

MINUTES
CITY OF VICTOR
REGULAR COUNCIL MEETING
July 10, 2008 – 6:00 P.M.
COUNCIL CHAMBERS, 500 VICTOR AVENUE

6:00 P.M. CONVENE

The regular meeting of the Victor City Council convened at 6:00 p.m. with Mayor Serena E. Bielz presiding.

I. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mayor Bielz.

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

III. CEREMONIES, PRESENTATIONS, APPOINTMENTS

There were no ceremonies or appointments

IV. CONSENT CALENDAR:

A. Approval of Minutes June 26,2008

Council Member Don Daniel moved to approve the minutes of the June 26 meeting as submitted; second by Council Member Veldean Petri. Roll Call Vote: Council Members: Daniel, yes; Petri, yes; May, yes; Hakes, yes; Mayor Serena E. Bielz, yes.

B. Approve Statement of Expenditures and Authorize Signing of Checks

Council Member Veldean Petri moved to approve Statements of Expenditures in the amount of \$41,257.59 and authorize signing of checks; second by Council Member Rick May. Roll Call Vote: Council Members: Petri, yes; May, yes; Hakes, yes; Daniel, yes; Mayor Serena E. Bielz, yes.

V. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

There were no additions, deletions or corrections to the agenda.

VI. MAYOR, COUNCIL REPORTS

a. Mayor/Police Commissioner: Mayor Bielz

Mayor Bielz reported that she had attended a very worthwhile Colorado Municipal League Conference from which she returned with much informational material for Council and staff as well as souvenirs that we still need to get distributed. It was a very good learning experience.

The Mayor reported that the Communication Tower is up and cell phone service is available for Verizon, A T & T and extended T Mobile access. She asked that everyone give them a couple of weeks to get the bugs worked out and related her experience seeing a tourist who was lost on the Skagway Road using his cell phone.

b. EDC/ Resources: Veldean

Veldean reported on attending a Gold Community Build a Generation Meeting and Teller Resource Group meeting where she announced the community's Sunnyside Cemetery clean up day scheduled for July 12 and the annual Gold Rush Days celebration. She emails the Resource Group information to 116 addresses so those notices went out to all. She continues to work on the Passport to Our Community Project. She also had four copies of the Colorado Preservation Magazine which contains the list of Colorado's Most Endangered Places of 2008 where the Silver Dollar Saloon was featured. Build a Generation has sponsored her registration at the Rural Philanthropy Days in September where she hopes to secure a grant or grants for Economic Development Tools and Plans. She also announced that through Community of Caring Foundation she will be attending a Grantsmanship Training Program in Denver from July 28 to August 1. This training will include obtaining grants as well as sustaining those funds after they are obtained. She hopes to use this knowledge for the benefit of the City of Victor also. She is also looking at various grants for economic empowerment.

c. Water/Wastewater/Public Works: Don

Don expressed displeasure with the manner in which he was notified through a copy of an email that he would be presiding at the June 26 meeting and that agenda items would be removed from the agenda after having been discussed at the work session and requesting a copy of the email be sent to the Attorney. He felt that a phone call to him would have been appropriate.

The Mayor explained that she was at a conference and was not sure the email was working; she had sent a previous email to the clerk stating that she wasn't sure the email was working. She

requested that the two items not be on the agenda; recommending a special meeting or the next regular meeting, because she wanted to participate in both items. She was glad she sent the email out because she was supposed to be on vacation; however, on that Wednesday, she received a call regarding a senior citizen couple she had known for five years, that the husband had had three strokes and he would not be taken out on the helicopter that was sitting there waiting until the Mayor arrived to care for his wife who suffers from severe dementia. She was glad it worked out as it did because she was taking care of a lady that was in very much need.

Don added that he knows the Mayor is upset at him for a comment he made several weeks ago but he thinks she should be professional, he did not clarify his statement because the council is aware of it.

Don reported that Reservoir # 2 is down about 8 feet and Bison is low; however, # 2 did come up about .3 ft. with the heavy rain. He had nothing to report on public works.

d. Streets/Building/Parks: Buck

Buck reported that he spoke with Rodney this week and the problems with drainage continue. They are getting farther behind. They have worked on a plan to fix the drainage problem on Third and Diamond and involved Joe Stevens and Lonesa Wyatt; they just lack staff to do it. The Mayor has added more things to Rodney's duties; he is now checking the reservoir levels and had to walk upstream to determine if there was something interrupting the water flow.

