

REGULAR MEETING

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. REVIEW AGENDA
- V. CONSENT AGENDA
  - a. Approve/Disapprove June 7, 2016 Minutes
  - b. Review/Consent of June 2016 Check Detail Report
  - c. Approve/Disapprove July 5, 2016 Unpaid Bills Report [Available 6/7]
  - d. Approve/Disapprove Special Event Permit Creede Arts/Basham Park
  - e. Approve/Disapprove Parade Permit Snowshoe Shuffle
- VI. REPORTS & PRESENTATIONS
  - a. Public Works Report – Ben Davis (verbal)
  - b. LWCRCo Report – Catherine Kim (verbal)
  - c. Written Reports (Recreation) - **Read ONLY**
- VII. PUBLIC HEARINGS AND RELATED BUSINESS
  - a. Approve/Disapprove 5<sup>th</sup> Street Vacation
- VIII. OLD BUSINESS
  - a. Approve/Disapprove Memorial Bench Application
- IX. NEW BUSINESS
  - a. Approve/Disapprove/Direct Crosswalk Material
- X. MANAGERS REPORT
- XI. ADJOURN

POSTED 7/1/16

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OPEN TO THE PUBLIC

**BOARD OF TRUSTEES**  
**CITY OF CREEDE, COLORADO - A TOWN**  
**June 7, 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 5:35 p.m. There being present at the call of the roll the following persons:

OFFICIALS PRESENT:           Lori Dooley, Kay Wyley, Catherine Kim, Jeffrey Larson, Teresa Wall,  
Frank Freer, Dana Brink

Mayor Larson, presiding, declared a quorum present.

Those members of staff also present were as follows:

Clyde Dooley, Manager  
Randi Snead, Clerk/Treasurer

REVIEW AGENDA

A Liquor License Renewal for C. Waters Gallery was added to the consent agenda item l. New Chamber of Commerce Director Brad Ayers asked to add an introduction to the agenda. The trustees welcomed his introduction prior to the meeting. Trustee Wall moved and Trustee Dooley seconded to approve the agenda as amended. The vote was unanimous. Mayor Larson declared the motion carried.

CONSENT AGENDA

The consent agenda contained the following items:

- a. Approve/Disapprove May 3 & May 16, 2016 Minutes
- b. Review/Consent of May 2016 Check Detail Report
- c. Approve/Disapprove June 7, 2016 Unpaid Bills Report [Available 6/7]
- d. Approve/Disapprove Private Event Permit Headwaters Music Festival
- e. Approve/Disapprove Special Event Headwaters Music Festival
- f. Approve/Disapprove Private Event Permit 4<sup>th</sup> of July Beer Garden
- g. Approve/Disapprove Special Event Permit 4<sup>th</sup> of July Beer Garden
- h. Approve/Disapprove Special Event Permit Elks Lodge
- i. Approve/Disapprove Liquor License Renewal Kentucky Belle Market
- j. Approve/Disapprove Liquor License Renewal CRT Mainstage
- k. Approve/Disapprove Liquor License Renewal CRT Ruth
- l. Approve/Disapprove Liquor License Renewal C. Waters Gallery

Errors were identified and corrected in the March 3 & March 16, 2016 minutes. Trustee Dooley moved and Trustee Brink 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 new custodian is working out great.
- The crew is preparing to apply crosswalk painting.
- A water service issue in North Creede was resolved when the line thawed.
- The crew is doing a large amount wastewater monitoring as required.
- Water usage is unexpectedly high and the crew is working to find out why.
- The "summer switchover" is going well and keeping everyone busy.
- The ATV signs will be up by the end of the week.

LOWER WILLOW CREEK RESTORATION COMPANY REPORT

Trustee Kim reported that the final design was approved and the company was ready for the next stage of reviewing contractor RFPs. There is some interest in the end use of the property and there may be a community

work session on the topic later in the summer. The property will remain in LWCRCo's hands until cleanup efforts are complete and a Determination of No Further Action is received from the EPA.

## OLD BUSINESS

### APPROVE/DISAPPROVE PZC CHANGES

A certificate of appreciation was prepared for Rex Shepperd for his 16 years of service to the Planning and Zoning Commission. Trustee Dooley moved and Trustee Kim seconded to remove Rex Shepperd from the Planning and Zoning Commission due to inability to attend regular meetings. The vote was unanimous. Mayor Larson declared the motion carried.

### APPROVE COVER LETTER TO CRT WITH AUTOMATIC LEASE RENEWAL

Trustee Brink moved and Trustee Dooley seconded to approve the cover letter to CRT. The vote was unanimous. Mayor Larson declared the motion carried.

## NEW BUSINESS

### APPROVE/DISAPPROVE PARADE THEME

Parade theme options as collected by Clerk Snead were presented. Trustee Freer moved and Trustee Wall seconded to approve the "Dog Daze of Creede" as the parade theme. The vote was unanimous. Mayor Larson declared the motion carried.

### APPROVE/DISAPPROVE RESOLUTION 2016-07 APPROVING RECREATION ADVISORY BOARD CREATION

Trustee Dooley moved and Trustee Brink seconded to approve Resolution 2016-07 Approving Recreation Advisory Board Creation as presented. The vote was unanimous. Mayor Larson declared the motion carried.

### APPOINT PARKS & RECREATION ADVISORY BOARD MEMBERS

Trustee Kim moved and Trustee Freer seconded to appoint Kerry Rice, Anne Pizel, Amanda Gibbons, Kim Fairchild, Damon Gibbons, Shelley Parham, John Howard, Ginger Alexander, Kristeen Lopez, Amy Romero, and AnnKate Sledd to the Parks & Recreation Advisory Board. There were four yes votes and two no votes [Dooley & Wall]. Mayor Larson declared the motion carried.

### DISCUSS/FYI ATV POKER RUN FATHERS DAY

Clerk Snead informed the Trustees know that, pursuant to new ATV regulations, a parade permit would no longer be required for the annual ATV Poker Run, but that it would be taking place on Father's Day and creating a high amount of ATV traffic.

### ACTION/DIRECTION ATV COMPLAINT LETTERS

The Trustees discussed possible improvements that could be made in assisting ATV users with staying on the route. Clerk Snead agreed to draft a response letter and encourage continued communication to be used to evaluate the policy in the fall.

### ACTION/FYI BANK CONTAINER

Clerk Snead informed the Trustees that Del Norte Bank would be installing a temporary storage container office on county property south of Morton Park.

## MANAGER'S REPORT

**Banners:** Trustee Kim requested that the Trustees approve an expenditure for temporary banners directing traffic to the historic downtown for use this summer. Trustee Wall moved and Trustee Brink seconded to approve an expenditure for two banners not to exceed \$400.00. The vote was unanimous. Mayor Larson declared the motion carried.

**East 3<sup>rd</sup> Vacation:** Trustee Wall moved and Trustee Brink seconded to direct the Planning & Zoning Commission to consider the East 3<sup>rd</sup> Street Vacation at their next regular meeting. The vote was unanimous. Mayor Larson

declared the motion carried. Trustee Dooley moved and Trustee Wall seconded to schedule a public hearing for August 2, 2016. The vote was unanimous. Mayor Larson declared the motion carried.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Wyley moved and Trustee Wall seconded that the meeting be adjourned at 6:24 p.m. The vote was unanimous. Mayor Larson declared the motion carried.

Respectfully submitted:

*/Randi Snead/*

Randi Snead, City Clerk/Treasurer

DRAFT

1:43 PM

07/01/16

Accrual Basis

CITY OF CREEDE; A COLORADO TOWN

Monthly Check Detail

June 2016

Type	Date	Num	Name	Memo	Amount
<b>Jun 16</b>					
Liability Check	06/01/2016	CCO...	GWRS (CCOERA)	98721-01/1220	-537.68
Bill Pmt -Check	06/08/2016	9127	Caterpillar Financial Services Corp.	17092667/Loader Lease Payment 2	-1,938.71
Bill Pmt -Check	06/08/2016	9128	CNA Surety	Surety Bond 61118004/Snead	-300.00
Bill Pmt -Check	06/08/2016	9129	Kentucky Belle Market	May Charges/Acct. #15 Tax Exempt	-40.35
Bill Pmt -Check	06/08/2016	9130	Oceans & Rivers, LLC	May Fuel Charges	-467.01
Bill Pmt -Check	06/08/2016	9131	Quill Corporation	Office Supplies	-355.95
Bill Pmt -Check	06/08/2016	9132	Tomkins Hardware & Lumber	Acct 580 May Charges	-407.60
Bill Pmt -Check	06/08/2016	9133	Valley Imaging Products, LLC	Monthly Service Agreement	-60.00
Paycheck	06/15/2016	9152	Benjamin J Davis		-1,220.13
Paycheck	06/15/2016	9145	Catherine Kim		-153.92
Paycheck	06/15/2016	9146	Dana D Brink		-153.92
Paycheck	06/15/2016	9147	Frank Freer		-153.92
Paycheck	06/15/2016	9148	Jeffrey A Larson		-351.79
Paycheck	06/15/2016	9149	Lori G. Dooley		-153.92
Paycheck	06/15/2016	9150	Merolyn K Wyley		-153.92
Paycheck	06/15/2016	9151	Teresa Wall		-153.92
Paycheck	06/15/2016	9153	Charles A Pilant		-400.75
Paycheck	06/15/2016	9157	Robert B Schlough		-1,167.29
Paycheck	06/15/2016	9158	Scott W Leggett		-901.25
Paycheck	06/15/2016	9154	Clyde E Dooley		-1,759.03
Paycheck	06/15/2016	9155	Eloise T Hooper		-527.78
Paycheck	06/15/2016	9156	Randi L Snead		-1,349.09
Bill Pmt -Check	06/15/2016	9134	VISA		-1,177.50
Bill Pmt -Check	06/15/2016	9135	Ciello	June Phone/Internet Service	-286.92
Bill Pmt -Check	06/15/2016	9136	Grand Junction Pipe & Supply Com...	Cust 289350/3378276 Sprinkler Parts	-406.07
Bill Pmt -Check	06/15/2016	9137	Kelvin Walker	Contract Labor/22.5 hours @ \$15.00/hour	-337.50
Bill Pmt -Check	06/15/2016	9140	Monte Vista Cooperative	Monthly Propane Charges	-708.38
Bill Pmt -Check	06/15/2016	9138	Muleys Disposal Service	May Trash Svcs/Accts 116, 1197, 1198, 1962, 2040	-67.00
Bill Pmt -Check	06/15/2016	9141	Rocky Mountain Home Health Suppl...	723684/Facility Towel Refills	-199.96
Bill Pmt -Check	06/15/2016	9142	Salida Fire Ext. & Safety Supply, LLC	Fire Extinguisher Servicing	-524.00
Bill Pmt -Check	06/15/2016	9143	The Sherwin Williams Co.	Traffic Paint Public Works	-209.87
Bill Pmt -Check	06/15/2016	9144	Valley Publishing	Legal#6296/Ordinance Notifications	-135.00
Liability Check	06/15/2016	941-...	United States Treasury	84-6000575	-2,787.88
Liability Check	06/16/2016	AFL...	AFLAC	BJB74	-111.12
Bill Pmt -Check	06/24/2016	9159	B4 Studio, LLC	IN2041/Website & Email Support	-28.00
Bill Pmt -Check	06/24/2016	9160	CIRSA	160989/Special Event Insurance CCF/Reimburse...	-662.42
Bill Pmt -Check	06/24/2016	9161	Navajo Development	Reimburse LWCRCo Mining Permit	-323.00
Bill Pmt -Check	06/24/2016	9162	Quill Corporation	Office Supply	-77.48
Bill Pmt -Check	06/24/2016	9163	Ramona Weber	Building Inspection Services	-12.00
Bill Pmt -Check	06/24/2016	9164	SLVREC	Electric Charges	-1,346.00
Bill Pmt -Check	06/24/2016	9165	Valley Publishing	Legal#6299/Public Hearing	-16.00
Liability Check	06/29/2016	9176	CEBT	City of Creede, 32705SG	-3,657.88
Liability Check	06/29/2016	9177	Colorado Department of Revenue	07-01555	-2,055.00
Liability Check	06/29/2016	941-...	United States Treasury	84-6000575	-2,539.58
Liability Check	06/29/2016	9178	Colorado State Treasurer	133001-00-6-001	-191.49
Paycheck	06/30/2016	9167	Charles A Pilant		-379.04
Paycheck	06/30/2016	9166	Benjamin J Davis		-1,220.12
Paycheck	06/30/2016	9168	Clyde E Dooley		-1,759.03
Paycheck	06/30/2016	9169	Eloise T Hooper	VOID:	0.00
Paycheck	06/30/2016	9170	Randi L Snead		-1,349.09
Paycheck	06/30/2016	9171	Robert B Schlough		-1,167.29
Paycheck	06/30/2016	9172	Scott W Leggett		-901.23
Bill Pmt -Check	06/30/2016	9173	Ian Humphrey	Recreation Program Instruction	-120.00
Bill Pmt -Check	06/30/2016	9174	Jennifer Hooper	2016 Art Camp Instruction	-55.00
Bill Pmt -Check	06/30/2016	9175	Susie Dicken	Recreation Program Refund	-145.00
Liability Adjust	06/30/2016			Adjust for 11.5k rule	115.24
Bill Pmt -Check	06/30/2016	9179	Kelvin Walker	Contract Labor/11 hours @ \$15.00/hour	-165.00
Paycheck	06/30/2016	9180	Eloise T Hooper		-527.79

Jun 16 **-38,241.33**

9134	06/15/2016	VISA		
Rec	05/07/2016		Rec Supply	-4.20
Rec	05/07/2016		Rec Supply	-24.36
Rec	05/07/2016		Rec Supply	-140.34
ATV Signs	05/20/2016		ATV Signage	-401.09
			Mineral County Signage/Bill to Min Co	-33.82
ATV Signage	05/25/2016		ATV Signage	-283.82
Rec Supplies	06/02/2016		Rec Supplies	-72.02
Rec Supply	06/07/2016		Rec Supplies	-22.51
55PK	06/15/2016		ATV Signs	-195.34

TOTAL -1,177.50

1:26 PM

07/01/16

Accrual Basis

# Water and Sewer Fund Monthly Check Detail June 2016

Type	Date	Num	Name	Memo	Amount
<b>Jun 16</b>					
Bill Pmt -Check	06/08/2016	3248	Accutest Mountain ...	Testing Costs	-525.00
Bill Pmt -Check	06/08/2016	3249	American Business ...	Utility Billing Postcards	-329.00
Bill Pmt -Check	06/08/2016	3250	Kentucky Belle Mar...	May Charges/#15 Tax Exempt	-13.46
Bill Pmt -Check	06/08/2016	3251	Sangre De Cristo L...	17905/BacT	-60.00
Bill Pmt -Check	06/08/2016	3252	Tomkins Hardware ...	Tomkins Charges	-481.44
Bill Pmt -Check	06/14/2016	3253	VISA		-548.42
Bill Pmt -Check	06/14/2016	3254	Monte Vista Co-op	May Charges/Water Tank	-64.44
Bill Pmt -Check	06/14/2016	3255	Moses, Wittermyer, ...	11872/May Legal	-51.00
Bill Pmt -Check	06/14/2016	3256	USA Blue Book	961867/pH Buffer Pouches	-196.54
Bill Pmt -Check	06/14/2016	3257	CenturyLink	300794269/Apr/Credit from for...	-78.07
Bill Pmt -Check	06/14/2016	3258	DPC Industries, Inc.	DE73000572-16/Chlorine	-36.00
Bill Pmt -Check	06/24/2016	3259	Accutest Mountain ...	Testing Costs	-578.50
Bill Pmt -Check	06/24/2016	3260	SLVREC	May Electricity Charges	-3,875.00
Bill Pmt -Check	06/29/2016	3261	Accutest Mountain ...	Testing Costs	-544.50
Bill Pmt -Check	06/29/2016	3262	City of Creede	June 2016 Salary Reimburse...	-11,292.21
Bill Pmt -Check	06/29/2016	3263	Sangre De Cristo L...	18005/BacT	-60.00
					<b>-18,733.58</b>
<b>Jun 16</b>					
<b>Bill Pmt -Check</b>	<b>3253</b>	<b>06/14/2016</b>	<b>VISA</b>	<b>6100 · W/S Cash</b>	
Bill	Ship Adj	05/08/2016		Wastewater Shipping	6500.42 · Sewer Testing -10.50
Bill	8991	05/12/2016		Wastewater Testing	6500.42 · Sewer Testing -46.80
Bill	8206	05/20/2016		Wastewater Testing	6500.42 · Sewer Testing -54.10
Bill	3813	05/20/2016		Wastewater Testing	6500.42 · Sewer Testing -13.15
Bill	Ship Adj	05/22/2016		Wastewater Shipping	6500.42 · Sewer Testing -10.50
Bill	01823	05/25/2016		Wastewater Testing	6500.42 · Sewer Testing -46.80
Bill	70202	05/27/2016		Wastewater Testing	6500.42 · Sewer Testing -80.15
Bill	100416	05/27/2016		Wastewater Testing	6500.42 · Sewer Testing -69.77
Bill	Ship Adj	05/29/2016		Wastewater Shipping	6500.42 · Sewer Testing -12.65
Bill	UBS Postage	06/02/2016		UBS Postage	6500.32 · Postage -204.00
<b>TOTAL</b>					<b>-548.42</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.

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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 Arts Council

Current Licensee: Same.

Factual Findings:

- Time, date and type of events to be permitted:  
July 5, 2016, 8AM-7PM  
Days of '92 Mining Events Beer Garden
- The premise for the event is Basham Park as shown on the attached premises map. Applicant has obtained a Private Event Permit for permission to use the premises.
- 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 Eloise Hooper & Debra Whitmore
- Character of the applicant is not an issue for this request.
- All applicable fees have been paid.
- This is event 1 of 15 allowable special events in 2016.

Recommended Action

Consider approval of a multiple-date Special Events Permit for Creede Arts Council.

