

REGULAR MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT AGENDA
  - a. Approve/Disapprove April 19, 2016 Minutes
  - b. Review/Consent of April 2015 Check Detail Report
  - c. Approve/Disapprove May 3, 2016 Unpaid Bills Report [None Avail]
  - d. Approve/Disapprove CRT Gym Special Event
  - e. Approve/Disapprove CRT Historic Museum Special Event
  - f. Approve/Disapprove WCRC Special Event
  - g. Accept Letter of Resignation VC Board
  - h. Approve/Disapprove Letter of Interest VC Board
  - i. Approve/Disapprove Morton Lease
  - j. Approve/Disapprove Liss OliveOil and JewleryInc. Art Gallery Permit
- V. REPORTS & PRESENTATIONS
  - a. Public Works Report – Ben Davis (verbal)
    - 1. Street Paint
  - b. LWCRCo Report
  - c. Mayor’s Report – Jeffrey Larson (verbal)
  - d. Written Reports (Recreation, BI) - **Read ONLY**
- VI. PUBLIC HEARINGS AND RELATED BUSINESS
  - a. Approve/Disapprove Ordinance 396 Re-Zoning the South Half of Block 7, Block 14, the Portion of Fourth Street Vacated by Ordinance No. 188, and the North Half of Block 15 in South Creede
  - b. Approve/Disapprove Resolution 2016-06 Subdivision and Replat of Lot 12-A, Block 25, Creedemoor
- VII. OLD BUSINESS
  - a. Approve/Disapprove Ordinance 397 Repealing Resolution 2014-04 And Adding Article 3 To Chapter 8 Of The Creede Municipal Code Regulating The Operation Of Off-Highway Vehicles (OHVs) Within The Town Of Creede
  - b. Approve/Disapprove 408 La Garita Avenue Facility Name
- VIII. MANAGERS REPORT
- IX. ADJOURN

POSTED 4/29/16

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OPEN TO THE PUBLIC

**BOARD OF TRUSTEES**  
**CITY OF CREEDE, COLORADO - A TOWN**  
**April 19, 2016**

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 5:32 p.m. There being present at the call of the roll the following persons:

OFFICIALS PRESENT:           Lori Dooley, Kay Wyley, Eric Grossman, Teresa Wall, Frank Freer,  
Dana Brink

Mayor Grossman, presiding, declared a quorum present.

Those members of staff also present were as follows:

Clyde Dooley, Manager  
Randi Snead, Clerk/Treasurer

REVIEW AGENDA

Clerk Snead requested that the Taste of Creede Parade Permit, the Ingenious Enterprises d/b/a Rare Things Gallery Art Gallery Permit, and the Ladies Aid Bazaar Gym Permit as items h, i and j on the Consent Agenda. Trustee Wall moved and Trustee Brink seconded to approve the agenda as amended. The vote was unanimous. Mayor Grossman declared the motion carried.

APPROVE/DISAPPROVE MARCH 1, 2015 MINUTES

Trustee Wall moved and Trustee Dooley seconded to approve the March 1, 2016 minutes as presented. The vote was unanimous. Mayor Grossman declared the motion carried.

SWEARING IN CEREMONIES FOR THE NEWLY ELECTED MAYOR AND PRESENTATION OF NEWLY ELECTED OFFICIALS

Mayor Elect, Jeffrey Larson stood, raised his right hand, and repeated the oath of office for mayor as dictated by Clerk Snead. Larson signed his oath of office. The election of sitting Trustees Dooley, Wyley, Wall, Brink, and Freer was announced. Mayor Grossman congratulated the new board and vacated his seat. The newly elected Mayor and Trustees took their seats. The meeting resumed.

CONSENT AGENDA

The consent agenda contained the following items:

- a. Review/Consent of March 1 - April 15 2016 Check Detail Report
- b. Approve/Disapprove April 19, 2016 Unpaid Bills Report
- c. Approve/Disapprove Ladies Aid Bazaar Changes [Requesting to remove kitchen use and change from 7/14-7/15 to 7/13-7/14 w/ corresponding setup changes]
- d. Approve/Disapprove Private Event Creede Arts Council
- e. Approve/Disapprove LQ Renewal Cascada
- f. Approve/Disapprove LQ Renewal Pizzeria 8852
- g. Approve/Disapprove LQ Renewal Creede Hotel
- h. Approve/Disapprove Ladies Aid Gym Permit
- i. Approve/Disapprove Taste of Creede Parade Permit
- j. Approve/Disapprove Ingenious Enterprises d/b/a Rare Things Gallery Art Gallery Permit

Trustee Dooley moved and Trustee Freer seconded to approve the consent agenda as presented. The vote was unanimous. Mayor Larson declared the motion carried.

REPORTS AND PRESENTATIONS

PUBLIC WORKS REPORT

Public Works Director, Ben Davis reported on the following items:

-The crew has taken steps to get the parks ready for summer, but the irrigation systems haven't been turned on yet due to the weather.

-Ben has been working with coordinating volunteers at the gym.

#### LOWER WILLOW CREEK RESTORATION COMPANY REPORT

Eric Grossman reported that the LWCRCo had a joint meeting with WCRC, that the group is seeking a grant to provide additional staff, and that the earth moving project should begin in mid-May.

#### FORMER MAYOR'S REPORT

Former Mayor Grossman reported on the following items:

-ATV legislation passed at the state level.

-He will continue to work on acquiring a model of Creede in South Fork.

#### MAYOR'S REPORT

Mayor Larson did not have anything to report and thanked everyone for their patience while he learned the ropes.

#### WRITTEN REPORTS

Written reports were received and filed from Recreation and the Building Inspector. Recreation Director Eloise Hooper was asked questions about which items she would be selling at a yard sale.

#### NEW BUSINESS

##### APPOINT A MAYOR PRO-TEM

Trustee Wyley moved and Trustee Dooley seconded to appoint Trustee Wall Mayor Pro-Tem. The vote was unanimous. Mayor Larson declared the motion carried.

##### APPOINT PLANNING & ZONING EX-OFFICIO MEMBERS FROM BOARD OF TRUSTEES

Trustee Brink moved and Trustee Dooley seconded to appoint Trustee Freer as a Planning & Zoning Ex-Officio Member. The vote was unanimous. Mayor Larson declared the motion carried. Trustee Wall moved and Trustee Brink seconded to appoint Mayor Larson as a Planning & Zoning Ex-Officio Member. The vote was unanimous. Mayor Larson declared the motion carried.

##### APPOINT TWO BOARD OF DIRECTOR MEMBERS FOR LWCRCO

Trustee Brink moved and Trustee Dooley seconded to appoint Trustee Kim and Trustee Dooley Lower Willow Creede Restoration Company Board of Directors. The vote was unanimous. Mayor Larson declared the motion carried.

##### APPROVE/DISAPPROVE LETTER ADDING & REMOVING CITY OF CREEDE BANK ACCOUNT SIGNERS

Trustee Brink moved and Trustee Wyley seconded to approve the Letter Adding & Removing City of Creede Bank Account Signers as presented. The vote was unanimous. Mayor Larson declared the motion carried.

##### APPROVE/DISAPPROVE REDI GRANT APPLICATION

Trustee Kim answered questions about the application and the application was updated to Mayor Larson's name. Trustee Brink moved and Trustee Dooley seconded to approve the REDI Grant Application as amended. The vote was unanimous. Mayor Larson declared the motion carried.

##### APPROVE/DISAPPROVE KIPS GRILL MODIFICATION OF PREMISES

Trustee Wall moved and Trustee Dooley seconded to approve Kips Grill Modification of Premises. There were five yes votes and one abstention (Freer). Mayor Larson declared the motion carried.

#### MANAGER'S REPORT

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**Subdivision Fee Waiver:** Manager Dooley passed on a homeowner request to waive a \$100 fee for inspecting a lease holder on a deed restricted property in Creede America. The Trustees declined to waive the fee.

**CRT Encroachment Agreement:** Manager Dooley requested and received administrative direction to approve the CRT Encroachment Agreement with a deadline for removal of storage equipment of October 15<sup>th</sup>.

**Block 33 Survey:** Manager Dooley requested and received administrative direction to acquire a title opinion and survey on city property in Block 33.

**Public Hearing Minor Subdivision:** The Board of Trustees scheduled a public hearing to consider the minor subdivision of lot 12R, Block 25, Creedmoor for May 3, 2016.

**CRT Lease Agreement:** This discussion was tabled to the June regular meeting.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Wall moved and Trustee Wyley seconded that the meeting be adjourned at 7:03 p.m. The vote was unanimous. Mayor Larson declared the motion carried.

Respectfully submitted:

/Randi Snead/  
Randi Snead, City Clerk/Treasurer

## CITY OF CREEDE; A COLORADO TOWN

## Monthly Check Detail

April 2016

04/29/16

Accrual Basis

Type	Date	Num	Name	Memo	Amount
<b>Apr 16</b>					
Liability Ch...	04/05/2016	CC...	GWRS (CCOERA)	98721-01/1220	-566.08
Bill Pmt -C...	04/07/2016	8994	Creede Community Center	Recreation Movie Night Use	-66.00
Bill Pmt -C...	04/07/2016	8995	Creede Repertory Theatre	Recreation Movie Program - Ruth Rental-Feb...	-50.00
Bill Pmt -C...	04/07/2016	8996	Debra R. Wylesky	Election Judge 4/5/16	-150.00
Bill Pmt -C...	04/07/2016	8997	Kelvin Walker	Contract Labor/15 hours @ \$15.00/hour	-195.00
Bill Pmt -C...	04/07/2016	8998	Lauri R. Jordan	Election Judge 4/5/16	-150.00
Bill Pmt -C...	04/07/2016	8999	Oceans & Rivers, LLC	February Fuel Charges	-414.52
Bill Pmt -C...	04/07/2016	9000	Ramona Weber	Building Inspection Services	-35.00
Bill Pmt -C...	04/07/2016	9001	Rocky Mountain Home Health Sup...	722880/Cleaning//Toilet Supplies Gym	-1,018.68
Bill Pmt -C...	04/07/2016	9002	Vicki L. Vinyard	Election Judge 4/5/16	-150.00
Bill Pmt -C...	04/07/2016	9003	Eric Hood	Gym Work on walls and water damage	-100.00
Liability Ch...	04/08/2016	CC...	GWRS (CCOERA)	98721-01/1220	-592.68
Liability Ch...	04/08/2016	9004	Colorado Department of Revenue	07-01555	-72.95
Liability Ch...	04/08/2016	AFL...	AFLAC	BJB74	-179.42
Liability Ch...	04/08/2016	AFL...	AFLAC	BJB74	-179.42
Liability Ch...	04/08/2016	9005	Colorado State Treasurer	133001-00-6-001	-206.82
Liability Ch...	04/08/2016	9006	Colorado Department of Revenue	07-01555	-2,202.00
Bill Pmt -C...	04/08/2016	9007	Dan Boucher	Gym Electricity February	-905.50
Bill Pmt -C...	04/08/2016	9008	Kentucky Belle Market	March Charges/Acct. #15 Tax Exempt	-101.45
Bill Pmt -C...	04/08/2016	9009	Merrick & Company	148521/Jan-Feb Professional Services	-144.00
Bill Pmt -C...	04/08/2016	9010	Oceans & Rivers, LLC	March Fuel Charges	-584.81
Bill Pmt -C...	04/08/2016	9011	Rocky Mountain Supply Co. LLC	13870/Blades & Accessories	-372.52
Liability Ch...	04/14/2016	941-...	United States Treasury	84-6000575	-3,040.40
Bill Pmt -C...	04/14/2016	9027	Ciello	May Phone/Internet Service	-286.92
Bill Pmt -C...	04/14/2016	9028	Frank Freer Construction	2016 Snow Removal	-680.00
Bill Pmt -C...	04/14/2016	9029	Kelvin Walker	Contract Labor/5 hours @ \$15.00/hour	-75.00
Bill Pmt -C...	04/14/2016	9030	Monte Vista Cooperative	Monthly Propane Charges	-1,256.23
Bill Pmt -C...	04/14/2016	9031	Muleys Disposal Service	April Trash Svcs/Accts 116, 1197, 1198, 196...	-133.00
Bill Pmt -C...	04/14/2016	9032	Rio Grande Enterprises, LLC	Oil Change/2009 Chevy	-48.66
Bill Pmt -C...	04/14/2016	9033	Rocky Mountain Home Health Sup...	723410/Gym Floor Cleaner	-149.58
Bill Pmt -C...	04/14/2016	9034	Valley Imaging Products, LLC	Monthly Service Agreement	-60.00
Bill Pmt -C...	04/14/2016	9035	Valley Publishing	Advertising	-395.00
Liability Ch...	04/14/2016	9036	Colorado Department of Revenue	Garnishment	-72.95
Paycheck	04/15/2016	9012	Catherine Kim		-153.92
Paycheck	04/15/2016	9013	Dana D Brink		-153.92
Paycheck	04/15/2016	9014	Eric R Grossman		-218.85
Paycheck	04/15/2016	9015	Frank Freer		-153.92
Paycheck	04/15/2016	9016	Lori G. Dooley		-153.92
Paycheck	04/15/2016	9017	Merolyn K Wyley		-153.92
Paycheck	04/15/2016	9018	Teresa Wall		-153.92
Paycheck	04/15/2016	9019	Benjamin J Davis		-1,220.12
Paycheck	04/15/2016	9021	Donald L Braley		-551.46
Paycheck	04/15/2016	9025	Robert B Schlough		-1,167.29
Paycheck	04/15/2016	9026	Scott W Leggitt		-901.24
Paycheck	04/15/2016	9023	Heather W DeLonga		-586.24
Paycheck	04/15/2016	9020	Clyde E Dooley		-1,759.02
Paycheck	04/15/2016	9022	Eloise T Hooper		-527.79
Paycheck	04/15/2016	9024	Randi L Snead		-1,349.08
Paycheck	04/15/2016	9038	Charles A Pilant		-308.93
Bill Pmt -C...	04/25/2016	9046	Mackey Construction Company, Inc	Pipe Supplies	-1,384.14
Liability Ch...	04/28/2016	941-...	United States Treasury	84-6000575	-87.14
Liability Ch...	04/28/2016	941-...	United States Treasury	84-6000575	-2,468.96
Liability Ch...	04/28/2016	9055	CEBT	City of Creede, 32705SG	-3,657.88
Bill Pmt -C...	04/28/2016	9056	Brian Mankowski	Recreation Program	-20.00
Bill Pmt -C...	04/28/2016	9057	CNA Surety	Surety Bond 69539098/Dooley	-210.00
Bill Pmt -C...	04/28/2016	9058	Creede Community Center	Recreation Movie Night Use	-82.00
Bill Pmt -C...	04/28/2016	9059	Matthew Hooper	Recreation Assistance	-100.00
Liability Ch...	04/28/2016	CC...	GWRS (CCOERA)	98721-01/1220	-557.92
Liability Ch...	04/28/2016	CC...	GWRS (CCOERA)	98721-01/1220	-480.64
Bill Pmt -C...	04/28/2016	9060	Kelvin Walker	Contract Labor/3 hours @ \$15.00/hour	-45.00
Paycheck	04/29/2016	9047	Benjamin J Davis		-1,115.38
Paycheck	04/29/2016	9048	Charles A Pilant		-331.63
Paycheck	04/29/2016	9050	Donald L Braley		-434.85
Paycheck	04/29/2016	9053	Robert B Schlough		-1,066.63
Paycheck	04/29/2016	9054	Scott W Leggitt		-715.83
Paycheck	04/29/2016	9049	Clyde E Dooley		-1,759.03
Paycheck	04/29/2016	9051	Eloise T Hooper		-527.78
Paycheck	04/29/2016	9052	Randi L Snead		-1,349.09
Bill Pmt -C...	04/29/2016		Mineral County Clerk and Recorder	Recording Fee/Rio Grande Property Sale Or...	-82.00
					<b>-40,624.03</b>

