

PROCEEDINGS OF VICTOR CITY COUNCIL REGULAR MEETING

January 8, 2009 – 6:00 P.M.

COUNCIL CHAMBERS, 500 VICTOR AVENUE

As Corrected: 02/12/2009

6:10 P.M. Victor City Council convened in regular session with Mayor Bielz presiding. The Mayor led those in attendance in reciting the Pledge of Allegiance.

II. In attendance were Council Members: Don Daniel: Veldean Petri: Buck Hakes: Richard May: Mayor Serena E. Bielz: City Attorney: Alan Jensen.

III. CEREMONIES, PRESENTATIONS, APPOINTMENT

December Volunteer, Amber Sipma, was recognized and presented a certificate of appreciation for her volunteer work for special events and the Golden Circle Nutrition Program.

IV. CONSENT CALENDAR:

Mayor Bielz: Moved to item V Additions, Deletion or Corrections to Agenda.

Mayor Bielz: Returned to consent calendar requesting items be separated for action.

~ **Mr. Daniel:** Questioned if there would be an Executive Session tonight?

~ **Mayor Bielz:** Responded the Executive Session called for December 31, 2008 just needs to be a matter of record that there was not a quorum.

~ **Mr. Daniel:** Noted it was an illegal meeting.

~ **Mayor** called upon the City Attorney for a response.

~ **City Attorney:** Asked upon what grounds Mr. Daniel felt it was an illegal meeting?

~ **Mr. Daniel:** Noted that it says in the CRS 31-4-101 states the Mayor and any three members may call special meetings. He added: by notice to each of the members of the City Council personally served or left at his usual place of residence.

~ **City Attorney:** Replied that those are the literal words of the Statute; however, it is practiced in a number of Cities and Towns that it is either the Mayor or three members of council may call special meetings. After explaining the curious aspects of this situation and not having a clear answer to those; he advised that Councilman Daniel is perfectly correct that the literal language of that Statute is that the Mayor and three Council Members call special meetings. The City Clerk forwarded the Mayor's email notifying there would be a special meeting. Two members were out of town; one could not attend due to work related matters and the fourth Council Member had other plans for that date; phone calls were made to three and a message left for a fourth. The City Attorney did recommend an executive session due to the nature of the issue. The CIRSA Attorney recommended the meeting. As the City Attorney recalled the matter had to do with an issue that would be effective the first day of January so that was the urgency of it and there was an inquiry by the Mayor about what would happen if the Council did not take action and his opinion was that without action of the council to alter the situation whatever decision they had made before would stand. No decision could have been made in executive session they would have to come out of the executive session and take action in public session.

~ The meeting was called when the Mayor received the decision from the Attorneys.

~ The City Attorney must be in the executive session and this was the only time the City Attorney was available.

~ Mr. Daniel only brought this to attention for the future. It was nothing against the Mayor.

ACTION: Council Member Daniel moved to approve the minutes of December 11, 2008; ratify approval of the expenses of end of year December 30, 2008 in the amount of \$41,276.59 and approve the statement of vouchers in the amount of \$23,190.99 and authorize signing of checks; second by Council Member Veldean Petri.

~ Mayor Bielz advised the minutes of December 11 did not accurately reflect the true statements.

The Mayor added consideration of full time employment of Joe Lopez under new business and it appears under unscheduled matters and the motion that is stated in this action is not the motion that was said and it needs to be pretty close to verbatim.

Council Member Petri removed her second and Council Member Daniel removed his motion.

ACTION: Council Member Don Daniel moved to ratify approval of the expenses of December 30, 2008 in the amount of \$41,276.59 and approve the vouchers and authorize signing of checks in the amount of \$23,190.99; second by Council Member Veldean Petri.

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

A Approval of Minutes December 11, 2008 Regular Meeting

ACTION: Council Member Don Daniel moved to approve the minutes of December 11, 2008; second by Council Member Buck Hakes.

~ Mayor Bielz advised the motion is not stated correctly.

~ The Clerk will have her Deputy complete a transcript of that action.

ACTION: Council Member Rick May moved to postpone action on the minutes until the next meeting, January 22, 2009;

~ Mayor Bielz noted that on the Resolution to adopt the 2009 Budget she had expressed one of the main reasons; however she did state another one.

Motion was seconded by Council Member Veldean Petri.

~ Public Comment questioned if this was concerning hiring of the Chief.

~ Mayor Bielz clarified **for Mr. Stevens** that this motion was concerning the hiring of Joe Lopez.

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

D. Executive Session of December 31, 2008 (See corrections to the agenda)

Mayor Bielz clarified with the Attorney that this matter does not have to be approved just made a matter of record.

V. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

Mayor Bielz: Requested Executive Session a meeting that was called December 31, 2008 is added to the agenda IV. D.

~ Requested move of Mayor's Address VI. b. to New Business, item X. H.

VI. MAYOR, COUNCIL REPORTS

a. Mayor/Police Commissioner:

Mayor Bielz : Update on progress of grant applications

~ CDBG \$550,000 Waste Water Treatment Plant Pro/Con is finished and waiting to hear grant is awarded.

~Energy Impact \$150,000 Water Meter Grant, Pro/Con scheduled for January 12th.

~CDBG \$550,000 Drainage and Street Grant awaiting word on whether approval is given.

~ Government Accounting System awarded with a February target date.

~ Have been working on transportation since becoming Mayor. She received letter from Todd Holland, President Ramblin Express. For the Company to commit to offering the 11 trip service beginning in March, he would like to get a better understanding of the potential demand. He has asked that the Mayor help coordinate an open meeting the last week in January, suggesting January 27th at 11:00 a.m. open to Victor residents who are employed in Cripple Creek as well as decision-makers from the casinos. The company has the PUC Operating Authority to run between any point in Teller County and Cripple Creek and offered a schedule seven days a week for a \$4.00 round trip fare.

~ 41% of Victor residents are Casino Workers.

~ Will be looking at a survey and partnerships such as Community of Caring.

~ Will not cost the City or County any money and will be the first transportation for Victor.

~ Met with Commissioners Monday and discussed transportation, Golden Circle Nutrition Program and the County Building on Second and Victor Ave. and deterioration which looks like break in situation.

~Mayor noted she was aware that Council Member Hakes had also had discussion with the Commissioners.

~ The Commissioners had heard there was discussion of use for park and recreation and all three made it clear that the building can only be for City of Victor use for maintenance or what ever.

~ In the spring the Teller County Department of Transportation will take a look at the roads that were included in the proposed agreement and determine what it would take to bring them up to par then there will be more discussion.

~ Commissioners are pleased with progress in Victor.

~ Previous Administration had approved the contract; however, the Mayor noted the contract had become null and void due to changes Teller County discovered had to be made regarding the building not being released to the City for five years and that contract was never approved.

~ Reported on the Gold Camp Christmas event.

~ Has been working on matters with CIRSA's Attorneys which has taken a lot of time.

~ Had contacted Clay Brown in June 2007 advising him Victor needed some help. Clay came on Monday. He will do hands on help for Victor which will require a commitment on the part of all council members. His Assistant, Elizabeth Relford who will be helping him.

~ Referenced DOLA flyer Mr. Brown brought for council which his boss had taken to a conference in Texas using Victor as an example progress being made with the assistance of DOLA.

~ Asked Council Member Petri if she would oversee the 2010 Census as part of her Economic Development work indicating it would be a lot of work. Ms Petri questioned in what manner she would be involved.

~ Will give Ms. Petri paperwork she has for Victor's responsibilities in the 2010 Census. Ms. Petri needs to know what the responsibilities are and will be happy to assist.

~ Ms. Petri advised that information is available at the Community of Caring Aspen Mine Center concerning employment availability for the 2010 Census. Interested individuals should contact Hank Nelsen.

~ Mayor is working with the Colorado State Emergency Response Mobilization Plan which has to be in place for the two community development block grants. The Fire Department has completed theirs, the Police and Emergency Services are working on theirs.

~ Working on the CDOT grant and the deal with Ramblin Express between now and March.

~ Has a new Computer and her office is changed around.

Police Chief Report: Chief Congemi reported Officers have taken seven cases since last meeting with one arrest. There have been 460 field contacts to include 28 legal stops; assists, business checks, house watches and citizen contacts. The Police Department also assisted the Fire Department with a house fire.

The new uniforms have taken affect. There is a need to order two new tool boxes for the patrol vehicles. The new traffic vests are still on back order.

~ All emergency communications will be switching to narrow band frequency in the spring. The upfront cost to the City will be \$1,780.

~ Kim Chavez has been offered a commission as a Police Reserve Officer.

- ~ Have received several applications for the full time Police Officer position; he is hoping to get the position filled.
 - ~ Participated in the Victor Christmas Event and handed out candy to the children at the bus stop.
 - ~ Have been doing safety checks at the skating rink.
 - ~ Responding to a question from the Mayor Chief Congemi advised he is the one who started the Reserve Officer program in Victor.
 - ~ Department attends Golden Circle Nutrition lunches and interacting with the seniors.
 - ~ Council Member Daniel asked that the Chief tell a little more about the Reserves Program.
 - ~ Chief Congemi explained that it is a program of volunteer police officers who have all the powers of a regular position. He was going by the current policy where the Chief manages the program and that is why he has not involved the council. The Chief has an open door policy and council is welcome to come into the office and review the work schedules due to officer safety risk.
 - ~ City Attorney advised that if the work schedules were to fall into hands other than the council members there could be a liability issue since the Chief has addressed the risk.
 - ~ Mr. Hakes noted that his only interest in the schedules was not the times the officers worked but how the officers were being utilized in order that he could be aware of the Chief's management style.
 - ~ City Attorney suggested a compromise with using a secure computer access with restricted passwords which would only allow Council Members access to the schedules.
 - ~ Reserve officers volunteer twenty hours per week not a paid position.
 - ~ **Discussion :** Working together covering all contingencies incorporating into policies; providing copies of Police Policy for all council members; consistent policies for volunteer and regular officers; appreciation of the Chief reporting and discussing operations at the meeting.
 - ~ Mayor looks forward to Rodney and Jim's reports at meetings also.
- b.** Mayors Address (See corrections to the agenda.)

c. EDC/ Resources: Ms. Petri

- Ms. Petri:** Expressed that it's important and right that questions be asked and new programs be examined to determine how they fit in the community, how we can applaud it or how it can be improved. Her learning style is to ask questions.
- ~ Teller County Colorado Cares awards will recognize three outstanding Victor volunteers January 13 at 11:00 a.m. at the Teller County Commissioners meeting. The three individuals were nominated by Community of Caring. The individuals are: Marilyn Fay for the Community Pride Award; Ron Deeds for the Good Samaritan Award; and Brian Hayes for the Centennial Award.
 - ~ Announced the Gold Camp Fishing Club annual meeting January 12th at the VICCI Center for all members.
 - ~ Transportation meeting was cancelled in December due to communications difficulties.
 - ~ Happy about the Mayor's communication with Ramblin Express and invited the Mayor to attend the next transportation meeting 9:00 a.m., January 16 in Divide at Community Partnerships. All access to transportation is being looked at for Teller County.
 - ~ Build A Generation meeting will be held February 5, 4:30 p.m. in the Commissioners Meeting Room in Cripple Creek. An invitation was extended to Chief Congemi to attend. In the past Chief Baker was a welcomed presence at those meetings. An email reminder will be sent.
 - ~ Wished the City of Victor and her residents and supporters a Happy New Year. There is much for this Administration to accomplish working together, being creative with resources and keeping Victor on the map.

d. Water/Wastewater/Public Works:

- Mr. Daniel:** Jim and Sidney have set up procedure policy to operate the waste water plant in order that Jim and Daniel will have the same routine each day so nothing is forgotten. They will be working on a policy for the water plant shortly.
- ~ Jim would like to set up a work session next week if possible with the council. They are confused over the December 5th meeting that was held and Jim and Daniel want to interact concerning that meeting. Currently they are still working under last year's policy.
 - ~ Council's understanding is that Daniel and Jim were to be on plants beginning this year. Sidney is drawing up the work schedule.
 - ~ Council is comfortable with Jim being the contact for frozen line emergencies and Rodney for street emergencies.
 - ~ Mayor Bielz advised there needs to be a work session with Mr. Daniel and Sidney with the employees to plan what their needs are for the schedules on the dates they are working the plants alone.

e. Streets/Building/Parks:

- Mr. Hakes :** Suggested future agenda's should have a place for Department Leader Reports separate from Council Reports.
- ~ Streets and Mr. Lottig's work hours Monday through Friday are 7:00 a.m. to 3:30 p.m. and Daniel works week ends 9:00 a.m. to 5:30 p.m.
 - ~ Presented Street/Public Works report listing numbers of work orders and lack of time available for mechanic work due to administrative duties regarding water which will hopefully be remedied by transferring those duties to the water/waste water department.

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Streets/Buildings/Parks Continued

- ~ The backhoe should be received soon. One backhoe will be traded in and the other kept for backup.
- ~ The alleys are too small and constricted for the City equipment. Rodney relates that the alleys have never been plowed.
- ~ Mayor's concern with City liability if emergency equipment cannot get through and the backhoe could be used.
- ~ If City develops a policy his department will comply.
- ~ Mayor suggested that the City plows the cemetery road, the Lawrence road, Cunningham Addition road, two roads that go in to private drive ways and wonders if there is a reason the City plows county roads? This would allow time to plow the alleys. The County should be warned of the manholes on those county roads.
- ~ Mr. Hakes will advise the Street Department they will not plow county roads if that is what the Mayor wants.
- ~ Rodney advised the Mayor that the Street Department has to open the road to Bison so that is when they check water levels. In the summer the water department could accomplish the readings.
- ~ Mr. Daniel asked Rodney to take the water guys next time they did the water level readings to allow them to learn the process.

f. Fire Department:

- Mr. May: Reported the Fire Department has responded to a chimney fire or two so reminded everyone to watch out for their neighbors because quick reporting is the key to the Fire Department's success.
- ~ Mayor, there's been a rash of fires in Colorado Springs.
- ~ Mr. May reminded everyone that it's a good time to replace batteries in their smoke detectors and winter driving does involve slowing down so the emergency services don't have to respond to rescue.

g. City Attorney:

- Mr. Jensen: Reported that the lawsuit he reported on last meeting is still pending. Discovery will start on January 20th. This includes taking testimony by deposition and requiring delivery of documents. This involves Mr. O'Leary's lawsuit charging inverse condemnation when a building was demolished at the direction of the City.
- ~ There has been some difficulty getting the cooperation of certain witnesses to release information that they have about this case; however, he is in hopes that over the next few weeks that circumstance will improve.
- ~ City Attorney reported that there is some serious question whether any email communication is privileged. Some Attorneys will give warnings that the information in an email is client attorney privileged; however, there is uncertainty whether communication by email does enjoy the same protection as a letter sent via mail.

7:20 p.m. Council recessed.

7:35 p.m. The meeting convened in regular session.

VII. PUBLIC HEARINGS:

None

VIII. ORDINANCES AND RESOLUTIONS

None

IX. UNFINISHED BUSINESS

A. 2009 City Waste Disposal Contract

ACTION: Council Member Don Daniel moved to accept the contract from Teller County Waste for two sites at \$179 per month; second by Council Member Buck Hakes.

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

Patsy Brown: Aspen Mine Senior Club Response to Council Member Petri's Letter

Patsy Brown thanked Council for all they had done for the nutrition program in Victor it has grown much faster than when it was began in Cripple Creek. She was confused by the letter from Ms. Petri and Mr. Daniel because they believed all the questions had been resolved. They heard a rumor that the City Council was going to raise their rent which perplexed her because they weren't paying rent. During the Christmas tree contest it was spoken to some of their members the council was going to ask for more rent. Veldean Petri advised her that was not under consideration. Lengthy discussion followed with regard to the Senior Club donation from the Cripple Creek and Victor Mining Company to help offset increased costs resulting from the additional use of the Community Center for the Golden Circle Nutrition Program. The Club has learned that they will not get monies in 2009 that they had received in previous years and the problem of transporting the food from Colorado Springs arose when the school no longer did the transporting. The cost analysis reflects an increase of \$600 for the Community Center. All monies generated go to the Golden Circle Nutrition Program in Colorado Springs. The only issue with the building is the Handicap Access. Carol Baron is the one who decides on the volunteers.

~ City Attorney offered a donation from him and his wife in the amount of \$600 to resolve the matter.

- ~ The Donation was specified for payment of the utilities at the Community Center based on the charge the mine incurs when they use the building.
- ~ The anticipated donation is budgeted for 2009. There is \$12,000 in general fund contingency for unanticipated expenses.
- ~ Senior Club will contact the Mining Company to determine if the donation may be used for something other than utilities at the Community Center.

ACTION: Council Member Buck Hakes moved to postpone this matter until the January 22 meeting; the club representatives would not have to be here; second by Council Member Don Daniel.

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

8:15 p.m. Council Recessed.

8:26 p.m. Council Reconvened.

X. NEW BUSINESS:

A. Consideration of Insurance Requirements for Non Profits and For Profit Users of City Property

Ms. Petri: Would like to see a policy crafted and presented to council for action to insure a standard policy for everyone.

~ Mayor wants to get more information on this as it puts a burden on the non profits. The Elks was unbelievable what they had to go through to do Gold Rush Days. We need to see if it would be a covered event under the City's CIRSA policy.

