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 5:34 p.m. There being present at the call of the roll the following persons:

PRESENT: Elizabeth Zurn, Debbie Wylesky, Ed Skroch, Debby Roughton-Miles, Denis Powell, Eric Grossman
ABSENT: Evelyn Gant

Mayor Roughton-Miles, presiding, declared a quorum present:
Those members of staff also present were as follows:
Pamela Wilson, Clerk/Treasurer
Clyde Dooley, Town Manager
Benjamin Gibbons, Town Attorney

REVIEW AGENDA
Old Business (a) The VCUP Application Approval was added. Under New Business remove item (g) to consider a donation to the school and move everything up; add (i) Whoville Enterprises’ quit claim deed; add (j) Adult Protection Issues; and add (k) Eric Heil’s memo for his budget amendment. Trustee Zurn moved and Trustee Wylesky seconded to approve the agenda as amended. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL OF APRIL 5, 2011 MINUTES
Questions were asked and answered about voting versus abstaining from voting during the old business on Wilson Access Request or Purchase Option for clarification for the minutes. After adding some other clarification verbiage and correcting typographical errors, Trustee Zurn moved and Trustee Grossman seconded to approve the April 5, 2011 minutes as corrected. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

MONTHLY DISBURSEMENTS
REVIEW/CONSENT OF PREVIOUSLY PAID DISBURSEMENTS ON THE APRIL 2011 CHECK DETAIL REPORT
Questions were asked and answered. Trustee Powell moved and Trustee Wylesky seconded to approve the previously paid disbursements on the April 2011 check detail report. The vote was unanimous. Mayor-Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF PROFESSIONAL SERVICES INVOICES (AND OTHERS AS NECESSARY) FOR CHECKS TO BE WRITTEN AND SIGNED
Questions were asked and answered about the unpaid bills detail. Trustee Zurn moved and Trustee Powell seconded to approve the payments on the unpaid bills detail as of May 3, 2011. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

APPROVAL/DISAPPROVAL OF RMS UTILITIES, INC. PAYMENT ESTIMATE #5 FOR PAYMENT
Trustee Powell moved and Trustee Grossman seconded to approve payment to RMS Utilities, Inc. in the amount of $36,962.22. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

REPORTS AND PRESENTATIONS
WATER LINE REPLACEMENT PROJECT UPDATE
McLaughlin Water Engineers, LTD engineer and project inspector, Clay Wade verbally updated the Board on the status of the water line replacement project. Wade told the Board that with the pay estimate that they just approved, this phase of the project is 67% complete. Wade also told the Board that the contractor has already connected forty-six of one hundred connections. Wade said the contractor hired a “leak whisperer” to detect leaks
that they were unsuccessful detecting. Questions were asked and answered. Dooley and Wade will be drafting a notice for the newspaper explaining the contractor’s schedule, identifying alternate parking, and etcetera.

PUBLIC WORKS REPORT

Public works director, Ben Davis was available to answer questions about his report. Davis’ report touched on water; wastewater; roads/drainage; parks; and fleet/buildings. Questions were answered. Mayor Roughton-Miles thanked Davis for his hard work on the tank access road. Davis told the Board that Schlough and Atwater got a good start on cleaning and grading the lot west of the depot to prepare it for overflow parking. The parks have been receiving a great deal of attention from Schlough and Atwater and Braley’s schedule has picked up quite a bit as well. By the June meeting Davis said he will have something to put before the Board regarding pavement marking. Davis will look into some permanent options for bumper stops as well. Davis explained, also, that for “crack” filling on the pavement he likes to get with State (CDOT) when they are in town and utilize their equipment for that project. This report was received and filed.

BUILDING INSPECTOR’S REPORT

Creede building inspector, Mike Kolisch, was under the weather and unable to attend as well as failing to provide a written report for this meeting.

CHAMBER OF COMMERCE REPORT

Chamber Executive Director, Della Brown was available to answer questions about her report. Questions were asked about the sidewalk at the Visitor’s Center. Brown will research the answer and get back with Dooley with it. This report was received and filed.