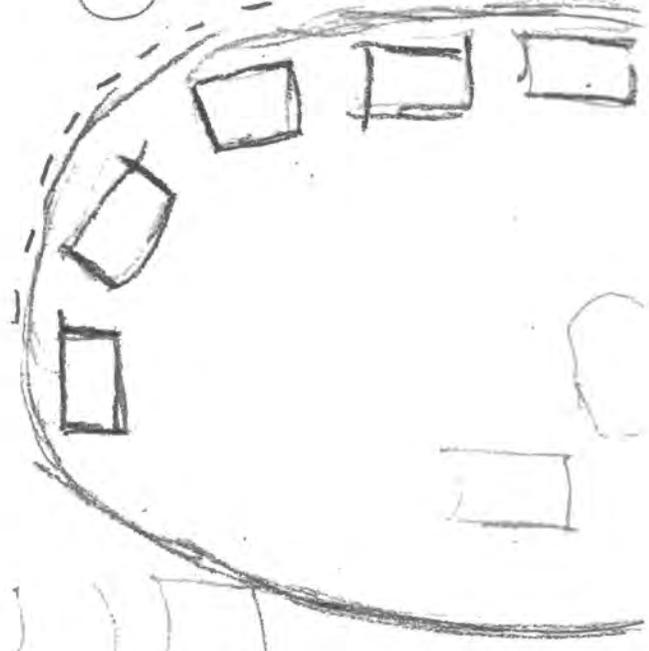
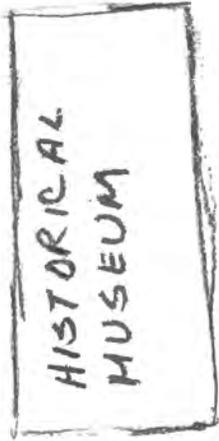
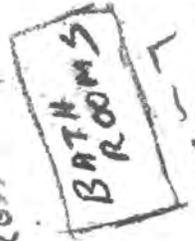
MAIN STREET

K  
Be

EGRESS



EGRESS



FENRE FOR  
CAC EVENT  
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# PARADE PERMIT APPLICATION

City of Creede  
2223 N Main Street  
Creede, CO 81130  
(719-)658-2276

Name: Snowshoe Shuffle

Address: 0631 Canal Road, Monte Vista, CO 81144

Business/Organization (if applicable): Snowshoe Shuffle

Phone: 719-850-7777 Email: runnerangunner@gmail.com

Parade Date: 08/06/2016 Parade Time (please allow for set-up and take-down): 08:30A - 12:00P

Parade Route Begins: At the Gazebo north to the Y, up East Willow and back

Parade Route Ends: At the Gazebo

Planned Road Closures: From the post office to the sheriffs office, side streets will be blocked

(Additionally, please attach a map)

Estimated Number of People Expected to Attend this Event: 90

Responsible Parties for Barricade Set-up & Removal:

Name: Snowshoe Shuffle Phone: 719-850-7777 Name: Snowshoe Shuffle Phone: 719-850-7777

I have read, fully understand, and agree to the terms of this Parade Permit, any attached pages, and the City of Creede's Public Property Event Policy and Procedures:

Applicant  
[Signature] 6/22/2016  
Date

City Clerk  
[Signature] 6/22/16  
Date

SHERIFF'S DEPARTMENT NOTIFICATION: [Signature] 6-22-16  
Date

PUBLIC WORKS'S DEPARTMENT NOTIFICATION: [Signature] 7/1/16  
Date

FOR ADMINISTRATIVE USE ONLY		
Application Received	<u>6/22/16</u>	Fee <u>25</u> Date Paid <u>6/22/16</u>
License Agreement Attached?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>	Proof of Insurance Attached? Y <input type="checkbox"/> N <input type="checkbox"/>
Board of Trustees Meeting Date	<u>7/5/16</u>	
Approved by Board of Trustees this	_____ day of _____, 20 _____	
Attest:	_____ City Clerk	

Town Board of Trustees  
July 5, 2016  
Eloise Hooper

Rec has had two summer camps so far. Art Camp had 6-9 children each day. Only 3 of the youth were older than seven years old. That made some of the projects a little difficult because of short attention span. However they had a great time making painted T-shirts, learning the basics of weaving, Painting a canvas photo frame, Pippingtooth (Making fairy creatures out of silk flowers), making a recycled milk jug bird feeder, creating a sock-a-saurus, forming sculpy critters, painting abstract circle print art, painting a watercolor sunset with a black tree in the foreground, and making a twisted wire scorpion.

Creative Writing had two five year olds and one seven year old each creating and illustrating two stories. The instructor, Ian Humphreys, and I acted as scribes for the stories.

In Trash-Treasures we took hikes up Windy Gulch with different return routes to the gym where the youth upcycled items from around the house.

Open gym and Movie Day have had a few youth coming to the gym.

Vendor spots are filling in. The paved lot south of the K Bell is full and I am filling in the lower area. Twenty-six craft vendors have reserved 35 spaces and eight food vendors fourteen spaces.

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# VACATING EAST 5<sup>TH</sup> STREET

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**TO:** Planning Commission  
**FROM:** Clyde  
**SUBJECT:** Vacating East 5<sup>th</sup> Street  
**DATE:** March 7, 2016

The Baptist Church submitted an application requesting we vacate the portion of East 5<sup>th</sup> Street laying east of La Garita. We've received a preliminary survey of the property and Toby is correcting a couple errors. Jim Matush brought in the deeds today for lots 10 - 18, Block 15 and lots 1 - 10, Block 20, South Creede.

Vacating a public right-of-way is a process that deserves a lot of consideration and due diligence. Not only are right-of-ways used for public access, they are used for infrastructure including but not limited to water and sewer lines, drainage, but also phone and power lines. Nobody has a crystal ball and one of the challenges is to contemplate if the city will ever need the right-of-way in the future. The portion of East 5<sup>th</sup> Street east of La Garita is only platted to the base of Mammoth Mountain, so the vision of a road or new water/sewer lines is easily doubtful. Phone and power lines are a different story and need more consideration because we have agreements with these companies allowing them to use our right-of-ways for their utilities – current and future.

Our attorney recommends we not vacate public right-of-ways unless there is compelling evidence to do so – and then only with a utility easement. This is a must for utility infrastructure in place and a definite should for future utility infrastructure. Reserving such an easement says no development/improvement can be made that will interfere with the necessary access to repair/replace the infrastructure. So basically – no one can build anything on the property. So why would anybody want to buy something they can't build on? Creede is unique in that many of the structures here predate proper planning and when utility infrastructure was built, it was built around existing structures. And those structures are either already in a platted right-of-way or the utility infrastructure was located where it would work best and that often conflicted with private property and/or future development.

But this isn't the case everywhere and it's our duty to do the best we can in individual cases while trying to plan for more organized growth in the future.

Per state statute, when a municipality vacates a right-of-way, half of it goes to the adjacent property owners. In this case it would all be conveyed to the Baptist Church.

Vacating and conveying public property always seems to open a door to other people who want to buy public property and often don't understand the difference between vacating and conveying property for nothing [basically] and purchasing city owned property. There's a big difference and that's one of the things we'll have to consider.

A twenty (20) foot portion of Ease 5<sup>th</sup> Street was granted special use with Ordinance #19922, but the rest of the property was public. And although public, it's been primarily used by the church since then and conveying them ownership would take the public property out of the picture giving them the authority to uses their property. With a reserved utility easement – we, the phone, and power company could however us it as needed to repair/replace the utility.

Back to the crystal ball; as long as the Baptist Church owns the property I feel comfortable we'll be able to work with them. As a church, they don't pay property taxes so they won't be taking on any burden of taxation. The part of the crystal ball that concerns me is what if in the future the property is sold and someone forgets we have the utility easement? If somehow/someway a structure gets built on this property and we or the phone or power company need to have the structure moved or torn down to repair/replace infrastructure, there's going to be a lot of confusion and frustration. The best way to handle that as I see it is to also require a "reverter" or "first right of refusal" in the event the property is ever no longer used for church purposes.

So at this point as you can see from my notes, it can be done with some extra work, but I can't help but ask why? Absent any compelling reason to vacate and convey public property like an encroachment or clouded title, I have a difficult time understanding what's going to be accomplished.

1. We have no problem the way the Baptist Church is using the property now.
2. They can't build anything in the area they're asking for. [vacate and convey]
3. We won't let anyone else build anything in our public right-of-way.
4. We won't gain any property tax revenue because churches are tax exempt.
5. Ben reminded me that we also use that area for snow storage when necessary.

**From:** Eric Heil <ericeillaw@gmail.com>  
**Sent:** Tuesday, April 19, 2016 8:17 AM  
**To:** Clyde Dooley  
**Subject:** Re: Baptist Church

Clyde, I agree that it is not a good idea to vacate public rights-of-way as a general principle. I think it would be a good idea to keep track of the past requests that have been denied in order to give some perspective to the Board of Trustees. It is a good habit to reference the Creede Development Code and review criteria. If I am understanding this area of town correctly, this is where 5th street dead-ends into the hill. IF the City were to vacate the right-of-way, then it really needs to require all the interior lot lines for Lots 10-18, Block 15 and 1-10, Block 20 be vacated to create one large parcel; otherwise, there are individually platted lots without good access to La Garita - see CRITERIA 1. Furthermore, in this situation where you are vacating just for the sake of giving more property to an owner, then Creede should require an appraisal and fair market value compensation, see CRITERIA 4. The Criteria are reprinted below.

SO - If the City does not have any plans to use 5th Street between the two blocks (see CRITERIA 2 AND 3 - maybe it does?) then the direction to the Applicant should be that it also has to apply for a minor subdivision plat to vacate all interior lot lines and submit an appraisal of the per square foot vacant land value for land as zoned in Blocks 15 and 20.

Finally, with regard to application review fees, CDC 9-01-100 Fees states that application fees are treated as pass-through and that you can return the unused portion the applicant (as well as request additional fees if necessary). So, IF the applicant withdrew the application, then you can return the amount remaining, which is probably all of it depending on if you charge for your time.

Your last comments are a little confusing - the new Board is not allowed to discuss a pending development application at the meeting and definitely is not allowed to discuss City business "after" the meeting. There is no correct or lawful way for the Board to say "no" to the applicant prior to the public hearing and definitely not through a decision or direction made "after" a public meeting.

