

**BOARD OF TRUSTEES  
CITY OF CREEDE, COLORADO – A TOWN  
January 8, 2008**

REGULAR MEETING

The Board of Trustees of the City of Creede – a Town, County of Mineral, State of Colorado, met in regular session in the Creede Town Hall at the hour of 5:31 PM. There being present at the call of the roll the following persons:

PRESENT: Kim Nagy (arr. 5:34 PM), Evelyn Gant, Debbie Wylesky,  
Eldon Seime, Joe Keller, Rex Shepperd, Dana Brink (arr.5:37 PM)

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

Pamela Wilson, City Clerk/Treasurer  
Clyde Dooley, City Manager  
Benjamin Gibbons, City Attorney  
Charles C. Powers, Special Counsel (arr. 6:40PM)

REVIEW AGENDA

Mayor Seime asked to add (d) under Reports and Presentations to discuss a request made to him about a certificate of appreciation to be presented to a certain member of this community. Trustee Shepperd moved and Trustee Wylesky seconded to approve the agenda as amended. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Nagy arrived now at 5:34 PM.

APPROVAL OF MINUTES FOR DECEMBER 14, 2007

The paragraph of the first item under Old Business read oddly. A suggested verbiage change will make it easier to understand the results of the vote. Trustee Shepperd moved and Trustee Keller seconded to approve the minutes of December 14, 2007, as amended. The vote was unanimous. Mayor Seime declared the motion carried.

MONTHLY DISBURSEMENTS

Trustee Brink arrived now at 5:37 PM in time for this discussion and vote.

Questions were asked and answered. Trustee Shepperd moved and Trustee Nagy seconded to approve the monthly disbursements as presented on the December 2007 check detail report. The vote was unanimous. Mayor Seime declared the motion carried.

REPORTS AND PRESENTATIONS

BUILDING INSPECTOR'S REPORT

Mike Kolisch was not available to answer questions about his report. The Trustees reviewed Kolisch's report.

RECREATION REPORT

Recreation Director, Eloise Hooper was available to answer questions about her report.

WRITTEN REPORT

This includes the Chamber report to be read at the Board's leisure. Although, this is a "read only" report this month, newly appointed Chamber Director, Chuck Kurtz was present to introduce himself to the Board of Trustees. Kurtz started at the Creede/Mineral County Chamber of Commerce on December 3, 2007. He has delved right in to the many projects already in progress and looks forward to upcoming projects, both old (but tried and true) and new.

### CERTIFICATE OF APPRECIATION

Mayor Seime explained that he had been approached by a citizen of the community asking Seime if he would be interested in presenting a certificate of appreciation to community member and practicing professional in the community, Jennifer Harbert M.D. Seime said the requesting individual will provide and prepare the certificate for Seime to sign and to present at an open house for Doctor Harbert, yet to be announced. The Board gave their approval of this and directed Mayor Seime to sign and present the certificate of appreciation to Doctor Harbert on behalf of the City.

### PUBLIC HEARINGS

#### SPECIAL EXCEPTION USE REQUEST FOR THE PROPERTY AT 113 E. WALL STREET

Mayor Seime opened the public hearing.

Applicant, Jessica Baron signed up to speak in support of the request made by herself and her husband Chad Afanador to live in the cabin, they recently purchased located at 113 E. Wall Street, as a single family residence; although, the property is zoned B-1, Downtown Business District. Baron explained that she and Afanador did not wish to change the zoning at this time, as sometime in the future they may wish to have a business at this location.

Anne Pizel, owner, Broken Arrow Land Company located at 103 N. Main Street in Creede and realtor to the applicants signed up to speak in favor of the request.

No other people signed up to speak. Mayor Seime closed the public hearing.

The Board of Trustees reviewed and considered a recommendation provided by the Planning and Zoning Commission as well as the hearing testimony. Trustee Shepperd moved and Trustee Wylesky seconded to grant the special exception use per the recommendation of the Planning and Zoning Commission subject to residential use regulations as long as the exception exists. By roll call vote, the vote was unanimous. Mayor Seime declared the motion carried.

### OLD BUSINESS

#### TAYLOR PROPERTY/DEPOT STREET DECISION

The Board of Trustees have discussed this issue in previous meetings as well as work sessions and have decided to move forward with selling the proposed property to the Taylors. The board of Trustees will discuss the process further in a work session, move into negotiations and from there the Board will approve the documents.

