removal of said member. Removal of any PZC member shall be by majority vote of the Board of Trustees.

(Ord. 342 §§2-5, 7, 2006; Ord. 377, §2, 2013)

Sec. 2-9-30. Compensation.

All members of the Commission shall serve without compensation, and the appointed members shall hold no other Municipal office.

(Ord. 342 §6, 2006)

Sec. 2-9-40. Purpose.

The Planning and Zoning Commission is created for the following purposes:

(1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.

(2) To perform all functions and powers conferred upon it by the City of Creede Municipal Code.

(3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the City.

(4) To study and recommend appropriate zoning classifications for all annexations to the City.

(5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.

(6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning

Commission to make amendments or changes in the zoning of the City, such powers expressly being reserved by the Board of Trustees.
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(Ord. 347 §1, 2008)