



**AGENDA
CITY OF VICTOR
REGULAR COUNCIL MEETING
OCTOBER 21, 2021 – 6:00 P.M.
REMOTE AND IN-PERSON**

The Victor City Council encourages and appreciates the community's interest in attending City Council meetings. Members of the public who are called to speak on an agenda item will be limited to a three-minute presentation.

- I. CONVENE REGULAR MEETING
PLEDGE OF ALLEGIANCE
INVOCATION**
- II. ROLL CALL**
- III. CONSENT CALENDAR:** *(These items will be acted on as a whole, unless a specific item is called for discussion by a Council member or Mayor)*
 - A. Minutes of Regular City Council Meeting: August 19, 2021** ☒
 - B. Financial Statement: September, 2021** ☒
- IV. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- V. REPORTS**
 - A. Mayor and Councilor Reports**
 - B. Public Works – Kurt Yeater**
 - C. Mainstreet – Kim Lottig**
 - D. City Administrator – Richard Mann**
 - E. City Clerk/Treasurer – Glori Thurston**
- VI. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT**
- VII. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
- VIII. NEW BUSINESS**
 - A. PROFESSIONAL SERVICES AGREEMENT – Baseline Engineering – Victor Avenue and Third Street Sidewalk Rehabilitation and Fortune Club's Meter Pit Relocation - \$49,500.00.** ☒
 - B. FIXED AND TEMPORARY ROW ENCROACHMENT APPLICATION – Adam Zimmerli, Black Monarch.** ☒
- IX. ADJOURNMENT**

***To access the work session and meeting remotely, go to www.cityofvictor.com home page, click on "Departments" tab located at the top of the home page, scroll down and click on "Mayor and City Council", and follow pop-up window instructions.**

WORKSESSION STARTING AT 5:00 P.M. PRIOR TO REGULAR COUNCIL MEETING

Note: Any item on this agenda may be subject to a vote by City Council. Assistance for the hearing, visually, or physically impaired may be provided upon request. Please inquire at the office of the City Clerk, 1-719-689-2284, or to P. O. Box 86, Victor, CO 80860.

For persons with hearing impairments, please call RELAY COLORADO at 711 or 1-800-659-2656 and request "City of Victor at 719-689-2284."

The City of Victor supports efforts to affirmatively further fair housing.

THIS INSTITUTION IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.

**MINUTES
CITY OF VICTOR
REGULAR COUNCIL MEETING
AUGUST 19, 2021 – 6:00 P.M.
REMOTE AND IN-PERSON**

I. CONVENE REGULAR MEETING: Mayor Bruce Davis called the meeting to order at 6:00 p.m. and led the assembly to recite the Pledge of Allegiance followed by invocation by Terry Akins, Victor resident.

II. ROLL CALL: Present were Mayor Davis, Mayor Pro tem Buck Hakes, Councilors Mark Gregory and Barbara Manning. Absent was Councilor Michelle Wirtz. Also, present were City Administrator, Richard Mann and City Clerk, Glori Thurston.

III. CONSENT CALENDAR: *(These items will be acted on as a whole, unless a specific item is called for discussion by a Council member or Mayor)*

A. Minutes of Regular City Council Meeting: June 1, 2021

B. Minutes of Special City Council Meeting: July 8, 2021

C. Financial Statement: July, 2021

A motion by Councilor Manning to approve the Consent Calendar without the financial statement was seconded by Councilor Gregory. All were in favor and the motion carried.

IV. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA: None

V. REPORTS

A. Mayor and Councilor Reports: Mayor Davis gave an update on his future attendance to the Veteran's Memorial event in Cripple Creek to represent the City of Victor. Councilor Hakes recognized volunteers who organized Gold Rush Days. Councilor Manning gave an update on the CC&V school schedule, and its positions open for hire.

B. Public Works – Kurt Yeater: Mr. Yeater gave an update on the wastewater plant, street and road maintenance, and other public work matters.

C. Main Street – Kim Lottig: Ms. Lottig gave an update on events that include Gold Rush Days, Movies in the Plaza, Burro Race, and fundraisers.

D. City Administrator – Richard Mann: Mr. Mann gave an update on the Delta Variant, and other administrative matters.

E. City Clerk/Treasurer – Glori Thurston: Ms. Thurston gave an update on the local election, the CML District 4 Meeting, and website update.

VI. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT: Mr. Rudy Hall, Victor Resident, discussed damage to his sewer line during street improvements. Mayor Davis explained the cause of the damage, repair work and instructed Mr. Hall to turn in receipts to Richard Mann, City Administrator.

VII. PUBLIC HEARING:

A. SPECIAL EVENTS PERMIT- VICTOR'S GOLD CAMP AG AND MINING MUSEUM: Rocky Mountain Rambler 500 - September 17, 2021: Mayor Davis opened a public hearing at 6:21 p.m. Amanda Goehry, Victor's Gold Camp Ag and Mining Museum Member, presented the special events permit, and event setup. Discussion was given to liquor boundaries. Chris Allen, business owner, suggested having one beer garden and utilize local establishments to allow for better security and risks of alcohol violations outside of liquor boundaries. Discussion was given to liquor violations. No further comments. Mayor Davis closed the public hearing at 6:40 p.m. A motion by Councilor Gregory to grant the special events permit for Victor's Gold Camp Ag and Mining Museum during the Rocky Mountain Rambler 500 on September 17, 2021, was seconded by Mayor Pro tem Hakes. All were in favor and the motion carried.

B. SPECIAL EVENTS PERMIT – VICTOR ELKS LODGE BPOE 367 – Date change: Mayor Davis opened a public hearing at 6:21 p.m. Misty Eastin, Victor resident and Manager at the Victor Elks Lodge, along with Sue Kochevar, Victor resident and Victor Elks Lodge Member, presented the special events permit.

