

REGULAR WORK SESSION

- Fee Waiver Clarification
- Monthly Meeting Reports
 - CRT Agreement
- Recreation Advisory Committee Proposal
 - Viaero Letter (Possibly just FYI)
 - Any Other Business

SPECIAL MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. NEW BUSINESS
 - a. Approve/Disapprove Any Required Recreation Committee Action Items
 - b. Approve/Disapprove 2016 Virginia Christensen Advisory Board Recommendations
 - c. Approve/Disapprove CDOT Letter for ATV Crossing
- V. ADJOURN

Posted 5/13/15

OPEN TO THE PUBLIC

ORIGINAL EMAIL REQUEST FOR FEE WAIVER 308 BEE MCLURE DRIVE [full text removed, pertinent text included only, but entire conversation available if interested-RS]

Board of Trustees:

“I’m writing in regards to the deed restriction on the property and home I currently own in Creede, 308 Bee McClure Dr in the Creede America subdivision. As some of you are aware, that lot (and the adjacent lot), both carry a deed restriction that was placed on the property in 2009 and is administered by the City of Creede. This deed restriction requires that anyone who lives in the home be a year-round resident of Creede. The intention of the deed restriction was to keep affordable home ownership available to people who work in Creede and live there year-round, and was proposed by Avery Augur, the developer of Creede America. He asked that the City of Creede administer the deed restriction because municipalities exist in perpetuity, beyond the planned life of Creede America as a land development agency. The City agreed to administer the deed restriction, and approved it's application to two lots, which were split from what was formerly a single lot in Creede America. Jonathan Allsup and I purchased one lot and built a home on it, which we moved into in 2010.

Since that time, Jonathan and I have both moved away Creede. Currently, the home is listed for sale at a price that will allow us to break even on the purchase and building price after fees. We are showing the home through Broken Arrow Ranch and Land Company. Several people who have looked at the home have responded that the deed restriction is the reason they are choosing to not make an offer. We believe that at this point, the deed restriction is limiting the ability for people to move to town, and preventing potential growth in the local economy. I've discussed the situation with Avery Augur, and he is in support of removing the deed restriction on the two lots, both the one Jonathan and I own as well as the one he owns. We hope the board will, after due process, remove the deed restrictions as they were not initially proposed or requested by the city, but rather instituted at the request of the land developer, who is now in favor of removing them.

I will go through the official process requesting that the City of Creede consider removing the deed restrictions on the two lots, which involves a \$500 application fee (\$1000 total for the two lots) and 30-60 days. In the meantime, I will be renting my home to Heather Green, who has been a full-time employee at Creede Repertory Theatre for several years. The deed restriction requires a \$150 administrative review fee for the city to approve renters as full-time residents I am requesting the City of Creede waive this fee as the application to remove the deed restriction is under review. I believe it is obvious the tenant meets the requirements of the deed restriction, and it would be unnecessary to spend staff time, paperwork, and expense reviewing that while the deed restriction removal is considered.”

Elizabeth Zurn

LEASE AGREEMENT

This Agreement is entered into this 21st day of April 2006, by and between the City of Creede, a Colorado municipality ("Landlord") and the Creede Repertory Theatre ("Tenant").

For good and valuable consideration, and for the mutual promises and covenants contained herein, the parties agree as follows:

1. The City Board of Trustees, by entering this lease, expresses its intention to lease the subject property to the Creede Repertory Theatre for a period of 50 years, at a minimal cost, as a "donation in kind" as part of a fund raising program by the Theatre. The Board recognizes that the Theatre is a major contributor to the City, both financially and culturally.
2. Landlord hereby leases and lets to Tenant a Parcel of Land, lying and being situate within the Northeast ¼ of the Southeast ¼ of Section 36, Township 42 North, Range 1 West, New Mexico Principal Meridian, City of Creede, County of Mineral, State of Colorado and further described in the attached: "EXHIBIT "A".
3. Landlord does grant a lease to Tenant a Parcel of Land as described above and illustrated on Exhibit "A" for a term of fifty (50) years beginning April 15, 2006 and ending the 30th day of April, 2056. This lease will be reviewed every ten-years by the Town Board to consider the rental amount of the agreement. Any increase in the rental amount will be negotiated by the Tenant and the City, with the understanding that the original intent of the Board of Trustees is stated in paragraph 1 above. Notice of non-renewal of the lease, must be for reasonable cause by either party, and provided in writing, at least 270 days prior to the expiration of the lease, to the other party.
4. As consideration for the granting of this lease, Tenant agrees to:
 - a. Pay the Landlord the sum of One Dollar (\$1.00) for each year of the lease due and payable on the fifteenth (15th) of April each year.
 - b. Pay a Fee of Three Hundred and Fifty (\$350.00) towards the cost of having the property platted and rezoned.
 - c. Pay all costs associated with building permits and connecting to the City's infrastructure.
5. Tenant shall, at its expense, provide liability insurance for the leased building and provide the City with a copy of the policy listing the City of Creede as "Additional Insured".
6. Both parties understand that this Parcel of Land needs to be platted and rezoned as soon as possible. Both parties agree that construction can begin while the platting and rezoning process is being performed.
7. Both parties understand that the Colorado State Land Board is reviewing a title commitment question, brought up by the Patent in for of Quit Claim Deed, No. 7336. The Landlord is in the process of obtaining verification that it has full ownership of the subject property. This lease is specifically conditioned on the ownership verification.
8. Tenant shall use said premises for the sole purpose for use as a "Production Shop" for the Theater and associated activities.
9. Tenant shall be responsible for installation of and payment for all utilities it elects to install at the premises. These utilities include, but are not limited to: electricity and heating costs, telephone service, trash removal service, water, sewer and drainage.
10. Tenant further agrees to maintain the interior of the building and the associated property in a manner, to the extent reasonably possible, free from common hazards to occupants and visitors to the premises. Tenant shall be responsible for removal of snow and ice from accesses to the premises.

“Exhibit A”

City of Creede to the Creede Repertory Theater **Lease Parcel Description** **(amended with 11/15/09 survey by Davis Engineering)**

A Parcel of Land located within the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 36, Township 42 North Range 1 West of the N.M.P.M., City of Creede, Mineral County, Colorado being more particularly described by metes and bounds as follows;

All bearings contained herein are based upon the east line of Section of 36 from the Southeast Corner of said Section 36 to the East $\frac{1}{4}$ Corner of said Section 36 having a bearing of N00°57'50"E; Beginning at the northeast corner of the parcel herein described from whence the East $\frac{1}{4}$ Corner of said Section 36 bears N17°05'44"E a distance of 1069.21';

Thence S09°31'24"E a distance of 100.00' to the southeast corner of the parcel herein described;

Thence S80°28'36"W a distance of 150.00' to the southwest corner of the parcel herein described;

Thence N09°31'24"W a distance of 100.00' to the northwest corner of the parcel herein described;

Thence N80°28'36"E a distance of 150.00' to the point of beginning, containing 15,000 square feet or 0.34 acres, more or less.

To: City of Creede

From: Ad hoc group of Creede citizens interested in recreation

Dear Trustees,

We appreciate you putting us on the agenda for the City work Session May 17, 2016. Our group met formally on Tuesday May 10, 2016 in response to the termination of the director of Creede Parks and Recreation to strategize ways to continue summer programming and help move the program in a positive forward direction. After much discussion we would respectfully request the City of Creede to appoint a Recreation Advisory Board. Below you will see some of our short term goals and duties of the board.

City of Creede Recreation Advisory Board

- Appointed by the Board of Trustees
- Interested parties should submit a letter of interest to the Board of Trustees outlining why they would like to serve and their commitment
- 2 year term, no more than two consecutive terms (only if there exists a waiting list of interested parties)
- By-laws in process
- Monthly meetings, more meeting will be necessary in the transition/hiring phase

Short Term Goals:

- Continue existing parks and rec programs and create additional programs
- Coordinate volunteers for immediate program and gym coverage
- Communication with the public as to programs, opportunities, via social media, print
- Assist in the creation and or updating of the current job description for the director
- Assist in the hiring of a director

Duties of the Advisory Board

- Support group to the director to assist with current programs, development of new programs, liason to the Board of Trustees
- Avenue for the public to discuss new program ideas and uses of the facilities
- Monthly report to the Board of Trustees, including director report
- Make recommendation to the Board of Trustees concerning the operations of the facilities, programming, purchases, funding
- Assist with budget creation within the allotted City budget
- Research additional funding sources



Mobile 970.467.0555
e-mail henry.jacobsen@viaero.com

Viaero Wireless, PO Box 302 • South Fork, CO 81154

we are where you are

www.viaero.com

Dear Creede City Council,

Viaero Wireless has been anxious for some time to provide 4-G cellular services to Creede. The long-standing obstacle has been the need for a series of substantial towers to provide line-of-sight microwave connectivity to other Viaero towers to the east, through Wagon Wheel Gap to Del Norte. Such connectivity is required to connect calls from tower to tower, and from Viaero to other telephone networks.

