

REGULAR MEETING

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. REVIEW AGENDA
- V. CONSENT AGENDA
 - a. Approve/Disapprove August 2 & August 16, 2016 Minutes
 - b. Review/Consent of August 2016 Check Detail Report
 - c. Approve/Disapprove September 6, 2016 Unpaid Bills Report [Updated version avail 9/6]
- VI. REPORTS & PRESENTATIONS
 - a. Public Works Report - Ben Davis (verbal)
 - b. LWCRCo Report - Catherine Kim (verbal)
 - c. Written Reports (Rec, BI, P&R) - **Read ONLY**
- VII. OLD BUSINESS
 - a. Approve/Disapprove Resolution 2016-09 Administrative Approval of Liquor License Tasks
- VIII. NEW BUSINESS
 - a. Approve/Disapprove Basham Park Revitalization Project
- IX. MANAGERS REPORT
 - a. Drug Testing Employees and Costs
 - b. Rio Grande Avenue Direction
- X. ADJOURN

POSTED 9/2/16

OPEN TO THE PUBLIC

BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO - A TOWN
August 2, 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, Catherine Kim [arr. at 5:49 p.m.], Jeffrey Larson, Frank Freer, Dana Brink
OFFICIALS ABSENT: Teresa Wall

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

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

CONSENT AGENDA

The consent agenda contained the following items:

- a. Approve/Disapprove July 5, 2016 Minutes
- b. Review/Consent of July 2016 Check Detail Report
- c. Approve/Disapprove August 2, 2016 Unpaid Bills Report [Available 8/2]
- d. Approve/Disapprove Parade Permit Snow Country Explorers Fundraiser
- e. Approve/Disapprove Private Event Permit Farmer's Market Fridays 2016
- f. Approve/Disapprove Parade Permit Cruising the Canyon 9/17
- g. Approve/Disapprove Parade Permit Gravity Derby 9/4
- h. Approve/Disapprove Parade Permit Creede Mountain Run 9/3

The Farmer's Market Permit was removed for separate consideration. Trustee Dooley moved and Trustee Brink seconded to approve the consent agenda as presented. The vote was unanimous. Mayor Larson declared the motion carried. Public comment was received on the Farmer's Market event permit. The item was scheduled for evaluation and discussion at the October 11, 2016 Work Session. Trustee Dooley moved and Trustee Brink seconded to approve the Private Event Permit for the Farmer's Market. 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 Sherriff's Office donated a durable outdoor use laptop to Public Works.
- Several small water leaks have been identified and repaired.
- The Gazebo has been the topic of recent discussions and may be rebuilt.
- The gym combination key safe system and gym security in general were discussed at length.

LOWER WILLOW CREEK RESTORATION COMPANY REPORT

Trustee Kim reported that a successful community meeting was held to facilitate the Master Plan update with trails and usable areas. Dirt work is GOCO Inspire participants are also hoping to include the "Willow Creek Corridor" as part of a grant application to improve area green space.

OLD BUSINESS

APPROVE/DISAPPROVE PARKS & RECREATION ADVISORY BOARD BYLAWS

Trustee Brink moved and Trustee Dooley seconded to approve the Parks & Recreation Advisory Board Bylaws as presented. The vote was unanimous. Mayor Larson declared the motion carried.

APPROVE/DISAPPROVE PARKS & RECREATION DIRECTOR JOB DESCRIPTION

Several changes were made to the job description. Manager Dooley was instructed to advertise the position and facilitate the hiring process with help from the Parks & Recreation Advisory Board. Trustee Dooley moved and Trustee Kim seconded to approve the Parks & Recreation Director Job Description as amended. The vote was unanimous. Mayor Larson declared the motion carried.

APPROVE/DISAPPROVE CREEDE PARKS & RECREATION RELEASE & WAIVER OF LIABILITY & INDEMNITY AGREEMENT

Trustee Dooley moved and Trustee Kim seconded to approve the Parks & Recreation Release and Waiver of Liability as presented. The vote was unanimous. Mayor Larson declared the motion carried.

MANAGER'S REPORT

Flume Setback Change: Dooley described the oversight regarding the setback regulations from the flume in the new development code and asked that the Trustees make a motion to correct it. Trustee Dooley moved and Trustee Wall seconded to correct the setback distance in our new Development Code, Section 9-07-050 from 30 feet to 15 feet. The vote was unanimous. Mayor Larson declared the motion carried.

Gazebo: Dooley will prepare a bid packet for rebuilding the Gazebo by the upcoming Work Session. He was directed to facilitate a repair to the broken step until the structure could be replaced.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Freer moved and Trustee Brink seconded that the meeting be adjourned at 7:09 p.m. The vote was unanimous. Mayor Larson declared the motion carried.

Respectfully submitted:

/Randi Snead/
Randi Snead, City Clerk/Treasurer

**BOARD OF TRUSTEES
CITY OF CREEDE, COLORADO - A TOWN
August 16, 2016**

SPECIAL 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 5:36 p.m. There being present at the call of the roll the following persons:

TRUSTEES 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, Town Manager
Randi Snead, Clerk/Treasurer

REVIEW AGENDA

Clerk Snead requested that Approve/Disapprove Resolution 2016-08 Authorizing a Grant Application with DOLA and Approve/Disapprove Amending Farmers Market Private Event Permit to include Sunday, September 4, 2016 be added to New Business. Trustee Wall moved and Trustee Dooley seconded to approve the agenda as presented. The vote was unanimous. Mayor Larson declared the motion carried.

NEW BUSINESS

APPROVE/DISAPPROVE LIQUOR LICENSE RENEWAL - KIP'S GRILL LLC

Trustee Wall moved and Trustee Brink seconded to approve Kip's Grill, LLC Liquor License Renewal as presented. The vote was unanimous. Mayor Larson declared the motion carried.

APPROVE/DISAPPROVE MEMORANDUM OF UNDERSTANDING CDOT

The MOU with CDOT was tabled for consideration to a special meeting following the September Work Session, where an evaluation of OHV use has been scheduled with the Mineral County Sherriff's Department.

APPROVE/DISAPPROVE EXPENDITURE OHV CROSSING SIGN COSTS

The expenditure of OHV crossing signs was tabled for consideration to a special meeting following the September Work Session, where an evaluation of OHV use has been scheduled with the Mineral County Sherriff's Department.

APPROVE/DISAPPROVE RESOLUTION 2016-08 AUTHORIZING A GRANT APPLICATION WITH DOLA

Trustee Kim moved and Trustee Brink seconded to approve Resolution 2016-08 Authorizing a Grant Application with DOLA as presented. The vote was unanimous. Mayor Larson declared the motion carried.

APPROVE/DISAPPROVE AMENDING FARMERS MARKET PRIVATE EVENT PERMIT TO INCLUDE SUNDAY, SEPTEMBER 4, 2016

Questions were asked and answered by event representatives. Trustee Brink moved and Trustee Freer seconded to amend the Farmer's Market Private Event Permit to include Sunday,

September 4, 2016. There were four yes votes and two no votes (Dooley and Kim). Mayor Larson declared the motion carried.

ADJOURN

There being no further business to come before the Board of Trustees at this time, Trustee Brink moved and Trustee Dooley seconded that the meeting be adjourned at 6:06 p.m. The vote was unanimous. Mayor Larson declared the motion carried.

Respectfully submitted:

 /Randi Snead/
Randi Snead, City Clerk/Treasurer

9:00 AM

CITY OF CREEDE; A COLORADO TOWN

09/02/16

Monthly Check Detail

Accrual Basis

August 2016

Type	Date	Num	Name	Memo	Amount
Aug 16					
Bill Pmt -C...	08/08/2016	9229	Tomkins Hardware & Lumber	Acct 580 July Charges	-265.49
Liability C...	08/08/2016	AFL...	AFLAC	BJB74	-111.12
Liability C...	08/08/2016	AFL...	AFLAC	BJB74	-111.12
Bill Pmt -C...	08/08/2016	9230	Caterpillar Financial Services Co...	17092667/Loader Lease Payment	-1,938.71
Bill Pmt -C...	08/08/2016	9231	Del Norte Auto Supply, Inc.	19109/F250 Parts	-244.84
Bill Pmt -C...	08/08/2016	9232	Eloise Hooper	Reimburse Eloise Science Camp Materials	-24.21
Bill Pmt -C...	08/08/2016	9233	Kentucky Belle Market	July Charges/Acct. #15 Tax Exempt	-258.39
Bill Pmt -C...	08/08/2016	9234	Monte Vista Cooperative	Monthly Propane & Shop Charges	-3.08
Bill Pmt -C...	08/08/2016	9235	Muleys Disposal Service	Aug Trash Svcs/Accts 116, 1197, 1198, 19...	-533.00
Bill Pmt -C...	08/08/2016	9236	Oceans & Rivers, LLC	July Fuel Charges	-470.91
Bill Pmt -C...	08/08/2016	9237	Quill Corporation	Office Supply	-96.66
Bill Pmt -C...	08/08/2016	9238	San Luis Valley Auto Repair, LLC	11493/F250 Repairs	-454.25
Bill Pmt -C...	08/08/2016	9239	UNCC	RTL Transmissions/May-July	-42.90
Bill Pmt -C...	08/08/2016	9240	Valley Imaging Products, LLC	Monthly Service Agreement	-60.00
Bill Pmt -C...	08/08/2016	9241	Grand Junction Pipe & Supply C...	3403298/Sprinkler Parts	-375.00
Paycheck	08/15/2016	20000	Catherine Kim		-153.92
Paycheck	08/15/2016	20001	Dana D Brink		-153.92
Paycheck	08/15/2016	9242	Frank Freer		-153.92
Paycheck	08/15/2016	9243	Jeffrey A Larson		-351.80
Paycheck	08/15/2016	9244	Lori G. Dooley		-153.92
Paycheck	08/15/2016	20002	Merolyn K Wyley		-153.92
Paycheck	08/15/2016	20003	Teresa Wall		-153.92
Paycheck	08/15/2016	20004	Benjamin J Davis		-1,288.26
Paycheck	08/15/2016	20005	Charles A Pilant		-355.34
Paycheck	08/15/2016	20006	Clyde E Dooley		-1,759.03
Paycheck	08/15/2016	9245	Eloise T Hooper		-527.79
Paycheck	08/15/2016	20007	Randi L Snead		-1,349.09
Paycheck	08/15/2016	20008	Robert B Schlough		-1,167.29
Paycheck	08/15/2016	9246	Scott W Leggitt		-917.69
Bill Pmt -C...	08/15/2016	9247	Allpine Title of Monte Vista	Title Research/Rio Grande Lane Subdivision	-450.00
Bill Pmt -C...	08/15/2016	9248	Davis Engineering Service, Inc.	Survey Work	-3,526.90
Bill Pmt -C...	08/15/2016	9249	Heil Law and Planning, LLC	General Services Jan-July 2016	-1,380.00
Bill Pmt -C...	08/15/2016	90001	Kelvin Walker	Contract Labor/10 hours @ \$15.00/hour	-150.00
Check	08/15/2016	90000	City of Creede	VOID: Printed over check	-1.00
Liability C...	08/18/2016	941-...	United States Treasury	84-6000575	-2,807.08
Liability C...	08/18/2016	CC...	GWRS (CCOERA)	98721-01/1220	-521.14
Bill Pmt -C...	08/18/2016	90003	VISA		-634.53
Bill Pmt -C...	08/22/2016	90004	Brown's Septic Service, Inc.	VOID: 4th of July Porta Potty Rental	0.00
Bill Pmt -C...	08/22/2016	90005	Caleb Simon	554/Baseball Feild Electric Work	-314.00
Bill Pmt -C...	08/22/2016	90006	Ciello	Aug Phone/Internet Service	-295.11
Bill Pmt -C...	08/22/2016	90007	Creede Chamber of Commerce	Gravity Derby Donation	-125.00
Bill Pmt -C...	08/22/2016	90008	Ramona Weber	Building Inspection Services	-317.00
Bill Pmt -C...	08/22/2016	90009	SLVREC	Electric Charges	-1,208.00
Bill Pmt -C...	08/22/2016	90010	Valley Courier	Classified Ad/Parks & Recreation Director	-117.00
Bill Pmt -C...	08/22/2016	90011	Willow Creek Reclamation Com...	Rec Program	-134.68
Check	08/24/2016	90002	City of Creede	VOID: Printed over check created on 08/24...	0.00
Paycheck	08/31/2016	90012	Benjamin J Davis		-1,323.86
Paycheck	08/31/2016	90013	Charles A Pilant		-423.46
Paycheck	08/31/2016	90017	Robert B Schlough		-1,266.95
Paycheck	08/31/2016	90014	Clyde E Dooley		-1,759.03
Paycheck	08/31/2016	90015	Eloise T Hooper		-527.78
Paycheck	08/31/2016	90016	Randi L Snead		-1,349.09
Paycheck	08/31/2016	90018	Scott W Leggitt		-917.70
Bill Pmt -C...	08/31/2016	90019	Valley Publishing	Parks Rec Ad	-58.45
Bill Pmt -C...	08/31/2016	90020	Wagner Equipment Co.	S03W0824834/Repair Backhoe Air Leak	-875.89
Bill Pmt -C...	08/31/2016	90021	Brown's Septic Service, Inc.	4th of July Porta Potty Rental	-700.00
Liability C...	08/31/2016	941-...	United States Treasury	84-6000575	-2,650.64
Liability C...	08/31/2016	CC...	GWRS (CCOERA)	98721-01/1220	-532.70
Liability C...	08/31/2016	90022	CEBT	City of Creede, 32705SG	-3,822.88
					-41,819.36

Aug 16



NEXT
PAGE

10:09 AM

09/02/16

Accrual Basis

Water and Sewer Fund Monthly Check Detail August 2016

Type	Date	Num	Name	Memo	Amount
Aug 16					
Bill Pmt -Check	08/01/2016	SX0716	City of Creede	July 2016 Salary Reimbursement	-10,924.74
Bill Pmt -Check	08/02/2016	3275	Accutest Mountain St...	Testing Supplies	-369.50
Bill Pmt -Check	08/08/2016	3276	B & B Construction L...	Trackhoe/dug water line/back fill	-450.00
Bill Pmt -Check	08/08/2016	3277	CDPH&E	Annual Billing WWTF Permit #CO0040533	-2,120.00
Bill Pmt -Check	08/08/2016	3278	Kentucky Belle Market	July Charges/#15 Tax Exempt	-7.78
Bill Pmt -Check	08/08/2016	3279	Tomkins Hardware &...	Tomkins Charges	-69.62
Bill Pmt -Check	08/08/2016	3280	CDPH&E	FGD2016601/Community Drinking Water Fee	-310.00
Bill Pmt -Check	08/08/2016	3281	CDPH&E	Annual Pretreatment Billing WWTF Permit #CO0040533	-75.00
Bill Pmt -Check	08/12/2016	3282	Accutest Mountain St...	Testing Supplies	-362.50
Bill Pmt -Check	08/12/2016	3283	Department of Local ...	EIAF#5380/Creede Water Line Replacement Loan	-5,433.76
Bill Pmt -Check	08/12/2016	3284	Heil Law & Planning	WS Legal Svcs Jan-July 2016	-105.00
Bill Pmt -Check	08/12/2016	3285	Southern Colorado ...	1333/Contract Work WW Sampling & Paperwork	-312.50
Bill Pmt -Check	08/18/2016	3286	VISA		-313.89
Bill Pmt -Check	08/22/2016	3287	Biolyneus	6282/ProBiotic Scrubber II-30 pcs-Sewer Treatment	-1,428.64
Bill Pmt -Check	08/22/2016	3288	CenturyLink	300794269/July Phone	-117.96
Bill Pmt -Check	08/22/2016	3289	DPC Industries, Inc.	DE73000768-16/Chlorine	-36.00
Bill Pmt -Check	08/22/2016	3290	Front Range Winwat...	Water Meter Supplies	-762.82
Bill Pmt -Check	08/22/2016	3291	SLVREC	July Electricity Charges	-4,490.00
Bill Pmt -Check	08/22/2016	3292	USA Blue Book	Blower Parts	-1,148.34
Bill Pmt -Check	08/30/2016	3293	Accutest Mountain St...	Testing Costs	-340.50
Bill Pmt -Check	08/30/2016	3294	City of Creede	August 2016 Salary Reimbursement	-11,594.73
Bill Pmt -Check	08/30/2016	3295	USA Blue Book	Blower Parts	-603.67
					-41,376.95

Aug 16

Bill Pmt -Check 3286 08/18/2016 VISA

Bill	ADJ02961	07/17/2016	Wastewater Testing/Shipping	-10.50
Bill	65035	07/18/2016	Wastewater Shipping	-12.15
Bill	96282	07/18/2016	Wastewater Shipping	-57.41
Bill	Postage	07/19/2016	1/2 Gen Office Postage	-70.50
Bill	79090	07/19/2016	Wastewater Testing/Shipping	-11.50
Bill	32306	07/21/2016	Wastewater Testing/Shipping	-83.46
Bill	ADJ03061	07/25/2016	Wastewater Testing/Shipping	-10.50
Bill	91910	07/28/2016	Wastewater Testing/Shipping	-47.37
Bill	ADJ03161	07/28/2016	Wastewater Testing/Shipping	-10.50

TOTAL -313.89

GF VISA DETAIL

90003	08/18/2016	VISA		
9978	06/26/2016	ID Badges		-51.72
Rec Supp-Generator	07/15/2016	Rec Supp-Generator		-37.70
5ANGT	07/15/2016	Rec Supply		-9.19
8DQR	07/15/2016	Recreation Supplies		-8.30
8KG4	07/15/2016	Recreation Supplies		-34.71
TWH4	07/15/2016	Recreation Supplies		-22.49
0869	07/15/2016	Recreation Supplies		-10.24
Dlirtre	07/15/2016	Recreation Supplies		-8.63
ZHRTS	07/15/2016	Recreation Supplies		-42.29
FRAUDULENT	07/15/2016	FRADULENT TRANSACTION Applied for Credit Via Affidavit, Ca...		-76.28
ATV Signs	07/15/2016	ATV Signage		-82.50
Office Software	07/15/2016	Renew Backup Software		-95.00
Postage	07/19/2016	Postage General Office		-70.50
Checks	07/19/2016	GF Checks		-84.98
TOTAL				-634.53

CITY OF CREEDE; A COLORADO TOWN

Unpaid Bills Detail

As of September 2, 2016

Type	Date	Num	Memo	Due Date	Aging	Open Balance
Caterpillar Financial Services Corp.						
Bill	09/01/2016		17092667/Loader Lease Payment	09/11/2016		1,938.71
Bill	08/15/2016	17298...	17298461/Loader Lease Payment	09/19/2016		1,938.71
Total Caterpillar Financial Services Corp.						3,877.42
Kristeen Lopez						
Bill	09/02/2016	Recrea...	Recreation Instructor	09/12/2016		45.00
Total Kristeen Lopez						45.00
Merrick & Company						
Bill	08/29/2016	152449	152449/May Professional Services	09/08/2016		295.00
Total Merrick & Company						295.00
Muleys Disposal Service						
Bill	09/02/2016	Trash ...	Sep Trash Svcs/Accts 116, 1197, 1198, 1962, 2040	09/12/2016		533.00
Total Muleys Disposal Service						533.00
Ramona Weber						
Bill	09/02/2016	BP 16-...	Building Inspection Services	09/12/2016		244.00
Total Ramona Weber						244.00
Randi Snead						
Bill	08/18/2016	Reimb...	Travel Expenses: Bank Trips Excluding Personal Dro...	08/28/2016	5	287.71
Total Randi Snead						287.71
U.S. Postal Service						
Bill	09/02/2016	PO Box	Annual Post Office Box Rental	09/12/2016		110.00
Total U.S. Postal Service						110.00
VISA						
Bill	07/20/2016	79978	City ID Badges	09/01/2016	1	51.72
Bill	09/02/2016	Rec Su...	Rec Supplies	09/12/2016		107.28
Bill	08/29/2016	ATV Si...	ATV Signs	10/01/2016		74.73
Total VISA						233.73
TOTAL						5,625.86