- C. Mayor Davis opened the public hearing at 6:44 p.m. No public comment. Mayor Davis closed the public hearing at 6:45 p.m. A motion by Mayor Pro tem Hakes to approve the special event permit date change for the Victor Elks Lodge BPOE 367 from October 2, 2021 to October 30, 2021 was seconded by Councilor Manning. All were in favor and the motion carried.
- D. **PLANNING AND ZONING COMMISSION – Ellingson Variance Request – 113 S. 3rd St.** Mr. Ellingson, owner of 113 S. 3rd St., presented the variance application that includes handicap accessibility for residential living for his son along with a construction business. Mr. Terry Akins, Victor residence, has no objections with Mr. Ellingson’s plans. Chris Allen, business and property owner, strongly opposes commercial buildings to remain 100% commercial. Mary Bielz, building owner, presented her support to approve the variance application. Discussion was given to business district. Brandon Gray, residence owner, supports the variance. He presented investment values between residential and commercial properties. Vera Pratt, Community Development, stated the applicant is requesting a variance for 60% residential use in a commercial building. She presented background information and Victor Municipal Code Chapter 16 – purposes and objectives. Mrs. Pratt read four anonymous letters from residential and/or commercial owners who oppose this variance. Concerns include business type is industrial, and should not be in commercial/residential zone, historic outside wall art that may be interrupted by window construction, trespassing on neighboring property to access own property, owner’s son parking trucks and trailers for days in short term parking areas, and lack of trash upkeep, Mrs. Pratt presented staff findings that stated staff is concerned about the proliferation of residential and the loss of storefront commercial use in the downtown corridor, long term parking of equipment and vehicles in undesignated area, and municipal code violations. Recommendations include submitting a plan to disable the existing kiln from being used as a source of heat due to lead particles being disbursed, upgrade to a fire wall between business and residential uses, requiring the entire front façade remain as commercial use and the appearance must be commercial, a building permit must be obtained within 3 months of variance approval and to be done before 180 days of the approval. Mr. Ellingson addressed concerns. No further public comments. After further discussion among council members, Mayor Davis closed the hearing at 7:26 p.m. A motion by Mayor Pro tem Hakes to approve the variance application request for 60% residential use in a commercial building as long as equipment and vehicles are parked in designated areas, building is brought up to electrical, plumbing and other municipal codes, and if applicable, reply to letters in opposition was seconded by Councilor Gregory. All were in favor and the motion passed.

VIII. ORDINANCES AND RESOLUTIONS

- A. **SECOND READING – ORDINANCE NO. 515 – AN ORDINANCE OF THE CITY OF VICTOR MODIFYING THE JOB DESCRIPTION AND COMPENSATION AMOUNT FOR THE CITY CLERK POSITION.** Richard Mann, City Administrator, presented the ordinance. Discussion was given to business owner, Chris Allen’s request to clarify the City Clerk work hours. No further comments. A motion by Mayor Pro tem Hakes to adopt the second reading of Ordinance No. 515 that is an Ordinance of the City of Victor modifying the job description and compensation amount for the City Clerk position was seconded by Counselor Manning. All were in favor and the motion passed.
- B. **RESOLUTION NO. 2021-08-19.01 – A RESOLUTION ELIMINATING VARIOUS LOT LINES IN BLOCK 19 OF THE CITY OF VICTOR (“VICTOR ORIGINAL”).** Vera

Pratt, Community Development, presented the resolution. A motion by Councilor Manning to accept Resolution No. 2021-08-19.01 that is a resolution eliminating various lot line in block 19 of the City of Victor (“Victor Original”) was seconded by Councilor Gregory. All were in favor and the motion passed.

IX. NEW BUSINESS

A. APPOINT RICHARD MANN AS 2021 BUDGET OFFICER. A motion by Councilor Hakes to appoint Richard Mann as 2021 Budget Officer, was seconded by Councilor Manning. All were in favor and the motion passed.

X. Meeting adjourned at 7:39 p.m.

ATTEST:

Bruce Davis, Mayor

Glori Thurston, City Clerk

Fixed and Temporary ROW Encroachment Application



CITY OF VICTOR
P. O. Box 86, Victor, CO 80860
719-689-2284

Please check one:
[] Fixed Encroachment
[X] Temporary Encroachment

Property Owner Adam Zimmerli
Owner's Representative
Home Phone Mobile Phone
Mailing Address 301 W. Victor Ave
City Victor State CO Zip 80860
Email Address

Detailed description of encroachment: Property owner currently has three trash cans placed along North 3rd Street in front of the Black Monarch. Owner wants to replace the cans with a 3 yard dumpster and requests a temporary encroachment. Specifically 36", leaving 92" for pedestrian traffic. Other permanent encroachments in town leave as little as 53" for pedestrians.

Purpose of encroachment: a dumpster that can be locked to prevent wild life accessing kitchen trash that is produced by the Phantom Canyon Cafe. The Owner will build a fence to conceal the dumpster from public view. Owner intends to purchase additional property for permanent dumpster placement.

Specific timeline for temporary encroachments: 18 months

Please review Article 3, Chapter 11 of the City of Victor Municipal Code as additional requirements may apply.

I (we) understand that any temporary or permanent encroachment on City ROW is installed at our own risk and is subject to removal by the City for any reason. The City is not responsible for any damage to private property on City ROW.

Signature of Property Owner

Date

Handwritten date: 10-14-21

(Fees: See City of Victor Fine and Fee Schedule)

FOR OFFICE USE ONLY

Approved: Approved with Conditions: Denied:
Permit issued on: By: Total Fee: