

REGULAR MEETING

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF AGENDA
- V. EXECUTIVE SESSION
 - a. For a conference with the city attorney for the purpose of receiving legal advice on specific legal questions related to the Agreement for Waste Disposal Services between the City of Creede and Jonathan Graham, dba Muley's Waste Disposal Services;

- VI. PUBLIC COMMENT

Public comment is intended for members of the public wishing to address the Board of Trustees about matters that are not listed for discussion on the agenda. Comments will be taken under advisement by the Board but no decisions will be made. At its discretion, the Board may elect to place a matter raised under public comment on a future agenda for further discussion and possible action.

- VII. PRESENTATIONS

- VIII. CONSENT AGENDA

- a. Parade Permit Applications for Chamber of Commerce 2023 events;
- b. Park Rental Application for Hellfighters OffRoad, July 3rd & 4th, 2023 in Ed Hargraves Park;
- c. Minutes for February 7th, 2023 Regular Meeting;
- d. Minutes for February 21st, 2023 Special Meeting;
- e. Minutes for February 28th, 2023 Special Meeting

- IX. BOARD INFORMATION ITEMS

- X. NEW BUSINESS

- a. Consideration and possible approval of City of Creede Resolution No. 2023-11, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE CITY OF CREEDE, CO APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CREEDE, CO AND THE CREEDE CENTER FOR THE ARTS

OPEN TO THE PUBLIC

POSTED 3/3/2023

REGARDING THE DEVELOPMENT OF A PARCEL OF LAND OWNED BY THE CITY OF CREEDE AT THE CORNER OF RIO GRANDE AVENUE AND 3RD STREET”;

- b. Consideration and possible approval of City of Creede Ordinance No. 445, “AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AMENDING CHAPTER 6, ARTICLE 1 AND CHAPTER 10, ARTICLE 8 OF THE MUNICIPAL CODE OF THE CITY OF CREEDE, COLORADO TO CONFORM WITH CHANGES TO THE COLORADO LIQUOR CODE, THE COLORADO BEER CODE AND SPECIAL EVENT LIQUOR PERMITS MADE BY THE COLORADO LEGISLATURE IN 2018, AND PROVIDING FOR THE ISSUANCE OF A LICENSE FOR THE POSSESSION OF AN OPEN CONTAINER ON CITY OWNED PROPERTY DURING CERTAIN PUBLIC EVENTS SANCTIONED BY THE CITY”;
- c. Consideration and possible approval of City of Creede Ordinance No. 446, “AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AMENDING CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF CREEDE, COLORADO WITH THE EXEMPTION OF SALES MADE BY OR TO CHARITABLE ORGANIZATIONS”;
- d. Consideration and possible approval of City of Creede Resolution No. 2023-12, “A RESOLUTION TO ADOPT AND APPROPRIATE THE 2023 CITY OF CREEDE ANNUAL BUDGET;”

XI. OLD BUSINESS

XII. BOARD REPORTS

XIII. ADJOURN

OPEN TO THE PUBLIC

POSTED 3/3/2023



PARADE PERMIT APPLICATION

City of Creede
2223 N Main Street
Creede, CO 81130
(719-)658-2276

Name: Taste of Creede

Address: 904 S. Main St. Creede CO 81130

Business/Organization (if applicable): CMCCC

Phone: 719-658-2374 Email: office@creede.com

Parade Date: May 27 + 28 2023 Parade Time (please allow for set-up and take-down): 5/27 6am to 5/28 6pm

Parade Route Begins: S. Main St at 2nd St

Parade Route Ends: N. Main St at North ^{(west)?} 1st St. (road on south side of County building)

Planned Road Closures: see above, with access through Wall St.

Wall to Second open on Sunday.
1st Street to Wall closed overnight (Saturday to Sunday) (Additionally, please attach a map)

Estimated Number of People Expected to Attend this Event: 300

Responsible Parties for Barricade Set-up & Removal:

Name: Julie Meiser Phone: 617 285 1171 Name: _____ Phone: _____
Phone: 719 658 2374

I have read, fully understand, and agree to the terms of this Parade Permit, any attached pages, and the City of Creede's Public Property Event Policy and Procedures:

Applicant

Julie Meiser 7 Feb 2023
Date

City Clerk

[Signature] 2/8/2023
Date

SHERIFF'S DEPARTMENT NOTIFICATION: _____
Date

PUBLIC WORKS'S DEPARTMENT NOTIFICATION: _____
Date

FOR ADMINISTRATIVE USE ONLY

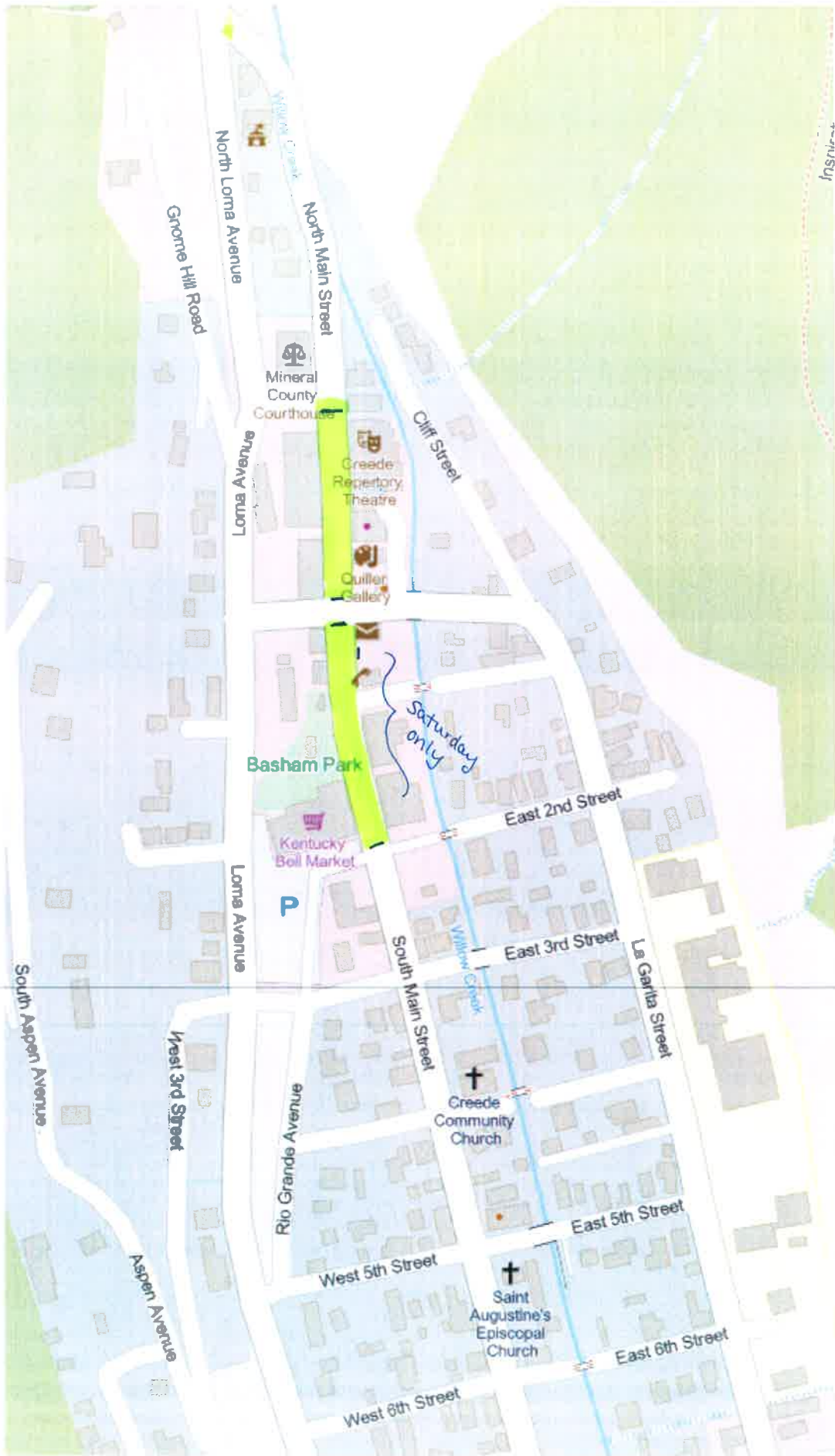
Application Received _____ Fee _____ Date Paid _____