You might want to consider using me or using another certified planner to prepare the memoranda for development applications. It is important to cite and outline the Development Code process and criteria to avoid confusion and minimize the PZC and Board from just "winging it". The worst thing the Board of Trustees can do is get involved with a pending development application outside of the scheduled public hearing.

Feel free to call if you would like to discuss or if you have other questions.

Thanks, Eric

*Bill Smith*

#### 9-03-200(d) Review Criteria

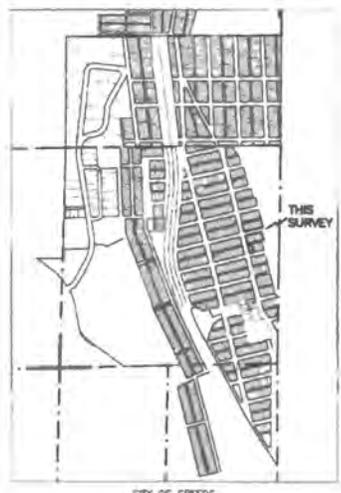
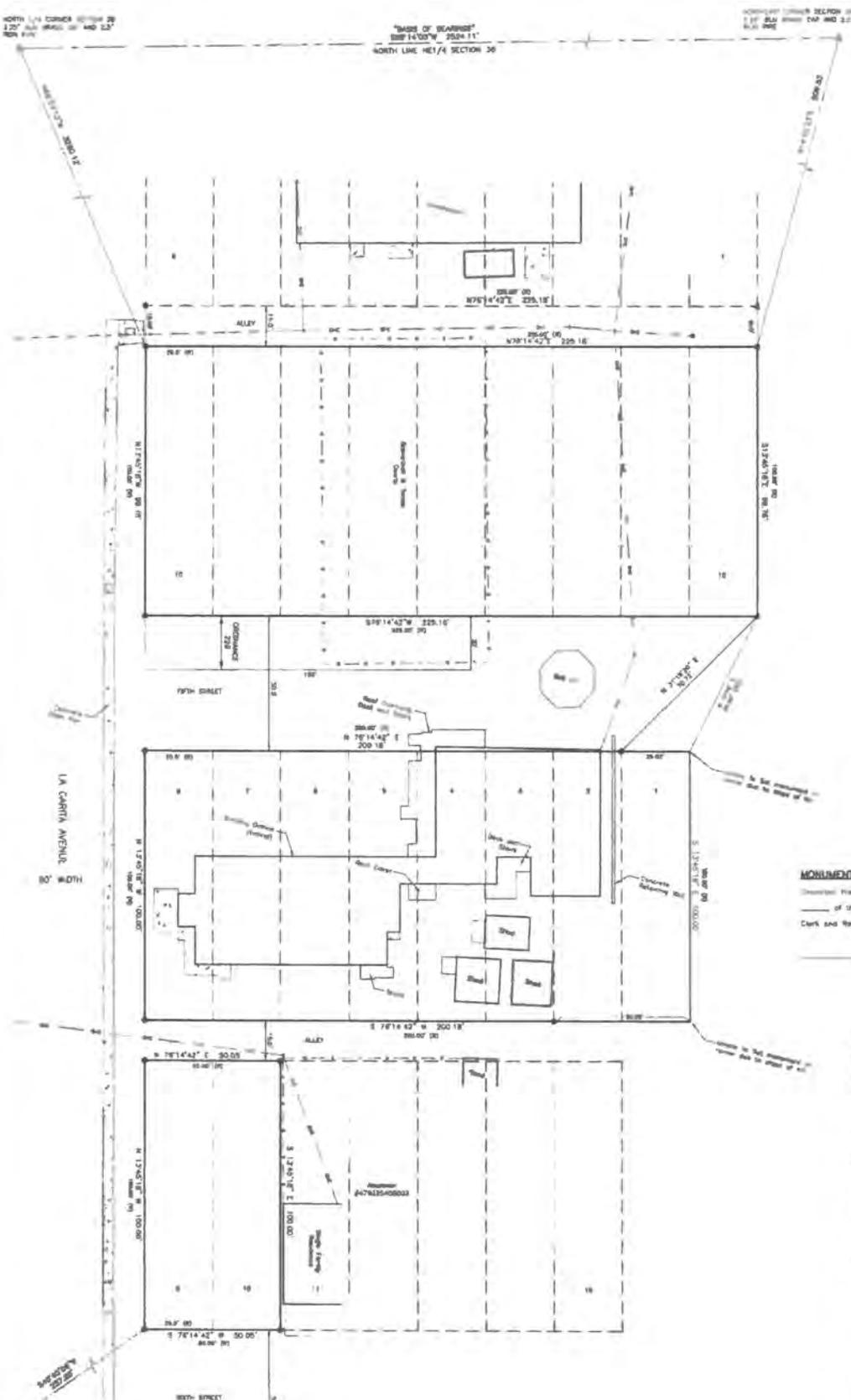
1. No right-of-way shall be vacated so as to leave any land adjoining the vacated right-of-way without an established public road or private-access easement connecting said land with another established public road;
2. The right-of-way is determined to be platted on terrain which is not practical for the construction of a right-of-way due to terrain, topography, natural features or other constraints, and the right-of-way does not provide any other potential benefit to the public, including but not limited to utility connections, pedestrian or recreation connections, drainage or public landscaping;
3. Sufficient easements for utilities, access or other purposes are retained;
4. Compensation may be required for the area of vacated right-of-way based upon the fair market value per square foot of the area vacated and the applied zoning; and,
5. The vacated area of right-of-way shall be included in the same

Eric J. Heil, Esq., A.I.C.P.  
Heil Law & Planning LLC  
1022 Summit Drive

# CREDE BAPTIST CHURCH PROPERTIES LOTS 10-18, BLOCK 15 & LOTS 1-10 BLOCK 20

Located in the Northeast 1/4 S.36, T. 42 N., R. 1 W.,  
N.M.P.M., City of Creede, Mineral County, Colorado

- 1. Found Section the same as Section
- 2. Found No. 4 Road with 3" Brass Caps (S. 2442)
- 3. Found No. 4 Road with 3" Brass Caps (S. 2442)
- 4. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 5. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 6. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 7. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 8. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 9. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 10. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 11. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 12. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 13. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 14. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 15. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 16. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 17. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 18. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 19. Found No. 5 Road with 3" Brass Caps (S. 2442)
- 20. Found No. 5 Road with 3" Brass Caps (S. 2442)



CITY OF CREEDE  
PLAT 16 3004



BASE OF BEARING  
MAGNETIC N. BASED UPON THE NORTH LINE OF SECTION 36 TO THE NORTH 1/4 CORNER OF SECTION 36 BEING A BEARING OF S89°14'42" W DISTANCE OF 220.18' WITH 3" BRASS CAPS OF 2.5" IRON PIPE

**MONUMENTED SURVEY PLAT**

Executed this \_\_\_\_\_ day of \_\_\_\_\_ 2016 at \_\_\_\_\_ in the County of \_\_\_\_\_ of the State of Colorado, the undersigned Clerk and Recorder.

**SURVEY NOTES:**  
1. LOTS AND BLOCKS SHOWN HEREON ARE DERIVED FROM THE MAP OF NORTH CREDE DATED FEBRUARY 28, 1882 - FILED IN MINERAL COUNTY AND THE COUNTY COURTS FILED IN THE OFFICE OF THE CLERK OF THE STATE BOARD OF LAND COMMISSIONERS BEING FEBRUARY 14, 1882 BY THE PRESIDENT OF THE STATE BOARD OF LAND COMMISSIONERS

**SURVEYOR'S NOTES:**  
1. THIS SURVEY WAS PERFORMED WITHOUT THE ASSISTANCE OF A TITLE REPORT OR TITLE CURATOR AND NO WARRANTY IS MADE BY THE SURVEYOR AS TO THE ACCURACY OF THE DATA PROVIDED. THE CLIENT DOES NOT HOLD THE SURVEYOR RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY AFFECT THIS SURVEY.  
2. THE SURVEYOR'S USE OF THE WORDS "CERTIFY" OR "WARRANTY" BY A PROFESSIONAL LAND SURVEYOR CONSTITUTES AN EXPRESSION OF PROFESSIONAL OPINION AS TO THE FACTS AND FIGURES WHICH ARE THE SUBJECT OF THE SURVEY. THIS DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED, BY THE SURVEYOR TO THE STATE BOARD OF LAND COMMISSIONERS.

**SURVEYOR'S CERTIFICATE:**  
I, DAN W. SCHULTZ, A duly licensed land surveyor in the State of Colorado, do hereby certify that this plat or map was prepared from notes of an actual field survey performed by me or under my direct supervision and is based upon my knowledge, information and belief, and is in accordance with applicable standards of practice.

FOR AND ON BEHALF OF  
DAN W. SCHULTZ  
DAN W. SCHULTZ

REVISIONS	APPROVED SURVEY PLAT
DATE	CREDE BAPTIST CHURCH PROPERTIES
BY	LOTS 10-18, BLOCK 15 & LOTS 1-10 BLOCK 20
FILE	City of Creede Northeast 1/4 S.36, T. 42 N., R. 1 W., N.M.P.M., City of Creede, Mineral County, Colorado
	DAN W. SCHULTZ
	PLAT 16 3004

NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In the event you are unable to locate and submit to this Surveyor a documented proof of such defect...

June 25, 2016

Board of Trustees  
City of Creede  
P O Box 457  
Creede CO 81130

received  
6/24/16

Re: Request to vacate portion of 5<sup>th</sup> Street

Dear Board of Trustees:

There does not appear to be a compelling reason to vacate this portion of 5<sup>th</sup> Street at this time. It is possible that in the future there would be a need for it to again be used as a street. Therefore, I am opposed to vacating this portion of 5<sup>th</sup> Street and urge you to deny the request. (I own the nearby home at 115 E. 5th Street.)

Sincerely,

*Ken Hardwick*

Ken Hardwick  
P O Box 276  
Salida CO 81201



# MEMORIAL BENCH APPLICATION

City of Creede  
2223 N Main Street  
Creede, CO 81130  
(719)-658-2276

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Existing Bench (\$500)

New Bench (\$2,000)

Requested Location: \_\_\_\_\_ Desired Location: \_\_\_\_\_

Plaque Text (Two lines of up to 35 characters, proof will be submitted to applicant for approval before ordering):

\_\_\_\_\_  
\_\_\_\_\_

Additional info or requests:

\_\_\_\_\_  
\_\_\_\_\_

If bench is adjacent to a business, please discuss with the business owner and obtain their approval:

Business Owner Approval: \_\_\_\_\_ Date

Public Works Department Approval: \_\_\_\_\_ Date

Location, text, and other requests will be considered by staff and City Council and alternatives may be suggested in the event an adjustment is needed. Application payment will not be due until all terms are finalized.

## FOR ADMINISTRATIVE USE ONLY

Application Received \_\_\_\_\_ Fee \_\_\_\_\_ Date Paid \_\_\_\_\_

License Agreement Attached? Y  N  Proof of Insurance Attached? Y  N

Board of Trustees Meeting Date \_\_\_\_\_

Approved by Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Attest: \_\_\_\_\_ City Clerk

# Manager's Report

To: Mayor and Board of Trustees

Date: July 5, 2016

From: Clyde Dooley

## **Public Hearing on the Vacation of a portion of East 5<sup>th</sup> Street – Recommendations**

Attached is a memo I gave the Planning and Zoning Commission for their meeting on March 7, 2016 and an email from our attorney concerning our thoughts on the vacation of a portion of East 5<sup>th</sup> Street. I've also attached their survey for reference.

## **Gym Yard Sale Inventory – Direction**

Here's a rough draft of the inventory on the stage at the Virginia Christensen Multi-Use Recreation Center [?]. We talked about having a Yard Sale to offer this to the public before disposing of it. The Ladies Aid Rummage sell is next Wednesday, do we want to have a Yard Sale before then or donate this inventory to them?

## **Flume setback letter – FYI**

We received the attached letter from Avery Augur regarding his concerns with the thirty (30) foot setback mentioned in our new development code. I agree with him and believe this is a simple oversight and after I check with Eric Heil, believe we can administratively correct it. I'll let you know if it's anything else at our next work session.

## **Flume Rehabilitation – update**

We received a draft of the Project Needs Assessment and Environmental checklist back from BHI and returned our comments. With the EIAF funds frozen thru DOLA, we've been exploring other funding sources including the Colorado Water Conservation Board and the Colorado State Historical Society;

## **Colorado Water Conservation District – FYI**

Last Thursday, Kevin Houck with the Colorado Water Conservation Board [CWCB] came in to visit with me about our floodplain regulations. They too have had some confusion on their end on the Town of Creede versus the City of Creede, a Colorado Town and I clarified that. Partially because of that confusion they didn't have it in their records that we had adopted floodplain regulations. That too was cleared up, so we started talking about our "Type A" floodplain regulation and how we've struggled with that since 1986. He agreed we need a Letter of Map Revision and a new study, since the 1986 is thirty years old. He also agreed to help us thru the process including financial assistance on a new study. Since BHI is already working with us on the flume I asked them for a quote on a "Detailed" & "Approximate" study. I hope to have that back to discuss with you at our work session on the 19<sup>th</sup>.

## **Creede School District Notice – FYI**

I sent the attached letter to the Creede School District giving them notice of a defective design problem with the vault installed last year. The vault has flooded several times and is the number one suspect on our increased water production as well as the pulsating water flows being experienced in Amethyst Heights.

Although the suspicion started with my first notes to you about water production, we wanted to wait until school was out.

### **Grader tires – FYI**

We had a flat tire on the left front of our CAT loader last month and when COOP came up to see if it could be repaired [which it couldn't] he and Scotty noticed severe cracks on the back four tires. Our loader was purchased in 1997 and we can't find where we've ever replaced the rear tires. We got a batch deal for replacing the five tires a once plus saved \$500 in mobilization costs, so I approved the deal for a total of \$3,368.00.

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

Still waiting for Toby to complete this survey.

### **Rio Grande Avenue/Street Lane Subdivision – update**

Clay and Toby are still working on the final revisions to the survey. Once we have that, Eric and I will determine if we can go directly to a final plat. Meantime we've had some new thoughts on the end use of the property. We had four (4) public hearings in 2015 [3/10, 6/9, 10/13, 12/1] and the result was to use the lot next to 3<sup>rd</sup> Street for parking and the other two as buildable lots and sell them. The property between the alley between 4<sup>th</sup> & 5<sup>th</sup> Streets would be retained and used for Stormwater detention and snow storage.

The new thoughts are not to sell any of the lots and use them for parking and/or open space for the public. The survey is 95% done so I don't think it makes sense to stop that. With that in had we can discuss the option of vacating / closing Rio Grande Avenue/Street or keeping it open to the public. I think we could do either because the statutes gives the adjacent property owners half of the road and according to the preliminary survey, the city owns property on both sides. With that said however, I think we could/should still work with the western property owners in Blocks 12 & 17 in deeding them the property they have fenced off and have used for years. That generally consists of them getting a survey and ask the city to convey and replat the property.

**[I'll check with Eric to see if there are problems with us changing directions.]**

### **Complaint and Reply – FYI**

For the record, I've attached a complaint and reply to an observant citizen with a valid question.

### **Thank You Note – FYI**

I meant to get this Thank You note to the Board of Trustees last month, but lost track of it until after the packets went out. Bob was a Trustee in the mid '60's and definitely paid his due in trying to maintain the craziness of our great little town.

### **April Finance Adjustment – FYI**

Ever since we switched our meeting dates with the Planning & Zoning Commission, we've had a hard time getting all the final numbers in time for the Board of Trustees meeting. This is what happened for our April numbers and as you can see Randi revised our April figures the 24<sup>th</sup> of last month. The only revenue figure revised was the county sales tax reduced by \$8,691.63, the rest were adjustments to expenses. The net result was a reduction of \$7,552.

**April [5/17] Finances – FYI**

<u>Budget</u>		<u>YTD</u>
General Fund	17,854	64,031
Capital Improvement Fund	(1,433)	32,722
Conservation Trust Fund	3	682
Virginia Christensen Fund	57	(93,764)
Water & Sewer Fund	<u>(21,007)</u>	<u>(11,002)</u>
Net	(4,526)	( 7,331)

**City Sales Tax:** total \$34,450 through the end of April. That's down \$1,134 for the same period last year and down \$936 compared to last April.

**City Funds** total \$2,481,531 through the end of May. That's up \$340,897 for the same period last year and down \$30,963 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.

**April [6/24] Finances – FYI**

<u>Budget</u>		<u>YTD</u>
General Fund	10,302	56,479
Capital Improvement Fund	(1,433)	32,722
Conservation Trust Fund	3	682
Virginia Christensen Fund	57	(93,764)
Water & Sewer Fund	<u>(21,007)</u>	<u>(11,002)</u>
Net	(12,078)	(14,883)

**City Sales Tax:** total \$34,450 through the end of April. That's down \$1,134 for the same period last year and down \$936 compared to last April.

**City Funds** total \$2,481,531 through the end of May. That's up \$340,897 for the same period last year and down \$30,963 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.

**May Finances – FYI**

<b><u>Budget</u></b>		<b>YTD</b>
General Fund	3,460	59,939
Capital Improvement Fund	4,527	37,249
Conservation Trust Fund	3	685
Virginia Christensen Fund	(56,946)	(150,710)
Water & Sewer Fund	<u>10,329</u>	<u>(673)</u>
Net	(38,627)	(53,510)

**City Sales Tax:** total \$47,046 through the end of May. That's up \$4,790 for the same period last year and up \$5,924 compared to last May.

**City Funds** total \$2,481,531 through the end of May. That's up \$340,897 for the same period last year and down \$30,963 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.

Books  $\approx$  100 200

Poker Chips 11 boxes

Music stands 11

student desks 9

desks 2

File cabinets 3

tables 1

Tables 5 Tennis shoes, pillow cases

TV

Piano #2

Chairs 50

bookcase 2

games

Avery H. Augur

6.28.16

Avery H. Augur  
114 North Main Street  
P.O. Box 765  
Creede, Co.  
81130

Jeff Larson, Mayor, Trustees and Planning and Zoning Commission,  
City of Creede  
2223 N. Main Street  
Creede, Co. 81130

To the Mayor, Trustees and Planning and Zoning Commission,

I am writing to you today seeking clarification to a portion of Article 7 of the recently adopted Creede Development Code. Specifically I am interested in section 9-07-050 (e), e, iv, 1, a (page 110), which reads *any residential structure designed for human occupancy or the storage of property shall be constructed, located or improved so that any external wall shall not be less than thirty (30) feet from the stream side of the flood fringe*. I am operating under the assumption that the "flood fringe" is the edge of the flume structure. Until this Code was adopted, a fifteen (15) foot setback from the edge of the flume has been in place (in the form of an easement per City of Creede ordinance no. 205). Assuming I am reading this new code correctly, this distance has effectively been doubled.

