

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO – A TOWN
December 14, 2007**

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 1:01 PM. There being present at the call of the roll the following persons:

PRESENT: Evelyn Gant, Debbie Wylesky, Eldon Seime, Joe Keller,
Dana Brink (arr. 1:05 PM)
ABSENT: Kim Nagy, Rex Shepperd (both were unavailable due to
rescheduling of meeting)

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

REVIEW AGENDA

There were no changes to the agenda. Trustee Wylesky moved and Trustee Gant seconded to approve the agenda as presented. The vote was unanimous. Mayor Seime declared the motion carried.

APPROVAL OF MINUTES FOR NOVEMBER 7, 2007

Trustee Keller moved and Trustee Wylesky seconded to approve the minutes of November 7, 2007, as presented. The vote was unanimous. Mayor Seime declared the motion carried.

MONTHLY DISBURSEMENTS

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

Trustee Brink arrived now at 1:05 PM in time for this discussion and to vote on this issue.

REPORTS AND PRESENTATIONS

CREEDE REPERTORY THEATRE (CRT) FOR CITY TO WAIVE FEES

Maurice (Mo) LaMee, Executive Director for CRT addressed the Board to make this request. The CRT is asking for the City to waive the water and sewer tap fees as well as the building permit fees for the property they recently purchased at 120 S. Main Street in Creede (AKA The Bob Ford Mini Mall). The theatre will be remodeling the building to accommodate the relocation of the "Black Box" from the third floor of the main theatre located at 124 N. Main Street. Information received by the City from another party purchasing a neighboring property was that the property at 120 S. Main Street has never purchased a water and sewer tap and due to this new discovery the tap is now required. Questions were asked and answered. Trustee Brink moved and Trustee Wylesky seconded waive the portions of the fees that the City is allowed to waive. This includes the water and sewer tap fees and only half of the building permit fee (the other half is what the building inspector receives). The vote was unanimous. Mayor Seime declared the motion carried.

LaMee invited the City of Creede Board of Trustees to attend the spring meeting of the CRT Board of Trustees to see the new building.

BUILDING INSPECTOR'S REPORT

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

SKATE PARK COMMITTEE QUARTERLY REPORT

Linda Ussery was available to answer questions and to make a request on behalf of the skate park committee. The committee is requesting to forgo quarterly reports because the park is currently in a maintenance only mode. The committee will provide quarterly updates in the future at the Board's request when there is new activity. The Board of Trustees directed Ussery that the skate park committee no longer needs to provide quarterly reports while the park is being maintained.

WRITTEN REPORT

This includes the Recreation report to be read at the Board's leisure.

OLD BUSINESS

CREEDE AMERICA ADDITION PHASE I IMPROVEMENT COMPLETION UPDATE & REQUEST

Avery Augur of Creede America Group, LLC was unable to attend this meeting; however, he was available by telephone to answer questions for the Board. After a discussion clarifying the issues in Augur's letter, it was deemed unnecessary to call Augur on the telephone. It was determined that the City will deal with the issue on West Third Street, Augur will handle the issue with the eight inch line and as for naming the new park that Augur has mentioned in his letter, this will be addressed further at a work session of the Board of Trustees. Trustee Wylesky moved and Trustee Keller seconded to approve the sale of the rest of the lots in Phase I. There were three yeas and one abstain (Gant has a business relationship with Augur and abstained from voting). Mayor Seime declared the motion carried.

KEEP CREEDE BEAUTIFUL ART AUCTION UPDATE AND APPEAL TO THE BOARD ABOUT THE VIRGINIA CHRISTENSEN 2007 FALL FUNDING DECISION

After a brief update of the project, David Basler of Keep Creede Beautiful referred the Board to a letter of appeal that he had drafted that included information, once again, describing the benches, waste cans and other items that Keep Creede Beautiful will purchase (or invite local businesses to purchase) to place along Main Street Creede and eventually in other areas of Town to dress it up some while reducing the maintenance costs and man power need of the Town. Questions were asked and answered. Trustee Wylesky moved and Trustee Brink seconded that the Virginia Christensen funds that were awarded to Keep Creede Beautiful in the fall funding is to be used as originally requested and the requirement of the Board to spend the monies locally on labor and materials is no longer applicable. The vote was unanimous. Mayor Seime declared the motion carried.

Basler thanked the Board for the opportunity to appeal their decision so he can move forward with the project and thanked them for the Virginia Christensen funds they awarded.

LAW ENFORCEMENT AGREEMENT

Sheriff Hosselkus and Mineral County Commissioners Karl Kolisch and Bill Philbern were available to review the agreement draft (one document consisting of four pages) that the Trustees will be considering for approval. Both factual and grammatical corrections were made to the document. Trustee Brink moved and Trustee Keller seconded to approve this agreement as amended to be delivered to the Mineral County Commissioner's for consideration. The vote was unanimous. Mayor Seime declared the motion carried.

NEW BUSINESS

SPECIAL EVENTS PERMIT APPLICATION – CREEDE ELKS LODGE NO. 506

Trustee Brink moved and Trustee Keller seconded to approve the special event permit for the Elks Lodge #506 to hold a New Year's Eve Dance on December 31, 2007. There were three yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

CORPORATE REPORT OF CHANGES – WALL STREET ENTERPRISES OF CREEDE, INC.

Brian Brittain of Wall Street Enterprises of Creede, Inc. d/b/a Tommyknocker's Tavern reported a change of corporate offices. Brittain bought out partner Jeremy McComas, becoming one hundred percent owner in the business. The Board deemed unnecessary for this paperwork to come before them; therefore, Trustee Keller

moved and Trustee Gant seconded that Form DR8177 "Limited Liability Company and Corporate Report of Changes Liquor and 3.2 Beer Licenses" can be approved by the City Clerk and no longer has to come before the Board for approval. The vote was unanimous. Mayor Seime declared the motion carried.