License Agreement Attached? Y N Proof of Insurance Attached? Y N

Board of Trustees Meeting Date _____

Approved by Board of Trustees this _____ day of _____, 20 _____

Attest: _____ City Clerk



Taste of Creede

May 27+28
2023



PARADE PERMIT APPLICATION

City of Creede
2223 N Main Street
Creede, CO 81130
(719-)658-2276

Name: Donkey Dash

Address: 904 S. Main St.

Business/Organization (if applicable): CMCCC

Phone: 719-658-2374 Email: office@creede.com

Parade Date: 10 June 2023 Parade Time (please allow for set-up and take-down): 6:00 Am - 4 pm

Parade Route Begins: S. Main St at 2nd St.

Parade Route Ends: same

Planned Road Closures: S. Main St at 2nd St up to N. Main St at Loma

(Additionally, please attach a map)

Estimated Number of People Expected to Attend this Event: 300-400

Responsible Parties for Barricade Set-up & Removal:

Name: Julie Meiser Phone: ⁷¹⁹658-2374 Name: _____ Phone: _____
617285-1171

I have read, fully understand, and agree to the terms of this Parade Permit, any attached pages, and the City of Creede's Public Property Event Policy and Procedures:

Applicant

City Clerk

Julie Meiser
Julie Meiser
Date
7 Feb 2023

[Signature]
Date
2/8/2023

SHERIFF'S DEPARTMENT NOTIFICATION: _____
Date

PUBLIC WORKS'S DEPARTMENT NOTIFICATION: _____
Date

FOR ADMINISTRATIVE USE ONLY

Application Received _____ Fee _____ Date Paid _____

License Agreement Attached? Y N Proof of Insurance Attached? Y N

Board of Trustees Meeting Date _____

Approved by Board of Trustees this _____ day of _____, 20 _____

Attest: _____ City Clerk



CITY OF CREEDE

PO BOX 457
CREEDE, CO 81130
(719)658-2276

CLERK@CREEDETOWNHALL.COM

PARK RENTAL PERMIT

The City of Creede makes its parks available for short-term reservation, rental, and use. In order to preserve and protect the City's facilities for the use and enjoyment of everyone, the City requires that the City's Codes Pertaining to Parks & Recreation be strictly followed.

Applications must be sent to:

Creede City Clerk

PO Box 457

Creede, CO 81130

For questions, please contact the Clerk's Office during business hours.

(719)658-2276, ext. 2#

clerk@creedetownhall.com

CONTACT INFORMATION

NAME: Julie Merser

PHONE#: 719 658-2374 EMAIL: office@creede.com

ORGANIZATION: CMCCC

EVENT INFORMATION

EVENT NAME: Donkey Dash

PURPOSE OF EVENT: A runner and pack burro race through the mountains, starting and finishing at Basham Park, downtown Creede.

DATES(S): 10 June 2023 BEGIN TIME: 9 am END TIME: 3 pm

MAX NUMBER OF PEOPLE EXPECTED: 350

PUBLIC/PRIVATE EVENT: Public

WILL THERE BE LIVE MUSIC? YES NO

WILL THERE BE ALCOHOL? YES NO

No alcohol is permitted in the parks/public areas without obtaining a Special Event Liquor License from the City Clerk's office. Special Event Liquor License applications are available for non-profit organizations.

Where would you like to host your event:

Basham Park

Ed Hargraves Park/Baseball Field

Hockey Ponds

Sieme Park

RENTAL FEES: A non-refundable rental fee of \$25/day must be paid in full at the time of application. Checks can be made payable to City of Creede.

LIABILITY AND INDEMNIFICATION The USER shall neither hold nor attempt to hold the CITY liable for and will hold harmless and indemnify the CITY from and against any and all demands, claims, causes of action, or judgments, and any and all expenses (including without limitation, attorney's fees and costs) incurred by the CITY in investigating and resisting the same arising from any injury or damage to the property of the USER, any other purpose whatsoever, where the injury or damage is caused by the negligence or misconduct of the USER, its agents, servants, employees, guests or any other person on or where such injuries are the result of the violation of law, ordinances, governmental orders of any kind, or of any provision of this Agreement

FOR CLERK OFFICE ONLY:

DATE RECEIVED 2/8/2023

PARK FEE RECEIVED YES / NO

EVENT APPROVED BY: [Signature]

(Signature) Julie Merser

(Date) 8 Feb 2023



Donkey Dash

10 June 2023



PARADE PERMIT APPLICATION

City of Creede
2223 N Main Street
Creede, CO 81130
(719-)658-2276

Name: Gravity Derby

Address: 904 S. Main St. Creede CO 81130

Business/Organization (if applicable): CMCCC

Phone: 719-658-2374 Email: office@creede.com

Parade Date: 13 Aug 2023 Parade Time (please allow for set-up and take-down): 9am to 5pm
(event starts at 1pm)

Parade Route Begins: N. Main St at West 1st St "START" *Barricades up @ 6:00AM*

Parade Route Ends: S. Main St at 5th st. "FINISH"

Planned Road Closures: (see map) Main St from 1st to 5th

(Additionally, please attach a map)

Estimated Number of People Expected to Attend this Event: 200

Responsible Parties for Barricade Set-up & Removal:

Name: Julio Meiser Phone: 719-658-2374 Name: _____ Phone: _____
017-285-1171

I have read, fully understand, and agree to the terms of this Parade Permit, any attached pages, and the City of Creede's Public Property Event Policy and Procedures:

Applicant

Julio Meiser 8 Feb 2023
Date

City Clerk

[Signature] 2/8/2023
Date

SHERIFF'S DEPARTMENT NOTIFICATION: _____
Date

PUBLIC WORKS'S DEPARTMENT NOTIFICATION: _____
Date

FOR ADMINISTRATIVE USE ONLY

Application Received _____ Fee _____ Date Paid _____

License Agreement Attached? Y N Proof of Insurance Attached? Y N

Board of Trustees Meeting Date _____

Approved by Board of Trustees this _____ day of _____, 20 _____

Attest: _____ City Clerk



Gravity Derby Sunday Aug 13th 1pm



PARADE PERMIT APPLICATION

City of Creede
2223 N Main Street
Creede, CO 81130
(719-)658-2276

Name: Creede Mountain Run (same day as Salsa Fiesta)

Address: 904 S. Main St Creede CO 81130

Business/Organization (if applicable): CMCCC

Phone: 719-658-2374 Email: office@creede.com

Parade Date: 2 Sept 2023 Parade Time (please allow for set-up and take-down): 6 am to 12 noon

Parade Route Begins: Loma at Days of 92 Arena "START"

Parade Route Ends: same "FINISH"

Planned Road Closures: Loma at Days of 92 Arena ~~to~~ ^{left on} 3rd St east ~~to~~ ^{left} on S Main St

north up into Canyon (Additionally, please attach a map)