Apr 16

GENERAL FUND CREDIT CARD DETAIL

9044	04/15/2016	VISA	
Election	03/16/2016	Election Postage	-147.00
Checks	03/30/2016	GF Checks	-91.98
Election Postage	04/05/2016	Election Postage	-58.08
Election Breakfast	04/05/2016	Election Judge Breakfast	-15.96
Rec Supplies	04/07/2016	Rec Supplies	-25.90
Rec Supplies	04/07/2016	Rec Supplies	-89.76
<b>TOTAL</b>			<b>-428.68</b>

3:34 PM  
04/29/16  
Accrual Basis

**Water and Sewer Fund  
Monthly Check Detail  
April 2016**

Type	Date	Num	Name	Memo	Amount
<b>Apr 16</b>					
Bill Pmt -Check	04/03/2016	3227	CenturyLink	300794269/Mar	-116.78
Bill Pmt -Check	04/03/2016	3228	DPC Industries, Inc.	DE73000311-16/Chlorine	-36.00
Bill Pmt -Check	04/03/2016	3229	Sangre De Cristo Lab, Inc.	17776/BacT	-60.00
Bill Pmt -Check	04/03/2016	3230	SLVREC	Mar Electricity Charges	-3,578.00
Bill Pmt -Check	04/03/2016	3231	Tomkins Hardware & Lu...	Tomkins Charges	-92.34
Bill Pmt -Check	04/03/2016	3232	VISA		-264.57
Bill Pmt -Check	04/14/2016	3222	Mackey Construction Co...	VOID: Pipe Supplies	0.00
Bill Pmt -Check	04/14/2016	3223	Merrick & Company	148523/Professional Services	-375.00
Bill Pmt -Check	04/14/2016	3224	Monte Vista Co-op	Apr Charges/Water Tank	-64.46
Bill Pmt -Check	04/14/2016	3225	Ramble House	Waders for Water/Wastewater Work	-59.95
Bill Pmt -Check	04/14/2016	3226	USA Blue Book	915351/Sampling Supplies	-91.04
Check	04/29/2016	D09F...	Colo.Water Resources &...	Loan #D09F218/OBI#1478100	-26,554.11
Bill Pmt -Check	04/29/2016	3216	Accutest Mountain State...	Testing	-719.50
Bill Pmt -Check	04/29/2016	3217	Sangre De Cristo Lab, Inc.	Testing	-359.00
Bill Pmt -Check	04/29/2016	3218	Scotty Leggit	Reimburse for Stynchula Trailer R...	-82.11
Bill Pmt -Check	04/29/2016	3219	SLV Water Conservancy...	Water Certs	-2,300.00
Bill Pmt -Check	04/29/2016	3220	UNCC	March RTL Transmissions (1) I#2...	-2.86
Bill Pmt -Check	04/29/2016	3221	USA Blue Book	879232/Sludge Nabber	-91.23
Bill Pmt -Check	04/29/2016	3233	City of Creede	March 2016 Salary Reimbursement	-10,965.02
					<b>-45,811.97</b>

Bill Pmt -Che...	3232	04/15/2016	VISA	
Bill	Wastewater ...	03/10/2016	O#9213/Ben Davis Wastewater Operator	-55.00
Bill	1313	03/10/2016	Wastewater Testing	-11.65
Bill	6150	03/16/2016	Wastewater Testing	-11.65
Bill	6923	03/23/2016	Wastewater Testing	-11.65
Bill	337935	03/30/2016	Wastewater Testing	-48.21
Bill	1461	04/03/2016	Wastewater Testing	-33.01
Bill	89763	04/08/2016	Wastewater Testing	-11.65
Bill	650342	04/08/2016	Wastewater Testing	-81.75
<b>TOTAL</b>				<b>-264.57</b>

City of Creede, a Statutory Town  
Liquor License Summary

Note: Liquor License forms contain a mixture of confidential and public information. In an effort to protect the confidentiality of items such as Social Security Numbers, Drivers License numbers, and dates of birth, liquor application forms will no longer be available to the public. This summary is intended to give the Board of Trustees and citizens the public content of the issue at hand.

=====

Type of Action Requested: Approve Special Events Permit to sell malt, vinous and spirituous liquor at a special event.

Applicant: Creede Repertory Theatre

Current Licensee: Same.

Factual Findings:

- Time, date and type of events to be permitted:  
7/15/16, 7/16/16, 7/17/16, and 7/18/16, 7AM-12AM  
Event
- The premise for the event is the city-owned gym at 408 La Garita Ave. Permission to use the property for this event has been requested via an approved Private Event Permit.
- Applicant is a non-profit in good standing with the State of Colorado
- Applicant is eligible to apply for a Special Events Permit.
- The location is eligible to be licensed.
- The Event Manager is Sarah Wallace.
- Character of the applicant is not an issue for this request.
- All applicable fees have been paid.

Recommended Action

Consider approval of a Special Events Permit for Creede Repertory Theatre.

City of Creede, a Statutory Town  
Liquor License Summary

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=====

Type of Action Requested: Approve Special Events Permit to sell malt, vinous and spirituous liquor at a special event.

Applicant: Creede Repertory Theatre

Current Licensee: Same.

Factual Findings:

- Time, date and type of events to be permitted:  
6/23/16 & 6/24/16, 8 AM-12AM  
Event
- The premise for the event is the Creede Historic Museum & Depot. Permission to use the property for this event has been documented by the applicant.
- Applicant is a non-profit in good standing with the State of Colorado
- Applicant is eligible to apply for a Special Events Permit.
- The location is eligible to be licensed.
- The Event Manager is Sarah Wallace.
- Character of the applicant is not an issue for this request.
- All applicable fees have been paid.