SLVREC has recently completed a fiber optics route from Monte Vista to Del Norte to South Fork, and from South Fork to Creede. This fiber optic network allows Viaero to bring high-capacity 4G cellular services to Creede without the aforementioned series of towers. Analysis has shown that excellent service can be provided to Creede by the addition of antennas placed on top of several wooden utility poles, poles no taller than many of the existing utility poles currently in use.

Viaero proposes to place a utility pole cell site at the SLVREC substation south of town, and another behind the Creede Chamber of Commerce building. A diagram of the resulting coverage is attached. The latter would require a small (10'x10') permanent easement, for which Viaero would compensate the City of Creede. Viaero does not know what zoning ordinances and public meetings would apply to this "utility pole" strategy for providing cell phone service. It is requested that this be researched, and that we be advised as soon as possible. With some careful planning and coordination, it may be possible to greatly expand cell coverage before the onset of your heavy tourist season.

I am enclosing a picture (simulation) of how a utility pole cell site would appear if it were approved for construction. I am also attaching a list of frequently asked questions that would typically be raised in public meetings involving this "utility pole cell site" strategy.

As mentioned earlier, I am more than willing (i.e., anxious!) to meet with you, formally or informally, to personally answer particular or general questions you might have.

Respectfully yours,

Henry Jacobsen, PE
Site Acquisition/Engineering Specialist
Viaero Wireless
PO Box 302, South Fork 81154
970-467-0555 (texting works better than voice where I live)
henry.jacobsen@viaero.com

27 April 2016

We are where you are.

**Recommendations for Virginia Christensen Trust Requests
From the Advisory Committee Review Meeting 4/28/16
For the Board of Trustees Meeting 5/3/16**

Requesting Organization	Project/Funds will be used for...	Funding Request	SZ	Score (/40)	VCAC Rec.	BOT Decision
Days of '92 Committee	Towards supporting the 2016 Days of '92 Mining Championship & Events (Total Project Cost \$15k, total match \$10k cash, \$7,650 IK)	\$5,000	S	22.86	5000	
Chamber of Commerce	Operating Funds for Visitor Center (Total Project Cost \$32,426, total match \$22,426 cash)	\$10,000	M	18.57	8000	
Creede Repertory Theatre	Community use of Ruth Humphrey's Brown (Total Project Cost \$5,800, total match \$580 (10%) cash)	\$5,220	S	19.86	5220	
Headwaters Music Festival Association	Production of annual music festival (Total Project Cost \$25k, total match \$15k IK, \$12.5k cash)	\$12,500	M	18.57	8000	
Creede Early Learning Center	Indoor wall repairs and renovations (Total Project Cost \$3215, \$0 match)	\$3,215	S	19.29	3215	
Creede Arts Council	Support the Creede Sculpture Show (Total Project Cost \$13,750, total match \$10,750 cash)	\$3,000	S	19.86	3000	
Mineral County Fairgrounds Association	Permanent capitol property and equipment improvement (Total Project Cost \$16,064.96, total match \$8,415 ?)	\$7,650	M	20.14	7650	
Creede Community Foundation	Support and Expansion of Fireworks Shows (Total Project Cost \$16,000, total match \$3,600 IK, \$3,000 cash)	\$10,000	M	16.29	6355	
City of Alamosa on behalf of the Creede Inspire Hub Team	Match for GOCO Inspire planning Grant for improving opportunities to connect children to the outdoors (Total Project Cost \$5,000, total match \$440)	\$4,560	S	18.14	2560	
UGMM	Infrastructure repairs and improvements (Total project cost \$12,000, total match \$10k ?)	\$10,000	M	22.14	8000	
\$57,000 AVAIL.	TOTAL REQUESTS	\$71,145			\$57,000	

J.B. Alexander
VC committee Chair

MEMO

City of Creede

DATE: May 10
TO: Mayor and Board of Trustees
FROM: Randi
SUBJECT: OHVs & CDOT

I was approached this week by our regional CDOT engineer, Rick Routh. He had heard through the grapevine that we had approved OHVs on our streets and was concerned about the crossing of 149 at Rio Grande Avenue.

I've attached HB 1030. New to the statute is 33-14.5-110 which stipulates that CDOT be contacted to request any highway crossings. They will assess the crossing, do any environmental impact, etc. work they need to do, decide what signs are required, and get back to us. Once that happens, we are responsible for the cost and the installation of any signage or street painting required, and that crossing is not technically permitted until that work is complete. I apologize for not catching this in the new legislation before now.

Rick asked that we submit the letter right away and they will get back to us within 60 days. He did indicate that they had the right to deny the crossing but he indicated that the other ones they were dealing with were far more complicated and I didn't get the feeling that we would be denied. He also said that State Patrol was permitted to ticket folks for crossing until everything was complete. I expressed our likely difficulty in putting on the brakes on the new OHV route until they are finished up and left it at that.

