

PROCEEDINGS: CITY OF VICTOR REGULAR COUNCIL MEETING
February 26, 2009 – 6:00 P.M.
COUNCIL CHAMBERS, 500 VICTOR AVENUE:

The regular Victor City Council meeting convened with Mayor Serena Bielz presiding. Mayor Bielz led the audience and council in reciting the Pledge of Allegiance.

In attendance were: Mayor Bielz; Council Members: Richard May, Don Daniel, Veldean Petri, Byron Hakes and City Attorney Alan Jensen.

III. CEREMONIES, PRESENTATIONS, APPOINTMENT

Sidney Innerebner, PhD, PE: Response to any Questions and Proposal for Services

There were no questions for Sidney; her services have been very helpful to the City Water Wastewater Department.

MOTION: Council Member, Don Daniel, moved to extend the contract presented by Sidney Innerebner dba Indigo Water Group until the CDBG grant comes in place at \$700 per month for up to 20 hours service; second by Council Member, Richard May.

Roll Call Vote: Council Members: Daniel, yes; May, yes; Petri, yes; Hakes, yes; Mayor Bielz, yes.

IV. CONSENT CALENDAR:

A. January 22, 2009 Minutes

B. February 12, 2009 Minutes **Tabled until March 12, 2009**

C. February 19, 2009 Minutes of Special Meeting

D. Approve Statement of Expenditures and Authorization to Sign Checks **\$ 89,644.36**

Council Member Richard May moved to approve agenda Items A, C and D and table item B for March 12 meeting; for consent item D the amount of expenditures and authorize checks to be signed in the amount of \$89,644.36; second by Council Member Veldean Petri.

Roll Call Vote: Council Members: May, yes; Petri, yes; Daniel, yes; Hakes, yes; Mayor Bielz, yes.

E. Business License Application: Jutta Haubold dba Studio 41 ~ Picture Framing by Appointment
505 Portland Avenue

MOTION: Council Member Don Daniel moved to approve the Business License Application for Jutta Haubold dba Studio 41; picture framing by appointment; second by Council Member, Byron Hakes.

Roll Call Vote: Council Members: Daniel, yes; Hakes, yes; Petri, yes; May, yes; Mayor Bielz, yes.

V. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

ACTION BY CONSENSUS: Agenda items: Ordinance regarding Sidewalk Snow Removal; Resolution regarding insurance for profit and non profit users of City property; Per Diem, Travel, Training and Development Reimbursement Policy were tabled until the March 12, 2009 meeting. Item XI –D Appointment of Building Commissioner was postponed indefinitely due to new information Council received from CIRSA that Council should not be involved with the Planning Commission.

VI. MAYOR, COUNCIL REPORTS

a. Mayor/Police Commissioner:

Mayor Bielz: Reported on the history of the City's agreement with Colorado Natural Gas; their current plans and her ongoing discussion with Mr. Wirtz, who is advocating for Victor with the company. (Correction by Mayor Bielz) They have another meeting scheduled next Thursday where the Mayor will receive his report on what the Company says. Plan of action needed to move forward. Mayor received a map reflecting the location of the lines.

~ Reported that Anne Kennedy has tabulated the survey information from the responses received to the Ramblin Express proposal for transportation; there are additional surveys coming in. A meeting is being set up with the different organizations and casinos in preparation for moving forward with the transportation between Cripple Creek and Victor.

~ Presented an update on the TOD Signs applications to be located in the area of SH 67 and CR 81.

~ Reported on continuing work on the CDOT sidewalk grant, which is not due now until April 30th. If the grant is awarded the project will be able to start October 1.

~ Reported on the Clerk's Office financial package scheduled to begin in March.

~ Reported on the award of the Energy Impact grant for meters.

b. EDC/ Community Resources:

Council Member Petri: Reported that work is continuing on policies and procedures and the committee will begin working on job descriptions next week.

~ Reported on the meeting with the CIRSA Employment Attorney and the invaluable information Council received. Council hopes to invite the Attorney back to discuss how Home Rule may or may not work for Victor.

~ Reported there will be a Transportation Task Force conference call meeting and the Task Force will be looking at putting together all of the different types of transportation need in order to put together a comprehensive plan that includes Southern Teller County. Currently this part of the county is not in the PPACG transportation system, but rather in with Park and Lake County on the transportation.

~ Reported she is looking into the cost and installation of pet stations, especially in the down town area.

c. Water/Wastewater/Public Works:

Council Member Daniel: Reported that he had attended the Beaver Creek Water Management meeting in Colorado Springs. The participants include Beaver Park Water District; Colorado Springs Utilities, Division of

Wildlife, City of Victor, City of Cripple Creek, and Penrose Water District. This is a cooperative meeting in which the group is working together to determine how to prevent Beaver Park's water callout in the future and perhaps prevent Legal Action which is both costly and one never knows what the outcome may be. The next meeting of the group is early April at which time Beaver Park will present their proposal and the Division of Wildlife will present their proposal. No decisions can be made by the group; therefore, it will be brought back to each entity's board for action. It was an interesting meeting and he was very glad to attend.

d. Streets/Parks:

Council Member Hakes: Commended Rodney, Jim Lottig and the water department for taking care of the ruptured valve and line at the water plant. It was a bad situation and was taken care of promptly with no water service interruption.

~ Reported that he has not received a response from CDOT but will continue to pursue getting a response.

~ Meeting will be scheduled between 9:00 a.m. and 11:00 a.m. on March 4th with Teller County.

~ Reported that he is looking in to a portable handicap ramp for use at the Community Center. There is a breakfast meeting with local government agencies April 13 when this would be needed.

e. Fire Department:

Council Member May: Reported that the Fire Department is currently working on Policies and Procedures in hopes they can reconstitute their volunteer force.

~ Will respond to a citizen concern later in the agenda.

~ Chief Stephens report concerning 5 responses since last meeting was misplaced.

f. City Attorney:

Alan Jensen: Nothing to report this evening.

VII. STAFF REPORTS

a. Fire Department : -

Department Representative or Chief Kurt Stephens: Mr. Stephens is working nights at this time. Mayor Bielz apologized for misplacing the report he had provided. Report will be given at the next meeting.

b. Streets/ Mechanic –

Department Overseer Rodney Vannest: Reported the department responded to 3 water/waste water calls; 1 call for street service and one miscellaneous call.

~ Reported Bison is 46 inches down on the staff gauge doesn't mean we're 46 inches down on water and No. 2 is at 19.1 ft.

~ Measured streets for sidewalk, checked drainage, cleared culverts, repaired potholes.

~Reported that Henry Cole took his water/waste water tests Friday.

c. Water/Waste Water –

ORC Jim Lottig: Special thanks to all those who provided hands on assistance in responding to the water treatment plant emergency which resulted from a ruptured water relief valve and coupler which he had available for the council and audience to see. This resulted in a drop in the water level in the tank. He explained the plan for remedy of further situations.

d. Police Department –

Corporal Trump: Reported that from 2-12-09 to 2-25-09 172 total contacts which included house watches, business checks and routine patrol plus 1 attempt to contact, 13 traffic stops, 3 suspicious activity calls, 1 motorist assist, 5 agency assists. One motor vehicle theft was solved; one fugitive from justice was arrested, is currently housed at Teller County Jail and will be extradited.

~ Discussed with Council the radio communication problem which is resulting in dropped service. This communication problem creates a huge officer safety issue. There is a service technician who has investigated and is analyzing the problem.

ACTION BY CONSENSUS: ~ Council authorized a Police Department purchase order for the immediate elimination of the communication problem and postponement of action on the communications contract until the March 12th meeting.

~ Mayor noted that Corporal Trump started seeing suspicious activity and with the assistance of Cripple Creek and the State Patrol apprehended the fugitive from Missouri.

~ Mayor thanked Corporal Trump, Nathan Bielz and all the other volunteers who assisted in the successful search for an elderly Alzheimer's victim who was missing in Cripple Creek overnight.

~ City Attorney Jensen offered a pat on the back for Corporal Trump also for his assistance with a court case last week.

RECESS REGULAR MEETING:

VIII. PUBLIC HEARINGS:

6:57 P.M. PUBLIC HEARING: The City of Victor Plans to Submit a Community Development Block Grant Application to the State of Colorado, Department of Local Affairs; Funds are Intended for Providing Improvements to the Victor Wastewater Plant Facility and Service Lines

The Public Hearing convened at the above time with Mayor Serena Bielz presiding. Review of the grant and public information was presented by the Mayor.

Mayor Bielz called for public comment:

James Lottig expressed favorable comments in support of the project which will offer further stream protection for Wilson Creek.

Hearing no other comment the public hearing was adjourned at 7:03 p.m.

7:03 p.m.: Mayor Bielz called for a five minute recess.

7:12 p.m. Council reconvened in regular session.

IX. ORDINANCES AND RESOLUTIONS

INTRODUCE FOR FIRST READING: ORDINANCE NO. 469 Sidewalk Snow Removal

Action: Postponed until March 12, 2009

RESOLUTIONS:

Resolution 2009-1: A Resolution Establishing Rules of Procedure for Regular Meetings, Special Meetings and Work Sessions of the City Council, City of Victor, CO.

The City Attorney prefaced action with introductory comments.

Council Member Don Daniel listed his concerns with the resolution which he had delivered to the City Attorney. The Attorney recommended these be stated for the record.

~ Article 1: Mayor Pro tem should be elected by the Council: CRS: 31-4-103; Article 4. Time limit on citizens presentations to 3 or 4 minutes control length of meetings; Article 8 Calling Special Meetings: Mayor and 2 council members or three council members; Article 9 Agenda: Mayor or Council Members may put items on the agenda, public should go through their council member; Article 11 Work sessions: Mayor and two council or three council members to call for a work session; Article 16. to eliminate Article 16 Unanimous Consent should be roll call vote; Article 17. Roberts Rules of Order; this section should be eliminated due to the number of versions of Roberts Rules of Order and to take time each meeting to decide which one will govern that meeting is ridiculous.

~ Mayor correction CRS 31-4-103 states Council MAY not SHALL appoint Mayor Pro tem, historically in Victor the Mayor has always made this appointment.

Council Discussion followed on each article in agreement, clarification and opposition to Mr. Daniel's recommendations.

Public comment was received from Mr. Grater re: time limit on public voice.

The City Attorney hearing a consensus for approval of portions of the Resolution suggested council may want to consider an initial motion on those items for a framework to operate and take individual action on the remaining articles.

MOTION: Council Member Veldean Petri moved to approve Articles 2, 3, 5, 6, 7, 10, 12, 13, 14, 15 and 18 (renumbered as 17 due to deletion of original Article 17); second by Council Member Byron Hakes.

Roll Call Vote: Council Members: Petri, yes; Hakes, yes; Daniel, yes; May, yes; Mayor Bielz, yes.

Pamela Pratt pointed out that indicating "may" appoint; CRS is encouraging us to act as a body.

MOTION: Council Member Don Daniel moved to approve Article 1 with correction that the City Council elect a Mayor Pro-tem at the first regularly scheduled Council Meeting following their election; second by Council Member Byron Hakes.

Public Comment: Dale Roy reminded council they are elected by the people in their Ward and commented on what he sees coming through the back door not honoring the Mayor's position.

~ Council Member Daniel responded that this will in no way benefit him; he is trying only to protect the Statutes.

~ Council Member Hakes clarified that this action will in no way affect the appointment of Richard May as Mayor Pro-tem.

~ Mayor pointed out that CRS doesn't state must and shall but may.

Roll Call Vote: Council Members: Daniel, yes; Hakes, yes; Petri, yes; May, yes; Mayor Bielz, no.