The Nonresidential Standards portion of the code, section 9-07-050 (e), e, iv, 3, a, does not appear to require the same thirty (30) foot distance from the "Flood Fringe", so I am assuming that the fifteen (15) foot setback applies assuming compliance with the set of standards outlined in the remainder of this section. However, the list of Nonresidential Structures and uses, 9-07-050 (e), e, iv, 2, a - e, is extremely limited and would not permit the construction of the kinds of commercial buildings that currently exist well within this thirty (30) foot distance on the west side of the flume.

Assuming that my reading of this code is correct and the vast majority of structures a private property owner would want to build are required to be set back thirty (30) feet from the edge of the flume, then I believe that this regulation has a very significant negative impact on private property owners who own property adjacent to the flume.

I feel strongly that the thirty (30) foot setback should be eliminated and the Code should revert to the fifteen (15) foot easement which previously governed.

Thank you for your consideration,

Avery Augur



Box 765  
Creede, Co. 81130  
t 303.829.8655  
f 719.658.0203

City of Creede  
PO Box 457  
Creede, CO 81130  
Phone: 719-658-2276

.....  
 City of Creede

June 21, 2016

Creede School District  
Attn: Buck Stroh  
PO Box 429  
Creede, CO 81130

RE: NOTICE OF DEFECT - School Water Supply

Dear Buck,

This is to notify you that the School Meter/Pressure Reducing Vault has flooded again. This situation is untenable in that valve operation cannot be observed or maintained, the meter cannot be read (to evaluate system leakage), and ancillary equipment in the vault may be damaged.

The valve uses (wastes) small amounts of operating water. Our Town Engineer advised Neenan, before construction that there was no drainage way available by gravity - and that the project should include a sump with sump pump. Neenan and/or Williams Engineering elected to try a drain infiltrating to natural ground. The vault has since been flooded on several occasions.

The City is hereby providing Notice of Defect that the School Meter/Pressure Reducing Valve is defective and is within the 2 year Warranty Period set forth in Paragraph 4.3 of the Intergovernmental Water Service Agreement, dated October 22, 2014 ("IGA").

The school is hereby directed to perform corrective work as follows:

1. Dewater the vault,
2. Install a sump and pump (design to be approved by Creede),
3. Repair or replace any equipment in the vault damaged by water.

.....

June 21, 2016  
Page 2

Please schedule this correction immediately and provide me with a schedule of the work. Creede's supply to the school may be discontinued if this situation is not corrected before July 31, 2016. Pursuant to Paragraph 4.3 of the IGA, the two (2) year warranty period shall be extended from the date of completion and acceptance of the work to correct the School Meter/Pressure Reducing Vault.

Sincerely,



Clyde Dooley  
City of Creede, Manager

cc: Sergio Ortiz  
Kristin Edgar



PZC PH 1 - 3/10/15  
 PZC PH 2 - 6/9/15  
 PZC PH 3 - 10/13/15 \*revised  
 Discussed @ BOT WS - 12/1/15

**RECEIVED**

2/5/15 CD

2 February

City of Creede  
2015  
Planning Commission

RE: Development of Rio Grande St. between 3<sup>rd</sup> and 5<sup>th</sup> Streets

First of all, we don't feel the need to develop this last small piece of open area within the city limits for residential lots.

If the purpose is to help the people and businesses of Creede, we feel that the highest and best use of the property would be a parking lot. The businesses on Main Street can only supply one parking spot for their customers.

The one parking lot that we do have gets smaller and smaller as the summer goes by. By making this entire piece a parking lot would eliminate the need for private individuals to block their driveways during the 4<sup>th</sup> of July weekend. It would help everyone and not just a few. By developing this piece it only creates more people having to block their driveways and creating more congestion.

If this piece is developed for residential purposes, PLEASE consider taking the "hump" out of Loma Street, this would help with all drainage on Loma and your "development". The railroad tracks are no longer an issue and the 90' culvert could actually be useful.

Respectfully,

Ken & Wendy Leggitt  
407 S. Loma Ave  
Creede, CO 81130

**From:** Jeffrey Larson <jeffreyincreede@yahoo.com>  
**Sent:** Friday, June 10, 2016 8:36 PM  
**To:** Clyde Dooley; Brenda Maze; Randi Snead; Lori Dooley; Teresa Wall; Catherine Kim; Dana Brink; Frank Freer  
**Subject:** Complaint from Creede Resident on Grader being Used at Dry Gulch (Creede Shooting Range)

Dear Clyde,

On Friday morning, June 10, 2016, life long Creede resident Carl Stone, 658-2792, came and filled verbally to me, as Mayor, a formal complaint. The complaint is that while at the shooting range located at Dry Gulch he saw the City of Creede Grader working on the road. He stopped the operator and asked what the city equipment was doing outside city limits doing work. The operator replied that it was some work for the county in exchange for work they had done for the city, Ben Davis and Danny Rogers were aware of this agreement. Mr Stone was suspicious of this remark and went to the City office to ask Clyde about this, and Clyde responded he did not know the details of the grader being in Dry Gulch, but Ben Davis and Danny Rogers did make such coop work agreements on a regular bases. Mr Stone then tried to contact Mr Rogers to try and confirm this work was agreed to, but Mr Rogers was out of the City until next week and Mr Davis is out on medical leave. Mr. Stone expressed that he is tired of people that work for the City doing what ever they want and then covering each other (polite word) tails when caught and wanted to know the truth about this matter. He also said he had discussed it with Trustee Frank Freer. I was fortunate enough to have the opportunity to discuss this issue with Trustee Freer, who stated that his research at that point confirmed the operators statement that this work was in exchange for work the county had done for the city. I called Mr Stone and informed him of this fact, and he stated he had already been told that, but felt it was improper for City of Creede equipment to be used out of the city limits on a Forest Service Road, and wanted a more formal written answer to his complaint.

I respectfully submit Mr Stones complaint. His phone number is 658-2792 if anyone would like more details from him directly.

I am sorry I do not have Trustee Wyley's email.

Respectfully

Jeffrey Larson  
Mayor of Creede

City of Creede  
PO Box 457  
Creede, CO 81130  
Phone: 719-658-2276

.....

# City of Creede

June 10, 2016

Carl Stone  
PO Box 441  
Creede, CO 81130

Dear Carl,

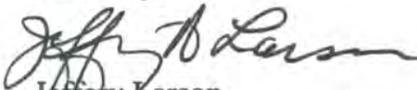
Thanks' so much for coming in this morning to inquire how the city and county are trying to work together for the benefit of the community and taxpayers. As you know, it's not always been that way and that created unfortunate opinions and ultimately cost the taxpayers.

Recent steps to improve the relationships between the two entities have centered around trust and better communication at all levels. Those initial steps are not always easy and are often misunderstood as who's job is it. It's often misunderstood that someone is doing someone else's job or the ever present question of: "it's always been done this way". We're trying to overcome some of those misconceptions by saving taxpayers time and money.

Over the years the cooperation between the city public works department and the county road and bridge crew has taken many turns. For the past few years there's been great cooperation between the two, depending on peoples schedules, equipment, and timing. Letting Ben and Danny staff's work together when it makes the most sense simply benefits everyone.

Again, thank you for bringing this to my attention and I hope other people see the cooperation between the city and county growing.

Sincerely,

  
Jeffery Larson  
Mayor

.....

Thank You note to City Trustees + staff.

REPOI  
P  
L  
W

and making  
Bob's day go  
without a  
hitch. I hope  
you will  
tell your crew  
how much we  
appreciate all  
that they did  
(and it was a lot)  
Melanie said  
Ben was awesome.  
Again, I thank  
you and God Bless all of you

*Just when friends are needed*

*You find them always near;*

*Just when shadows darken,*

*Their comforting words you hear.*

*Thank you*

*Margaret  
& Family*

**CELEBRATING THE LIFE  
OF  
ROBERT M. WARDELL**



**Look Out Lord  
Here Comes The Judge!**

## City Funds by account

6/20/2016

<b>2016</b>		Acct. No.	1/31/16	2/29/16	3/31/16	4/30/16	5/31/16	6/30/16	7/31/16	8/31/16	9/31/16	10/31/16	11/30/16	12/31/16
1	ColoTrust	548001	204,415	204,492	204,583	204,676	204,775							
2	Conservation Trust	204498	12,285	12,287	12,960	12,963	14,038							
3	Capital Improvement	200263	597,081	601,273	594,365	592,932	597,458							
4	WS Checking	204501	398,347	376,099	400,814	407,787	418,926							
5	WS Savings	360422	22,183	22,183	22,192	22,192	22,192							
6	Deep Creek (Res)	360430	54,758	54,758	54,778	54,778	54,778							
7	Virginia Christensen	254010	470,961	277,184	277,243	277,300	220,354							
8	WS 2% Savings	360449	47,900	47,900	49,307	49,307	49,307							
10	CD 4/5/04	651232	69,832	70,686	69,849	69,858	69,866							
11	Gen. Fund Checking	204188	781,336	788,719	815,559	820,701	829,837							
<b>Total Funds</b>			<b>2,659,098</b>	<b>2,455,581</b>	<b>2,501,650</b>	<b>2,512,494</b>	<b>2,481,531</b>	-	-	-	-	-	-	-

**City funds are up \$340,897 (2,481,531 - 2,140,634) for the same period last year  
and Down \$30,963 (2,481,531 - 2,512,494) from last month**