REQUESTED ACTION: Approve CDOT letter requesting OHV crossing in accordance with Colorado State Statute 31-14.5-110.

REQUESTED DIRECTION: Communication to public regarding the illegality of crossing at this time.

OHV FYI: Blue directional signs have arrived and were provided to Public Works for installation. Map + Info posters were hung around town and distributed to lodging providers and the RV Park. Info was posted on the Creede website. Large info signs with maps should be here by the end of next week for each end of town.

Rick Routh, PE
CDOT Region 5 - Traffic & Safety Engineer
3803 N. Main Avenue, Suite 100
Durango, CO 81301

May 17, 2016

Dear Rick:

I am writing in accordance with C.R.S. § 33-14.5-110 requiring that cities and towns write to request approval of state highway crossings by off-highway vehicles within our jurisdiction.

At the regular municipal election April 5, 2016, voters in Creede approved allowing OHVs on certain roads in city limits. At the regular meeting on May 3, 2016 the Board of Trustees approved the attached Ordinance 397 designating a route through town to connect popular trails in our area.

This route requires crossing Highway 149 on Rio Grande Avenue near our baseball park at 1190 South Main in Creede as indicated by the attached route map. We therefore request that the regional department of the Colorado Department of Transportation approve this regulation.

Please contact our staff with any questions you may have.

Best regards,

Jeffrey Larson
Mayor

NOTE: The governor signed this measure on 4/12/2016.

An Act

HOUSE BILL 16-1030

BY REPRESENTATIVE(S) Brown and Court, Becker K., Conti, Coram, Hamner, Mitsch Bush, Roupe, Vigil, Williams, Wilson, Hullinghorst; also SENATOR(S) Donovan, Crowder, Heath, Hill, Johnston, Roberts, Scott.

CONCERNING THE USE OF OFF-HIGHWAY VEHICLES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 33-14.5-108.5, **amend** (1) as follows:

33-14.5-108.5. Crossing roads, highways, and railroad tracks.

(1) The driver of an off-highway vehicle may directly cross a roadway, including a state highway, at an at-grade crossing to continue using the off-highway vehicle on the other side. ~~except that a person shall not cross a state highway within the jurisdiction of a municipality.~~

SECTION 2. In Colorado Revised Statutes, 33-14.5-110, **amend** (1) as follows:

33-14.5-110. Regulation by political subdivisions. (1)(a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (1), any county, city

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

and county, city, or town acting by its governing body may regulate the operation of off-highway vehicles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice ~~thereof~~ OF THE REGULATION if ~~such~~ THE regulation is not inconsistent with ~~the provisions of this article and the rules and regulations promulgated pursuant thereto~~ UNDER THIS ARTICLE.

(b)(I) NOTWITHSTANDING THE REQUIREMENT THAT ITS ORDINANCE OR RESOLUTION NOT BE INCONSISTENT WITH THIS ARTICLE OR A RULE PROMULGATED UNDER THIS ARTICLE, A COUNTY, CITY AND COUNTY, CITY, OR TOWN MAY REQUIRE THE DRIVER WHO IS DRIVING AN OFF-HIGHWAY VEHICLE ON A STREET, ROAD, OR HIGHWAY WITHIN THE JURISDICTION OF THE COUNTY, CITY AND COUNTY, CITY, OR TOWN TO:

(A) HAVE A DRIVER'S LICENSE; OR

(B) CARRY LIABILITY INSURANCE.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), A COUNTY, CITY AND COUNTY, CITY, OR TOWN DOES NOT HAVE AUTHORITY TO REQUIRE A DRIVER TO HAVE A DRIVER'S LICENSE OR CARRY LIABILITY INSURANCE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION 33-14.5-108 (1) (a) TO (1) (e) AND (1) (g) TO (1) (i).

SECTION 3. In Colorado Revised Statutes, 33-14.5-110, **add** (3) as follows:

33-14.5-110. Regulation by political subdivisions. (3) FOR A CITY OR TOWN TO REGULATE THE CROSSING OF A STATE HIGHWAY UNDER THE JURISDICTION OF THE COLORADO DEPARTMENT OF TRANSPORTATION, THE CITY OR TOWN MUST REQUEST IN WRITING THAT THE REGIONAL OFFICE OF THE DEPARTMENT APPROVE THE REGULATION. THE REGIONAL OFFICE SHALL NOT UNREASONABLY WITHHOLD APPROVAL. IF THE REGIONAL OFFICE DOES NOT APPROVE OR DENY THE REQUEST WITHIN SIXTY DAYS AFTER RECEIVED, THE REQUEST IS DEEMED APPROVED.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO