

**PROCEEDINGS**  
**CITY OF VICTOR**  
**REGULAR COUNCIL MEETING**  
**August 14, 2008 – 6:00 P.M.**  
**COUNCIL CHAMBERS, 500 VICTOR AVENUE**

**6:00 P.M. CONVENE:** City Council, City of Victor convened in regular session in the Council Chambers, City of Victor with Mayor Serena Bielz presiding.

- I. PLEDGE OF ALLEGIANCE:** Mayor Bielz led the Pledge of Allegiance.
- II. ROLL CALL:** Don Daniel: Present; Veldean Petri: Absent; Buck Hakes: Present; Richard May: Present; Mayor Serena E. Bielz: Present; City Attorney: Present.
- III. CEREMONIES, PRESENTATIONS, APPOINTMENTS**  
None
- IV. CONSENT CALENDAR:**
- B. ACTION:** Mr. Daniel moved and Mr. Hakes seconded to Approve Statement of Expenditures in the amount of \$59,867.68 and authorize signing of checks. Roll Call Vote: Council Members: Daniel, yes; Hakes, yes; May, yes; Mayor Bielz, yes.
- A. ACTION:** Mr. May moved to approve minutes of the July 24 meeting with corrections; second by Mr. Daniel. Roll Call Vote: Council Members: May, yes; Daniel, yes; Hakes, yes; Mayor Bielz, yes.
- V. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**  
None.
- VI. MAYOR, COUNCIL REPORTS:**
- a. Mayor/Police Commissioner Bielz:**  
~ Reported on TOD signs at intersection of County Road 81 and Highway 67  
~ Reported on contacts for transportation needs.  
~ Reported on potential revenues for matching gaming request for Municipal Court  
~ Reported on Grant Potential at Philanthropy Days September 23, 24, 25 and scholarship availability of registration of \$100 not affordable.  
~ Thanked Election Judges who served for the Primary Election. Judges are needed for the General Election.
- b. EDC/ Resources Commissioner: Mayor in absence of Ms. Petri**  
~ Reported on progress of Capital Improvement Plan; reminder of Open House for Public input on Monday, August 18  
Public Comment: Mr. Grater request City retains “City of Mines” on Historic Signage on County Rd.81 and SH 67.
- c. Mr. Daniel: Water/Wastewater/Public Works:**  
~ Reported that the City has received a response from C. C. & V. Mine on Water Agreement negotiations.  
~ Reported on completion of Grants Water/Waste Water Tap.  
~ Reported on concern of the Wastewater Operator with regard to receiving sludge from the mine.  
~ Reported no decision on the soccer camp water line.  
Public Comment: Mr. Grater request public accounting of water sold to mine.
- d. Mr. Hakes: Streets/Building/Parks:**  
~ Reported street department continues to be short one employee  
~ Reported backhoe is down again. Staff will continue to dig trenches for gas lines next week.  
~ Reported that Department Leader Rodney Vannest will advertise for contractor to complete Third and Diamond Drainage Project.
- e. Mr. May: Fire Department:**  
~ Reported \$200 donation from Colorado Hill Climb Association; \$225 Memorial Donation; \$500 donation from Pikes Peak Hill Climb; \$1487 revenue from Gold Rush Pancake Breakfast; \$1096 expense from Gold Rush Pancake Breakfast.  
~ Reported same number of members in Volunteer Department.  
Mayor Bielz:  
~ Noted Fire Department Recognition Dinner has been postponed until October.  
Mr. Hakes:  
~ Questioned Fire Truck being left out in the weather and number of lights being left on day and night.
- f. Mr. Jensen, City Attorney:**  
~ Nothing new to report.
- VII. PUBLIC HEARINGS:** No Public Hearings Scheduled.