LIQUOR LICENSE RENEWAL – TOMMYKNOCKER’S TAVERN

Trustee Brink moved and Trustee Keller seconded to renew the tavern liquor license for Wall Street Enterprises of Creede, Inc. d/b/a Tommyknocker’s Tavern. There were three yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

LIQUOR LICENSE RENEWAL – MAC’S OLD MINE

Trustee Keller moved and Trustee Gant seconded to renew the tavern liquor license for Archibald’s Exchange LLC d/b/a Mac’s Old Mine. There were three yeas and one nay (Wylesky). Mayor Seime declared the motion carried.

PARADE PERMIT REQUEST – PARADE OF LIGHTS

Trustee Keller moved and Trustee Wylesky seconded to approve the parade permit request from the Creede/Mineral County Chamber of Commerce for the Parade of Lights to be held in town following a specified route beginning at 4:30 PM on Friday, December 14, 2007. The vote was unanimous. Mayor Seime declared the motion carried.

PUBLIC HEARING DATE FOR SIGN ORDINANCE DRAFT

After consideration of a recommendation from the Planning and Zoning Commission for the Board of Trustees to review the newly drafted sign regulations for inclusion in the land use code, it was agreed that a date for a public hearing shall be scheduled. Trustee Wylesky moved and Trustee Gant seconded that the public hearing for the sign regulations/ordinance shall be scheduled at the regular February meeting of the Board of Trustees at 5:30 PM on February 12, 2008. The vote was unanimous. Mayor Seime declared the motion carried.

The City Clerk will post and publish notice of the public hearing to meet the requirements of fifteen days prior to the scheduled hearing.

RESOLUTION 07-15, 2007 REVISED BUDGET

Trustee Wylesky moved and Trustee Gant seconded to adopt resolution 7-15 approving the 2007 revised budget for the City of Creede. The vote was unanimous. Mayor Seime declared the motion carried.

RESOLUTION 07-16, 2008 MILL LEVY

Trustee Keller moved and Trustee Wylesky seconded to adopt resolution 07-16 certifying the 2008 mill levy of 11.183 to Mineral County. The vote was unanimous. Mayor Seime declared the motion carried.

RESOLUTION 07-17, 2008 BUDGET

Trustee Wylesky moved and Trustee Keller seconded to adopt resolution 07-17 approving and appropriating the 2008 budget for the City of Creede. The vote was unanimous. Mayor Seime declared the motion carried.

RESOLUTION 08-01, APPOINTMENT OF PERSONNEL, DESIGNATION OF OFFICIAL STATUS AND FEE SCHEDULES

Trustee Wylesky moved and Trustee Gant seconded to adopt resolution 08-01 appointing personnel, designating official status and assigning fee schedules for 2008. The vote was unanimous. Mayor Seime declared the motion carried.

2008 DEPARTMENT REPORTS DUE - MEMO

After clarifying the correct verbiage for the departments that are required to provide monthly reports and personal presentations to the Board of Trustees at designated meetings, the Clerk asked for approval of her memo to distribute. The Board gave their approval of the memo as amended.

2008 REGULAR MEETINGS AND CITY HOLIDAYS - MEMO

The City Clerk presented a memo that will be distributed to officials and staff of the city that contains a calendar of regular Board meetings as well as official city holidays for 2008. After review and discussion, Trustee Keller moved and Trustee Gant seconded to approve the optional holiday schedule for Christmas 2008 and New Year's 2009. The vote was unanimous. Mayor Seime declared the motion carried. The Board approved the memo for distribution.

CITY MANAGER'S REPORT

The points discussed and the actions taken were as follows: The City Manager was given direction on behalf of the Planning and Zoning Commission to change the hours of their meetings during standard time to begin at 5:30 PM rather than 7:00 PM.

The City Manager was given direction to move the interpretive kiosk from the baseball field to the visitor information center.

The City Manager was given administrative direction to sign a letter of engagement with Grund, Dagner & Nelson, P. C. of Denver for the services of Bruce McLarty, an attorney and necessary staff to assist Ron Johnson in pursuing the legal action necessary to recover the damages to Creede's streets, roads, parks and playground. McLarty's time is being donated. The City will be responsible for out-of-pocket costs and expenses as well as a legal associate at a rate of \$160 per hour. There are funds still available in the Legal Defense Fund as well as adequate funds have been appropriated for professional fees in other funds.

Direction given regarding the matter of Lots 2 thru 11, Block 2, South Creede is that Heike Wilson is to provide a survey of the property and City Manager Dooley and City Attorney Gibbons will review the access issue of the property.

Direction to not move forward was given on the issue of Recording for the blind and dyslexic.

Although the Creede 2008 Hockey Tournament was for information only, the City Attorney suggested and encouraged the City of Creede should enter into a "hold harmless" agreement with the Creede/Mineral County Chamber of Commerce since they are sponsoring this event on city property.

Direction to not move forward was given on the U.S. Census Bureau issue.

The Trustees agreed to have their regular work session on Tuesday, December 18, at 3:00 PM. The Board will discuss the Depot Street and Ken Taylor property issue.

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

ADJOURN

There being no further business to come before the Board at this time, Trustee Brink moved and Trustee Wylesky seconded that the meeting be adjourned at 2:47 PM. The vote was unanimous. Mayor Seime declared the motion carried.

Respectfully submitted:

Approved by Board of Trustees:

Pamela J. Wilson, City Clerk/Treasurer

Eldon M. Seime, Mayor