Water and Sewer Fund
Unpaid Bills Detail
 As of September 2, 2016

Type	Date	Num	Memo	Due Date	Aging	Open Balance
Dana Kepner Company, Inc.						
Bill	08/29/2016	14332...	1433278/Meter Parts/Reimbursable	09/08/2016		731.59
Total Dana Kepner Company, Inc.						731.59
Del Norte Auto Supply, Inc.						
Bill	09/02/2016	021197	Wastewater Blowers IND Belt	09/12/2016		259.96
Total Del Norte Auto Supply, Inc.						259.96
Grand Junction Pipe						
Bill	09/02/2016	34147...	3414706/Water Tap Supplies	09/12/2016		2,354.44
Bill	09/02/2016	34147...	3414710/Water Tap Supplies	09/12/2016		297.05
Bill	09/02/2016	34147...	3414709/Water Tap Supplies	09/12/2016		126.61
Bill	09/02/2016	34147...	3414708/Water Tap Supplies	09/12/2016		170.17
Total Grand Junction Pipe						2,948.27
Merrick & Company						
Bill	08/29/2016	152450	152450/ May Professional Services	09/08/2016		844.00
Total Merrick & Company						844.00
Randi Snead						
Bill	08/18/2016	14412	Reimburse for shipping, City card compromi...	08/28/2016	5	57.68
Total Randi Snead						57.68
Sangre De Cristo Lab, Inc.						
Bill	09/02/2016	182367	182367/BacT	09/12/2016		60.00
Total Sangre De Cristo Lab, Inc.						60.00
UNCC						
Bill	09/02/2016	21608...	RTL Transmissions (1) I#216080219	09/12/2016		1.43
Total UNCC						1.43
VISA						
Bill	08/18/2016	10000...	Wastewater Testing/Shipping	08/28/2016	5	70.96
Bill	08/24/2016	265629	Wastewater Testing/Shipping	09/03/2016		11.50
Bill	09/02/2016	15619	Wastewater Testing/Shipping	09/12/2016		55.02
Bill	09/02/2016	25628	Wastewater Testing/Shipping	09/12/2016		83.86
Bill	08/09/2016	671443	Wastewater Testing/Shipping	10/01/2016		55.02
Bill	08/11/2016	14412	Wastewater Testing/Shipping	10/01/2016		57.68
Total VISA						334.04
TOTAL						5,236.97

Town Board of Trustees
September 6, 2016
Eloise Hooper

The Tumbling Camp went well. There were 6 youth in the younger class and 2 in the older class. On the last day, parents, relatives and friends were invited to see what the kids had learned. Approximately 20 people showed up to watch the younger kids tumble and show off a short routine and about 15 came for the older kids presentation.

I have been working on fall Movie Night, Game Night, and Renaissance Kids schedules. I am moving Game Night and Movie Night to the gym. With this move to the gym from the Community Center and the Baptist Church, supplies will not have to be hauled each time and Rec will save about \$100 an month. Rec can pay a helper(s) to help watch the kids and manage the snacks. I have also been talking with Kristeen Lopez to expand the Game Night to possibly include adults and board games. Adults would pay a small fee to help pay for a baby sitter. A portion of the gym or locker room would be set aside for toddlers and younger children, watched over by an older youth or adult. Older kids and teens would have areas to play video games, board games, basketball, etc. Rec has some board games plus the adults would bring others.

I have also been starting to begin planning the Halloween Party. The CELC is interested in planning a combined party. CELC board member, Kristeen Lopez, met with me to look at options. Right now we are looking at Saturday, October 29 from 1- 5pm. We would combine decorations, games, etc. to make a large party for all ages. Adults could also get in on the fun. At 5 pm there would be a supper served in the cafeteria area. Food would be donated and a charge per person charged. I have tried to have a combined party before but this year it is going to happen.

Kristeen and I are also working to get a Dance Program reinstated. Years ago, our Dance program had more than 40 youth involved. Ages ran from age 4 – 17. The Spring Recital was held on the CRT mainstage. Then the population fell and the instructors moved away. Population of families with children is on the upswing and we have people who can teach living near again. Rec has mirrors, portable ballet bars, leotards, shoes, etc. I am excited about the prospect of getting the program going again.

I am taking a vacation and will be out of town from September 12 – 27 to visit family.

From: [Anne Pizel](#)
To: [Randi Snead](#); [Clyde Dooley](#)
Subject: Creede Parks and recreation advisory board
Date: Thursday, September 01, 2016 6:26:07 AM

Hi Randi and Clyde,

We held a special meeting to discuss the retirement of the arts and recreation coordinator (Eloise). Our board is recommending that the position not be rehired immediately and that the new Parks and Recreation Director be responsible for oversight and hiring of that position.

Other than that, we don't have too much to tell the board. We continue to meet regularly, third Monday of the month at 5:15 PM. We are excited to get a director hired and see programming and more gym time. In response to inquiries we are trying to have the gym open and available to the public more through volunteers. We hope to have a volunteer training including CPR training in late October. Total gym on Fridays and Tues Thursday open gym is continuing. I will have Amanda forward our most recent schedule.

On a side note, Ginger noticed that there was no longer a defibrillator in gym. She has obtained one through the county, thanks ginger!~

Thanks

--

Anne M. Pizel

877-658-2533

719-849-3298 cell

719-658-3074 home

anniepizel@gmail.com

RESOLUTION 2016-09

A RESOLUTION OF THE CITY OF CREEDE, A COLORADO TOWN, IN ITS CAPACITY AS THE LOCAL LIQUOR LICENSING AUTHORITY, AUTHORIZING THE CITY CLERK TO ADMINISTRATIVELY APPROVE LIQUOR LICENSE APPLICATION RENEWALS, TEMPORARY PERMITS, AND ROUTINE LICENSING MATTERS, UNDER CERTAIN TERMS AND CONDITIONS

WHEREAS, pursuant to C.R.S. § 12-47-103(17), the City of Creede ("City") Board of Trustees ("Board") serves as the Local Liquor Licensing Authority ("Authority"); and

WHEREAS, the Authority possesses all the powers of a licensing authority as set forth in the Colorado Beer Code, Colorado Liquor Code and Special Event Permits Code, C.R.S. articles 46, 47 and 48 of Title 12; and

WHEREAS, pursuant to said provisions of state law, the Authority is not required to conduct a hearing, under certain circumstances, on applications for license renewal, temporary permits and routine licensing matters; and

WHEREAS, as such, the Authority has the discretion to delegate the authority to administratively process and approve such applications, without a hearing, upon certain terms and conditions as the Authority may establish consistent with state law; and

WHEREAS, the Authority finds that the administrative processing and approval of applications for renewal, temporary permits and routine licensing matters when there does not appear to be any cause for the Authority to review such an application, is the most efficient and cost-effective manner of acting on such applications; and

WHEREAS, the Authority wishes to delegate to the City Clerk the authority to administratively process and approve applications for renewals, temporary permits and certain routine licensing matters under the terms and conditions set forth in this Resolution;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, A COLORADO TOWN that the Board of Trustees of the City of Creede, A Colorado Town, in its capacity as the Local Licensing Authority, hereby authorize the City Clerk ("Clerk") to administratively process and approve liquor license applications for renewals, temporary permits and certain routine licensing matters, on the following terms and conditions:

- A. Renewals. The Clerk may administratively approve an application for renewal when, after City Staff has completed its investigation and evaluation of the

application, the Clerk finds that: (1) no violations of state or local liquor licensing statutes, rules, regulations, ordinances or resolutions have occurred on the licensed premises in the twelve (12) months preceding the date of application; (2) the Mineral County Sheriff's Office has advised the Clerk that it has no objection to or concerns with the renewal; and (3) all applicable application and license fees have been paid.

B. Temporary Permits. The Clerk may administratively approve an application for a temporary permit when, after City Staff has completed its investigation and evaluation of the application, the Clerk finds that: (1) the application was timely filed, no later than thirty (30) days after the filing of the application for transfer of ownership; (2) the Mineral County Sheriff's Office has completed its initial investigation and background check and has no objection to or concerns with issuance of the temporary permit; and (3) all applicable application, license and permit fees have been paid.

C. Routine Licensing Matters. The clerk may administratively approve and process routine administrative matters, including licensee business name changes, corporate restructuring, and similar matters that do not implicate the Authority's role in determining the ongoing proper conduct of the establishment, the good moral character of the licensee or the needs and desires of the neighborhood.

D. Referral of Applications to Authority. If the Clerk fails to find any of the administrative approval criteria applicable to a particular application, as set forth in Sections A through C above, the Clerk shall refer the application to the Authority for decision. The Clerk may elect to refer any application to the Authority for decision, even when such application is eligible for administrative approval, in his or her sole discretion.

E. Limitations on Administrative Authority. Notwithstanding any grant of administrative authority hereunder, the Clerk shall have no authority to:

1. Make any findings in regards to the reasonable requirements of a neighborhood or the desires of the adult inhabitants thereof (the "needs and desires" determination);
2. Make any findings in regards to the character, record or reputation of a proposed licensee (excepting the Clerk's authority to issue a temporary permit, with Mineral County Sheriff consent, under Section B hereof);
3. Render decision on any application requiring either of the findings set forth above; or
4. Impose disciplinary sanctions against a licensee, including but not limited to license suspension and license revocation.

F. The Clerk shall keep a record of all administrative approvals issued pursuant to the delegation of authority granted by this Resolution.

G. The authority delegated to the Clerk by this Resolution is perpetual and shall continue unless and until repealed or modified by another subsequent resolution of the Authority.

APPROVED AND ADOPTED, this 6th DAY OF September, 2016, by the Board of Trustees of the City of Creede, A Colorado Town.

CITY OF CREEDE, COLORADO

ATTEST:

Jeffrey Larson, Mayor

Randi Snead, City Clerk

DRAFT

MEMO

City of Creede

DATE: August 27, 2016
TO: Mayor and Board of Trustees
FROM: Randi
SUBJECT: Basham Park Revitalization Project

Good evening, all.

Ben and I discussed Basham Park for a while a few weeks ago and had some ideas about moving forward with the Gazebo as well as getting the paths redone with pavers as we discussed several years ago. We also did some brainstorming down in the park, and decided to try and take the project a few steps further. I did some research and proposed the following to Clyde:

-We would like to see a structure that is more useful and better designed. It would be more useful (and therefore more attractive for an econ development grant) if it had more uses – covered picnic area, outdoor stage or classroom, wedding venue, etc and perhaps better if it were oriented south towards the park rather than the street as it is now. We would also like something that is ADA accessible, something that blocks the view of the museum a little less, and something that is designed thoughtfully, perhaps to incorporate the surroundings, our heritage, its place under the cliffs, etc...The one below is just intended for a visual on the grant app, and to give you the “gist.” A professional will be bidding on and designing the project itself, with a public approval component.

-We would like to replace the unattractive gravel that is damaging the grass and presenting regular drainage issues with concrete stone-imitation pavers or something similar.

-Design, engineering & construction of the new structure, path replacement, and peripheral/contingent expenses are estimated to be \$60,000 (~10k design/engineering, ~25k construction, ~25k pathways), and it just so happens that GOCO has a mini-grant available for local government parks coming up soon for a \$45k match on up to \$60k projects AND we briefly discussed applying for the SLVCOG grant for 2017 for \$10k for this project SO...

-I've built a \$60,000 project budget that will (fingers crossed) include a \$45,000 grant from GOCO and a \$10,000 grant from SLVCOG. Our Conservation Trust Fund (lottery funds reserved for outdoor/parks) has been building up nicely for something like this, so I suggest that our match of \$5,000 comes from there.

-However, during budget season, we will need to set aside enough in the budget to cover a) the entire \$15k match if the SLVCOG app isn't successful or b) probably \$25k to accomplish the gazebo only if GOCO app isn't successful AND we want to proceed in 2017. Part of that could come from the CTF fund too.

Timeline:

Sep-Oct: Develop GOCO app based on acquiring bids and two public meetings (can be built into WS or held independently of BOT)

Late Oct: Submit GOCO draft grant application for review.

November 17th: Grant due.

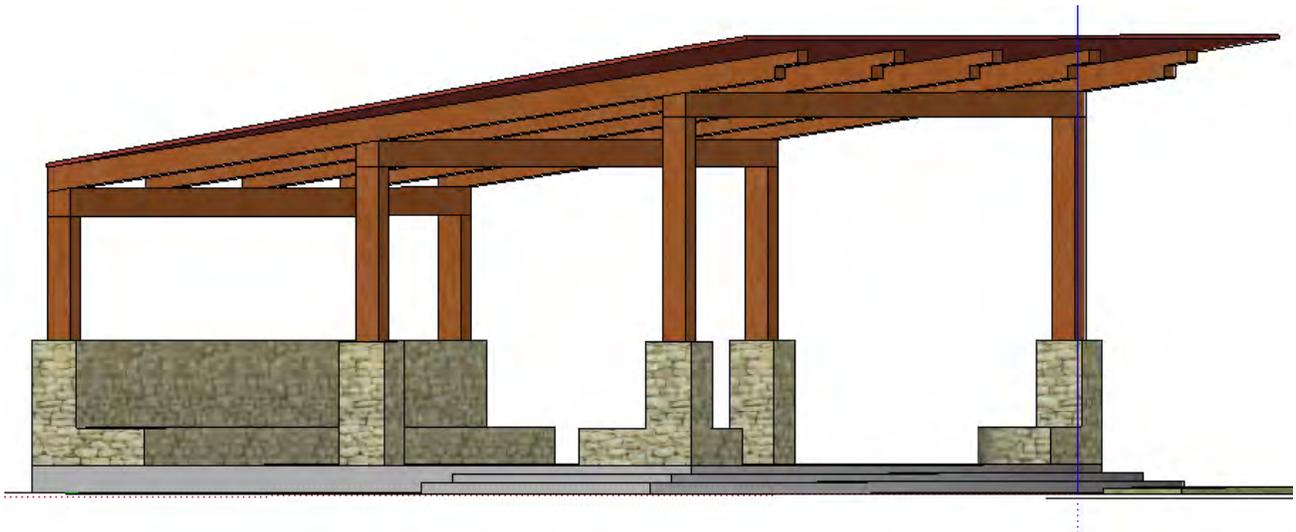
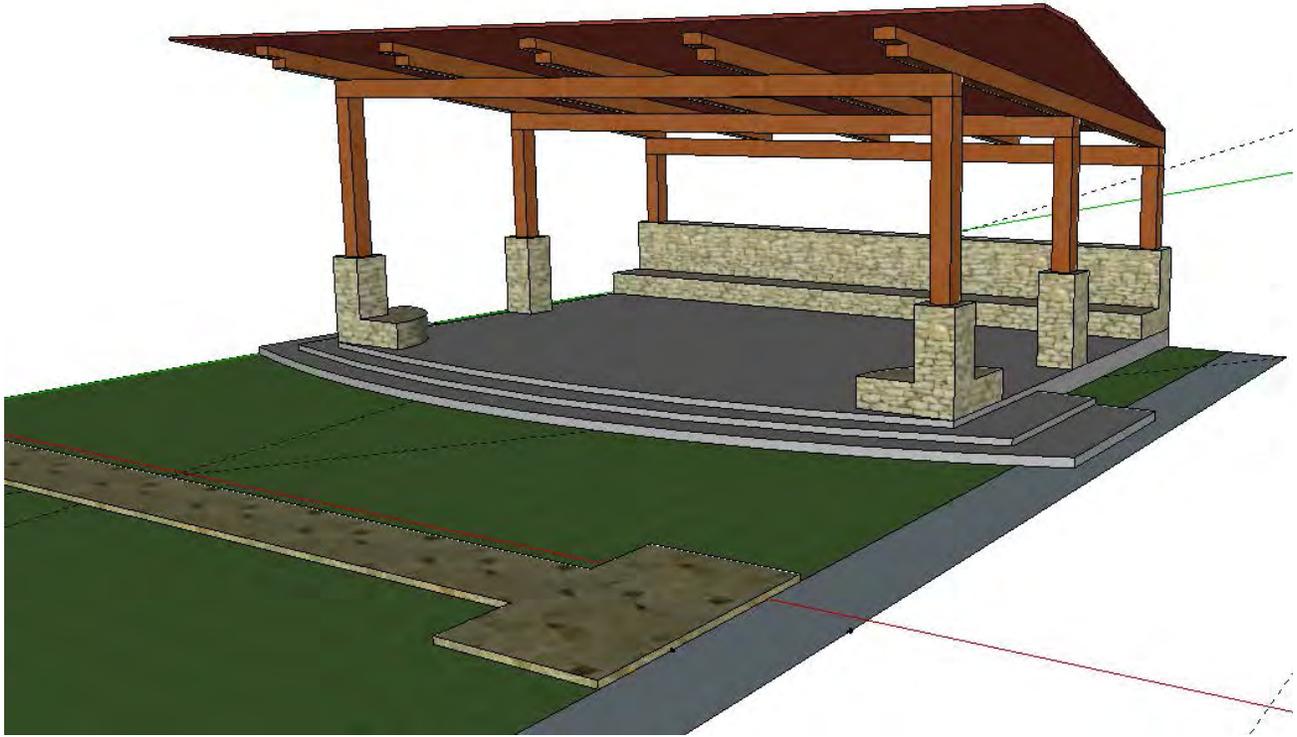
Nov-April: Put projects out to bid.

March 2017: SLVCOG Funding Decision.

April 2017: GOCO Funding Decision. If successful, proceed with entire project. If not successful, proceed with gazebo replacement OR postpone and re-apply for 2018.

To be transparent, this project is outside of my normal scope of work. I am taking it on as project manager in part to fulfill a “practicum” component for the Masters I am pursuing...but also because I think it will really benefit our Main Street! Clyde was receptive to this plan, so I'm submitting it to you all for consideration before proceeding.

Requested action: Motion to approve the direction of the Basham Park Revitalization Project as presented.



Manager's Report

To: Mayor and Board of Trustees
Date: September 6, 2016
From: Clyde Dooley

Flume Funding – update

I've attached the Energy and Mineral Impact Assistance application I've been working on since your direction on the 18th of last month. Included with the application is two large attachments (Bohannon Huston's Preliminary Engineering Report) and the Army Corps 2012 Periodic Inspection Report. Both attachments are large and if you'd like to look at them, please stop in the office.

I also received the Project Needs Assessment (PNA) from Bohannon Huston yesterday afternoon. It's a 30 page document that you're also welcome to stop in and look at if you'd like. It's about 97% complete and depending on our direction should be easy to complete.

Some TABOR (Tax Payer's Bill of Rights) questions came up last week that may require us to change our funding strategy. Because we're seeking more than 10% of what our enterprise fund revenues are, there might be a problem. So we're going to get an opinion from a TABOR/bond attorney before moving forward. We may need to take this to the voters and we should learn more about that next week.

If we have to take it to the voters, this of course will be a delay. Another strategy may be to seek federal funding thru USDA, but as I've mentioned before that is not what was originally recommended when we started our funding efforts.

We should have the clarification of all these questions to better discuss at our work session on the 20th.

Floodplain Letter of Map Revision (LOMR) – update

As I mentioned last month, Bohannon Huston is still going over the 1986 Flood Hazard Study done by the Colorado Water Conservation Board and our elevation topo map from Davis Engineering to aid them with a new flood hazard study to help us work with Kevin Houck [CWCB] to get a revised floodplain for Creede. This too has ran into an interruption as explained on the attached memo.

I've prepared the public notice for the Planning Commission meeting next week and with their recommendation, I'm thinking we can have this update ready for your consideration at our October 2nd meeting.

Drug & Alcohol Testing – FYI

After our work session last month I contacted Janelle, our attorney, and our insurance company for information on drug and alcohol testing programs and thoughts. The county uses a company called Forward Edge. The county gives them the names of their drivers and then every quarter Forward Edge does a random frae and sends Janelle the name of who needs tested and what kind of test [drug or alcohol] is called for. Janelle schedules the test with the clinic and the results/sample are sent directly to Forward Edge. I contacted Forward Edge and attached is the info I received as well as Eric and Tami's thoughts.

East 3rd Street improvement request – Direction

Dan Boucher formally withdrew his request for the vacation of the portion of East 3rd Street on July 13th. Dan also mentioned he is working on some new plans for the old schools and asked if he could remove the small rocks from the old playground and plant some grass. He didn't ask, but we'll also need to address the concrete and fence also.

Rio Grande Street/Avenue/Lane Subdivision – update

Attached are the preliminary survey Toby sent last week for review and discussion. I've also attached an email between Clay, Eric and myself showing the discussion we need to have about the intended use. I told Clay and Toby to continue with this process and I'll give you a verbal update as it develops.

BTW, the correct name is Rio Grande Street. Clay, Eric and I had a conference call Friday, but really need to get clarification of what the new board would like to see for this property. If Clay has time, I've invited him to our meeting to help explain the original direction we had and how to work in the new vision.

April 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 \$2,512,494 through the end of April. That's up \$363,730 for the same period last year and up \$10,844 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.

As you noticed on last month's report too, I'm behind on getting Randi's and my numbers to match. Randi sent me a comprehensive list of our differences two weeks ago and as you can see from the attached memo, I just today [9/2] got them answered.

I'd like to talk more about the last thing I mentioned on the memo at our next work session after getting Randi's thoughts.



ENERGY AND MINERAL IMPACT ASSISTANCE PROGRAM APPLICATION
Tier I or Tier II

Applications Must Be Submitted Electronically - Directions on Last Page

-You are Highly Encouraged to Work with your Regional Field Manager when Completing your Application-

A. GENERAL AND SUMMARY INFORMATION

1. Name/Title of Proposed Project: Willow Creek Flume Rehabilitation - - - - Aug. 30, 2016

2. Applicant: City of Creede, a Colorado Town

(In the case of a multi-jurisdictional application, name of the "lead" municipality, county, special district or other political subdivision).
In the case of a multi-jurisdictional application, provide the names of other directly participating political subdivisions:

3. Chief Elected Official (In the case of a multi-jurisdictional application, chief elected official of the "lead" political subdivision):

Name: Jeffrey Larson Title: Mayor
Mailing Address: PO Box 457 Phone: 719-658-2387
City/Zip: Creede, CO 81130 Alt Phone: 719-849-0911
E-Mail Address: jeffreyincreede@yahoo.com

4. Designated Contact Person (will receive all mailings) for the Application:

Name: Clyde Dooley Title: City Manager
Mailing Address: PO Box 457 Phone: 719-658-2276
City/Zip: Creede, CO 81130 Alt Phone:
E-Mail Address: manager@creedetownhall.com

5. Amount of Energy/Mineral Impact Funds requested:

(Tier I; Up to \$200,000 or Tier II; Greater than \$200,000 to \$2,000,000)

\$ 1,000,000.00

6. Description of the Project Scope of Work:

(Project Description of the various tasks involved in the project including specific data such as quantities, mileage, square feet, lineal ft. etc. as well as specific project location within city and or county etc.)

The Willow Creek Flume contains the flow of Willow Creek, with high flows during early Spring and low flows in the Fall. The concrete & rock flume begins at the north end of town and runs approximately 5,600 feet thru the center of town to the south end where it enters into an engineered natural stream. The proposed project is to repair voids and cracks and augment structural reinforcement where necessary. There are visible areas that are of major concern during high spring run-off in late May and early June. Failed wall sections are exposed and fast flowing water tends to erode the freeze/thaw lines at the toe of each side along the entire length of the flume. A ground penetrating radar system will be used to identify voids not visible before repairs begin. Repairs would include filing the voids/cracks allowing reinforced concrete curbing to be installed along the toes of the channel. We do not anticipate needing to completely remove and reinstall any existing parts. Water management and traffic control will be necessary at times throughout the project.

7. Description: (Describe the problem, opportunity or challenge that resulted in the request.)

The flume is bordered by business and residential properties and structures for most of the length of the flume. There is open space on each side from south of the ball field. There is backfill to the edges of the parapet cap of the flume and there are structures built up to the edges at various locations. There are four traffic and eight foot bridges across the flume. There are Streets and Alleys that dead-end at the flume's edge. Potable water mains cross under the flume at 1st, 6th, and 11th Streets. Wastewater mains that cross beneath the flume behind the Creede Hotel to Cliff Street and at 12th Street from Railroad Avenue on the east to the baseball field on the west. A wastewater main runs from the south side of the Creede Hotel southward on the west side of the flume to the alleyway south of the Elk's building between 1st and 2nd Streets. The project is for repair and upgrade of the entire length of the flume to prevent failure and erosion.

8. Local priority if more than one application from the same local government (1 of 2, 2 of 2, etc.) N/A

9. Is the project on a State registered historic site? Yes() No(X).

If yes, please provide the registry number. The department may need to seek a determination of effect from the State Historic Society. For more on the Colorado State Register of Historic Properties, please click here.

B. DEMOGRAPHIC AND FINANCIAL INFORMATION.

1. Population

- a. What was the 2010 population of the applicant jurisdiction? 420
 - b. What is the current population? 425
- (Current/most recent conservation trust fund/lottery distribution estimate is acceptable.) What is the source of the estimate?
- c. What is the population projection for the applicant in 5 years? 430
 - What is the source of the projection? 1% growth rate

2. Financial Information (Current Year):

In the column below labeled "Applicant" provide the financial information for the municipality, county, school district or special district directly benefiting from the application. In the columns below labeled "Entity", provide the financial information for any public entities on whose behalf the application is being submitted (if applicable).

Complete items "a through k" for ALL project types:

	Lead Applicant	Co-applicant	Co-applicant
a. Assessed Valuation (AV) Year: Most Recent	\$5,767,723		
b. Total Mill Levy	14.354		
c. Property Tax Revenue Generated (mill levy x AV / 1,000)	\$82,790		
d. Sales Tax (Rate/Estimated Annual Revenue)	2% / \$ 309,000	% / \$	% / \$
e. Total Budgeted Revenue (All Funds)*	\$1,096,069		
f. Total Budgeted Expenditures (All Funds)*	\$1,026,965		
g. Total Fund Balance (All Funds)*	\$6,245,099		
h. Total Outstanding Debt (All Funds)**	\$1,144,749		
i. General Fund Budgeted Revenue	\$458,550		
j. General Fund Budgeted Expenditure	\$431,496		
k. General Fund Balance as of December 31 st of the previous year			
General Fund Balance	\$ 892,115	\$	\$
Portion of General Fund which is Unassigned ^^ (meets the definition identified in the GASB statement below)	\$ 892,115	\$	\$

* Sum of General Fund and all Special or Enterprise Funds

** Include the total outstanding liability from all multi-year debt obligations (lease purchase agreements, certificate of participation and any other debt instruments).

^^Unassigned fund balance - Amounts that are available for any purpose; these amounts are reported only in the general fund and have not been committed by resolution, ordinance or contract and have not been budgeted for an intended purpose.

(Click [this link](#) to locate GASB Fund Balance definitions)

For projects to be managed through a Special Fund other than the General Fund (e.g. County Road and Bridge Fund) or managed through an Enterprise Fund (e.g. water, sewer, county airport), complete items "k through o":

Complete items "l through p" for ALL project types:

Identify the relevant Special Fund or Enterprise Fund:	<u>W/S</u> Fund	___ Fund	___ Fund
l. Special or Enterprise Fund Budgeted Revenue	\$ 317,307	\$	\$
m. Special or Enterprise Fund Budgeted Expenditures	\$ 314,969	\$	\$
n. Special or Enterprise Fund Outstanding Debt**	\$ 1,144,749	\$	\$
o. Special Fund Mill Levy (if applicable)	\$ N/A	\$	\$
p. Special or Enterprise Fund Balance as of December 31 st of the previous year	\$ 482,566	\$	\$

For Water and Sewer Project Only complete items "q through s":

Complete items "q through s" for ALL project types:	Water	Sewer
q. Tap Fee	\$ 3,000	\$ 3,000
r. Average Monthly User Charge (Divide sum of annual (commercial and residential) revenues by 12 and then divide by the number of total taps served.) NOTE: Commercial and Residential Combined	\$ 47.59	\$ 19.05
s. Number of total Taps Served by Applicant	332	388 w DC *

** Include the total outstanding liability from all multi-year debt obligations (lease purchase agreements, certificate of participation and any other debt instruments).

*Deep Creek Water and Sanitation District Agreement which is outside the town's city limits.

C. PROJECT BUDGET. List expenditures and sources of revenue for the project. The totals on each side of the ledger must equal.

Expenditures Flume Rehabilitation Project		Sources of Revenue <i>(Dollar for Dollar Cash Match is Required, unless financial circumstance warrants a reduction)</i>			Funding Committed
List Budget Line Items (Examples: architect, engineering, construction, equipment items, etc.)		List the sources of matching funds and indicate either cash or documentable in-kind contribution. Total revenue must equal total expenditures			List Yes or No next to each line item
Line Item Expenditures	Line Item Costs		Cash	In-Kind	
Repair & maintenance of present condition (pg 11 of PER)	\$ 91,000	Energy/Mineral Impact Fund Grant Request	\$1,000,000		No
Construction Mobilization	\$ 24,300	*Energy/Mineral Impact Fund Loan Request (If applicable)	\$		No
Construction Staking	\$ 9,800	City fund reserves	\$ 520,931		
Flood Protection & Water Management	\$ 75,000				
NPDES Permitting	\$ 10,000				
Site Clearing & Grubbing	\$ 1,540				
Reinforced Concrete Curb	\$ 461,830				
Concrete for Voids	\$ 15,600				
Channel Lining removal & reuse rock	\$ 6,630				
16% contingency	\$ 159,100				
10% design	\$ 72,600				
Penetrating Radar & channel repairs	\$ 539,531				
TOTAL	\$ 1,520,931	TOTAL	\$1,520,931	\$	
Please attach a more detailed budget if available					

(If the request is for planning, engineering or design, the following two questions may not be applicable)

1. Please identify the contingency associated with the project budget.
 - a. Contingency Dollar value \$ included above
 - b. Contingency % of Budget. Included above
 - c. If a contingency has not been identified as part of the budget, please explain why not? _____
2. How recently was the budget and contingency determined for this project (month/year)? August 2016

D. PROJECT INFORMATION.

The statutory purpose of the Energy and Mineral Impact Assistance program is to provide financial assistance to "political subdivisions socially or economically impacted by the development, processing or energy conversion of minerals and mineral fuels."

1. Demonstration of Need:

a. Why is the project needed at this time?

The Willow Creek Flume, constructed in 1950 by the United States Army Corps of Engineers is a prominent feature bisecting the City of Creede. The stone masonry lined flume is at the end of its design life and is showing numerous signs of deterioration and potential failure. Failure of the flume would result in flooding, property damage, and possible loss of life. Funds have been built up in our Capital Improvement Fund since 2004.

b. How does the implementation of this project address the need?

The project will reduce the flood risk resulting from water entering into the numerous voids and saturating the supporting ground and compromising the integrity of the overall structure with erosion.

c. Does this project, as identified in this application, **completely** address the stated need? If not, please describe additional work or phases and the estimated time frame. Do you anticipate requesting Energy and Mineral Impact Assistance funds for future phases?

Yes

d. What other implementation options have been considered?

There have been numerous studies investigating the condition of the flume and making recommendations for either its replacement or repair. In 2003 the National Resources Conservation Service (NRCS) prepared an extensive study entitled "Willow Creek Channel Improvement Mineral County, Colorado – Channel Replacement Feasibility Report". The NRCS report included four replacement alternatives ranging from replacement with a similar trapezoidal channel at a cost of \$3,700,000 to replacement with a reinforced concrete box culvert at a cost of \$7,000,000 in 2003 dollars. A more recent study was completed in February 2008 by McLaughlin Water Engineers. Their study entitled Preliminary Engineering Report Willow Creek Flume Rehabilitation proposed replacing the flume invert with a 12" reinforced concrete slab that would include a 12" high curb at each toe. The estimated cost for this project in 2008 dollars was \$1,845,000 (\$2,214,000 in 2015 dollars). The 2008 McLaughlin study also referenced the 2003 NRCS study and adjusted the costs of the alternatives to account for administrative and engineering expenses and to equate the 2008 dollars. With these adjustments they estimated the project cost to be approximately \$4,800,000 for the least expensive of the four alternatives developed by NRCS. The cost would be \$5,700,000 adjusted to 2015 dollars.

e. What are the consequences if the project is not awarded funds?