## VIII. ORDINANCES AND RESOLUTIONS

### A. Ballot Questions for November 4, General Election

- ~ Brief discussion on possible Ballot Issues.
- ~ Reduction of Mayors Compensation
- ~ Reduction of Clerks Compensation
- ~ Appointment of Clerk/Treasurer rather than Elected

#### Public Discussion:

- ~ Mr. Stevens discussed hardships created by City Clerk's being forced out of office.
- ~ Mr. Hakes asked that it not be assumed that this Council would operate that way as they are trying to move forward.
- ~ Council will submit suggestions to the City Attorney who will prepare appropriate resolutions.
- ~ Mr. Daniel: Suggestion of Mayor Compensation \$500 and Council Members \$400
- ~ Mr. Hakes: No reduction of Clerk's salary

### B. Resolution Requiring the Police Chief and Police Officers to Reside Within a 10 Minute Response Radius

**Discussion:** Other entities have no requirements on where Chief and Officers reside; restrictions on obtaining qualified applicants

**Action:** Mr. May moved to approve the Resolution Requiring the Police Chief and Officers to Reside within a 10 minute response radius of the City of Victor

~ Mr. Hakes: Questioned if this resolution pertains to an email regarding an officer who leaves the City on his days off. The City cannot require officers to remain in the City when off duty.

#### **Public Comment:**

- ~ Pamela Pratt: Re: Corporal Lewis' qualifications for the position
- ~ Lack of experience and increased responsibility when not ready leads to officer burnout
- ~ Chuck Pratt related experience with residency requirements
- ~ City Attorney Council can but do not need to require residency within the City
- ~ Pamela Pratt: Clarification on Sheriff's Office response to the City

**Action:** Mr. May moved to approve Resolution 2008-08-14.6 repealing Resolution No. 2006-07/13-B and requiring that the Chief of Police reside no further from the City Limits than a 10-Minute Drive; second by Mayor Bielz.

#### **Public Comment:**

- ~ Dale Roy: A former Chief lived more than 10 minutes away from the City
- ~ Mr. Stevens: No housing for employees of the mine; no new housing plans; absurd to dictate residency within such tight boundaries; condition of houses in Victor; cost of heating those houses; lack of manpower to fill these positions within the City.
- ~ Officers: No concerns or problems with Resolution because Victor needs a Chief of Police; Officers will burn out if continue with only two officers. Ten minutes not a long response time.
- ~ Chuck Pratt: Proposed to previous Mayor his concern with law suit that restricted residency; suggested salary incentive for living in the City.
- ~ Dale Roy: Current fire chief responds timely from Cripple Creek.
- ~ Marshall Winblood: Supported 10 minute response relating a recent fire chief who was paid \$120,000 and gave nothing back to this community.
- ~ Call for question was denied for continued discussion.
- ~ Chuck Pratt: Questioned if on call officers have to remain in town when they were on call to which the Mayor responded they only had to remain within ten minute response time.

**Action:** Roll Call Vote: Council Member May, yes; Mayor Bielz, yes; Council Members: Hakes and Daniel no.

**Action:** Mr. May moved to adopt Resolution 2008-08-14.7 repealing Resolution 2008-07/13-B requiring that the Chief of Police reside no further from the City Limits than a 30 minute drive; second by Mayor Bielz.

~ Public Comment: If there is a problem there must be a solution; availability of suitable housing is lacking in Victor; providing land for housing as an enticement to attract people to the City.

~ Mr. Hakes called for the question. Council agreed.

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

~ Mr. Jensen advised that the understanding of the Resolution is the Chief and the Officers live within thirty minutes drive of the City Limits.

~ Mr. Hakes understood the Resolution pertained only to the Chief.

~ Clarification of the Resolution. Mayor declared there is apparently some misunderstanding of the Resolution and requested the Resolution be restated for particular detail with a vote being called in order that there is no misunderstanding on what is intended for both the Chief and the Officers.

~ **ACTION:** Mr. May clarified the motion as reading Officers shall reside within a ten minute drive of the City Limits of Victor and the Chief shall reside within a thirty minute drive of the City Limits of Victor; clarification seconded by Mayor Bielz.

