

**MINUTES**  
**CITY OF VICTOR REGULAR COUNCIL MEETING**  
**September 10, 2009 – 7:00 P.M.: COUNCIL CHAMBERS, 500 VICTOR AVENUE**

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- I. The regular meeting of Victor City Council convened with Mayor Pro tem, Richard May leading the Pledge of Allegiance.
- II. **ROLL CALL:** Don Daniel: present; Veldean Petri: absent; Buck Hakes: present  
Richard May, Mayor Pro tem presiding: present; Mayor Serena E. Bielz: absent; City Attorney: present.
- III. **CEREMONIES, PRESENTATIONS, APPOINTMENTS**  
Mayor Pro tem, May thanked Matt Focht for the great job he has finished with restoration of the restrooms at Wallace Park.
- IV. **PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT**  
Richard Fay recommended a change in the agenda placing new business B before A.  
Bonnie Markley expressed concerns.
- V. **CONSENT CALENDAR:**  
**MOTION:** Council Member Don Daniel moved to approve Minutes Regular Meeting August 27, 2009 and Statement of Expenditures and Authorization to Sign Checks in the amount of \$52,427.15; second by Council Member Byron Hakes.  
**Roll Call Vote:** Council Members Daniel, yes; Hakes, yes; Mayor Pro tem May, yes.

**VI. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**

**MOTION:** Council Member Byron Hakes moved to place item B under new business before item A; second by Mayor Pro tem Richard May.  
**Roll Call Vote:** Council Member Hakes, yes; Mayor Pro tem May, yes; Council Member Daniel, yes.

**VII. NEW BUSINESS:**

- B. Richard & Marilyn Fay: **LAND USE IN LAWRENCE AND LOT 10A SUNNYSIDE ADDITION**

**NO ACTION BY COUNCIL.**

- A. **APPLICATION FOR WATER & SEWER:** 602 corrected by Teller County to be: **(528 S )**<sup>3RD</sup> STREET  
Chris L. Downs aka L - 10A Block – D Sunnyside Tract – Teller County

**MOTION:** Council Member Don Daniel moved to grant the application for use of the floating water and sewer taps at 528 S 3rd Street upon condition that annexation proceedings be commenced and completed as soon as reasonably possible and that whatever set back requirements and other requirements are to apply in terms of land use regulations to this property are those of the City of Victor; second by Mayor Pro tem Richard May.

**Roll Call Vote:** Council Member Daniel, yes; Mayor Pro tem May, yes; Council Member Hakes, no.  
The installation of the water and sewer will not be delayed for completion of the annexation and the two parties may work together for the annexation application. Another property owner in attendance does not desire to have her property annexed at this time.

**C. PERSONNEL MATTERS**

Mr. Lottig requested the matter be considered in public session.

**D. Executive Session Pursuant to C.R.S., Section 24-6-401, (4), (f): Personnel Matters**

**MOTION:** Council Member Byron Hakes moved to recess to Executive Session pursuant to CRS, Section 24-6-401 (4) (f) to receive legal advice; second by Council Member Don Daniel.

**Roll Call Vote:** Council Members: Hakes, yes; Daniel, yes; Mayor Pro tem May, yes.

9:00 p.m. Council reconvened in regular session. Mayor Pro tem May announced that no action was taken in executive session.

**MOTION:** Council Member Don Daniel moved to reprimand Mr. Lottig using the language suggested by the City Attorney to hereby formally reprimand Mr. Lottig for communicating to the Cripple Creek and Victor Gold Mining Company his recommendation that a contract between the City and the Mine should be cancelled; City Council considers this action to be an interference in the City's contractual relationship with the Mine and is expressly informed that he does not have the authority to intrude into any of the City's contractual relations and if he has any opinions or recommendations concerning any of the City's contracts he is directed to bring these concerns to the attention of City Council; whether City Council agrees with the recommendations or takes action on them is not his concern.

**Roll Call Vote:** Council Member Daniel, yes; Mayor Pro tem May, yes; Council Member Hakes, yes.

**MOTION:** Council Member Don Daniel moved to reprimand Mr. Lottig using the language suggested by the City Attorney, for again suspending Daniel Mick from his duties, despite City Council having previously instructed him not to do so, and to suspend Mr. Lottig without pay for the following three days: September 17<sup>th</sup>, September 24<sup>th</sup> and October 1<sup>st</sup> of this year; second by Mayor Pro tem Richard May.

**Roll Call Vote:** Council Member Daniel, yes; Mayor Pro tem May, yes; Council Member Hakes, yes.

**B. BID AWARD: CLEANING AND TELEVISIONING OF SEWER LINES**

**MOTION:** Mayor Pro tem Richard May moved to accept the lowest bid submitted by DRC Construction in the amount of \$ 59,740 for cleaning and televising of sewer lines; second by Council Member Byron Hakes.

**Roll Call Vote:** Mayor Pro tem May, yes; Council Members: Hakes, yes; Daniel, yes.

**VIII. PUBLIC HEARINGS:**

None

**IX. ORDINANCES AND RESOLUTIONS**

None

**X. CITY ATTORNEY**

Nothing to present at this time.

**XI. UNFINISHED BUSINESS**

None

**XII. CORRESPONDENCE**

None

**XIII. ADJOURN**

**MOTION:** Council Member Don Daniel moved to adjourn; second by Mayor Pro tem, Richard May. The meeting adjourned on unanimous voice vote of the three members present.

Attest: \_\_\_\_\_  
Shirley Beach, City Clerk

Approved: \_\_\_\_\_  
Richard May, Mayor Pro tem