	Begining	Ending	
2004	446,511	558,464	111,953
2005	558,464	656,467	98,003
2006	656,467	892,639	236,172
2007	892,639	1,008,282	115,643
2008	1,008,282	1,023,796	15,514
2009	1,023,796	1,277,112	253,316
2010	1,277,112	1,497,354	220,242
2011	1,497,354	1,680,710	183,356
2012	1,680,710	1,368,684	(312,026)
2013	1,368,684	1,717,812	349,128
2014	1,717,812	2,181,149	463,337
2015	2,181,149	2,498,316	317,167
2016	2,498,316	2,481,531	(16,785)
		<u>2,035,020</u>	

Paving

	446,511	2,512,494
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Performance

	<u>Up</u>	<u>563%</u>
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## City Sales Tax

	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
Jan	8,462	10,214	6,754	7,330	8,814	5,450	6,784	6,726	6,822	11,116	7,728	6,598	5,966	5,012
Feb	8,144	9,266	10,564	9,102	7,926	8,740	7,028	9,018	9,034	7,682	6,476	7,562	7,598	6,172
Mar	9,350	6,674	8,114	6,480	6,868	4,832	4,498	7,700	7,454	4,482	4,836	6,100	5,392	4,086
Apr	8,494	9,430	7,696	6,730	6,838	4,314	5,888	7,804	5,158	4,714	6,624	4,748	4,264	4,172
May	12,596	6,672	7,814	7,954	6,056	6,314	4,722	4,932	5,886	5,476	4,384	5,826	5,596	4,336
Jun		9,284	7,940	6,314	10,718	4,018	4,516	5,108	5,812	4,544	5,648	4,220	4,014	5,562
Jul		15,876	16,244	13,944	14,456	10,445	9,422	9,608	12,866	9,922	11,178	8,981	8,764	8,658
Aug		28,558	26,416	25,228	35,718	23,934	22,658	21,708	21,214	19,274	15,146	19,688	18,269	16,868
Sep		46,424	34,026	32,472	47,628	33,657	37,060	35,686	31,794	32,296	29,228	27,946	30,978	25,758
Oct		32,380	45,006	30,964	32,142	31,996	24,106	23,400	24,112	23,688	20,936	20,536	19,900	22,072
Nov		27,822	24,622	28,614	33,402	25,118	21,926	23,158	19,268	19,916	20,006	17,232	19,340	21,008
Dec		11,732	11,184	11,214	10,186	10,028	7,934	6,876	10,360	9,536	6,920	7,928	6,618	6,794
	47,046	214,332	206,380	186,346	220,752	168,846	156,542	161,724	159,780	152,646	139,110	137,365	136,699	130,498

**City sales tax is up \$4,790 (47,046 - 42,256) for the same period last year  
and up \$5,924 (12,596 - 6,672) compared to last May**

2016						2015						2014		
Jan.	8,462	17.99%				Jan.	10,214	4.77%				Jan.	6,754	3.27%
Feb	8,144	17.31%				Feb	9,266	4.32%				Feb	10,564	5.12%
Mar	9,350	19.87%				Mar	6,674	3.11%				Mar	8,114	3.93%
Apr	8,494	18.05%				Apr	9,430	4.40%				Apr	7,696	3.73%
May	12,596	26.77%				May	6,672	3.11%				May	7,814	3.79%
Jun		0.00%	100.00%			Jun	9,284	4.33%	24.05%			Jun	7,940	3.85%
Jul		0.00%				Jul	15,876	7.41%				Jul	16,244	7.87%
Aug		0.00%				Aug	28,558	13.32%				Aug	26,416	12.80%
Sep		0.00%				Sep	46,424	21.66%				Sep	34,026	16.49%
Oct		0.00%				Oct	32,380	15.11%				Oct	45,006	21.81%
Nov		0.00%				Nov	27,822	12.98%				Nov	24,622	11.93%
Dec		0.00%	0.00%			Dec	11,732	5.47%	75.95%			Dec	11,184	5.42%
	47,046	100.00%					214,332	100.00%					206,380	100.00%

# FYI

Catherine & Avery Augur  
113 West 5<sup>th</sup> Street  
Creede, CO 81130  
[cataugur@gmail.com](mailto:cataugur@gmail.com)  
[averyaugur@aol.com](mailto:averyaugur@aol.com)

received  
6/29/16

June 21, 2016

Jeff Larson, Mayor, and City of Creede Trustees  
City of Creede  
2223 N. Main Street  
Creede, CO 81130

To the Honorable Mayor Larson, Trustee Brink, Trustee Dooley, Trustee Freer, Trustee Kim, Trustee Wall, and Trustee Wyley:

Please accept this letter as a formal complaint of Ordinance 397 regulating OHV use passed on May 1, 2016.

On Saturday, June 18, 2016, at 1:56pm, one OHV was seen parked on the corner of 3<sup>rd</sup> Street and Main Street. This was outside the designated Public Parking Areas, as indicated in the informational OHV flyer provided by the City.

We have provided photo documentation of the incident. It is supplied below.



If you have any questions, please let us know.

Sincerely,

Catherine and Avery Augur

Cc: Clyde Dooley, City Manager  
Randi Snead, City Clerk

Catherine & Avery Augur  
113 West 5<sup>th</sup> Street  
Creede, CO 81130  
[cataugur@gmail.com](mailto:cataugur@gmail.com)  
[averyaugur@aol.com](mailto:averyaugur@aol.com)

FYI

received  
6/30/16

June 27, 2016

Jeff Larson, Mayor, and City of Creede Trustees  
City of Creede  
2223 N. Main Street  
Creede, CO 81130

To the Honorable Mayor Larson, Trustee Brink, Trustee Dooley, Trustee Freer, Trustee Kim, Trustee Wall, and Trustee Wyley:

Please accept this letter as a formal complaint of Ordinance 397 regulating OHV use passed on May 1, 2016.

On June 27, 2016, at 2:03pm, one OHV was seen travelling Eastbound on 5<sup>th</sup> Street. Per the OHV Route and Regulations flyer provided by the City, 5<sup>th</sup> Street is NOT a designated route for OHVs.

We have provided photo documentation of the incident. It is supplied below.



If you have any questions, please let us know.

Sincerely,   
Catherine and Avery Augur

Cc: Clyde Dooley, City Manager  
Randi Snead, City Clerk

Catherine & Avery Augur  
113 West 5<sup>th</sup> Street  
Creede, CO 81130  
[cataugur@gmail.com](mailto:cataugur@gmail.com)  
[averyaugur@aol.com](mailto:averyaugur@aol.com)

received  
6/30/16

FYI

June 27, 2016

Jeff Larson, Mayor, and City of Creede Trustees  
City of Creede  
2223 N. Main Street  
Creede, CO 81130

To the Honorable Mayor Larson, Trustee Brink, Trustee Dooley, Trustee Freer, Trustee Kim, Trustee Wall, and Trustee Wyley:

Please accept this letter as a formal complaint of Ordinance 397 regulating OHV use passed on May 1, 2016.

On Saturday, June 25, 2016, at 2:14pm, two OHVs were seen parked on the corner of 3<sup>rd</sup> Street and Main Street. This was outside the designated Public Parking Areas, as indicated in the informational OHV flyer provided by the City.

We have provided photo documentation of the incident. It is supplied below.



If you have any questions, please let us know.

Sincerely,   
Catherine and Avery Augur

Cc: Clyde Dooley, City Manager  
Randi Snead, City Clerk

## **Mayor/Board of Trustees:**

**I've compiled all of the Rio Grande Ave vacation info that I had as requested at the work session and included it below.**

### **-Randi**

**6/12/12** – PZC first discusses vacating “triangle.”

**7/10/12** – PZC

#### RAILROAD RIGHT-OF-WAY

The Commission continued to discuss abandonment of Rio Grande Avenue from 3<sup>rd</sup> to 5<sup>th</sup> avenue according to direction given by the Board of Trustees on July 10, 2012. Commission Chair Augur presented his ideas and suggestions to the Commission including widening an alley, designing a parking area with aspen trees and planters, abandoning Rio Grande to clean up encroachments, and dividing the remaining land into residential lots. The Commission discussed possible opposition to developing the area and various options for doing so. Commission Chair Augur volunteered to develop detailed plans to review at the next meeting for approval.

**10/2/12** – BOT reviews the following along with the attached map and gives direction to proceed with plans to vacate as presented.

As part of the ongoing discussion of the railroad right-of-way land, members of the Planning & Zoning Commission considered a proposal made by Avery Augur (who disclosed ownership of property that would be affected by the proposal) in which Rio Grande Avenue would be abandoned from Third Street to Fifth Street in order to resolve current encroachments by adjacent property owners, create a parking lot from Third Street to the alley between Third and Fourth Street, and open space from that point south. Adjacent property owners would receive half of the vacated land, and the remainder could be used however the city wishes. Selling the lots for residential use was suggested and various ways of doing so was discussed, including restricting lots for use as a primary residence only or creating a way to prevent vacation rentals through lease restrictions. The Planning Commission decided to seek further discussion of this proposal with the Board of Trustees at their upcoming work session.

**10/9/12** – PZC

#### ONGOING DISCUSSION

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##### RAILROAD RIGHT-OF-WAY – RIO GRANDE AVENUE PARKING LOT & VACATION

The Board of Trustees gave the Planning Commission direction to continue with plans to vacate Rio Grande Avenue at their regular meeting October 2, 2012. Dooley advised the Commission that there was some funding available for land projects from DOLA and that our engineer had been asked to take a look at the property when he visited later this month. He had also received advice from Attorney Heil that a 60-foot right of way would be ideal on Loma. Commission Chair Augur volunteered to adjust the maps accordingly. Adjacent property owner options were discussed at length.