Recommended Action

Consider approval of a Special Events Permit for Creede Repertory Theatre.

City of Creede, a Statutory Town  
Liquor License Summary

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=====

Type of Action Requested: Approve Special Events Permit to sell malt, vinous and spirituous liquor at a special event.

Applicant: Colorado Rio Grande Restoration Foundation for Runoff Runoff Marathon & 6k (formerly High Country Hustle)

Current Licensee: Same.

Factual Findings:

- Time, date and type of events to be permitted:  
4PM-12AM, June 10, 2016  
12PM-10PM, June 11, 2016  
Marathon Beer Garden
- The premise for the event is town property as shown on attached premise map. The applicant is seeking permission to use the premises with a concurrent Private Permit Application.
- The notice of application for a Special Event has been posted on the premise for 10 or more days.
- Applicant is a non-profit in good standing with the State of Colorado
- Applicant is eligible to apply for a Special Events Permit.
- The location is eligible to be licensed.
- The Event Manager is Guinevere Nelson.
- Character of the applicant is not an issue for this request.
- All applicable fees have been paid.

Recommended Action

Consider approval of a Special Events Permit for Colorado Rio Grande Restoration Foundation.

4/26/2016

City of Creede Trustees  
PO Box 457  
Creede CO 81130

To Whom It May Concern,

I am writing to resign my position on the Virginia Christensen Granting Board effective immediately. My time on the board allowed me an in-depth understanding of the granting process and I feel fortunate to have been a part of it. Unfortunately, my professional obligations and family life will not allow me to continue my service on the Board.

I want to thank the City of Creede Trustees and my fellow participants on the VC Board for their service.

My best,

A handwritten signature in cursive script, appearing to read "Sarah", with a large, sweeping flourish at the end.

Sarah Wallace

April 28, 2016

Randi Snead, Clerk/Treasurer  
City of Creede  
PO Box 457  
Creede, CO 81130

Dear Randi and City of Creede Trustees:

I am pleased to express my interest in serving as a member of the Virginia Christensen Advisory Committee. As the Executive Director of Creede Repertory Theatre, I have a strong belief in the benefits local nonprofits provide our Creede community, culturally, recreationally, and economically.

My interest in serving on the Advisory Committee is to support the projects our community organizations are accomplishing through thoughtful funding recommendations. I am confident I can offer an unbiased assessment of the grants submitted.

I have worked as an administrator for a variety of nonprofits throughout my professional career. I hold a masters degree from the University of Denver and a fine arts degree from the University of Illinois.

Please accept this as my letter of interest, and if I may answer any questions, please contact me via email at [cataugur@gmail.com](mailto:cataugur@gmail.com) or on my cell at (719) 588-2972.

Best,

Cat Augur



City of Creede, a Statutory Town  
Liquor License Summary

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Type of Action Requested: Approval of Art Gallery Permit Application

Applicant: Liss OliveOil and JewleryInc. d/b/a Creede Olive Oil Company

Current Licensee: Same.

Factual Findings:

- Art Gallery Permits permit alcohol service in an art gallery during events for up to 15 days in a calendar year for up to four hours per event. The applicant has requested 15 dates in 2016:
  
- The Owner is Becky Liss
- Business address is 104 N. Main Street
- The business is in good standing.
- Character of the applicant is not an issue for this request.
- All applicable fees have been paid.
- The application was submitted in a timely manner.

Recommended Action

Consider approval of application for Art Gallery Permit from Liss OliveOil and JewleryInc. d/b/a Creede Olive Oil Company.

**CITY OF CREEDE, COLORADO**  
**ORDINANCE NO. 396**

**AN ORDINANCE RE-ZONING THE SOUTH HALF OF BLOCK 7, BLOCK 14,  
THE PORTION OF FOURTH STREET VACATED BY ORDINANCE No. 188,  
AND THE NORTH HALF OF BLOCK 15 IN SOUTH CREEDE**

WHEREAS, Colorado Revised Statutes 31-23-301 authorizes municipalities the powers and authority to regulate zoning requirements and approve re-zoning as deemed appropriate; and

WHEREAS, the Board of Trustees approved and adopted the Creede Development Code with Ordinance No. 395 effective April 1, 2016; and

WHEREAS, the Board of Trustees have determined the existing zoning of “Lots 8 thru 14, Block 7, Lots 1 thru 17, Block 14, the portion of Fourth Street vacated by Ordinance No. 188, and Lots 1 thru 9, Block 15 in South Creede” are not consistent with future planned uses; and

WHEREAS, the Town Board has determined that the criteria for making the zoning change have been met and that the change is in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, THAT:**

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2. Rezoning.** Lots 8 thru 14, Block 7, Lots 1 thru 17, Block 14, the portion of Fourth Street vacated by Ordinance No. 188, and Lots 1 thru 9, Block 15 in South Creede will be re-zoned from Residential District, Single-Family (R-1) to Highway Mixed Use District (B-2).

**Section 3. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and

includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

**Section 4. Effective Date.** This Ordinance shall take effect on the thirty-first (31) day after publication of notice of adoption.

**Section 5. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Creede, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 6. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 7. Correction of Errors.** Town Staff is authorized to insert proper dates, references to recording information and make similar changes, and to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

**Section 8. Publication.** The City Clerk is ordered to publish this Ordinance in a newspaper of general circulation in the City of Creede.