MOTION: Council Member Byron Hakes moved to approve Article 4 with correction stating Council Members and Members of the Public shall limit their remarks to the subject of the agenda item under consideration; second by Council Member Don Daniel.

Roll Call Vote: Council Members: Hakes, yes; Daniel, yes; May, yes; Petri, yes; Mayor Bielz, yes.

MOTION: Council Member Don Daniel moved to approve Article 8 as corrected stating the Mayor and two Council Members or any three Council Members may call a Special Council Meeting; second by Council Member Veldean Petri.

~ Mayor questioned what will take place if an emergency executive session must be called immediately; council response was to contact two members.

Roll Call Vote: Council Members: Daniel, yes; Petri, yes; May, yes; Hakes, yes; Mayor Bielz, yes.

MOTION: Council Member Don Daniel moved to approve Article 9 with correction that any member of public or any member of council may place an item on the agenda by submitting such agenda request to the City Clerk on the prescribed agenda request form by 4:00 p.m. Wednesday the week prior to the meeting; second by Council Member Byron Hakes.

Public Discussion: Kathy Stone discussed encouraging the public placing a subject on the agenda through written request to council representative.

Pamela Pratt discussed accommodating requests through the availability of the Clerk's office.

Roll Call Vote: Council Members: Daniel, yes; Hakes, yes; Petri, yes; May, yes; Mayor Bielz, yes.

MOTION: Council Member Don Daniel moved to approve **Article 11** with correction stating the Mayor and two Council Members or any Three Council Members may schedule a special work session; second by Council Member Veldean Petri.

Roll Call Vote: Council Members: Daniel, yes; Petri, yes; Hakes, yes; May, yes; Mayor Bielz, yes.

MOTION: Council Member Don Daniel moved to eliminate Article 16.

Action: Motion failed for lack of a second.

MOTION: Council Member Veldean Petri moved to accept **Article 16** as written expediting council business; second by Council Member Richard May.

Roll Call Vote: Council Members: Petri, yes; May, yes; Hakes, yes; Daniel, no; Mayor Bielz, yes.

The City Attorney suggested he be permitted to continue his search for the simplified versions of Roberts Rules of Order and for now just eliminate Article 17.

MOTION: Council Member Byron Hakes moved on recommendation of the City Attorney to delete **Article 17** until further information about Roberts Rules of Order can be assessed; second by Council Member Don Daniel.

Roll Call Vote: Council Members: Hakes, yes; Daniel, yes; May, yes; Petri, yes; Mayor Bielz, yes.

Article 18 will be renumbered as 17. No motion required per City Attorney in response to question by Council Member Petri.

8:24 p.m. Mayor called for a recess.

8:35 p.m. Council reconvened.

X. UNFINISHED BUSINESS

No unfinished business.

XI. NEW BUSINESS:

A. City of Victor Policies and Procedures (Standing Agenda Item)

a. Per Diem, Travel and Training and Development Reimbursement Policy (**Item Tabled**)

b. Policy Re: Certificate of Insurance for Non Profit and Profit Users of City of Victor Property

(Item deleted consideration 3/12/09 in form of Resolution)

B. Sunnyside Cemetery Rules and Regulations as Proposed by Cemetery Committee

Council Member Byron Hakes suggested that due to the importance of this item of the cemetery to the council vote and to new and old citizens of Victor and also due to the questionable ownership of the property; a work session be held with Sandy MacDougall, the City Attorney, the cemetery committee and interested members of the public on April 9th. He felt it is in the best interest of everyone to start off on solid footing with the attorneys present and they can answer any questions that anybody has and form a working relationship with each other.

The City Attorney wondered if consideration might also be given for council to entertain the possibility of adopting these as guidelines more than regulations simply trying to work the City's way toward a solution for everybody without imposing rules with penalties.

Mr. Hakes agreed that this is a basis for an agreement and should be used as a guideline so we don't start all over again and any time these guidelines can be revised; he suggested that the cemetery committee document be used as a guideline for any new cemetery document.