MAYOR ROUGHTON-MILES’ REPORT/UPDATE

Mayor Roughton-Miles reported that the Elk’s Lodge would like to organize a Park work day at Basham Park along with Town Board members and other volunteers (Henry Brink and Lynna Jackson). Dellenbaugh and Gardner expressed concern about the “Main Street” Park being left under-attended for the past several years. They discussed new soil in the front flower beds and a possible drip system in the Park including the gazebo. Also, if the City will help with flowers and help pick out flowers (perennials). Consider flat rocks, grass, etc. to create a walkway into the park where the old bulletin board was. Roughton-Miles added that barrels of flowers on Main Street could be a way to thank the businesses. Additional trash containers have been requested by a Main Street business owner and Davis reminded the Board that they would want to talk to Jon Graham before adding trash containers on Main Street. MDS picks up trash containers on Main Street twice a week and additionally for special events without charging the City. Mayor Roughton-Miles told the Board that Bonnie Asplin from Del Norte sent her an invitation inviting her and another representative of the City to a Korean-American Leaflet Ceremony (this ceremony goes back to the Korean War, September 8, 1945) to be held on Friday, June 24, 2011 at 2:00 p.m. at the Museum in Del Norte. Roughton-Miles told the Board that Jeanna Paluzzi, SLV Community Energy Coordinator, Colorado State University (CSU) Extension is trying to put together a micro hydro power workshop in the San Luis Valley and she has invited Lyndsay George, PhD to speak. Dr. George would like to come up to Creede and look at Willow Creek and offer her ideas and suggestion of what she can do to help “us” with what “we” have going on. The workshop is tentatively scheduled for May 24th, and Dr. George will come to Creede on Monday, May 23rd, if anyone is interested. Lastly, Roughton-Miles asked about the status of the bleachers as the Fourth of July is fast approaching. Trustee Skroch talked with Ken Wyley about him “carrying the ball” on this project. Wyley is responsible for contacting Rogers at Mineral County for welding, etc. Skroch asked if there is anything the City can do, offering materials needed (the city will finance this); the city will provide the pipe.

TRUSTEE(S) REPORT/UPDATE TO THE BOARD

Trustee Grossman told the Board of his recent travels. Grossman attended the April 29th, Communicating with Constituents workshop at the CML offices in Denver. He added that he took five pages of notes he would like to bring to the next work session to share with the rest of the Board. Grossman said he is going to Rifle tomorrow and sit in on a Brownfields meeting and lay the foundation for the rest of the Board to visit Rifle at their leisure,
meet with their assistant city planner and see what they have going on. On Thursday, Grossman is going to Grand Junction to attend a Brownfields Economic Development workshop and back in the SLV on Friday in Center is the Region Eight Governor’s Economic Development Meeting. The Mayor is attending as well. Mayor Roughton-Miles added that if anyone is interested in attending the CML Conference in Vail, June 21-24, 2011 she recommends they should do that.

WRITTEN REPORTS
Written reports include a report from Recreation. This report was received and filed. There was nothing this month from WCRC as the watershed coordinator is on maternity leave.

OLD BUSINESS

VOLUNTARY CLEANUP (VCUP) APPLICATION APPROVAL
Paul Glader of Creede Resources, Inc. and a member of LWCR non-profit were available to answer questions and to address any concerns. Trustee Wylesky moved and Trustee Skroch seconded to approve Lower Willow Creek Restoration Company (LWCR) to submit the draft-final part 1 voluntary cleanup plan application for the Lower Willow Creek Floodplain Property to CDPHE. There was one absent trustee (Gant), three yes votes and two abstained on the recommendation of the Town Attorney because they are members of LWCR (Zurn and Grossman). Mayor Roughton-Miles declared the motion carried.

NEW BUSINESS

LIQUOR LICENSE RENEWAL – THE OLD MINERS INN, LLC D/B/A THE OMI – TAVERN LICENSE
Trustee Zurn moved and Trustee Grossman seconded to approve the liquor license renewal for The Old Miners Inn, LLC d/b/a The OMI Tavern liquor license. There were four yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

ART GALLERY (LIQUOR) PERMIT RENEWAL APPLICATION – LUX CONSULTING CORP. D/B/A BLISS DESIGN STUDIO AND GALLERY
Trustee Skroch moved and Trustee Zurn seconded to approve a renewal for an Art Gallery Permit (allowing a maximum fifteen days per year not to exceed four hours per day for alcohol tasting) for LUX Consulting Corp. d/b/a Bliss Design Studio and Gallery (located at 201 S. Main Street). There were four yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