**INTRODUCED AND ADOPTED** by the Board of Trustees of the City of Creede, Colorado, on May 3, 2016.

**CITY OF CREEDE, COLORADO**

---

Jeffrey Larson, Mayor

ATTEST:

---

Randi Snead, City Clerk

John Gary Brown and Christine Brandt  
115 E Second Street  
Creede, CO 81130

March 30, 2016

Clyde Dooley  
City Manager  
PO Box 580  
Creede, CO 81130

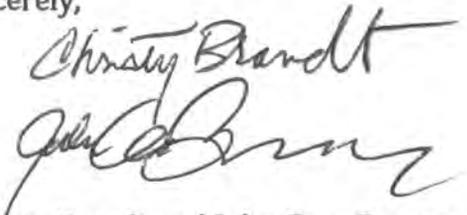
Dear Mr. Dooley,

We are writing to let you know we would like to be included in the decision about rezoning the school building property on La Garita Street in Creede. Our home is at Second and La Garita Street in Creede and we spend at least half of our lives in our home there. Our house was built in 1892 and we treasure the history it represents and hope the zoning board doesn't decide to change the nature of our street. We intend to retire there full time. We understand there is a proposal to rezone the old school property from residential to "B-2 Highway Mixed Use". This proposal would affect us as well as all of our neighbors and we believe it would dramatically affect the character of our entire town.

La Garita Street is a residential street with many quiet homes and we sincerely hope it will remain that way. We worry that the rezoning could destroy not only our neighborhood but the whole flavor of historic Creede. We also worry that the tax and traffic implications might be dire for us and our neighbors. We understand that the "Creede Community Plan" adopted in 2000, was intended to protect the historic character of Creede and we hope that plan will be honored and protected. Please reject the proposed zoning change.

Thank you for your consideration,

Sincerely,

The image shows two handwritten signatures in black ink. The top signature is 'Christy Brandt' and the bottom signature is 'John Gary Brown'. Both are written in a cursive, flowing style.

Christy Brandt and John Gary Brown

Randy Nicholson and Cary Bush  
409 LaGarita Street.  
Creede, CO 81130

April 4, 2016

Clyde Dooley  
City Manager  
P.O. Box 580  
Creede, CO 81130

Re: Old School Property proposed re-zoning

Dear Mr. Dooley:

I am writing this letter for inclusion in the Planning & Zoning packets to express our extreme objection to changing the zoning of the old school property from residential to "B-2 Highway Mixed Use". Cary and I have a home located at 409 LaGarita Street, diagonally across from the old school. While this is a part time home at present, it is our intention to retire there on a more full time basis within the next five years. This proposed change thus directly affects us and our property and that of our neighbors, as well as the historic character of the entire town.

The LaGarita Street area has always been a single family residential neighborhood, other than the school and the church which are in keeping with the neighborhood feel of the area. Many of the homes there, including ours, were built around the turn of the century and the neighborhood has a historic character. Currently all of the commercial/retail properties in town are located along Main Street or out on Highway 149. We don't want to see LaGarita become a second Main Street. There is already a lot of traffic on LaGarita as it provides primary access to downtown for those coming into town from South Fork. Allowing commercial development on LaGarita will increase traffic and congestion, result in people parking along the road and possibly tax water/sewer and other services.

Creede, in conjunction with Mineral County, adopted the Creede Community Plan in 2000. The purpose of that plan was to "develop standards and guidelines to protect the historic character of Creede..." and to "ensure that new development is compatible with community character and heritage." This proposed zoning change would fly in the face of those purposes.

The City of Creede zoning regulations provide that "permitted uses" are allowed in a zone as a matter of right. This means that as long as a proposed use is within the allowable permitted uses and complies with the requirements of the application process, it is not within the City's power to arbitrarily deny the use if later, the City does not like what is being proposed. Besides multi-family housing, which I believe is the probable goal of this change, other permitted uses of the property would include retail stores, gasoline stations, a hotel, restaurants, including presumably

*Handwritten signature or initials*

a liquor license, "large retail establishments" and industrial shops among many other possible commercial uses. Oddly enough, single family housing, which is what the neighborhood currently consists of, is a conditional use. If the City's goal is to allow some kind of multi-family housing in this area, that can be accomplished by a change of zoning to R-2 rather than open the door to almost any kind of development. While we don't want to see an apartment complex on that site either, that would be preferable to many of the other uses that would have to be permitted with a B-2 designation.

The intent of designating an area as B-2 is described in the zoning regulations as being "intended to integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods." There is no transitioning here. Instead, the proposed rezoned property is right in the middle of the lower density neighborhood. The B-2 zoning designation was obviously designed to be used along Highway 149, not in the middle of a residential neighborhood in town.

Please don't ruin the character and flavor of the City for the sake of out of place development. We urge the City to reject this proposed zoning change.

Very truly yours,

A handwritten signature in black ink, appearing to read "Randy Nicholson", with a long horizontal flourish extending to the right.

Randy Nicholson  
Cary Bush

# RESOLUTION No. 2016-06

## SUBDIVISION AND RE-PLAT OF LOT 12A, BLOCK 25, CREEDEMOOR

**WHEREAS**, the City of Creede, a Colorado Town, Mineral County has statutory and legal authority to enact, enforce, and amend, ordinances, resolutions and regulations; and

**WHEREAS**, the City of Creede received an application from the owner of Lot 12A, Block 25, Creedmoor to subdivide into two separate lots; and

**WHEREAS**, the City of Creede held a public hearing on May 3, 2016 to invite public comment before consideration by the Board of Trustees.