They are working on the parks, and he has talked to Jane at the mine and they are willing to help on the restrooms at Wallace Park if the City can get something going. Buck thought a couple of people were going to turn in bids; however, that hasn't happened. The Mayor clarified that Mr. Gruber who presented the initial proposal wanted to work off a delinquent water bill; he was going to do some repairs without costing the City money. Buck advised that Rodney said they needed to be brought up to ADA standards.

e. Fire Department: Rick

Rick reported that he was going to the Fire Department meeting following tonight's meeting to tell them that the City was going to do a plaque in memory of past firefighters and Chiefs. He was in hopes this would get new recruits. The Mayor advised that an appreciation dinner is being planned for late August to honor fire fighters, EMT's and others who have volunteered; the mine will donate the meat and get some other people to donate other food. They've talked of getting inexpensive toy hats to display in the Balke Building. There will be more information at a later date.

f. City Attorney: Alan

The City Attorney discussed information he had gathered at a meeting today regarding lease purchases to assist entities in obtaining equipment, etc. without the need of going to a vote of the people. He related a program that a school had participated in to assist students in obtaining musical instruments. The particular company that was showcased at the meeting has not done any municipal finance; however, they were going to look into that. The Attorney thought perhaps the City might be interested in exploring this in the future.

The Mayor asked the City Attorney to discuss the newsletter. He related a call from the Mayor with regard to a member of Council questioning if some of the material in the monthly newsletter might violate Fair Campaign Practices presently in place in Colorado. He found a couple of things that someone might regard as a violation. He feels that nothing he saw in the newsletters is in violation. He recommended being a little more cautious in the future.

The Mayor noted the reason she had the City Attorney look into this is that the newsletter is overwhelmingly popular and she pays to have that newsletter created out of her pocket, the City does not.

Veldean questioned since it is funded by the Mayor personally and not by the City and it is not overseen by the City, there is no check or balance although it appears to be sanctioned by this Council. The Mayor added that there have been numerous stories from other departments, Shirley Beach had a story in there once, the catch is the material doesn't get in and the water bills

have to be out by the fifth. Veldean still felt there should be some checks and balances on the newsletter and it should not be one person.

The Attorney noted that would depend on the will of Council. If Council wishes to place this on an agenda for a special or regular meeting that would be appropriate.

Buck Hakes added that someone approached him thinking from the article in the newsletter they were going to get \$50.50 deducted from their water bill. He wondered how he should respond to that. The Mayor asked Shirley to respond to that since she requested that it be put in the newsletter. Shirley responded that her only interest was to inform the public of Council's action to reduce the residential water billings to \$50.50 in the form of the summer break for watering for July and August, not to give a \$50.50 break on the water bills. That was the understanding of the Council; however, it was not clear in the newsletter.

VII. PUBLIC HEARINGS:

There were no Public Hearings.

VIII. ORDINANCES AND RESOLUTIONS

There were no Ordinances or Resolutions to come before the Council.

IX. UNFINISHED BUSINESS

A. Don Barrett Request to Purchase Stage

Mr. Barrett was not in attendance; however, the Mayor had asked the Clerk and Treasurer if there was \$66,590 available in the Budget to accommodate this request and the answer was no.

Council Member Daniel moved to postpone the matter indefinitely and consider the request again during budget preparation for the 2009 Budget; second by Council Member Hakes. Roll Call Vote: Council Members: Daniel, yes; Hakes, yes; Petri, yes; May, yes; Mayor Bielz, yes.

Veldean believes the GOCO grant cycle begins in March.

X. NEW BUSINESS:

A. Councilman Hakes: Re: Hiring Additional Street Employee

Council Member Hakes' recommendation was to explore all avenues to find money to hire an additional employee.