Failure of the flume will result in commercial / residential property damage and flood damage all the way to the Rio Grande River, including the Lower Willow Creek Restoration project with the oversight of the Colorado Department of Public Health and Environment.

2. Measurable Outcomes:

a. Describe measurable outcomes you expect to see when implementation of this project is complete. How will the project enhance the livability* of your region, county, city, town or community (e.g. constructing a new water plant will eliminate an unsafe drinking water system and provide safe and reliable drinking water; the construction of a new community center will provide expanded community services, or projects achieving goals regarding energy conservation, community heritage, economic development/diversification, traffic congestion, etc.)?

*(Livability means increasing the value and/or benefit in the areas that are commonly linked in community development such as jobs, housing, transportation, education, emergency mitigation, health and environment)

Flood mitigation improves the health, safety and public welfare of the community. Improved economic development is realized by the reduction of the 1986 FEMA approximated floodplain that encumbers property values throughout 90% of our business district and additional insurance cost.

b. How will the outcome of the project be measured to determine whether the anticipated benefits to this population actually occur?

Structural stability restored, first engineered floodplain, better maintenance planning

c. Does this project preserve and protect a registered state historic building, facility or structure? If yes, please describe. Year of construction:

No

d. Will this project implement an energy efficiency/strategy that could result in less carbon footprint or conserve energy use or capitalize on renewable energy technology? If yes, please describe.

Improved flows to the Rio Grande River

e. Will the project be constructed with "Resiliency Framework", which is to build and construct with a plan to reduce risks by utilizing materials and constructing in areas to better withstand natural or man-made disasters, etc.? If yes, please describe.

The reinforced concrete curb design along the toes of the entire flume will allow future improvements along the sides as well as the floor.

3. Relationship to Community Goals

a. Is the project identified in the applicant's budget or a jurisdictionally approved plan (e.g. capital improvement plan, equipment replacement plan, comprehensive plan, utility plan, road maintenance and improvement plan or other local or regional strategic management or planning document)? What is its ranking?

Yes – please see the attached Preliminary Engineering Report approved by the Board of Trustees July 27, 2015. Bohannan Huston is currently working on the Project Needs Assessment that should be approved by the Board of Trustees in October 2016.

4. Local Commitment and Ability to Pay/Local Effort

a. Why can't this project be funded locally?

Unaffordable to a disadvantaged community

b. Has this project been deferred because of lack of local funding? If so, how long?

Yes, since the 1980's. We have been building our Capital Improvement Fund with sales tax and contributions as well as our Water and Sewer Fund with steadily increasing user fees since 2004.

c. Explain the origin of your local cash match. (Note: Whenever possible, local government cash match on a dollar for dollar match basis is encouraged.) Are the local funds committed or pending? If there are pending funds, when will the status of those funds be determined?

Committed State Revolving Fund loan as well as allowed cash from our fund balances.

d. What other community entities, organizations, or stakeholders recognize the value of this project and are collaborating with you to achieve increased livability of the community? Please describe how your partners are contributing to achieve the improvement to the livability of the community through this project. If in-kind contributions are included in the project budget, detailed tracking will be required on project monitoring report.

Mineral County Emergency Management

i. Please describe the level of commitment by each collaborator. (e.g. fee waivers, in-kind services, fundraising, direct monetary contribution, policy changes.)

In-kind support and services from the Mineral County Sheriff's Dept. regarding traffic control and public safety concerns.

ii. Please list the value of the resources that each collaborator is bringing to the program.

Ongoing support, advice, and planning from the Mineral County Emergency Manager - \$10,000 year

e. Has the applicant dedicated the financial resources in their current budget, reserve funds and/or unused debt capacity that are being used for the local matching funds? Explain if No

Yes - 2017

f. Have the applicant's tax rates, user charges or fees been reviewed recently to address funding for the proposed project?

Yes – Water, Sewer, and Drainage User fees

g. If the tax rate, user charges or fees were modified, what was the modification and when did this change occur?

January of 2016 and January of 2017

h. Has the applicant contacted representatives from local energy or mineral companies to discuss the project? If yes, when was the contact and what was discussed.

Rio Grande Silver / Creede Resources Inc. – ongoing in-kind contributions and improvements in the floodplain south of the flume as Willow Creek flows into the Rio Grande River.

i. Has the applicant requested financial support from the industry? If yes, when was the contact, what amount did you request? What were the results? If no, why not?

N/A

5. Readiness to Go

a. Assuming this project is funded as requested, how soon will the project begin? **Select One** () Within 3 months, () 3-6 months, () 6-9 months or () 9-12 months? What is the time frame for completion? **Select One** () Within 3 months, () 3-6 months, () 6-9 months, () 9-12 months or () >12 months.

b. Describe how you determined that the project can be completed within the proposed budget as outlined in this application?

Planning meetings with CDPHE, DOLA, CWRPDA, CWCB

c. Has the necessary planning and design been completed? How? What additional design work remains? How did the applicant develop project cost estimates? Are any or permitting must still be completed, if any? When? How did the applicant develop project cost estimates? Is the project supported by bids, professional estimates or other credible information? Please attach a copy of any supporting documents.

Preliminary Engineering Report completed in July of 2015 and Project Needs Assessment scheduled for approval in October of 2016.

i. What additional design work remains?

None

ii. How did the applicant develop project cost estimates?

Preliminary Engineering Report

iii. Is the project supported by bids, professional estimates or other credible information? Please attach a copy of any supporting documents.

Yes, Preliminary Engineering Report - Attachment – "A" (68 pages 2 sided)

iv. Are any Local, State or Federal permits required before the project can proceed? If yes, please describe.

Checking with BHI about 404A, but don't believe so because the flume was removed from USAC's Active list.

6. Energy & Mineral Relationship

a. Describe how the applicant is, has been, or will be impacted by the development, production, or conversion of energy and mineral resources.

N/A

b. To further document the impact in the area, name the company or companies involved, the number of employees (click to get # of employees) associated with the activities impacting the jurisdiction and other relevant, quantitative indicators of energy/mineral impact.

N/A

c. Cite actual use data that documents direct impact as it relates to the need for the project. For example, "heavy truck traffic directly related to energy development activities is impacting County Road X. a traffic count done in May 2015 showed energy related truck traffic increased from 100 trips per day to 300."

See attached copy of USACE 2012 Periodic Inspection Report. - Attachment – "B" (142 pages 2 sided)

7. Management Capacity

a. How will you separate and track expenditures, maintain funds and reserves for the capital expenditures and improvements as described in this project?

City Treasurer, Randi Snead.

b. Describe the funding plan in place to address the new operating and maintenance expenses generated from the project?

Budget \$5,000 each year for a \$25,000 maintenance project every five years.

c. Describe the technical and professional experience/expertise of the person(s) and/or professional firms responsible to manage this project.

CDPHE, DOLA, CWRPDA, CWCB

d. Does the project duplicate service capacity already established? Is the service inadequate? Has consolidation of services with another provider been considered?

N/A

E. HIGH PERFORMANCE CERTIFICATION (HPCP) PROGRAM COMPLIANCE. [N/A]

Colorado Revised Statutes (C.R.S. 24-30-1305.5) require all new facilities, additions, and renovation projects that meet the following applicability criteria to conform with the High Performance Certification Program (HPCP) policy adopted by the Office of the State Architect (OSA) if:

- The project receives 25% or more of state funds; **and**
- The new facility, addition, or renovation project contains 5,000 or more building gross square feet; **and**
- The building includes an HVAC system; **and**
- In the case of a renovation project, the cost of the renovation exceeds 25% of the current value of the property.

The HPCP requires projects that meet the applicability criteria above to achieve third party verification with the target goal of LEED Gold or Green Globes-Three Globes. Projects are strongly encouraged to meet the Office of the State Architect's (OSA) Sustainable Priorities in addition to the LEED prerequisites. Projects funded through DOLA that meet the above applicability criteria are required to complete the DOLA registration and tracking process. See DOLA's [HPCP web page](#) for more information or contact your [DOLA regional manager](#).

In instances where achievement of LEED Gold or Green Globe-Three Globes certification is not achievable, an applicant may request a modification of the HPCP policy or a waiver if certain conditions exist. DOLA staff will work with applicants to identify workable solutions to meet the program's intent to maximize building energy efficiencies.

Please answer the following questions:

(Complete this section only if your project application is for a building project, both new construction as well as renovation.)

1. Is the applicant seeking state funding for 25% or more of the total project cost (including all phases, if applicable)? Yes() No()
(If no, the project does not meet the HPCP requirement and the rest of this section does not need to be completed)

Does the building include an HVAC system? Yes() No()

If yes, please check whether the proposed project includes a HVAC upgrade or new HVAC system.

2. Is this project (check all that apply): new construction renovation new and renovation
New building square footage: _____ SF Renovation square footage: _____ SF
Is the building square footage (new construction and/or renovation) 5,000 SF or more? Yes() No()

3. For building renovation projects:

What is the current project value? (Determine based on assessed or appraised value) \$ _____

What is the total project cost for the renovations? \$ _____

Does the cost of renovation exceed 25% of the current value of the property? Yes() No()

4. **If you answered "yes" to questions 1, 2, 3, and if applicable, 4, then your project meets the HPCP applicability criteria. Complete the HPCP registration form and preliminary checklist and submit with this grant application.** (See DOLA's [HPCP web page](#) for registration and checklist form.)

ADDITIONAL QUESTIONS:

5. Have you included any additional costs in this grant application for third party verification to comply with the High Performance Certification Program? Yes() No() If yes, please specify the estimated cost for third party participation verification/certification: \$ _____
6. Will you need assistance locating resources, third party consultants, or technical assistance for HPCP third party verification requirements, preparing cost estimates, or otherwise complying with the HPCP? Yes() No() Explain _____

Note: If this application is for design services for a planned building project that meets the HPCP applicability criteria and the applicant intends to seek state funding for 25% or more of the total project cost, then the design should maximize high performance building certification standards (by completing the HPCP checklist) and build in anticipated project costs, as appropriate.

F. TABOR COMPLIANCE. Eric Heil will address this when necessary.

1. Does the applicant jurisdiction have voter authorization to receive and expend state grants without regard to TABOR spending limitations? Yes() No(). If yes, explain:

Debruced

2. If the applicant jurisdiction receives a grant with State Severance funds, will the local government exceed the TABOR limit and force a citizen property tax rebate? Yes() No(). Explain.