ART GALLERY (LIQUOR) PERMIT NEW APPLICATION – LUX CONSULTING CORP. D/B/A CREDEE OLIVE OIL CO. & CREDEE MINI GALLERIES
David Liss of LUX Consulting Corp. told the Board that the Creede Olive Oil Co. will offer gourmet olive oils and vinegars. The Creede Mini galleries will display the works of six to seven artists including sculptures and so forth. Trustee Grossman moved and Trustee Skroch seconded to approve a new Art Gallery permit (allowing a maximum of fifteen days per year not to exceed four hours per day for alcohol tasting) for LUX Consulting Corp. d/b/a Creede Olive Oil Co. & Creede Mini Galleries (located at 104 N. Main Street). There were four yes votes and one no vote (Wylesky). Mayor Roughton-Miles declared the motion carried.

SIGN PERMIT AND APPLICATION FOR WAIVER FOR THE RUTH HUMPHREYS BROWN THEATRE – CRT, INC.
Trustee Wylesky moved and Trustee Grossman seconded to approve the signage waiver for the raised letter signage lit from the top at the “Ruth” theatre located at 120 S. Main Street. There were four yes votes and one abstained (Zurn is an employee of the CRT). Mayor Roughton-Miles declared the motion carried.

CONSIDERATION FOR APPROVAL OF TOMKIN’S LUMBER YARD BOUNDARY ADJUSTMENT SSIP
Dooley told the Board that the SSIP is not ready for approval as he is waiting for the appraisal of real property from Appraisal Services, Inc. in Pagosa Springs, Colorado. Dooley expects the appraisal by the middle of next week. Lenzini and Dooley will get Bill Kitterman up here to update the map. The attorney said normally the
property would be put out to bid, but the Board does not have to take the highest bid and can convey it for the best use. Other property has sold or traded in the past that has not necessarily gone out for bid. Some of the Board still likes the idea of a lease rather than sale. The Board agreed that once the appraisal comes back, Dooley and Gibbons are to draft an advertisement and send it to the newspaper. Dooley was directed to move forward with the deed transaction to clear up the actual hardware store property for Frederick. A reverter clause in a deed for the lumber yard property is also being discussed. The Board feels they should be talking with the Hardware owner, Bob Frederick and not the purchaser, Nick Lenzini. This item will be discussed at the Board’s regular work session. The property being discussed is north of Wall Street, west of the alley and east of Loma.

VIRGINIA CHRISTENSEN ADVISORY COMMITTEE RECOMMENDATIONS FOR THE SPRING FUNDING CYCLE AND CHAIRMAN ALEXANDER’S MEMO

The Virginia Christensen Advisory Committee received requests for spring funding totaling $46,950. The Board had appropriated $50,000 for this funding cycle and the VC advisory committee recommended full funding for all nine applicants as well as adding extra to some of the requests to award the entire appropriation. VC chairman, JB Alexander sent a memo to the Town Board asking to adjust the committee’s recommendations due to the insurance quotes that Days of ’92 have received. Ken Wyley was available to answer questions about the quotes for insurance he was getting for the mining events. Wyley asked if the Town Board would consider awarding extra funds to Days of ’92 to cover the insurance premiums. After approval of the right premium, the bill will come to the city to pay for the insurance. The Board agreed the city will hold the excess until “we” know what is needed for the insurance and decide later what to do with any additional. Trustee Grossman moved and Trustee Powell seconded to fund the actual requests of $46,950 and not the recommendations from the Committee and to hold on to the excess $3,050 for now. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.

SCHEDULE A SPECIAL MEETING TO AWARD A BID FOR PHASE II, CONTRACT 4 OF THE WATER LINE REPLACEMENT PROJECT

The Board agreed to schedule a special meeting on Tuesday, May 10, 2011 at 5:00 p.m. just before the regular meeting of Planning and Zoning Commission so the Board can award the bid for Phase II, Contract 4 of the water line replacement project.

CLERK’S MEMORANDUM

A memo from clerk/treasurer Wilson was provided to the Board providing Town Holiday reminders as well as other notable dates for the Board to keep in mind and requests to attend classes and/or meetings. The Board agreed that Wilson should attend the CMCA Resource Management class in Salida on Friday, June 3, 2011. The class fee of $25 was approved as was mileage and meal per diems. The Board also agreed to allow Wilson to attend the CIRSA General Membership and Safety meeting on June 22, 2011 in Vail. Lodging, meals and mileage will be paid for/to Wilson. CIRSA reimburses the entity for lodging, meals and mileage for sending a representative to this meeting. Again, Mayor Roughton-Miles noted that if any of the Board members can attend the CML Conference in Vail on June 21 – 24, 2011, she highly recommends it.