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

## IX. UNFINISHED BUSINESS

### A. Report of Citizens Committee Re: Clean up of Debris/Rubbish/Trash

~ Dale Roy: Reported he has driven by properties on which the City has received complaints of trash accumulation. Suggested a thirty yard dumpster could be placed on level ground for residents to deposit debris for a charge. Local business residents are interested in helping out with this problem if land can be located for the operation of a transfer site. Construction sites should be required to have a dumpster to deposit debris as part of their building permit.

Mr. Roy offered free service to remove metals; although garbage is not his specialty.

~ There is a garbage ordinance that requires a Police Chief in order to enforce.

~ Long Branch willing to work with the City of Victor allowing a discounted price.

~ Dumpster cannot be left unattended due to illegal dumping.

~ Encourage Private Enterprise to provide transfer site.

~ Cannot store scrap within the City of Victor due to health safety and welfare regulations.

7:25 p.m. Recess

7:36 p.m. Reconvened

## X. NEW BUSINESS:

### A. Veldean: Re: Summer Clean Up Day Prior to Labor Day/ Charging Fees

**ACTION:** Tabled until August 28 meeting due to Ms. Petri's absence.

### B. Veldean: Re: Consideration of Recognition of Volunteer of the Month

**ACTION:** Tabled until August 28. Discussion of previous meeting: nominations due to the City Clerk's office not later than the 20<sup>th</sup> of each month.

### C. Don: Re: Consideration of Time Change for Council Meetings During Daylight Savings

**ACTION:** Mr. Daniel moved to hold City Council Meetings beginning at 7:00 p.m. during Daylight Savings Time and 6:00 p.m. otherwise; second by Mr. Hakes.

~ Mayor Bielz meetings will be later

~ Mr. Hakes: Encourages being more efficient.

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

Mayor took her vote back to try on temporary basis although she thinks it will make meetings very late.

~Mr. Daniel and Mr. Hakes expressed their thanks.

### D. BUSINESS LICENSE APPLICATION

Nancy Hanks dba Gallery 80860: Art Gallery

~ Sales Tax License applied for.

**ACTION:** Mr. Hakes moved to approve the business license application for Nancy Hanks dba Gallery 80860; second by Mr. Daniel.

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

### E. Mayor Bielz: Consideration of Christopher Congemi as Police Chief

~ Mayor Bielz: Outstanding Application; 17 years experience in law enforcement; read extensive credentials. Oral Board and Officers have very positive recommendation. Applicant brings extensive training ability to City.

~ Applicant is a Former Victor Officer and left to move up.

~ Currently employed in Cripple Creek; skills valuable and useable in service to Victor

~ Public Concern: Lori Phelan concern with leaving a position in Victor then returning; incident that took place in Cripple Creek questioned Mr. Congemi's investigation of her case and profiling.

~ Mayor Bielz: 90 day Strict Probationary Period and 1 year additional probation. Assured by Chief of Police in Cripple Creek that strict investigative procedure was followed in Ms. Phelan's case. Officers are in jeopardy of burning out; applicant likes Community and spends time and money here.

~ Will give two weeks notice to Cripple Creek if employment is approved.

~ Mr. Hakes: Questioned how probation would be handled if dissatisfaction with employee?

~ City Attorney: Colorado is at will state; Council needs no cause to terminate an employee.

~ Mr. Hakes: Atmosphere of department is excellent at this time, frightening to return to what was here a year ago. Thinks Corporal Lewis has qualifications for Chief and would excel in the position.

~ City Attorney: Commented on his sense of chain of command in every police department he has known and the Chief is the only one who interacts with the City Council. It would be very appropriate if Mr. Congemi were hired, just let him know that there is a very close working relationship with both your officers and as for chain of command that goes right out the window because you're going to want to have every bit of gossip they can pass along to council.

~ Mayor Bielz: Neither Council or the Community wants to lose their relationship with the current officers. Referenced acronym: Together Everyone Achieves More.