**1/8/13** – PZC

[PUBLIC INFO & INPUT SESSION PRIOR TO MEETING]

#### ONGOING DISCUSSION

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##### RAILROAD RIGHT-OF-WAY – RIO GRANDE AVENUE PARKING LOT & VACATION

Thoughts and reactions from the community information meeting were discussed at length. Commission Chair Augur described that maintaining a 60-foot right-of-way on Loma Street during the planned vacation of Rio Grande would result in the loss of the southernmost lot as it would not be large enough to comply with city lot regulations. Various directions were discussed for the project and the Commission decided to take time to process the information and revisit the topic at the next regular meeting.

6/11/13 – PZC

ONGOING DISCUSSION

RAILROAD RIGHT-OF-WAY – RIO GRANDE AVENUE PARKING LOT & VACATION

The Commission discussed possible direction for this property at length. It was decided that vacating would solve many encroachment issues and provide property in town. Manager Dooley explained the various processes that would have to take place with each property owner and pointed out that the town would need to establish utility easements throughout. Commissioner Shepperd moved and Commissioner Grossman seconded to recommend that the Board of Trustees vacate Rio Grande Avenue from Third Street to Fifth Street. The vote was unanimous. Commission Chair Jordan declared the motion carried.

Throughout 2013 and 2014, updates to PZC that staff is in contact with surveyor and engineer regarding project.

6/17/14 – BOT discusses at a work session.

3/10/15 – 1<sup>st</sup> public hearing.

6/9/15 – 2<sup>nd</sup> public hearing.

10/13/15 – 3<sup>rd</sup> and final public hearing \*Presented plan attached:

PUBLIC HEARING & RELATED ACTIONS

DEVELOPMENT OF RIO GRANDE AVENUE BETWEEN THIRD AND FIFTH STREET

Commission Chair Jordan opened the public hearing. An inconsistency in the width of the property vacated back to the owner alongside the swale on the north properties versus the south properties of the project was discussed, and staff is to follow up on the reasoning behind the differences. Regardless of use, the Commission and the audience was still in agreement that the preliminary plat of roads on the presented plan would work best for the project. Commission Chair Jordan closed the public hearing. Commissioner Grossman moved and Commissioner Freer seconded to recommend that the Board of Trustees approve the preliminary concept maps as presented. The vote was unanimous. Commission Chair Jordan declared the motion carried.

11/3/16 – BOT approves Resolution 2015-08 approving plan and authorizing expenses [attached].

- I. CALL TO ORDER
- II. ROLL CALL
- III. REVIEW AGENDA
- IV. CONSENT OF SEPTEMBER 8, 2015 MINUTES

## PUBLIC HEARING AND INPUT SESSION

REGARDING THE DEVELOPMENT OF RIO GRANDE AVENUE BETWEEN THIRD STREET AND FIFTH STREET



Please let us know what you would like to see in this neighborhood!

- V. RECCOMENDATION RGA TRIANGLE
- VI. PUBLIC HEARINGS AND RELATED ACTIONS
  - a. Recommend Ordinance 391 Vacating A Portion Of Creede Avenue in North Creede and Authorizing The Transfer Of Property
  - b. Recommend Resolution 2015-06 Re-Platting Of Tract 31r & 31r-2, Block 44, North Creede
- VII. NEW BUSINESS
  - a. Vacation of Alley in Block 14 – Dooley
- VIII. ADJOURN

POSTED 10/8/15

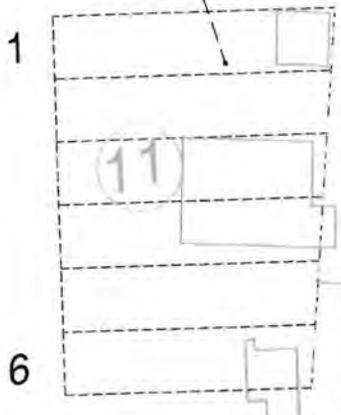
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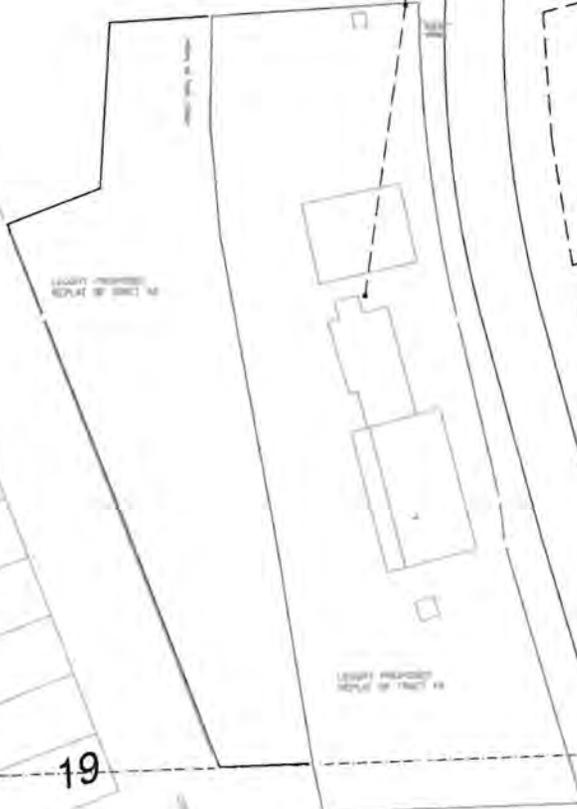
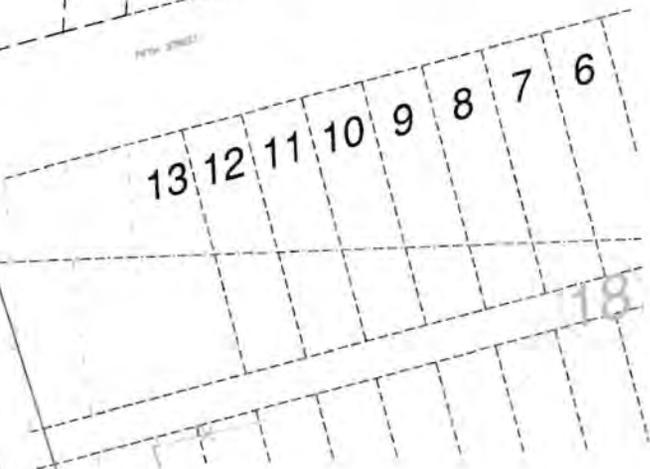
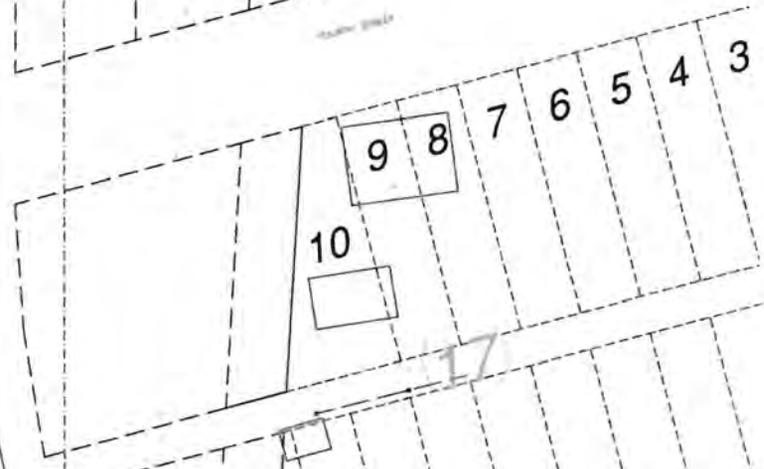
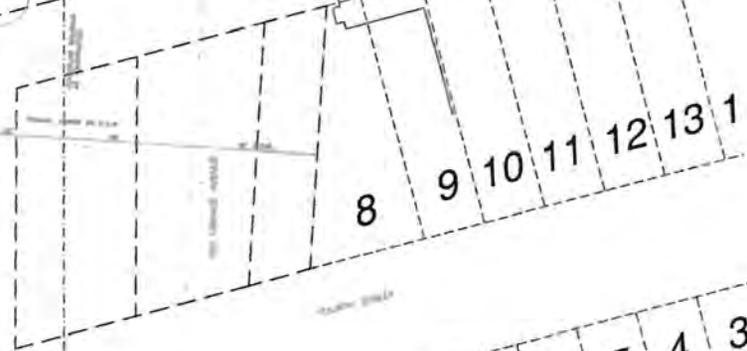
OPEN TO THE PUBLIC



Kentia



(42)



# RE-PLAT RIO GRANDE AVENUE AS "RIO GRANDE LANE"

- WIDTH AS NECESSARY TO PROTECT EXISTING WATER AND SEWER MAINS AND FUTURE DRAINAGE SWALE
- CREATE 3 NEW BUILDABLE LOTS

PLAT 4<sup>TH</sup> STREET THROUGH TO LOMA AS 40' ROW  
 PLAT 5<sup>TH</sup> STREET THROUGH TO LOMA AS 50' ROW



STORMWATER DETENTION/  
 SNOW STORAGE

**LEGEND**

- LOW NATIVE GRASSES; NO DRIVING
- VACATE EXCESS ROW BACK TO ADJACENT
- GRAVEL ALLEY AND ACCESS DRIVE
- PAVED STREET
- CULVERT

PRELIMINARY  
 August 13 2014



1XXX	2XXX	3XXX	4XXX	5XXX	6XXX	7XXX
------	------	------	------	------	------	------