Debruced

3. Has the applicant jurisdiction been subject to any refund under TABOR or statutory tax limitations? Yes() No(). Explain.

Debruced

4. Has the applicant sought voter approval to keep revenues above fiscal spending limits? Yes() No(). Explain.

N/A

5. Are there any limitations to the voter approved revenues? (e.g., Can revenues only be spent on law enforcement or roads?) Yes() No(). Explain.

N/A

6. If the applicant jurisdiction is classified as an enterprise under TABOR, will acceptance of a state grant affect this status? Yes() No(). Explain.

Debruced

G. ENVIRONMENTAL REVIEW.

Indicate below whether any of the proposed project activities:

1. Will be undertaken in flood hazard areas. Yes() No().

List flood plain maps/studies reviewed in reaching this conclusion. Describe alternatives considered and mitigation proposed.

FEMA – FIRM 1986 Revised Type A

2. Will the project affect historical, archeological or cultural resources, or be undertaken in a geological hazard area. Yes() No().

If yes, describe alternatives considered and mitigation proposed.

3. Address any other public health or safety related concerns? Describe. Yes() No().

Flood Risk resulting in commercial and residential property damage, and possibly loss of life.

APPLICATION SUBMISSION INSTRUCTIONS AND OFFICIAL BOARD ACTION DATE (REQUIRED)

Application and attachments must be submitted electronically in

WORD .DOC (Preferred) or .PDF Format (Unsecured) to:

ImpactGrants@state.co.us

Please Cc your DOLA Regional Manager all documents as well to ensure receipt.

In email subject line include: Applicant Local Government name and Tier for which you are applying

-example- Subject: Springfield County EIAF Grant Request, Tier 1

NOTE: Please do not submit a scanned application (scanned attachments ok)
(If you are unable to submit electronically please contact your DOLA Regional Manager)

For any questions related to the electronic submittal please call Denise Lindom @ 303.864.7732

Attachments List (Check and submit the following documents, if applicable):

- ▶ Preliminary Engineering Reports Attachment A
- ▶ Architectural Drawings N/A
- ▶ Cost Estimates Attachment A & page 4
- ▶ Detailed Budget Page 4
- ▶ Map showing location of the project PER (pg. 2)
- ▶ Attorney's TABOR decision Eric Heil
- ▶ HPCP Registration, modification
Or Waiver Form _____

Official Board Action taken on

August 18, 2016

Date

Submission of this form indicates official action by the applicant's governing board authorizing application for these funds.

FLOODPLAIN REG'S

TO: Mayor and Board of Trustees/Planning & Zoning Commission
FROM: Clyde
SUBJECT: NEW FLOODPLAIN REGULATIONS
DATE: August 25, 2016

Stephanie DiBertitto, with the Colorado Water Conservation Board (CWCB) contacted me last month to notify us, we needed to update our Floodplain Regulations before we go into non-compliance. When Kevin Houck (CWCB) was here the end of June this year, I gave him a copy of the floodplain regulations we recently approved in our new Development Code. He took them back to Denver only to find out they needed to be updated as soon as possible because we are one of 12 NFIP Communities out of compliance in Colorado.

Stephanie sent a copy of the required regulations we need and asked us to approve them as soon as we can. Per Section 9-03-040 this update requires a public hearing with the Planning & Zoning Commission and another with the Board of Trustees.

The quickest schedule I can think of is to have the PZC public hearing on Sept. 13th [post & publish as soon as possible] and then present it to the Trustees on Oct. 4th for their public hearing and consideration. I've sent Eric a draft of the update and if he says "okay", I'll publish the PZC public hearing for 9/13 on the 1st of September and post it immediately. After their meeting and recommendation we'll have more time to publish & post the notice for our October meeting.

Clyde Dooley

From: Janelle Kukuk <mincty@hotmail.com>
Sent: Wednesday, August 17, 2016 7:00 AM
To: Clyde Dooley
Cc: 'Eric Heil'
Subject: Re: Drug testing drivers

I don't know that I have anything written. The company we use is called Forward Edge. Their website is forwardedgeinc.com. After they have our roster, they do a random frae every quarter and send us who and what kind of test, alcohol or drug. Then I schedule at the clinic, call the employee and the results/sample are sent directly to Forward Edge. The alcohol is a cheek swab so if there is a positive result then immediate follow-up with a breathalyzer could be required.

Let me know if you have any other questions.

Get [Outlook for Android](#)

On Wed, Aug 17, 2016 at 6:52 AM -0600, "Clyde Dooley" <manager@creedctownhall.com> wrote:

Good Morning Janelle,

Can you send me a copy of the drug testing program you use on your drivers?

Clyde

To: Clyde Dooley <manager@creedetownhall.com>; Tami Tanoue [REDACTED]
Subject: Re: Drug testing drivers

Clyde, Creede's Handbook for Employees, DRUGS AND ALCOHOL section states that City Manager or immediate supervisor may require drug testing when he/she has reason to believe that an employee is under the influence, has been engaged in illegal drug activity, or has been involved in an incident/accident. Random or routine testing and testing as pre-employment screening is not stated in the policies. If you desire to have random, routine and pre-employment drug testing then I think you should first amend the Creede Handbook for Employees.

I know how much you love to plagiarize. Attached are Avon's Employee Policies adopted last spring. See **3-1 Alcohol and Drugs in workplace**. The attached policy states that alcohol and drugs and prohibited and municipality has right to test at any time.

As far as the method and manner, I don't think you have to have a written policy in the Handbook for Employees that is more detailed than what is in the Avon policy. If you do random or routine testing then you do have to have a procedure or method that is non-discriminatory to avoid claims that you singling out someone for testing for retaliation or harassment. It is acceptable to distinguish between drivers and non-driver employees of the City.

For simplicity, I would recommend (1) amend the Handbook for Employees on this matter to allow random, routine and pre-employment screening drug testing, and (2) conduct a urine drug test of at least all City employees who drive City vehicles (whether CDL or not). Consider an annual or bi-annual drug test schedule with no more than a few days notice to employees. Creede's staff is so small that I suspect it will cause suspicion and resentment if you use a random testing procedure and only one or few employees are selected for testing.

I welcome Tami's thoughts.

Eric

Eric J. Heil, Esq., A.L.C.P.
Heil Law & Planning LLC
1022 Summit Drive
Dillon, CO 80435

Office: [REDACTED]
Cell: [REDACTED]

This communication may contain confidential attorney-client privileged information. Unauthorized receipt or use of this communication is not permitted. If you have received this message in error, please delete the message and contact Heil Law & Planning LLC immediately.

From: Clyde Dooley <manager@creedetownhall.com>
Date: Wednesday, August 17, 2016 at 2:43 AM
To: Eric Heil [REDACTED], [REDACTED], [REDACTED], [REDACTED]
Subject: Drug testing drivers

Good Morning Everyone,

At last night's work session the Trustees asked me to check into drug testing programs for the employees who regularly drive city vehicles. That's basically Ben, Robert, and Scotty. That's not discrimination is it? If not, do you have program samples we could look at? Our local medical clinic is now offering drug tests and although "hair testing" was brought up last night I think we're just sticking with urine tests?

Clyde

From: Tami Tanoue [REDACTED]
Sent: Wednesday, August 17, 2016 9:57 AM
To: 'Eric Heil'; Clyde Dooley
Subject: RE: Drug testing drivers
Attachments: FINAL CIRSA Drug Testing Policy (00867339xBCD43).pdf; Ins and Outs of Drug Testing (2).pdf

Hi, Eric and Clyde. I think I may have a somewhat different perspective on this, and I'd be happy to discuss this further with you. I'm attaching an article from CIRSA Coverage Line that sums up the state of the law in CO, and CIRSA's sample testing policy.

As I see it, there are three types of testing: reasonable suspicion, pre-employment, and random. Because testing is considered a "search" within the meaning of the 4th Amendment to the US Constitution, there are legal risks in doing the wrong kind of test, or doing a test wrong.

Any employee should be subject to reasonable suspicion testing upon a finding that reasonable suspicion exists that the employee is, at that moment, under the influence of prohibited drugs or alcohol.

There seems to be some legal uncertainty as to whether all applicants, regardless of position, should be subject to pre-employment testing. This is somewhat surprising, because it seems to me that anyone could avoid the "intrusion" of testing by choosing to walk away from applying. But there seems to be some variation among court decisions. So best practice may be to limit pre-employment testing to CDLs and other "safety sensitive" categories.

As to random testing, I think the court decisions say there needs to be some "special need." Being in a "safety sensitive" category of employment would satisfy that criterion. That's why I asked whether the drivers in question are CDL. Police and fire may be safety-sensitive, too. I think you may be pushing the envelope, though, if you say that the driving of a regular City vehicle is "safety sensitive."

I'm not sure what "routine" screening is. But it certainly isn't reasonable suspicion or pre-employment testing, so I would argue that the standards that apply to random testing would apply to "routine" testing.

So bottom line, while I don't think there are "discrimination" issues in the program you're proposing, I do have some concerns as to whether random testing of people just because they drive City vehicles may implicate 4th Amendment concerns.

Tami



Tami Tanoue, General Counsel/Deputy Executive Director

[REDACTED]
[REDACTED]
www.drsa.org

From: Eric Heil [mailto:[REDACTED]]
Sent: Wednesday, August 17, 2016 12:31 PM

From: Leticia Grimaldo <leticiag@forwardedgeinc.com>
Sent: Wednesday, August 24, 2016 8:33 AM
To: Clyde Dooley
Subject: RE: drug and alcohol testing
Attachments: 1 FEI Intro Letter.DOC; 3 FEI Client Non-DOT Random Set-up Form.DOC; City of Creede Non DOT 082416.docx

Good Mr. Dooley,

Attached above is pricing and information you will need to set-up a Non DOT account with Forward Edge, Inc. I have attached a pricing agreement along with a new client set up form and an intro letter with instructions.

Please do not hesitate to call or email me if you need any additional assistance.

Sincerely,

Leticia Grimaldo

For Additional Information please contact the Sales Dept:
Leticia Grimaldo, Sales Administrator
Kathy Ripley, Sales Administrator
Forward Edge, Inc.
Main Switchboard Phone: 713-920-1335
Sales Direct Phone: 713-980-1079
Sales Direct Fax: 713-980-0258
Email: leticiag@forwardedgeinc.com
kripley@forwardedgeinc.com



From: Clyde Dooley [<mailto:manager@creedetownhall.com>]
Sent: Wednesday, August 17, 2016 8:22 AM
To: feiinfo
Subject: drug and alcohol testing

Good Morning,

My name is Clyde Dooley and I'm the manager for the City of Creede in Mineral County, Colorado. The county administrator, Janelle Kukuk referred me and I'd like to learn more about your services. We're interested in testing our three employees in the public works department that drive company vehicles. They're not CDL drivers.