~ Mayor Bielz agreed a work session is needed. There is no plan for the restoration and preservation of the cemetery. There's not a condition assessment for the cemetery, what are our plans for the plot fees, why are we charging them. It's in the capital plan for 2011 and the City has received a proposal for a condition assessment. Mayor Bielz read letters of concern of hardships that have been requested be read for the record tonight from former Mayor James Watson, Jr. and Daniel Roy. Written suggestions were received from Dale Roy and all Council Members have a copy.

Council listened to Concerns expressed regarding ownership of the cemetery, hardship of cost of burial plots, concern of not being buried with family members. Speakers included Dale Roy, who presented a petition of residents who are opposing the regulations through this document. He noted that Committee Member Marvin Bielz who said he didn't know how he got on the committee, all he wanted was the maintenance job and it turned into this. He spoke to a life time commitment and the volunteers who have maintained the cemetery though the years. Other Speakers included Irene and Everett Prickett, parents of Everett Prickett, Jr. who gave

his life for the City of Victor and their desire to be buried next to their son. The property had been given to the family by one of the former owners; and Lois Beach whose family members want to be buried by their child.
~ Mayor related numerous concerns that need to be researched regarding the cemetery.

MOTION: Council Member Byron Hakes moved to postpone this item until the regular meeting of council on April 9th following discussion at the work session prior to the meeting; second by Council Member Don Daniel.
~ Mayor Bielz expressed concern with scheduling consideration of the item at a meeting following the work session fearing there is no time for further research if needed or additional public input.

~Council Member Daniel noted the item could be tabled if Council was not ready to make a decision.
Question was called by Council Member Daniel.

Roll Call Vote: Council Members: Hakes, yes; Daniel, yes; May, no; Petri, yes; Mayor Bielz, no.

C. Dee Page Re: Fire Concerns

Resident Dee Page expressed concern with a fire hydrant near her property that hasn't worked for many years. Discussion followed regarding the Fire Department working on new policies and procedures, the yellow fire hydrants not working because they were connected to the old water system, the charged hydrants are painted red; the map that the department has showing all hydrants that work and their location; concerns with water pressure at the hydrants, if it is checked, if the hydrants are tested and when, if any City staff has the credentials to accomplish these tests, the IGA with Cripple Creek for their assistance; the need for volunteers to be trained in order to serve on the department; 24/7 dispatch services contracted through Cripple Creek and if the City runs low on water the Mining Company's use would be halted. Council Member May will check into the City's fire rating as concern was expressed with the cost of insurance.

D. Appointment to fill Vacancy of Council Building Commissioner (Deleted from Agenda)

E. Richard James, Authorization for Placement and Obtaining Applicable Teller County Permits for Modular Home on Property at 429 S 3rd Street

Richard James appeared before the Planning Commission on February 24th and the Planning Commission was satisfied that his proposal to place a modular home with lap siding which looks like wood fits the neighborhood where his former house burned and gave a favorable recommendation to Council for him to proceed to Teller County for applicable permits and inspections. The positioning of the unit meets the set back requirements.

MOTION: Council Member Don Daniel moved to refer Mr. James to Teller County for applicable permits and inspections to place a modular home on permanent foundation which meets the codes; second by Council Member Richard May.

Mike Wallace who had attended the Planning Commission meeting advised the Council that the pictures of the home show that it has a very attractive external appearance.

Roll Call Vote: Council Members: Daniel, yes; May, yes; Petri, yes; Hakes, yes; Mayor Bielz, yes.

F. Radio/ Communications Contract (Tabled until March 12 meeting)

XII. CORRESPONDENCE:

None

XIII. UNSCHEDULED MATTERS

None

XIV. FUTURE AGENDA SCHEDULING

This item will be removed from future agendas.

XV. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT

XVI. ADJOURN

MOTION: Council Member Don Daniel moved to adjourn; second by Council Member Richard May.
The meeting adjourned on unanimous voice vote of all Council Members.

ATTEST: _____
Shirley A. Beach, City Clerk

APPROVED: _____
Serena E. Bielz, Mayor