QUIT CLAIM DEED – WHOVILLE ENTERPRISES, LLC

Trustee Grossman moved and Trustee Powell seconded to approve the quit claim deed to move forward to clear up the title for the property located at 115 N. Main Street, in Creede described as Lot 9R as shown on the replat of Lots 8, 9, and the north boundary of lot 10, block 25, Creedmoor, located in the City of Creede, in return for a quit claim deed to the City of Creede from Whoville Enterprises, LLC for the property described as that portion of Section 25, Township 42 north, Range 1 west, N.M.P.M lying west of the west lot line of lot 9R, in block 25, Creedmoor, Mineral County, Colorado. The vote was unanimous. Mayor Roughton-Miles declared the motion carried. Mayor Roughton-Miles will sign the quit claim deed to Whoville Enterprises, LLC on behalf of the City of Creede.
ADULT PROTECTION ISSUES
Mayor Roughton-Miles told the Board that people in the Town have expressed concerns to her about adults that live in homes that are not habitable and what can the city do to help with this. The County should have contacted the city when legislation was passed requiring municipalities to have a representative on the County health board or to otherwise develop its own health board. Where Creede is so small it makes better sense to have a representative on the County’s board. The attorney suggested that in the cases being described here, perhaps the County’s Public Health Nurse should contact Mineral/Rio Grande County Department of Social Services (DSS) to address these issues. Roughton-Miles said she would contact Mineral County Commissioner Fairchild about having a city representative on their health board, nonetheless.

HEIL LAW AND PLANNING, LLC MEMORANDUM AND CRI PROJECT BUDGET AMENDMENT REQUEST
Trustee Powell moved and Trustee Wylesky seconded that the city put a matching contribution up to $10,000 to amend Heil’s budget for him to move forward with Lower Willow Creek Restoration Company (LWCRC) documents. There were three yes votes, two abstained (Zurn and Grossman because they are members of the LWCRC board) and one trustee was absent (Gant). Mayor Roughton-Miles declared the motion carried.

Dooley’s memo to the Board identified this money “can easily be part of our revised Capital Improvement Fund budget for 2011 or 2012 if applicable.” Heil will apply the expenses he can out of any of the grants.

Trustees Grossman and Zurn told the Board that the next LWCRC meeting is scheduled at Town Hall on Thursday, June 9, 2011 at 4:30 p.m.

MANAGER’S REPORT
The items discussed and the actions taken in the Manager’s Report were as follows:
Dooley received direction to advertise for code enforcement.

HOMESTAKE BUILDING – DISCUSSION/DIRECTION: Dooley told the Board that he would check with Paul Glader of CRI to see if he is interested in these buildings. Glader was present and quickly replied that he is not interested.

FLUME REPAIR – DIRECTION: Dooley asked where we are with the plans on repairing the flume. The Attorney suggested the Board direct Dooley to check with CIRSA to find out if the city can use its own labor for repairs and/or volunteers.

RFPS SUBMITTED – WORK SESSION DISCUSSION: Dooley told the Board the city has received seven proposals in response to the RFP for attorney services. They will be discussed and scheduled for interviews at the Board’s work session.

WORK SESSIONS: The Board will hold their regular work session on Tuesday, May 17, 2011 at 5:30 p.m. Additional Informational only items and updates were included in this report.

PUBLIC COMMENT PERIOD (BY SIGN IN SHEET)
Anne Pizel of Broken Arrow Land Company asked the Board to consider changing the time of this item for public comment to earlier in the meeting or set a specific time for this item. Mayor Roughton-Miles said she feels it will push the meeting even later if comment comes at the beginning. Trustee Wylesky explained the reason it comes at the end of the meeting is to catch any comments missed earlier in the meeting about an issue where someone was not able to get on the agenda.

ADJOURN
There being no further business to come before the Board of Trustees at this time, Trustee Zurn moved and Trustee Wylesky seconded that the meeting be adjourned at 7:53 p.m. The vote was unanimous. Mayor Roughton-Miles declared the motion carried.
Respectfully submitted:

________________________________
Pamela J. Wilson, City Clerk/Treasurer