Estimated Number of People Expected to Attend this Event: 600 (includes Salsa)

Responsible Parties for Barricade Set-up & Removal: (250 in race)

Name: Julie Meiser Phone: 719 658-2374 Name: _____ Phone: _____
617 285 1171

I have read, fully understand, and agree to the terms of this Parade Permit, any attached pages, and the City of Creede's Public Property Event Policy and Procedures:

Applicant
Julie Meiser 8 Feb 2023
Date

City Clerk
[Signature] 2/8/2023
Date

SHERIFF'S DEPARTMENT NOTIFICATION: _____
Date

PUBLIC WORKS'S DEPARTMENT NOTIFICATION: _____
Date

FOR ADMINISTRATIVE USE ONLY

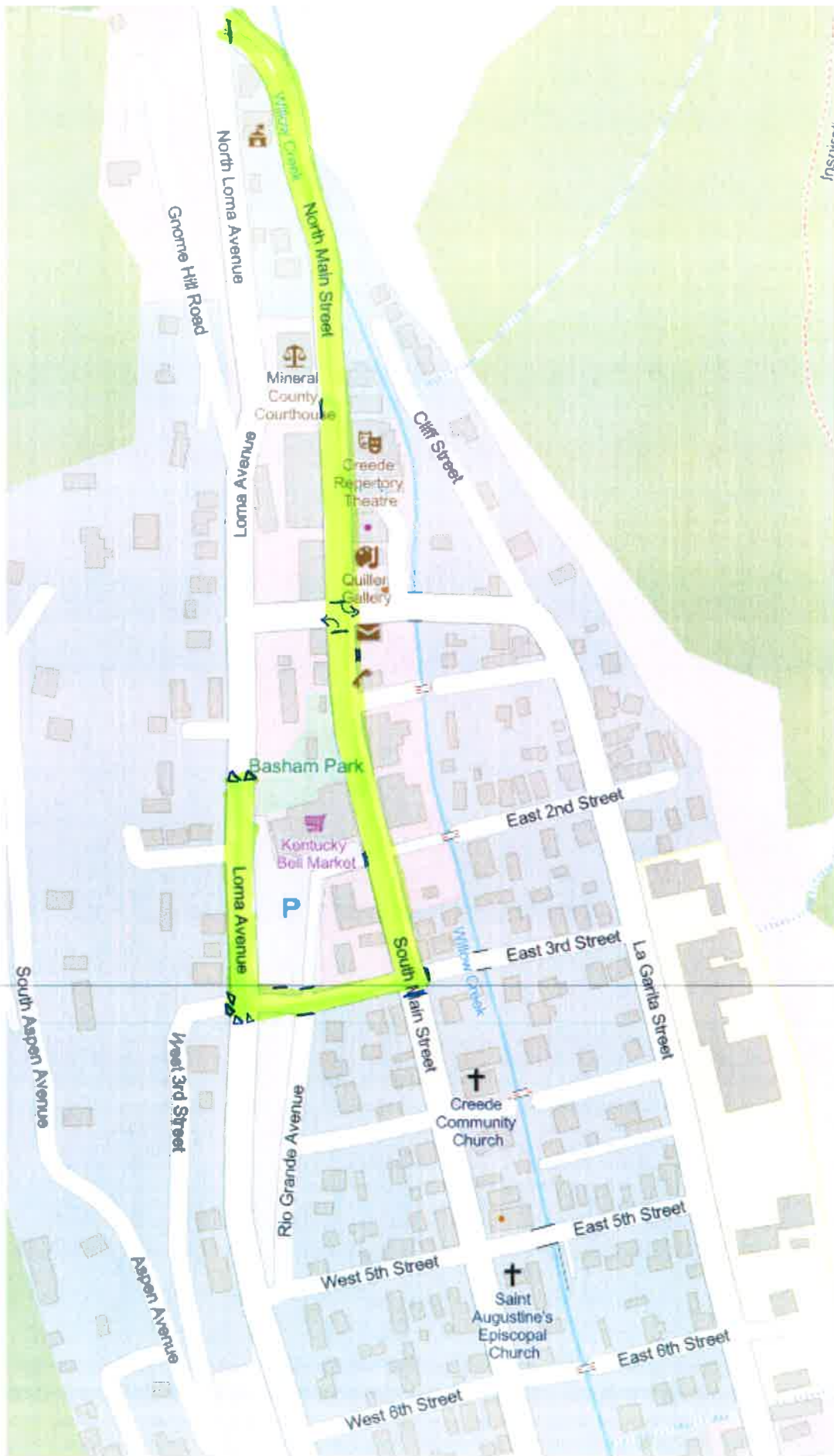
Application Received _____ Fee _____ Date Paid _____

License Agreement Attached? Y N Proof of Insurance Attached? Y N

Board of Trustees Meeting Date _____

Approved by Board of Trustees this _____ day of _____, 20 _____

Attest: _____ City Clerk



Creede Mountain Run

2 Sept 2023
events start 7:30am + 9am



CITY OF CREEDE

PO BOX 457
CREEDE, CO 81130

(719)658-2276

CLERK@CREEDETOWNHALL.COM

PARK RENTAL PERMIT

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Applications must be sent to:

Creede City Clerk

PO Box 457

Creede, CO 81130

For questions, please contact the Clerk's Office during business hours.

(719)658-2276, ext. 2#

clerk@creedetownhall.com

CONTACT INFORMATION

NAME: Julie Meiser

PHONE#: 719 658 2374 EMAIL: office@email.com

ORGANIZATION: CMCCC

EVENT INFORMATION

EVENT NAME: Creede Mountain Run

PURPOSE OF EVENT: A 50K, 22mi, 12mi, and 2 mi footrace through the mountains, starting and finishing in downtown Creede

DATES(S): 2 Sept 2023 BEGIN TIME: 6 am END TIME: 8 pm

MAX NUMBER OF PEOPLE EXPECTED: 300

PUBLIC/PRIVATE EVENT: public

WILL THERE BE LIVE MUSIC? YES NO

WILL THERE BE ALCOHOL? YES NO

No alcohol is permitted in the parks/public areas without obtaining a Special Event Liquor License from the City Clerk's office. Special Event Liquor License applications are available for non-profit organizations.

Where would you like to host your event:

Basham Park

Ed Hargraves Park/Baseball Field

Hockey Ponds

Sieme Park

Days of 92 Arena

RENTAL FEES A non-refundable rental fee of \$25/day must be paid in full at the time of application. Checks can be made payable to City of Creede.

LIABILITY AND INDEMNIFICATION The USER shall neither hold nor attempt to hold the CITY liable for and will hold harmless and indemnify the CITY from and against any and all demands, claims, causes of action, or judgments, and any and all expenses (including without limitation, attorney's fees and costs) incurred by the CITY in investigating and resisting the same arising from any injury or damage to the property of the USER, any other purpose whatsoever, where the injury or damage is caused by the negligence or misconduct of the USER, its agents, servants, employees, guests or any other person on or where such injuries are the result of the violation of law, ordinances, governmental orders of any kind, or of any provision of this Agreement

FOR CLERK OFFICE ONLY:
DATE RECEIVED <u>2/8/2023</u>
PARK FEE RECEIVED <u>YES</u> / <u>NO</u>
EVENT APPROVED BY: <u>(Signature)</u>

Julie Meiser
(Signature)

(Date)



PARADE PERMIT APPLICATION

City of Creede
2223 N Main Street
Creede, CO 81130
(719)-658-2276

Name: Cruisin' the Canyon Car Show

Address: 904 S. Main St. Creede CO 81130

Business/Organization (if applicable): CMCCC

Phone: 719-658-2374 Email: office@creede.com

Parade Date: 16 Sept 2023 Parade Time (please allow for set-up and take-down): 6am to 5pm

Parade Route Begins: N. Main St at Morton Park (end of County Building)

Parade Route Ends: S. Main St. at 5th St.

Planned Road Closures: N. Main St (up to Morton Park) south to 5th St.

(Additionally, please attach a map)

Estimated Number of People Expected to Attend this Event: 500

Responsible Parties for Barricade Set-up & Removal:

Name: Julie Meiser Phone: 719 658-2374 Name: _____ Phone: _____

I have read, fully understand, and agree to the terms of this Parade Permit, any attached pages, and the City of Creede's Public Property Event Policy and Procedures:

Applicant

City Clerk

Julie Meiser 8 Feb 2023
Date

[Signature] 2/8/2023
Date

SHERIFF'S DEPARTMENT NOTIFICATION: _____
Date

PUBLIC WORKS'S DEPARTMENT NOTIFICATION: _____
Date

FOR ADMINISTRATIVE USE ONLY

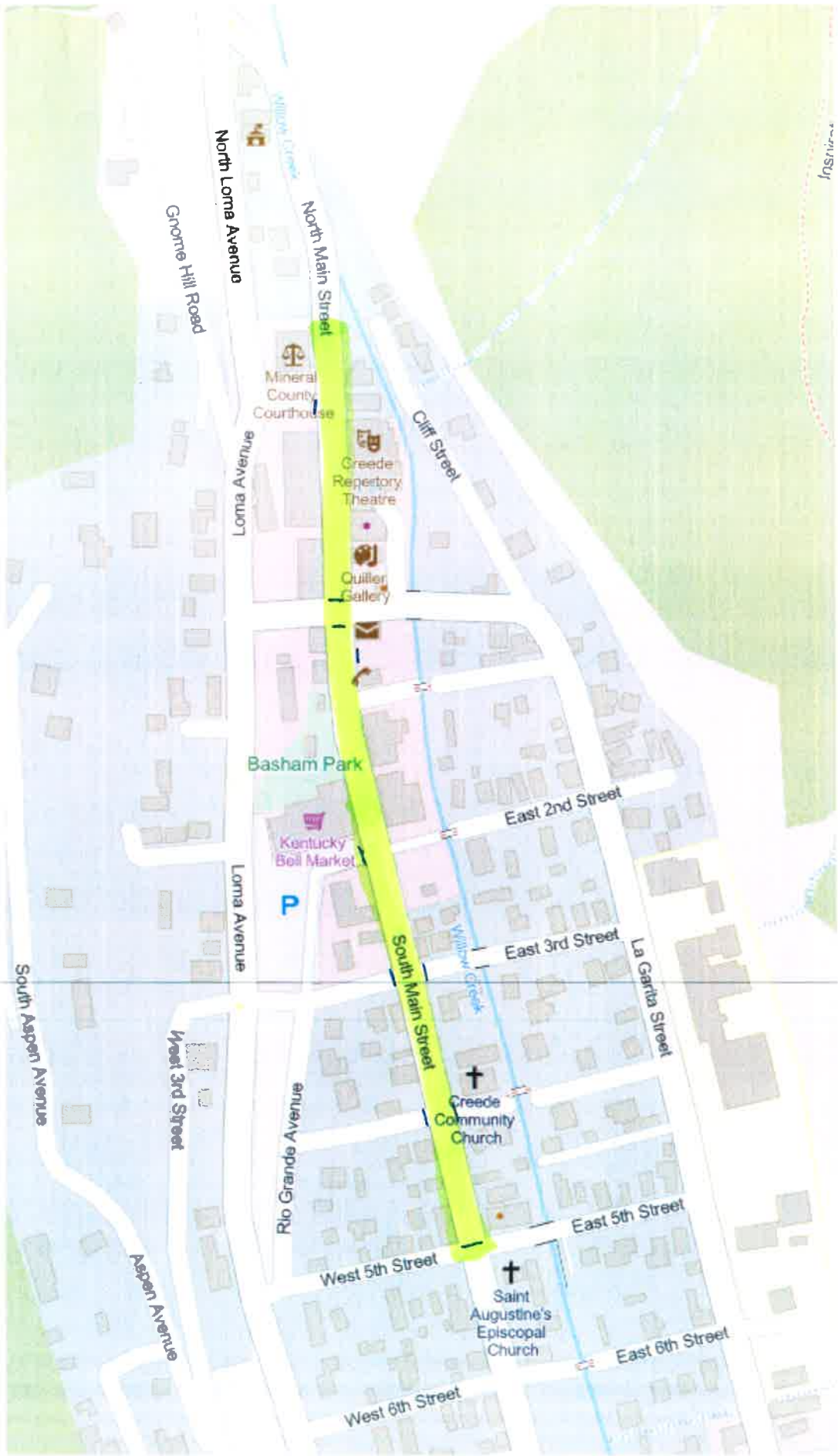
Application Received _____ Fee _____ Date Paid _____

License Agreement Attached? Y N Proof of Insurance Attached? Y N

Board of Trustees Meeting Date _____

Approved by Board of Trustees this _____ day of _____, 20 _____

Attest: _____ City Clerk



Car Show 16 Sept 2023



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/09/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LIC #N/A CIRSA 3665 Cherry Creek North Drive Denver, CO 80209	I-303-757-5475	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
INSURED City of Creede, a Town PO Box 457 Creede, CO 81130		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: CIRSA	
		INSURER B: See Attached Schematic	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: 67624435 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A X	COMMERCIAL GENERAL LIABILITY		LIAB 01-2023	01/01/23	01/01/24	EACH OCCURRENCE \$ 10,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 10,000,000 MED EXP (Any one person) \$ 0 PERSONAL & ADV INJURY \$ 10,000,000 GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ 10,000,000
	<input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					
	<input checked="" type="checkbox"/> \$10m POL E&O Aggregate					
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					
A	AUTOMOBILE LIABILITY		LIAB 01-2023	01/01/23	01/01/24	COMBINED SINGLE LIMIT (Ea accident) \$ 5,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY					
	<input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY					
	UMBRELLA LIAB <input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	DED RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Property (Excess Prop)		See Attached Schematic	01/01/23	01/01/24	Prop Pool Limit 500,000,000
A	Property (Primary)		PR 01-2023	01/01/23	01/01/24	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Regarding Creede/Mineral County Chamber of Commerce lease of 904 W. Main Street.

CERTIFICATE HOLDER Creede & Mineral County Chamber of Commerce 904 South Main Street Creede, CO 81130-0580 USA	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--



CITY OF CREEDE

PO BOX 457
CREEDE, CO 81130
(719)658-2276

CLERK@CREEDETOWNHALL.COM

PARK RENTAL PERMIT

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Applications must be sent to:
Creede City Clerk
PO Box 457
Creede, CO 81130

For questions, please contact the Clerk's Office during business hours.
(719)658-2276, ext. 2#
clerk@creedetownhall.com

CONTACT INFORMATION

NAME: CJ Lambert
PHONE#: 713-416-0030 EMAIL: cj1336@yahoo.com
ORGANIZATION: Hellfighters Off Road

EVENT INFORMATION

EVENT NAME: For God and Country
PURPOSE OF EVENT: Celebration of God & Country
Share the good news of Jesus Christ

DATES(S): July 3 & 4 BEGIN TIME: _____ END TIME: _____
MAX NUMBER OF PEOPLE EXPECTED: _____
PUBLIC/PRIVATE EVENT: Open to public

WILL THERE BE LIVE MUSIC? YES NO

WILL THERE BE ALCOHOL? YES NO

No alcohol is permitted in the parks/public areas without obtaining a Special Event Liquor License from the City Clerk's office. Special Event Liquor License applications are available for non-profit organizations.