Council Member Petri stated that she is suggesting this not to penalize anyone but to get a single standard; once again we've just got, it's this way for one person and another for another agency; I think we really need to look at getting a policy that it's one way for all. Mayor Bielz stated I think you can; a policy for profits and a policy for non profits. Council Member Hakes stated that was why the Gold Rush Committee went to the Elks because they came here and asked if they could be covered under the City Policy and were told no.

~ Discussion of liability in case of injury, other communities who require insurance.

Council Member Daniel would like to make a motion that we have our City Attorney draft a requirement for insurance for non profit and profit users of City property; second by Council Member Buck Hakes. The City attorney stated that if it suits the council why doesn't he just take that as a directive and he will prepare a draft for council's consideration. Mr. Daniel responded that that will work. The Mayor added, thank you, thank you all.

ACTION: Council Member Hakes moved to postpone this item until the second council meeting February 26th; second by Council Member Daniel.

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

B. Approve Meeting Schedule 2009

ACTION: Council Member Don Daniel moved to approve the meeting schedule for 2009; second by Council Member Rick May.

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

C. Approve Court Calendar 2009

ACTION: Council Member Don Daniel moved to approve the Court Calendar for 2009; second by Council Member Buck Hakes.

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

D. Approve Sites for Posting of Full and Timely Notices

ACTION: Council Member Don Daniel moved to approve the City Hall, Post Office and Library as sites for posting full and timely City Notices; second by Council Member Rick May.

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

E. Consideration of Previously Approved Donation to Pikes Peak Regional Hospital

City Attorney noted that Council cannot bind a subsequent Council to budget something.

ACTION: Council Member Don Daniel moved to postpone indefinitely the donation to Pikes Peak Regional Hospital; second by Council Member Hakes.

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

F. Adoption of Roberts Rules of Order

ACTION: Council Member Don Daniel moved to not adopt Roberts Rules of Order because it is so complex; second by Council Member Buck Hakes.

Discussion followed regarding rules of conducting meetings. There are so many different editions it is important to be specific and there are some terrible examples that exist. The City Attorney will seek a more modern streamlined edition and bring for Council. Some communities compile their own rules of procedure.

Council Member Hakes rescinded his second and Council Member Daniel rescinded his motion. Council Member Don Daniel moved to postpone the Adoption of Roberts Rules of Order until February 26 2009 regular meeting; Council Member Buck Hakes seconded the motion.

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

G. Appointment of Mayor Pro Tem

Mayor Bielz noted that a Pro tem Mayor fills the absence of the Mayor and must have time to be a Pro tem Mayor, needs to be in communication with the Mayor and be aware of the matters that are happening. CRS 31-4-102 steps in on the Mayors qualifications of which there is a whole list. The City at this time needs a pro active Pro tem Mayor and a positive moving forward Pro tem Mayor and the current Mayor Pro tem has health reasons. The City needs someone at this time that has the time to be a Pro tem Mayor and some council members has their own businesses or a full time job and they are all busy.

The Statutes provide that Council may appoint the Pro tem Mayor; historically and procedurally the Mayor has appointed the Pro tem Mayor. Mayor Bielz strongly recommended Council not override her appointment although they could.

ACTION: Mayor Bielz appointed Richard May as Pro tem Mayor. Mr. May has been coming in since July on a weekly basis researching, learning, listening and finding out more information. He is on the streets with the citizens and a native of Victor for twelve years. He's worried about the liability.

~ Lengthy discussion followed on council's availability, having time, liability stating health condition for a job of any kind; obligations of various council members; call for Ms. Petri's resignation, charges that council members have made statements that they don't have time for things, passing the buck, taking the response vehicle from the fire chief; ammunition in City's letter to Commissioners to stop the power line if Ms. Petri had taken the time and members being on council for the wrong reason.

H. Mayor's Address

~ Mayor read description of Mayor's job and her Oath of Office which she carries with her every day; asked Council to come together read their Oath; make a commitment to dedicate time. City has major projects, Mayor has so much to do in the coming months her head is spinning, she wants to be a team; do not always have to agree and do not always have to disagree. Clay Brown said when he was here to drop the anger bags, do not carry them around and that's what she is asking the Council Members. Clay asked each council member to make a commitment to dedicate even more time and keep focusing on the City. Clay has made a commitment to get Victor up and going. She asked that Council regroup, think about what they were sworn to do, think about what we can do for our community.