~ Mr. Daniel: Would not like to see someone come in and upset the apple cart that is now great. Concern that Chief may use position as stepping stone to a better position and not stay and we've lost one of our officers with whom we have good report.

~ Corporal Lewis: Had spoken to Mr. Congemi about that and he did say he hoped to retire here. He's advanced in his law enforcement career and would like to remain here.

~ City Attorney: It's important who you get your training from. If Mr. Congemi were to not be here very long the men on the force would have his extensive training to continue; he sees this as being very positive both for the officers and the City.

~ Mr. Hakes: Questioned if he knows that he has 450 people plus the council scrutinizing him because of the quality of law enforcement the City has now and what protection is there for the City if there is no paperwork defining the agreement.

~ City Attorney: Could not speak to it being covered in the personnel policy; however, it should be; council could have an employment agreement with the new Chief which would be a good idea and could be put in there; it will be written in the minutes and be on someone's computer.

~ Mayor and Mr. Hakes: Attorney should compile an agreement; Date Certain with probation period being September 1 through December 20<sup>th</sup> with review at any time; remaining probationary period one year on September 1, 2009. Reminded Council that Colorado is still an employed at will State and an employee can be dismissed for any reason or no reason, except something prohibited such as something discriminatory. If it is put in the agreement he can only be dismissed for cause you give up your at will ability.

~ Public Comment: Clarification that the Chief will be helping his officers on the street not just being in the office.

~ Mayor: Thanked Leona Stephens/ acknowledged by officers for all the work she does.

~ All departments will give reports to Council so they will remain informed of what is taking place in City Government.

**ACTION:** Mr. May moved to consider Christopher Congemi for the position of City of Victor Police Chief conditional upon an employment agreement being signed and clearance on pre employment testing at an annual salary of \$35,424; second by Mayor Bielz.

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

**F.** Election IGA City of Victor and Teller County Clerk and Recorder

~ City Attorney has reviewed the IGA; there will be no costs available due to there being voting centers now as opposed to precincts which requires the County Clerk to make the ballot available at each voting center and the numbers are unknown at this time.

**ACTION:** Mr. Daniel moved to approve the IGA between the City of Victor and Teller County Clerk and Recorder; second by Mr. Hakes.

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

**G.** Jesse Bielz & Nolan Mick, BPOE #367 Re: Use of Alta Vista Station

**ACTION:** Tabled until August 28 meeting due to participants not being in attendance and unknown request.

**XI. CORRESPONDENCE:**

No Correspondence.

## **XII. UNSCHEDULED MATTERS**

~ Lori Phelan: Owner of Sally's Tavern requested closure of Victor Avenue between Third and Fourth Street between the hours of 9:00 a.m. and 2:00 p.m. to accommodate motorcycle parking for a Poker Run scheduled for August 23<sup>rd</sup>. All businesses that would be affected are supportive of this request.

**ACTION:** Informal permission was granted as long as the street, fire and police departments are made aware.

## **XIII. FUTURE AGENDA SCHEDULING**

~ Mr. Daniel requested review of comp time and possible payout is considered on the next agenda.

~Mayor: Requested this be delayed until after the budget amendment in September.

## **XIV. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT**

~ Mr. Stevens: Discussed burdensome fees to fund the Court

~ Encouraged Council participation in Mine Expansion Hearings. Next meeting is September 12 before County Commissioners.

~ People in Cripple Creek are attempting to speak for Victor

~ Dale Roy: Wanted to nominate himself as Town Scavenger.

~ City Attorney: Since it is an official position of the City it should be an agenda item and interested persons need to have an opportunity to nominate.

## **XV. ADJOURN**

~ **ACTION:** Mr. May moved to adjourn the August 14 meeting of the City Council; second by Mr. Hakes. Meeting adjourned on unanimous voice vote.

ATTEST: \_\_\_\_\_  
Shirley A. Beach, City Clerk

APPROVED: \_\_\_\_\_  
Serena E. Bielz, Mayor