RENTAL FEES: A non-refundable rental fee of \$25/day must be paid in full at the time of application. Checks can be made payable to City of Creede.

LIABILITY AND INDEMNIFICATION The USER shall neither hold nor attempt to hold the CITY liable for and will hold harmless and indemnify the CITY from and against any and all demands, claims, causes of action, or judgments, and any and all expenses (including without limitation, attorney's fees and costs) incurred by the CITY in investigating and resisting the same arising from any injury or damage to the property of the USER, any other purpose whatsoever, where the injury or damage is caused by the negligence or misconduct of the USER, its agents, servants, employees, guests or any other person on or where such injuries are the result of the violation of law, ordinances, governmental orders of any kind, or of any provision of this Agreement

Where would you like to host your event:

- Basham Park
- Ed Hargraves Park/Baseball Field
- Hockey Ponds
- Sieme Park

FOR CLERK OFFICE ONLY:
DATE RECEIVED Feb. 14, 2023
PARK FEE RECEIVED YES / NO
EVENT APPROVED BY: _____

CJ Lambert 02-03-2023
(Signature) (Date)

BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
February 7th, 2023

REGULAR MEETING

The Board of Trustees of the City of Creede – a Town, County of Mineral, State of Colorado, met in Regular Meeting session at the hour of 5:32 PM. There being present at the call of the roll the following persons:

OFFICIALS PRESENT (via either phone or video conferencing): Mayor Larson, Trustee Brink and Trustee Dooley were present. Trustee Hannah and Trustee Castleberry were not present.

Mayor Larson presiding declared a quorum present.

Those members of staff also present were as follows:

Louis Fineberg, Manager
Scott Johnson, Public Works Director
Rick Samson, Town Attorney
Sarah Efthim-Williamson, Clerk & Treasurer
Madeline Westbrook, Deputy Clerk

APPROVAL OF AGENDA

Trustee Dooley motion approval of agenda. Trustee Brink second. Vote carried unanimously.

EXECUTIVE SESSION

For a conference with the city attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding the two COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY loans.

Trustee Brink motion into Executive Session. Trustee Dooley second. Vote carried unanimously.

PUBLIC COMMENT

No public comment made.

PRESENTATIONS

- a. Grant / capital projects update by the Town Manager;

City Manager Fineberg gave brief overview of the CIP. DOLA granted city more funding for Micro-Hydro Project.

CONSENT AGENDA

BOARD INFORMATION ITEMS

NEW BUSINESS

- a. Consideration and possible authorization for the Town Manager to execute an engagement letter with Wall, Smith and Bateman for financial audit services for the 2022 fiscal year;

City Manager Fineberg explained reason for professional service fee. Trustee Dooley motion for authorization for an engagement letter with WSB. Trustee Brink second. Vote carried unanimously.

- b. Consideration and possible approval of City of Creede Resolution No. 2023-10, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, CO AUTHORIZING STAFF TO PREPARE AND SUBMIT AN

EIAF GRANT APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS FOR FUNDING TO COMPLETE CONSTRUCTION DOCUMENTS FOR A NEW TOWN HALL / PUBLIC WORKS COMPLEX;

City Manager Fineberg requested Board to table until next meeting. Building Inspector to put together cost estimate for design purposes- City Manager advised board to skip until March Regular Meeting for an updated Resolution to include cost.

- c. Discussion regarding the SLVCOG mini-grant proposal for the City of Creede – lighting upgrades for the rec center;

Recreation Director Kat Ash led Board in discussion why SLVCOG mini-grant would benefit the Virginia Christensen Center and Parks. Trustee Dooley motion to approve application. Trustee Castleberry second. Vote carried unanimously.

- d. Discussion regarding the transfer of responsibility for the GOCO Generation Wild grant from the Creede Community Foundation to the City of Creede;

Recreation Director Kat Ash gave board overview of Generation Wild explaining how funds are used and the success she had working with the Creede Community Foundation. Kat would like for the City of Creede to receive funds directly for reporting purposes. City Manager Fineberg and Recreation Director Ash to get MOU together and bring back to board to sign. Board gave administrative go for Mayor Larson to sign MOU when prepared.

- e. Consideration and possible approval of a request form Zeke Ward on behalf of the Elks to requesting a letter acknowledging historical significance of the Elk's Building;

Zeke Ward gave overview on behalf of the Elks requesting signature of letter presented in packet, acknowledging Elks Lodge historic significance. A letter from the city would complete grant application for the Elks. Board gave administrative approval for Mayor to sign letter.

- f. Consideration and possible authorization for staff to complete the purchase of letter / vac truck in the amount of \$72,000;

PWD Scott Johnson gave overview of vac truck and maintenance needed before purchasing as well as how the machine would benefit Creede. Discussion ensued. City Manager Fineberg confirmed CIP funds will cover purchase and recommended Board to approve. Trustee Dooley motion to approve purchase. Trustee Brink second. Vote carried unanimously.

OLD BUSINESS

BOARD REPORTS

Trustee Brink would like to censor Mayor Larson when approaching State Officials by including Board members when reaching out to State Officials about term limits. Mayor Larson let board know that if he represent himself as Mayor Larson he will let the board know. He did not call or contact the State Officials

Trustee Dooley said there is 2 representatives at SLV Development Resource Group.

Received an annexation request. Said Fineberg.

ADJOURN

There being no further business to come before the Board, Trustee Brink motion to adjourn. Trustee Dooley second. Motion carried unanimously. Mayor Larson declared adjourned at 7:05PM the motion carried.

Respectfully submitted:

/Sarah Efthim-Williamson /

Sarah Efthim-Williamson City Clerk-

BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
February 28th, 2023

REGULAR MEETING

The Board of Trustees of the City of Creede – a Town, County of Mineral, State of Colorado, met in Special Meeting session at the hour of 6:20 PM. There being present at the call of the roll the following persons:

OFFICIALS PRESENT (via either phone or video conferencing): Mayor Larson, Trustee Brink, Trustee Castleberry, Trustee Dooley and Trustee Hannah were present.

Mayor Larson presiding declared a quorum present.

Those members of staff also present were as follows:

Rick Samson, Town Attorney

Sarah Efthim-Williamson, Clerk & Treasurer

APPROVAL OF AGENDA

Trustee Dooley motion approval of agenda. Trustee Hannah second. Vote carried unanimously.

EXECUTIVE SESSION

For a conference with the city attorney for the purpose of determining positions relative to negotiations, e.g., strategies and instructing negotiators regarding the City Manager.

Trustee Hannah motion to move into Executive Session. Trustee Dooley second. Vote carried unanimously.

PUBLIC COMMENT

No public comment made.

PRESENTATIONS

CONSENT AGENDA

BOARD INFORMATION ITEMS

NEW BUSINESS

- a. To take action on any matter discussed in Executive Session, if necessary.;

Trustee Dooley motion to “approve an increase in salary for the City Manager at twenty-two percent (22%) and accrue the suggested raised for the rest of the staff as presented by the Town Manager”. Trustee Brink second. Trustee Dooley, Trustee Brink and Trustee Castelberry voted in favor. Trustee Hannah opposed. Motion carried 3:1.

OLD BUSINESS

BOARD REPORTS

ADJOURN

There being no further business to come before the Board, Trustee Brink motion to adjourn. Trustee Dooley second. Motion carried unanimously. Mayor Larson declared adjourned at 7:09PM the motion carried.