~ Mr. Hakes added that Clay Brown said also that if there's going to be a recall which Mr. Hakes has heard a lot of petty gossip around town; he wants nothing to do with Victor.

~ The Mayor corrected Mr. Hakes saying Clay had said he's here to be a catalyst guide, here to help you but when it comes to something like this it does affect what we're trying to do for our City of Victor. He does have a duty to Victor as a Regional Manager and it does put a severe hamper on the project and what can be done to build this community and improve the quality of life. The Mayor spoke with him after the meeting.

~Ms. Petri interjected that it is a catalytic engager.

~ Dale Roy set the record straight by saying he was not on a recall committee but he will do one thing that he told Mr. Daniel he will pray for him three times every day. He also prays for Veldean and Buck as well as the rest that we can have a good council. A lot of times we can do more with prayer than fighting. He thinks we have a good council and mayor as well as others and we can move forward. He encouraged working together.

~Mayor's motto "let's move positively forward".

XI. CORRESPONDENCE:

None

XII. UNSCHEDULED MATTERS

None

XII. FUTURE AGENDA SCHEDULING

Enforcing Clearing of Snow on Sidewalks Downtown

Ordinance to reduce Mayor Compensation *was discussed*

Ordinance to adjust or increase Council Compensation was discussed.

Agenda Policy (Attorney will prepare)

Standing agenda item for Policies and Procedures

~ Mayor thinks council needs to meet regularly with employees.

ACTION: Council Member Don Daniel moved to add the four items to the January 22 agenda; second by Council Member Veldean Petri.

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

XIV. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT

~ David Lowe thanked Council and Mayor for the time devoted to working for the City. Discussed his experience with recycling programs and suggested City have a collection point in town for local residents that would reduce their cost and give the City a stream of revenue. He has a 5 x 8 foot hydraulic dump trailer that is customized to fit regulations which he would let the City use at their location to reduce costs. He offered to volunteer time for weekends to help the City in any way he can as long as it doesn't interfere with his search for work. He is interested in helping create a program.

~ The City Attorney asked for the name and phone number of the librarian; he would like to talk to the librarian about his books.

~ Mr. Stevens noted that Mr. Brown needs everyone's help and encouraged working together and respecting different department heads. There's a lot of backstabbing and rumors out there; encourages people to come to the council meetings. Council is destroying themselves. He suggested the City Attorney have an executive session with council. He noted Victor has the best Police Department and the Chief has pulled the department together. He would like to see the council come together again and help people. Suggested focus groups to get things done. Suggested people get advice on some of the laws they've been violating.

~ Mayor agrees council should meet with employees because it is not good to ask all these questions in public.

~ Amber Sipma asked to have a rumor put to rest because it concerns two council members and the Chief of Police. Buck and Mr. Daniels

~ The City Attorney apologized for the interruption but asked that she state her name for the record.

~ She heard that the two council members were still spearheading to get rid of the Chief and asked on what grounds they have to discriminate against him?

~ Mr. Hakes stated that who ever said that lied.

~ Mr. Daniel stated it was not a true statement. He has nothing against the Chief and his only reason to extend his probation was to give all council an opportunity to get to know him better.

~ Discussion followed with regard to preferential treatment of one employee and rumor to the effect the two are still considering firing the Chief.

~ The City Attorney apologized for interrupting noting this agenda item is public comment not dialogue. He respectfully suggested she make what ever comment she wished to address to council. This is not an opportunity for a dialogue. If there is a concern she is welcome to express it and ask council to respond but the way council can take action would be to set it for an agenda item at some future meeting or set it for discussion in a work session.

~ Amber's public comment is the concern of the negativity that's being said that shouldn't be to the Chief, she doesn't feel that's right.

~ The Mayor advised that she is working on scheduling a meeting with CIRSA's Attorneys and the City Attorney for them to tell Council what is permissible to say to employees and citizens.

~ There are resources available for council to view and read on this subject.

~ **Mayor Bielz presented a concern for** Kathryn Chandler **who was in attendance earlier in the meeting,** with dogs dropping there presents everywhere **and the owners of the dogs not cleaning up after the dogs;** **however, the mayor told her that** she needs to see the dog to describe the dog to the police. She encourages everyone to pick up and watch over their dogs.

XV. ADJOURN

Council Member Daniel moved to adjourn; second by Council Member Rick May. Meeting adjourned on unanimous voice vote.

ATTEST: _____
Shirley A. Beach, City Clerk

APPROVED: _____
Serena E. Bielz, Mayor