**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 has determined that all requirements for subdividing and replatting their property have been met by the applicant.

SECTION 2. The Board of Trustees has determined that this subdivision and replat is in the best interest, safety, and welfare of the citizens of the City.

SECTION 3. The above-described property is subdivided and replatted and will be recorded as Lot 12R-Am & 13R, Block 25, Creedmoor, City of Creede, and Mineral County.

SECTION 4. Lot 12R-Am contains approximately 1481.2 Square foot and Lot 13R contains approximately 1427.8 Square Foot.

INTRODUCED AND APPROVED by the Board of Trustees this 3<sup>rd</sup> day of May, 2016.

**City of Creede**

**ATTEST:**

\_\_\_\_\_  
Jeffrey Larson, Mayor                      Date

\_\_\_\_\_  
Randi Snead, City Clerk                      Date

**CITY OF CREEDE, COLORADO  
ORDINANCE NO. 397**

AN ORDINANCE OF THE CITY OF CREEDE, COLORADO,  
REPEALING RESOLUTION 2014-04 AND ADDING ARTICLE 3 TO  
CHAPTER 8 OF THE CREEDE MUNICIPAL CODE REGULATING THE  
OPERATION OF OFF-HIGHWAY VEHICLES (OHVs) WITHIN THE  
TOWN OF CREEDE.

WHEREAS, a majority of participating registered voters of the City of Creede approved a ballot question in April 2016 to allow the of OHVs (As Defined In Colorado Revised Statute § 33-14.5-101) on a designated route within the City subject to such rules and regulations as may be adopted by ordinance;

WHEREAS, the Board of Trustees of the City of Creede desires to implement the vote of the registered voters of the City;

WHEREAS, the Board of Trustees of the City of Creede finds that the adoption of OHV Regulations will promote the health, safety and general welfare of the Creed community.

NOW THEREFORE, be it ordained by the Board of Trustees of the City of Creede, Colorado, as follows:

**Section 1:** **Resolution 2014-04 DECLARING POLICIES FOR ATV/OHV PRIVATE EVENTS**, which prohibited the use and operation of off-highway vehicles on the streets, highways, alleyways, and other public thoroughfares of the City of Creede except through using the Private Event Permit process, is hereby repealed.

**Section 2:** The Creede Municipal Code is hereby amended to enact Article 3 of Chapter 8, entitled "OHV Regulations," to read as follows:

**Article 3  
OHV Regulations**

8-3-10      Off-Highway Vehicles.

- a)      As used in this Section, "off-highway vehicle" shall have the meaning given in Colorado Revised Statute § 33-14.5-101, as amended from time to time.

- b) As used in this Section, "public road" means and shall include any road, street, alley, avenue, thoroughfare, public way, or other public property within the City of Creede.
- c) It shall be lawful to operate off-highway vehicles on the following public roads within the City of Creede: Loma Avenue in its entirety, Third Street in its entirety, and La Garita Street from Third Street to Seventh Street.
- d) It shall be unlawful to operate off-highway vehicles on public roads that are part of the state highway system as well as roads that are not designated in section c) of this Article 3.
- e) It shall be lawful to operate off-highway vehicles on certain public roads as designated in section c) of this Article 3 within the City of Creede, provided that:
  - 1) The operator of the off-highway vehicle has in his or her possession a valid motor vehicle driver's license or operator's license.
  - 2) The operator of the off-highway vehicle shall have in full force and effect a complying policy of insurance under the terms of Part 6, Article 4, Title 10, of the Colorado Revised Statutes, covering such off-highway vehicle.
- f) It shall be unlawful for any person to operate an off-highway vehicle on any public road in violation of the regulations of Title 42 of the Colorado Revised Statutes pertaining to the movement of traffic on roadways within the City of Creede
- g) It shall be unlawful for any person to operate an off-highway vehicle on any public road at a speed greater than fifteen miles per hour (15 m.p.h.).
- h) It shall be unlawful for any person to allow, authorize, suffer or permit an off highway-vehicle owned or belonging to him or her, or that is under his or her control, to be operated by any other person in violation of this Section.
- i) Any person convicted of a violation of this Section shall be subject to a fine not to exceed \$300.00, for each separate violation.

- j) This Section shall be enforced by any law enforcement or peace officer, including the Mineral County Sheriff or a person designated by the Sheriff or Creede City Manager as an Off-Highway Vehicle Enforcement Officer.
- k) Any fines collected by the City of Creede for violations of this Section shall be deposited to the General Fund.

**Section 3. Codification Amendments.** The codifier of the City's Municipal Code, Colorado Code Publishing, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Creede Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

**Section 5. Effective Date.** This Ordinance shall take effect on the thirty-first (31) day after publication of notice of adoption.

**Section 6. Safety Clause.** The Board of Trustees hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Creede, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 7. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 8. Publication.** The Town Clerk is ordered to publish this Ordinance in a newspaper of general circulation in the City of Creede.

INTRODUCED AND ADOPTED by the Board of Trustees of the City of Creede, Colorado, on May 3, 2016.