Respectfully submitted:

/Sarah Efthim-Williamson /

Sarah Efthim-Williamson City Clerk-

Memorandum of Understanding Between
City of Creede, Colorado

And

Creede Center For The Arts

This non-binding Memorandum of Understanding (“MOU”) is entered into this ___ day of _____ 2023 by and between City of Creede, Colorado (the “City”) and Creede Center for the Arts (the “Center”). The City and the Center are each referred to herein as “Party” and collectively as the “Parties.”

Whereas, the City is a statutory town located in Southwest Colorado at the headwaters of the Rio Grande River; and

Whereas, the Center was created to construct and operate an arts center complex within the City (the “Arts Facility”) to serve as a hub for a multitude of art-related activities for residents of the City and surrounding areas; and

Whereas, the Center’s initial founder, Stephen Quiller, has been a resident of the City for over fifty years and has developed an international reputation for his water media paintings; and

Whereas, the City is desirous of promoting economic and cultural development within the community and has recognized that the potential for new economic and cultural development within the City is limited by a shortage of vacant land; and

Whereas, the City owns a vacant parcel of land at the corner of Rio Grande Ave. and 3rd Street (the “Land”); and

Whereas, on April 6, 2021, the City’s Board of Trustees unanimously passed Resolution No. 2021-03, entitled “A Resolution by the Board of Trustees of the City of Creede, Colorado Expressing Support for a Collaborative Effort Between the City and Stephen Quiller, Local Resident and Artist, to Develop the City-Owned Vacant Parcel of Land Located at the Corner of Rio Grande Ave. and 3rd Street as an Art Center Complex” (the “Resolution”), which Resolution was recorded in the Mineral County Clerk and Recorder’s Office on June 9, 2021 at reception number 73406; and

Whereas, the Resolution expressed the City’s (1) desire to collaborate with Mr. Quiller on the development of the Arts Facility on the Land; (2) commitment

to working with Mr. Quiller to obtain grant funding for the planning, design, and construction of the Arts Facility; and (3) willingness to lease the Land to the Center for the construction and operation of the Arts Facility; and

Whereas, since the passage of the Resolution, the Center continues to be engaged in the planning and design of the Arts Facility and fund raising for the construction of the Arts Facility on the Land; and

Whereas, the Parties desire to move forward with the development of the Arts Facility on the Land by entering into this MOU.

Now Therefore, the Parties agree as follows:

1. Additional Details About the Arts Facility. Current plans approved by the Building Committee of the Board of Directors for the Center propose to include the following components:
 - a. A gallery displaying a retrospective collection of Stephen Quiller's paintings, many of which are award-winning works from international exhibitions;
 - b. An exhibition space to display the works of master water media painters and other artists from the Creede community, across Colorado, and throughout the world;
 - c. Studio and workshop spaces where people from both within and outside the community can study with professional artists, learn about art and artists, and create their own works of art;
 - d. A multi-purpose space and performance venue designed to host a variety of community such as concerts, dinners, lectures, and films for the Creede community;
 - e. An archive center and art library, which will include an extensive collection of southwest art books and materials;
 - f. A digital interactive room to facilitate learning about the arts as well as the culture, history, and environment of the Creede area;
 - g. Outdoor landscaping and a sculpture garden to create a tranquil and inviting environment for all to enjoy; and
 - h. A gift store and coffee shop.

The Arts Facility will also serve as the first international water media museum in the United States, creating a unique attraction for the City. Importantly, the Arts Facility will be flexible and responsive to the Creede community's cultural and artistic evolution, continually developing and

evolving over the years along with the community. Creede has already established itself as an international destination, not only for its natural beauty, but also for visitors interested in mining, geology, history, theater, and the arts. The Arts Facility will celebrate all that is Creede and serve as its artistic heart, for locals and visitors alike.

The Center will be sustained and operated over time through admission, event, and program fees, sustaining memberships, facility rentals, print and merchandise sales, and charitable gifts.

2. Planning, Design, and Construction Responsibilities. The Center shall be solely responsible for all phases of planning, designing, and constructing the Arts Facility at its sole cost and expense, including but not limited to architectural services, legal services, engineering services, surveying services, and construction services. The approval and construction of the Arts Facility shall remain subject to the City's Municipal, Land Use, and Building Codes and any and all approval processes set forth therein. The Center shall also be solely responsible for complying with all applicable laws with respect to the planning, design, and construction of the Arts Facility.
3. Grant Collaboration and Cooperation. The City agrees to collaborate and cooperate with the Center where necessary and appropriate in its efforts to obtain grants and other public or private funding for the planning, design, and construction of the Arts Facility.
4. Good Faith Negotiations. The Parties agree to engage in good faith negotiations for the lease of the Land to the Center for the construction and operation of the Arts Facility pursuant to terms and conditions mutually acceptable to the Parties.
5. MOU Is Not Binding. The purpose of this MOU is to set forth the background and context for, and generally summarize, the principal terms and conditions of the Parties' agreement to work together on the development of the Arts Facility on the Land. In addition, this MOU sets forth the framework for future good faith negotiations between the Parties regarding potential lease of the Land from the City to the Center and the

terms and conditions for the construction of the Arts Facility on the Land. However, this MOU is not intended to be, and shall not be, binding on the Parties in any respect; it is merely an expression of the Parties' intent with respect to the potential development of the Arts Facility on the Land. Both Parties acknowledge and recognize that key milestones remain to be accomplished before the Parties enter into definitive and binding agreements regarding the Land or the Arts Facility, including most notably raising the private and public financial commitments necessary to construct this facility.

6. Duration and Termination of the MOU. Either Party may terminate this MOU by providing the other Party with written notice 30 days in advance of the date of termination. Unless terminated sooner, this MOU shall remain in effect until the Parties enter into a binding agreement or agreements regarding the construction of the Arts Facility on the Land.
7. Miscellaneous.
 - a. This MOU may be amended only by a written amendment signed by all signatories hereto.
 - b. Nothing in this MOU is intended to or shall be construed to limit or affect in any way the authority or legal responsibilities of the City, require the City to perform any act beyond its authority, or constitute a waiver of the City's governmental immunity.
 - c. Nothing in this MOU shall be construed to obligate the City to any current or future expenditure of resources; nor does this MOU obligate the City to spend funds on any particular project or purpose, even if funds are available.
 - d. This MOU is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City.
 - e. This MOU is subject, as applicable, to the laws of the State of Colorado, including the Colorado Open Records Act, C.R.S. § 24-72-200.1 *et seq.*

The Parties hereto have executed this MOU as of the date first set forth above:

CREEDE CENTER FOR THE ARTS

By: _____
Stephen Quiller, President

By: _____
Shelly Dee, Board Chair

CITY OF CREEDE

By: _____
Jeffrey Larson, Mayor

ATTEST:

By: _____
Sarah Efthim-Williamson, City Clerk

RESOLUTION No. 2023-11

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE CITY OF CREEDE, CO APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CREEDE, CO AND THE CREEDE CENTER FOR THE ARTS REGARDING THE DEVELOPMENT OF A PARCEL OF LAND OWNED BY THE CITY OF CREEDE AT THE CORNER OF RIO GRANDE AVENUE AND 3RD STREET

WHEREAS, the Board of Trustees for the City of Creede is desirous of promoting economic and cultural development within the Town; and

WHEREAS, the Board of Trustees for the City of Creede recognizes that the potential for new development in the Town is limited due to a shortage of vacant land; and

WHEREAS, the City owns a vacant parcel of land at the corner of Rio Grande Ave. and 3rd Street that is currently used for parking; and

WHEREAS, the Board of Trustees is willing to consider other uses for the vacant parcel than parking; and

WHEREAS, the Board of Trustees has discussed the possibility of developing the site as an art center in conjunction with the Creede Center for the Arts; and

WHEREAS, the Town is desirous of continuing the collaboration with a Memorandum of Understanding;

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

SECTION 1: The Board of Trustees for the City of Creede, CO hereby approves the Memorandum of Understanding between the City of Creede, CO and the Creede Center for the Arts, attached hereto as Exhibit A;

APPROVED AND ADOPTED by the Board of Trustees this 7th day of March 2021.

