

MINUTES: CITY OF VICTOR REGULAR COUNCIL MEETING
April 9, 2009 – 7:00 P.M.: COUNCIL CHAMBERS, 500 VICTOR AVENUE

I. The regular meeting of Victor City Council convened following the work session with Mayor Serena E. Bielz presiding. The Pledge of Allegiance was led by the Mayor:

II. ROLL CALL: Don Daniel: present; Veldean Petri: present; Buck Hakes: present; Richard May: present; Mayor Serena E. Bielz: present; City Attorney: present; City Water Attorney: present.

III. A: EXECUTIVE SESSION PURSUANT TO C.R.S., SECTION 24-6-402 (4) (b); for the PURPOSE OF SEEKING LEGAL ADVICE RELATING TO WATER, FROM THE CITY'S WATER ATTORNEY: Water Attorney: M. E. "Sandy" MacDougal

6:05 p.m. MOTION: Council Member Don Daniel moved to recess to executive session pursuant to CRS, Section 24-6-402(4)(b) for the purpose of seeking legal advice, from the City's Water Attorney about litigation; second by Council Member Byron Hakes.

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

7:50 p.m. Reconvene in Regular Session

Mayor Bielz advised that the executive session was to receive legal advice from the City's Water Attorney and no action is necessary at this time.

B. SUNNYSIDE CEMETERY OWNERSHIP AND RULES & REGULATION

MOTION: Council Member Don Daniel moved to approve the Rules and Regulations of Sunnyside Cemetery; second by Council Member Byron Hakes.

Discussion followed. Former Mayor, Jim Watson; Dale Roy; Marilyn Fay; Irene Prickett; Everett Prickett; Michael Nothaus; Joe Stevens.

MOTION TO AMEND: Mayor Serena Bielz moved to amend the motion to approve Section 1: A: B: 1,2,3,4, 6,7,8,9;11,12 Section 2; Section 5: B,C,D,E,F,H; Section 8; A,B,C,D, 1,2,3,4; Section 9: A,B,C,D,E; Section 10; Section 11: A,B,C,D,E,F,G; Section 13; Section 14; Section 15; Section 17; Section 18; Second by Council Member Richard May.

Discussion continued: including a moratorium on burials; having some regulations in place; title of property; problems that may occur and the problems perhaps not being able to be solved in one motion; who has the responsibility of opening and closing the grave; adding a contractor who meets the insurance requirements of the City; eliminated items will be brought back for discussion and future consideration and a chain being placed until a gate is installed; departments will work together on raising and lowering the flag and locking the gate; granting agencies and historical fund availability.

Attorney MacDougall will scan a clean copy and have his secretary email it to the City Attorney.

AMENDMENT OF MOTION TO AMEND: Mayor Bielz amended the amendment to include approval of those sections agreed upon for approval tonight and postpone for discussion at the April 23 work session those sections asked to be taken out; Seconder Richard May agreed to the amendment.

The item will be placed on the meeting agenda also and if council is not ready to take action the matter will be postponed on those items that require more discussion.

Roll Call Vote on the Amended Amendment to the Motion: Mayor Bielz; yes; Council Members: May, yes; Hakes, yes; Petri, yes; Daniel, no.

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

8:45 p.m. Council recessed.

8:52 p.m. Council reconvened.

IV. CEREMONIES, PRESENTATIONS, APPOINTMENT

None

V. CONSENT CALENDAR:

MOTION: Council Member Don Daniel moved to approve the minutes of the April 2, 2009 regular meeting and statement of expenditures in the amount of \$16,152.22; authorizing signing of the checks; second by Council Member Byron Hakes.

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

VI. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

None

VII. City Attorney:

The City Attorney had nothing to report at this time.

VIII. PUBLIC HEARINGS:

None

IX. ORDINANCES AND RESOLUTIONS

INTRODUCE FOR FIRST READING: ORDINANCE NO. 469 AN ORDINANCE REQUIRING THE REMOVAL OF SNOW, DEBRIS, RUBBISH AND DIRT FROM SIDEWALKS WITHIN THE CITY

Council Member Don Daniel moved to introduce for first reading and order published; Ordinance No. 469; an Ordinance Requiring the Removal of Snow, Debris, Rubbish and Dirt from Sidewalks Within the City; second by Council Member Byron Hakes.

Discussion followed with comments from Mike Wallace, Joe Stevens, Dale Roy, Marilyn Fay. Council Member Veldean Petri asked that Section 3 be removed from the Ordinance.

AMENDMENT TO MOTION: Council Member Don Daniel moved to amend the motion to remove Section 3 as written and add fees of \$50 for the first offense, \$100 second offense and \$150 for third and subsequent offenses; second by Council Member Hakes.

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

XI. UNFINISHED BUSINESS

(Public Comment may be heard) Discussion/Action

A. Radio/Communications Contract

Action by consensus : Matter postponed until the first meeting in May; May 14, 2009.

B. Daniel Wells CHCA/ Verify Race Dates & Water Usage (Return from March 12)

Presentation: Confirmed dates of the first race as May 30 and 31. The Organization will be using the Conley Mine property as their pit location rather than the Helipad. They will look at another road closer to Cripple Creek for the August race. Presenters will not be required to return to council for future date if race is held on CR 82/83.

Action by Consensus: Water will be sold to the Colorado Hill Climb Association from the grassy valley hydrant off county road 81.

XII. NEW BUSINESS:

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

a. Correspondence and e mail Requirements

MOTION: Council Member Don Daniel moved to accept policy 2009-3 regarding correspondence and email documents entered into City Record; second by Council Member Byron Hakes.

Discussion followed regarding emails as opposed to signed letters; a signature validating a document; the City Attorney pointing out that different names signed by one person constitute one signature and the others forgeries and checking on validity of unsigned documents and email addresses on the document verifying sender.

Amendment to Motion: Council Member Daniel amended his motion to eliminate email documents and only signed documents will be accepted for the records of the City; second by Council Member Hakes.

Council Member Hakes called for Question; second by Council Member Daniel.

Vote on Call for Question: Council Members: Hakes, yes; Daniel, yes; May, yes; Petri, yes; Mayor Bielz, yes.

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

b. Facility Use Application & Permit

MOTION: Council Member Veldean Petri moved to approve the Facility Use Application and Permit; second by Council Member Don Daniel.

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

XIII. CORRESPONDENCE:

None

XIV. UNSCHEDULED MATTERS

None

XVI. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT

No Public Comment.

XVII. ADJOURN

Being no further business the meeting was adjourned on motion by Council Member Daniel; second by Council Member May with unanimous voice vote.

Attest: _____
Shirley A. Beach, City Clerk

Approved: _____
Serena E. Bielz, Mayor