Please forward me some info on your services,

Clyde Dooley
719-658-2276



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713-920-1335
713-980-0258 FAX

1209 Genoa Red Bluff
Pasadena, Texas 77504

Thank you for contacting Forward Edge, Inc. to assist you with your compliance needs.

Please refer to the Fee Schedule on Page 2 of the attached Agreement for Services for your pricing information. If you wish to set up a new account, please complete and/or review your company name and address information in the first paragraph of Page 1 and complete the signature information on Page 4 of the **Agreement for Services**. Complete the enclosed Service Set-Up Form. Please mail the completed original signed Agreement for Services and Service Set-Up Form to Forward Edge, Inc., 1209 Genoa Red Bluff, Pasadena, TX 77504, Attn: Sales Department. **To expedite your account set up you may fax the above information to Attn: Sales Dept. Fax: 713-980-0258 and then mail the original signed agreement for services to us.**

Upon receipt of the signed Agreement for Services and Service Set-Up Form, Forward Edge, Inc. will set up your new account. All services will be billed to your account as services are performed.

We welcome your questions and look forward to working with you.

Sincerely,

Sales Department
Forward Edge, Inc.



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713-980-0258 FAX

1209 Genoa Red Bluff
Pasadena, Texas 77504

Agreement for Services

This contract is made by and between Forward Edge, Inc., a Texas corporation with its principal place of business located at 1209 Genoa Red Bluff, Pasadena, Texas 77504 (hereinafter called FEI) and City of Creede (**Company Name**) with its principal place of business located at _____ (**Company Address**) (hereinafter called the "Client"), and specifies the terms and conditions under which FEI will provide services to the Client.

1. Terms

The terms of this Contract shall become effective and binding on August 24, 2016 through August 23, 2017 and will remain in force for a period of one year. This Contract is renewable on each anniversary date after evaluation and consent of both parties.

2. Implementation of Program

Formal implementation of the Contract shall begin as follows:

- A. Upon client request FEI will periodically review the company policy and advise Client of any and all changes, which may be mandated by law.
- B. FEI will administer employee drug testing program, which may include the following types of testing according to the SAMHSA protocol:
 - 1) Pre-Employment
 - 2) Conditional Employment
 - 3) Random
 - 4) Post-Accident
 - 5) Follow-Up
 - 6) For Cause
 - 7) Other
 - 8) Evidential Breath Alcohol
- C. Alcohol Testing will conform with the Department of Transportation's procedures for transportation workplace drug and alcohol testing programs as published in 49 CFR Part 40, as amended and the Federal Highway Administration Requirements as published in 49 CFR Part 382.
 - 1) Breath Alcohol Technicians (BAT) will be certified in accordance with Department of Transportation guidelines.
 - 2) Test will be conducted and analyzed by an Evidential Breath Testing device approved by the National Highway Traffic Safety Administration.



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- D. Client will provide FEI with a listing of each covered person who is subject to Department of Transportation and or non DOT drug and alcohol testing requirements. The roster will include all Client's employee name, social security number, position, title, and or employee ID number. If requested, FEI will mask social security number to only include the last 4-digits when listed on the web roster or invoice. FEI will maintain the confidence of any and all information relating to an employee as prescribed by current State and Federal laws.
- E. Client and FEI mutually agree on the locations of the specimen collection agents, clinics, hospitals, and doctor's offices that will be contracted as service providers for specimen collection sites. Client and FEI will designate representatives to be notified in order to coordinate emergency and after-hours collections.
- F. Only laboratories certified by the Substance Abuse and Mental Health Services Administration will be utilized for the testing of biological specimens.
- G. All positive test results will be confirmed by Gas Chromatography/Mass Spectrometry (GC/MS) confirmation test procedures.
- H. Client tests records will be maintained by FEI for the Permanent Record Book. Records include test results, chain of custody form, Medical Review Officer letter, reason for test, refusal to take test, and/or disposition of employee who tests positive. Appropriate measures will be taken to protect against loss of records due to fire or other disaster for a period of five (5) years.

3. Review and reporting of test results:

- A. Department of Transportation testing; FEI will contract with an authorized Medical Review Officer (MRO) to review and report test results in accordance with applicable DOT regulations.
- B. Company testing; Client may choose to have an MRO review tests results or receive laboratory test results directly.
- C. Should the Client's MRO change for any reason, FEI maintains that records will be transferred within ten (10) working days from the previous MRO to the new MRO.



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4. Fee Schedule

Client shall pay FEI for services performed under this agreement.

- 1) Non DOT 5 Panel Drug Test \$40.00
Includes Initial Immunoassay Screen with GC/MS Confirmation, Collection Site Management, Medical Review Officer Services, Secure Reporting Methods, and Data Management/Storage

- 2) Specimen Collection Services Provided by Forward Edge Inc / Alternate Collection Sites:

Location	Non-DOT Collect	Non-DOT EBT	DOT Collect	DOT EBT
Forward Edge	\$10	\$15	\$15	\$20
Alternate Sites	Cost +20%	Cost +20%	Cost +20%	Cost +20%

- 3) Non DOT Random Program (If Needed) \$75.00 / QTR.
Includes random list generation, updates and file management
- 4) Specialized Annual Reports – Statistical Data Reports (Upon Request) \$100.00/Ea
(Reports including but not limited to: current covered employee list and the Non-DOT statistical data report as required by various audit agencies. These are NCMS, Veriforce, etc...)

5. Payment Terms

Payment terms are net thirty (30) days after the receipt of invoice by Client. If Client terminates contract without just cause, the client agrees to reimburse FEI for set up, computer work/storage space and lab supplies.

6. Responsibilities Retained by Client

Except for the duties and responsibilities expressly assumed by FEI in this Agreement, the Client shall be responsible for complying with all applicable Department of Transportation and company policies, rules and regulations.

7. Independent Contractor

FEI is acting under this Agreement as independent contractor, and nothing herein contained, nor any acts by FEI or the Client, nor any other circumstances shall be construed so as to establish FEI as the agent of the Client. The Client acknowledges and agrees that FEI has assumed no responsibility for the enforcement of the Client's drug and alcohol testing program or the actions of the Client's Employees. As an independent contractor,



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FEI shall not be deemed to be engaged, either directly or indirectly, in the business or operations of the Client.

8. Indemnification

FEI is an independent contractor providing the administration of Client's adopted Drug Free Workplace Program, and services to support the reliability of such a program in legal and administrative proceedings. FEI agrees to indemnify the Client from and against any and all claims arising out of its obligations or duties as is otherwise required under the terms and conditions stated in this Contract.

FEI does not have any control in the enforcement of the Client's policy or actions of the Client's personnel. As an independent contractor, FEI shall not be deemed to be engaged either directly or indirectly in the business of the Client or deemed to be an agent of the Client except to the extent necessary to comply with applicable Department of Health and Human Services regulations.

Client agrees to hold harmless and indemnify FEI from any loss, damage or claims brought to third parties, arising out of or resulting from any negligent or willful acts on the part of the Client, or Client's Employees or Agents, concerning the release of confidential information.

9. Force Majeure

FEI shall not be held responsible or liable to the Client for failure or delay in performance by FEI which is not otherwise excused and which results from or is due, directly or indirectly and in whole or part, to any cause or circumstances beyond the reasonable control of FEI.

10. Loss of Certification

In the event that the drug testing laboratory lose certification, FEI will notify client and immediately begin corrective action to ensure client program will remain in compliance.

11. Termination of Agreement

Should termination of this contract because of breach of any part of the contract, or for non-performance or sub-standard performance be anticipated by either party, that party shall provide 30 days written notice to the other party of such breach and a corrective action plan or intent to terminate contract.

In the event the Client terminates this agreement, the client must provide FEI with a thirty (30) day written notice. All records and reports will remain with FEI until final termination occurs. Upon termination, Client will provide written instructions for disposition of records. Also, termination shall not be deemed to have occurred until FEI has received full payment of outstanding obligation by Client.



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If the Client breaches the contract without just cause, Client agrees to pay FEI for account set-up, computer work/ storage space and laboratory supplies.

12. Entire Agreement

These Terms and Conditions shall constitute the entire agreement and understanding between FEI and the Client.

13. Acceptance

The signature below indicates acceptance of the Terms and Conditions contained in the Contract.

Accepted By:

City of Creede
Company Name

Tax ID #

Type of Ownership

Signature

Printed Name

Title

Date

Forward Edge, Inc.:

Signature

Marjory Loebe
Printed Name

Director of Sales and Marketing
Title

Date

MATCHING #'S

Thanks, for going thru my spreadsheet so thoroughly to help me identify the difference in our figures. And sorry for the late [9/2] response.

1. I missed the \$86 for acct. 1470.00 on the February P&L statement. I budgeted this lower because in '13 & '14 it was 251 & 284 respectively after budgeting both years at 700. So was being cautious - our banks seem to be all over the place with rates.
2. I have \$4,823 for acct. 1490.90 on both my May P&L statements, can you give me a copy of your P&L?
3. I have \$291 for acct. 1510.33 on both my April P&L statements, can you give me a copy of your P&L?
4. I have \$338 for acct. 1510.33 on both my May P&L statements, can you give me a copy of your P&L?
5. I have \$7,291 for acct. 1519.00 on both my May P&L statements, can you give me a copy of your P&L?
6. I don't have anything listed for acct. 1530.33 on either of my April P&L statements, can you give me a yours?
7. I think we're okay with accounts 1530.70 & 71. 71 is listed before 70 on the P&L and I just got them backwards.
8. I missed the \$423 for acct. 1550.30 on my January P&L.
9. My May P&L doesn't have accts. 6500.21 & 23 listed and I'll correct that with your latest P&L.
10. And again I missed the \$51 for acct. 6500.60 on the June P&L.

So what say you to just sending me pdf's of your April and May P&L's instead of wasting all that paper [Can you believe I said that?]

And then I'm thinking – just wait to send me your final P&L's until you feel there will be no more adjustments/revisions.

I also think it's worth thinking about asking the Trustees to switch our BOT meeting with our P&Z meeting - - like it used to be. Not only does that give us a week to gather final numbers, but also streamlines P&Z recommendations and public hearings before – not after the monthly meetings.