CITY OF CREEDE:

ATTEST:

Mayor Date Attest;
Jeffrey Larson

City Clerk Date
Sarah Efthim

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 445**

AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AMENDING CHAPTER 6, ARTICLE 1 AND CHAPTER 10, ARTICLE 8 OF THE MUNICIPAL CODE OF THE CITY OF CREEDE, COLORADO TO CONFORM WITH CHANGES TO THE COLORADO LIQUOR CODE, THE COLORADO BEER CODE AND SPECIAL EVENT LIQUOR PERMITS MADE BY THE COLORADO LEGISLATURE IN 2018, AND PROVIDING FOR THE ISSUANCE OF A LICENSE FOR THE POSSESSION OF AN OPEN CONTAINER ON CITY OWNED PROPERTY DURING CERTAIN PUBLIC EVENTS SANCTIONED BY THE CITY.

WHEREAS, the City of Creede is authorized by the general assembly of the State of Colorado to exercise its police powers for the protection of the economic and social welfare and the health, peace, and morals of the people of the state; and

WHEREAS, the general assembly revised the Colorado Liquor Code and the Colorado Beer Code in 2018; and

WHEREAS, it is the intent of the Board of Trustees of the City of Creede to revise Chapter 6, Article 1 and Chapter 10, Article 8 of the Creede Municipal Code to conform to current statutes;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO, AS FOLLOWS:

Section 1. “Chapter 6, Article 1, Section 10 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“Sec. 6-1-10. Definitions.

(a) As used in this Article, unless the context indicates otherwise, certain words shall have the following meanings:

Retail License means a grantor licensee to sell fermented beverages pursuant to the Colorado Beer Code (Article 4 of Title 44, C.R.S.) for a grant to a licensee to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 3 of Title 44, C.R.S.).

Retail licensee or *licensee* means the holder of a license to sell fermented malt beverages pursuant to the Colorado Beer Code (Article 4 of Title 44, C.R.S.) By the holder of a license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code (Article 3 of Title 44, C.R.S.), who is engaged at any time during the calendar year in such operation in the City.

(b) All other terms shall be defined as set forth in the provisions of the Colorado Beer Code, the Colorado Liquor Code and Special Events Permits, as the definitions presently exist or may hereafter be amended.”

Section 2. Chapter 6, Article 1, Section 20 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“Sec.6-1-20. Application of state statutes.

Pursuant to declaration by the General Assembly, the Colorado Beer Code, Section 44-4-101, et seq., C.R.S., the Colorado Liquor Code, Section 44-3-101, et seq., C.R.S., and Special Event Permits, Section 44-5-101, et seq., C.R.S., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the City.”

Section 3. Chapter 6, Article 1, Section 30 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“Sec. 6-1-30. Power and purpose.

The Board of Trustees hereby finds, determines and declares that it is empowered by Section 44-3-505, C.R.S., to fix and collect certain fees in connection with the application for issuance, transfer and renewal of certain types of beer, wine and liquor licenses. The Board of Trustees further finds that the fees imposed by the State are in an amount sufficient to cover actual and necessary expenses incurred by the City in connection with the handling of such licenses and applications therefore.”

Section 4. Chapter 6, Article 1, Section 50 (b)(1) of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“(b)(1) Eligible facilities. Outdoor sports and recreational facilities as defined in Section 44-3-103 (33), C.R.S., are eligible for licensing as an optional premise or optional premises for a hotel and restaurant.”

Section 5. Chapter 10, Article 8, Section 10, *private property* of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“*Private property* means any dwelling and its curtilage which is being used by a natural person for habitation and which is not open to the public, and privately owned real property, which is not open to the public. Private property shall not include:

- a. Any establishment, which has or is required to have a license pursuant to Article 3, 4 or 5 of Title 44, C.R.S.;
- b. Any establishment which sells alcoholic beverages or upon which alcoholic beverages are sold; or
- c. Any establishment, which leases, rents, or provides accommodations to members of the public generally. ”

~~**Section 6.** Chapter 10, Article 8, Section 50(f) of the Municipal Code of the City of Creede, Colorado is amended to read as follows:~~

~~“(f) — A parent or legal guardian of a person under twenty one (21) years of age, or any natural person who has permission of such parent or legal guardian, may give, or permit the possession and consumption of, alcoholic beverages to or by a person under the age of twenty one (21) years under the conditions described in Paragraph (b)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Article 3, 4 or 5 of title 44, C.R.S., or any members, employees, or occupants of any such~~

~~establishment to give, provide, make available, or sell alcoholic beverages the person under twenty one (21) years of age.”~~

Section 7. Chapter 10, Article 8, Section 60 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“Sec. 10-8-60. Sales near schools.

It is unlawful for any hotel or restaurant license, as defined in Section 44-3-413, C.R.S. to be issued for any premises within a distance of one hundred (100) feet from any private, public or parochial school. It is unlawful for any other class of license, as listed in Section 44-3-401, C.R.S. to be issued for any premises within a distance of two hundred sixty (260) feet from any private, public or parochial school. Said distance to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold, using a route of direct pedestrian access. However, this prohibition shall not affect the rights of any person holding, at the time of the initial ordinance codified herein, a lawful permit or license to conduct such business within the restricted area hereby established; nor shall such prohibition prevent the renewal upon the expiration thereof of any license in effect at such time authorizing such business within the restricted area hereby established.”

Section 8. Chapter 10, Article 8, Section 80 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“Sec. 10-8-80. Open container.

(a) It is unlawful for any person to possess or consume by open container any alcoholic beverage, whether such possession is actual or constructive, in any public place as defined in Section 10-8-10 of this Chapter, upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the City; provided, however, that it shall not be a violation of this provision to store or consume any alcoholic beverage in conformance with, and pursuant to the terms of, any validly issued permit or license. For the purpose of this Section, an unsealed or open container shall not include a container of vinous liquor that has been resealed pursuant to the provisions of Section 44-3-423, C.R.S., and is clearly recognizable to a peace officer as a container that has been resealed by the hotel or restaurant license holder.

(b) Except as otherwise authorized by this Article, it shall be unlawful for any person within the jurisdiction of the City to possess an open container of or consume any fermented malt or alcoholic beverages in public, except upon premises licensed or permitted under provisions of the Colorado Liquor Code, as amended.

(c) For the purpose of this Section, *open container* means any container which is either opened so that the contents can be removed or upon which the seal, cork, pull tab or any type of cap applied by the manufacturer has been broken. A container shall be deemed an open container even if such container is resealed by any type of cap or seal.

(d) For the purposes of this Section, the term *in public* means:

(1) In or upon any public highway, street, alley, walk, parking lot, building, park or other property or place which is owned or leased by the City or other governmental entity, whether in a vehicle or not; and

(2) In or upon those portions of any private property upon which the public has an express or implied license to enter or remain. If such express or implied license is subject to time or conduct restrictions, consumption or prohibited possession of fermented malt or alcoholic beverages on such property shall be deemed to be *in public* regardless of the time of day.

(e) For the purpose of this Section, the term *possess* or *possession* means exercising physical control over or holding such container, but also means exercising dominion and control over the place where such containers are found.