CITY OF CREEDE, COLORADO

\_\_\_\_\_  
Jeffrey Larson, Mayor

ATTEST:

\_\_\_\_\_  
Randi Snead, City Clerk

# Manager's Report

To: Mayor and Board of Trustees  
Date: May 3, 2016  
From: Clyde Dooley

## **Vacating a portion of East 5<sup>th</sup> Street – Direction**

Our new Development Code requires only one public hearing before the Board of Trustees for a Right-of-Way Vacation. So the schedule will be to publish the hearing notice with the paper by June 9<sup>th</sup> and post and send it by June 17<sup>th</sup> for a public hearing on July 5, 2016. **I need the Trustees to schedule a public hearing regarding a request to vacate a portion of 5<sup>th</sup> Street East of La Garita Avenue for July 5<sup>th</sup>, 2016.**

## **Viaero Wireless – FYI**

We received the attached letter and information from Viaero Wireless last week and as you can see they're interested in putting a microwave tower in town to improve our cellular services. I forwarded everything to Eric H. and anticipate handling this with a lease agreement as we did with Commnet back in 2012.

## **Block 33, Creedmoor Survey – Update**

I asked Toby to schedule the survey of Nick and Vickie's property as well as the city's. Toby should be close to ending his maternity leave and anticipate getting these survey's done later this month.

## **CRWA Financial Assistance – FYI**

Robert is working diligently with the Colorado Rural Water Association on a program they just offered that may provide us some financial assistance with our electric bills for operating our water and sewer plants.

Our electric bill runs around \$31,000 a year for our water plant and \$11,000 for our sewer plant. That drives me crazy every budget season. If we can get some significant financial relief, we could justify lowering our utility rates – imagine that.

## **Creede Repertory Theatre Agreement – Work Session**

We'll discuss the 2006 agreement with CRT at our work session on the 17<sup>th</sup>. If anyone needs a copy, please let me know.

## **Flume Rehabilitation – update**

Robert and I completed the pre-qualification form for the Colorado Department of Health and Environment and are waiting to talk with the Colorado Water Resources & Power Development Authority for the best way to proceed. I listed our water and sewer fund as the pledge on the pre-qual form and that will need to be clarified and approved by the Trustees when we get the process worked out.

## **Vacating a portion of East 3<sup>rd</sup> Street – FYI**

Attached is the Concept Plan we received from Dan Boucher on his plans for the old high school. We have not received an application from him yet, but expect to in the next week or two. When we initially started this discussion we were still working with our old Land Use Code and the Planning Commission asked to see this before considering a request.

Our new Development Code only requires a public hearing with the Board of Trustees for something like this, but I feel it would be well worth it to have them look at this before coming back to you.

Although similar to the 5<sup>th</sup> Street vacation request, this one is just different enough I think it deserves extra discussion.

**Parks and Recreation - FYI**

We still have a long way to go before we feel we have a solid plan for our Recreation Department, we are very excited to be talking with a person in the area who has a degree in Parks, Recreation, and Tourism Management and is studying to be a Certified Parks and Recreation Professional. This person currently has a job and won't be available until October, but has offered to help us in their spare time to plan a solid and steady path.

We also have a student from Fort Lewis College interested in some intern work in our Recreation Department and hope to get her in place by the end of the week.

Ben and Eloise continue to improve the temporary plan we started last month using volunteer sponsors to be responsible for opening and closing the gym for their programs. We've moved Eloise into the office at the gym and the Mayor and Ben have set up a desk area for the intern who will also assist Julie with traffic and phone calls as needed.

**Rio Grande Avenue Replat – update**

Toby is still on maternity leave and doing what he can from home. He should be back in his office and in the field by the middle of the month.

**February Finances – FYI**

<u>Budget</u>		<u>YTD</u>
General Fund	(119)	39,848
Capital Improvement Fund	4,192	41,063
Conservation Trust Fund	2	5
Virginia Christensen Fund	55	(93,762)
Water & Sewer Fund	<u>4,566</u>	<u>5,308</u>
Net	8,696	( 7,662)

**City Sales Tax:** total \$16,606 through the end of February. That's down \$2,874 for the same period last year and down \$1,222 compared to last February.

**City Funds** total \$2,455,581 through the end of February. That's up \$204,872 for the same period last year and down \$203,517 from last month. [This is the tool I use to keep track of the funds we have in the bank. I use this spreadsheet to not only keep track of our short term financial stability, but also the long term fiscal sustainability. Fiscal sustainability strategies build the capability of a government to consistently meet its financial responsibilities, both in the short term by adjusting spending to revenues and revenues to spending, and in the long term by protecting future capital improvement plans and future generations of fiscal abilities.]

**Budget Fund Balances:** Budget fund balances are provided to us once a year after our audit. Please let me know if you'd like to see the spreadsheets &/or audits.

**AND**

**March Finances – FYI**

<b><u>Budget</u></b>		<b>YTD</b>
General Fund	6,329	46,177
Capital Improvement Fund	(6,908)	34,155
Conservation Trust Fund	674	679
Virginia Christensen Fund	59	(93,821)
Water & Sewer Fund	<u>4,697</u>	<u>10,005</u>
Net	4,851	(2,805)

**City Sales Tax:** total \$25,956 through the end of March. That’s down \$198 for the same period last year and up \$2,676 compared to last March.

**City Funds** total \$2,501,650 through the end of March. That’s up \$315,578 for the same period last year and up \$46,099 from last month. [This is the tool I use to keep track of the funds we have in the bank. I use this spreadsheet to not only keep track of our short term financial stability, but also the long term fiscal sustainability. Fiscal sustainability strategies build the capability of a government to consistently meet its financial responsibilities, both in the short term by adjusting spending to revenues and revenues to spending, and in the long term by protecting future capital improvement plans and future generations of fiscal abilities.]

**Budget Fund Balances:** Budget fund balances are provided to us once a year after our audit. Please let me know if you’d like to see the spreadsheets &/or audits.