#### LOTS 8 – 11, BLOCK 2, SOUTH CREEDE (HEIKE WILSON PROPERTY)

According to the City Manager, in a letter he received from Heike Wilson dated December 11, 2007, the following requests were made: 1) add lots 8, 9, 10 and 11 of Block 2 in south Creede to the City's maps; 2) provide acceptable perpetual access to these lots; 3) waive the 20% slope restriction in the City's Land Use Code; and 4) make sure water and sewer are available to these lots. Anne Pizel, realtor and Heike Wilson, property owner were present to address the Board concerning these requests. City Manager Dooley drafted a memorandum to the Board outlining his thoughts on item number one that Dooley states is the only request that can be addressed at this time. Questions were asked and answered. The Board of Trustees directed Dooley to add the requested lots to the City's maps.

#### RESOLUTION 08-01 – REQUEST TO MAKE CORRECTION

In an attempt to have Resolution 08-01 ready for approval at the last meeting of the year, the City Clerk failed to verify the mileage rate allowed by the Internal Revenue Service (IRS) which the City reimburses at the same rate. The Clerk, discovering this after the resolution was adopted, drafted a memorandum to the Board of Trustees requesting a correction be made to Resolution 08-01. Trustee Shepperd moved and Trustee Brink seconded to correct the reimbursable rate for business mileage travelled for the City from 48.5 cents to the IRS allowable rate for 2008 of 50.5 cents per mile. The vote was unanimous. Mayor Seime declared the motion carried. Wilson thanked the Board and apologized for her oversight.

NEW BUSINESS

MANAGER REGISTRATION/CHANGE OF MANAGER FORM DR8442 – THE OLD FIREHOUSE

Denise Dutwiler, Co-Owner of The Old Firehouse has filed State form DR8442 requesting a change in managers for the Horns Management LLC d/b/a The Old Firehouse where Dutwiler and Co-Owner Cheryl Voyles hold a Hotel and Restaurant Liquor License. The request is to replace Voyles, as the manager, with Charles Maze. Maze was available to answer any questions the Board had for him. Trustee Shepperd moved and Trustee Nagy seconded to approve the application to change the manager of an H & R liquor license. The vote was unanimous. Mayor Seime declared the motion carried.

LIQUOR LICENSE RENEWAL – THE OLD FIREHOUSE

Trustee Shepperd moved and Trustee Gant seconded to renew the H & R liquor license for Horns Management LLC. d/b/a The Old Firehouse. There were five yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

EXECUTIVE SESSION

Trustee Wylesky moved and Trustee Gant seconded to go into executive session at 6:40 PM for the purpose of Attorney Conferences pursuant to §24-6-402(4)(b), C. R. S. The vote was unanimous. Mayor Seime declared the motion carried. Invited into executive session with the Board of Trustees and City Attorney Gibbons were Special Counsel Powers and City Manager Dooley.

Trustee Shepperd moved and Trustee Wylesky seconded to come out of executive session at 7:22 PM. The vote was unanimous. Mayor Seime declared the motion carried.

Trustee Keller moved and Trustee Gant seconded to return to regular session at 7:24 PM. The vote was unanimous. Mayor Seime declared the motion carried.

CITY MANAGER'S REPORT

The items discussed and the actions taken were as follows: A special meeting with the Mineral County Commissioners was scheduled to discuss the Law Enforcement Agreement. It will be held at Town Hall at 4:00 PM on Monday, January 14, 2008.

The City Manager requested direction from the Board of Trustees to invite an opinion from Land Use Attorney, Eric Heil of the various land issues currently before the Board for a decision. The Trustees agreed to this option in their December 18, 2007 work session, but feel the opinion is not needed at this time.

Regarding the FYI to the Board about the Creede 2008 Hockey Tournament, the City Attorney again reiterated and encouraged the City of Creede should enter into a "hold harmless" agreement with whoever, if not the Creede/Mineral County Chamber of Commerce, is sponsoring the event on city property.

The Trustees agreed to have their regular work session on Tuesday, January 22, 2008 at 5:30 PM.

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

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Brink moved and Trustee Wylesky seconded that the meeting be adjourned at 7:29 PM. The vote was unanimous. Mayor Seime declared the motion carried.

Respectfully submitted:

Approved by Board of Trustees:

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Pamela J. Wilson, City Clerk/Treasurer

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Eldon M. Seime, Mayor