(f) The City Manager, or designee, may, as provided in this Subsection, grant express written permission to persons to consume fermented malt beverages, or malt or vinous liquors, on City owned property for the following special functions: artistic events; civic events; cultural events; receptions; private parties; or other type function at the discretion of the City Manager.

(1) The City Manager shall adopt an administrative directive specifying the City properties or portions thereof upon which fermented malt beverages, or malt or vinous liquors, may be consumed.

(2) The City Manager shall grant such permission to persons applying for a permit if, considering the type of function, the City Manager finds that:

a. The application is filed with the City not later than thirty (30) days prior to the date of the event.

b. The time, location and duration of the function are not likely to significantly interfere with public traffic or services, including public safety services.

c. Procedures are proposed that are likely to ensure that underage persons and persons under the influence of alcohol will not obtain or consume fermented malt beverages, or malt or vinous liquors, served at the function.

d. Procedures are proposed that are likely to secure and supervise the area and the participants during the function.

e. ~~The applicant agrees to provide food at the location during the time consumption is permitted, in an amount and type sufficient to serve the persons anticipated to attend.~~

f. The applicant agrees to be personally responsible for and provide financial guarantees to ensure the cleaning, trash disposal or repairs necessary as a result of the event for which the permit was granted. The City Manager, or designee, shall determine the amount of required financial guaranty based upon the location of the event, the duration of the event, the number of persons anticipated to attend, the failure of the applicant to clean or repair City property in conjunction with past events and the financial resources of the applicant.

g. The applicant agrees to indemnify and hold harmless the City, its employees and agents for all liability claims arising out of the event, and to provide general liability insurance, with minimum liability limits equal to that established by the Colorado Governmental Immunity

Act (Section [24-10-101](#), et seq., C.R.S.) to guarantee indemnification. The City Manager, or designee, may waive or reduce this insurance requirement if the applicant affirmatively establishes that the risk of liability to the City as a result of the function does not present the City with any significant additional risk of liability.

(3) The City Manager, or designee, may issue a permit for consumption of fermented malt beverages, or malt or vinous liquors, on City-owned property based upon the following criteria:

a. The request is for or on behalf of a City sponsored or cosponsored civil event using any City-owned property; and

b. The proposed event meets all the criteria as set forth in this Section.

(4) The City Manager, or designee, shall deny permission on the grounds that:

a. There is insufficient data presented by the applicant to make the findings required in Paragraph (2) of this Section.

b. Approval would be detrimental to the public safety, health, morals, order or welfare by reason of the nature of the event, the likelihood that the event would create a public nuisance, an unreasonable risk of violence or public disorder or result in the consumption of alcohol beverages by minors; or alternatively, the proximity of the event to schools or the failure of the applicant to conduct past events in compliance with this Section and the applicable rules and regulations.

c. Another event has previously been scheduled for the same location on the same day and time.

d. The event would unreasonably interfere with normal activities and customary and general use and enjoyment of the facility.

(5) The granting of permission by the City Manager under this Section does not relieve the applicant from the responsibility of obtaining any license or special event permit as may be required by state law or City ordinance.

(6) This Section is not intended to create a right of use or possession of City-owned or leased property in any person or group; rather, this Section relates only to permission to consume fermented malt beverages, or malt or vinous liquors, by an individual or group who otherwise has the lawful right to use or possess City-owned or leased property pursuant to City policy.”

Section 9. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 10. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The City Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof,

irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 11. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the City of Creede or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS ____
____ DAY OF _____ 2023.**

ATTEST:

CITY OF CREEDE

Sarah Efthim-Williamson, City Clerk

By _____
Jeffrey Larson, Mayor

**CITY OF CREEDE, COLORADO
ORDINANCE NO. 446**

**AN ORDINANCE OF THE CITY OF CREEDE, COLORADO AMENDING CHAPTER 4
OF THE MUNICIPAL CODE OF THE CITY OF CREEDE, COLORADO WITH THE
EXEMPTION OF SALES MADE BY OR TO CHARITABLE ORGANIZATIONS**

WHEREAS, the City of Creede has adopted by ordinance, a sales tax on the sale of tangible personal property or the furnishing of certain taxable services as provided by state law upon every retailer in the City; and

WHEREAS, it is the desire of the Board of Trustees that sales made to, or by charitable organizations operating within the City are not to be charged the City sales tax as provided by §39-26-718, C.R.S.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE CITY OF CREEDE, COLORADO, AS FOLLOWS:**

Section 1. “Section 4-3-50 of the Municipal Code of the City of Creede, Colorado is amended to read as follows:

“Sec. 4-3-50. Exemptions from sales tax.

- (1) The following shall be exempt from taxation under the provisions of this Article 3:
- a. All sales made to charitable organizations, in the conduct of their regular charitable functions and activities;
 - b. All sales by a charitable organization of tangible personal property, commodities, or services otherwise subject to tax under this Article 3 if:
 - i. The net proceeds from sales by the charitable organizations of tangible personal property, commodities, or services otherwise subject to tax under this Article 3 do not exceed forty-five thousand dollars during the preceding calendar year; and
 - ii. The funds raised by the charitable organization through the sales are retained by the organization to be used in the course of the organization’s charitable service.
 - c. The exemption in this subsection (1)(b) shall not apply to sales made by a charitable organization on or after the date that the net proceeds from sales by the charitable organization of tangible personal property, commodities, or services otherwise subject to tax under this Article 3 exceeds forty-five thousand dollars during the current calendar year.
 - d. On or after September 1, 2008, the sales by an association or organization of parents and teachers of public school students that is a charitable organization, if the association or organization uses the funds raised through the sale for the benefit of a public school or an organized public

school activity or to pay the reasonable expenses of the association or organization.

- (2) The storage, use, or consumption of any item that is exempt from sales tax by operation of subsection (1)(b) or (1)(c) of this section is exempt from taxation under the provisions of this Article 3.
- (3) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax, when such sale meets both the following conditions:
 - a. The purchaser is a nonresident of, or has his or her principal place of business outside of the City limits; and
 - b. Such personal property is registered or required to be registered outside the City limits under state law.”

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the City of Creede or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS 7th DAY OF MARCH 2023.

ATTEST:

CITY OF CREEDE

Sarah Efthim-Williamson, Town Clerk

By _____
Jeffrey Larson, Mayor

RESOLUTION No. 2023-12

A RESOLUTION TO ADOPT AND APPROPRIATE THE 2023 CITY OF CREEDE ANNUAL BUDGET

A resolution summarizing revenues and expenditures for each fund and adopting a revised budget for the City of Creede, Colorado, for the calendar year beginning on the first day of January, 2023 and ending on the last day of December, 2023.

WHEREAS; upon due and proper notice, published or posted in accordance with the law, said adopted budget is open for inspection by the public and given the opportunity to file or register any objections to said adopted budget, and;

WHEREAS; whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Trustees of the City of Creede, A Colorado Town that:

SECTION 1: That estimated revenues and expenditures for each fund are as follows:

	Revenue	Expense
General Fund	\$	\$
Capital Improvement	\$	\$
Virginia Christensen	\$	\$
Conservation Trust	\$	\$
Water & Sewer	\$	\$

SECTION 2: That the budget is submitted and herein summarized by fund, and hereby approved and adopted as the budget of the City of Creede for the year stated above.

SECTION 3: That the budget is hereby approved, adopted and appropriated and made a part of the public records of the City of Creede, A Colorado Town.

APPROVED AND ADOPTED, this 7th, day of March 2023.

Attest:

Mayor
Jeffrey Larson

Date

City Clerk
Sarah Efthim

Date