Don added that he would like to call back one of the laid off employees; however, he really doesn't know where the money will come from. Buck recommended the area of the Police Chief unused salary. Discussion followed with regard to concerns of liability due to the drainage on Third and Diamond not being repaired; the possibility of monies being available in the Police budget although it is the department's hope that a Chief will come on board. The Attorney clarified that an employee could be paid from the enterprise fund as long as careful accounting is made of the time spent in that department as opposed to general fund operations. The Mayor questioned if the funds were coming from the general fund and there were water/waste water needs could the position be funded with general fund monies? The Attorney responded that the Council could take the position that it would provide the needed service in the water/waste water department and the money would be coming from the general fund; however, the reverse could not be done; if it was perceived that work needed to be done in the general fund department the money could not come from the water/waste water fund. If the position is not advertised as a permanent position benefits would not have to be paid. The Mayor believes there is \$20,000 available in the water fund budgeted for the Altman pump station expense.

There is a plan to remedy the drainage problem on Third and Diamond Avenue; however, the work is not getting done because there are not sufficient employees.

Following in depth discussion Council Member Daniel moved to hire a temporary part time employee at \$11.00 per hour taking the salary out of the Police Chief's salary, there is \$17,000 which wasn't used the first half of the year and would more than pay the salary of the position; second by Council Member Hakes.

Corporal Lewis approached Council at the invitation of the Mayor to discuss the needs of the Police Department. He suggested that the matter be looked into further before a decision is made because operation costs are very high and this might put the department in a deficit situation.

Discussion continued with regard to the new police cruiser; planned disposition of older vehicles. Council Member Petri questioned if applications have been received for the Chief's position to which Corporal Lewis responded there were a couple. The Mayor noted that 7 of the 11 applications have been given to Council. Corporal Lewis noted that one was received yesterday and there was another that was recent.

Councilman Daniel called for the question.

The Mayor called for the vote on termination of discussion. Three votes were cast in favor. Two votes, no.

Roll Call Vote: Council Members: Daniel, yes; Hakes, yes; Petri, yes; May, yes; Mayor Bielz, no. The funding will come from the unused portion of the Chief's salary and the Attorney advised that Council has no obligation to offer the position to the employees who were laid off.

The position will be advertised looking at an August 1 hire date.

B. Mayor Bielz: Re: Golden Circle Nutrition Program Use of Community Center

Mayor Bielz noted that for a year the City has partnered with the Aspen Mine Senior Club to provide meals for seniors in Victor. The Goal was to attempt to get the Golden Circle Nutrition Program here in Victor. This is a program to provide meals for seniors 60 years and older for a \$2.00 donation but it isn't mandatory and volunteers can eat free also. The purpose is to get seniors out and socializing as well as providing a nutritional meal. The Club went to Pikes Peak Area Council of Governments and proposed the expansion of services to Victor. There will be money to pay for a cook and possible site manager.

Veldean advised that she has witnessed the Golden Circle Nutrition Program in Cripple Creek, it is a wonderful program for seniors; however, she was not aware the City was partnering with the Aspen Mine Senior Club.

The Mayor noted that for a year we have talked about the luncheons being held in Victor and trying to gain approval of the extension of the Golden Circle Nutrition Program to the seniors of Victor. There is no cost to the City; the Club has done a budget. The Club will be doing this.

Veldean agreed that the Mayor has been discussing this; however, it has never come before Council to approve a partnership. There is a cost to the City in the use of the VICCI Center, there is a cost for utilities for the 104 meals that will be prepared and served in Victor.

The Mayor requested that the Club be allowed to use the VICCI Center on Tuesday and Thursday of each week as an item on this agenda. Hopefully the Club will be able to put in their budget in 2009 and perhaps in August put in a request to Teller County to offset some of that cost.

Discussion followed with regard to problem of no transportation for seniors to go to Cripple Creek; cost of preparing the meal being between \$8.00 to \$12.00 with the suggested donation being returned to the Colorado Springs Housing Authority to offset the cost of the food. It get the seniors out and enables them to find resources.

Joe Stevens will provide information with regard to transportation funds that could be available to the City of Victor.

The matter was tabled until next meeting when the Senior Club will be invited to discuss the program.

C. Mayor Bielz: Re: Sunnyside Cemetery

The Mayor outlined for Council the progress of obtaining ownership of the Cemetery. The City Attorney suggested that all Deeds conveying ownership be recorded with a copy retained by the City.

Jack Lorenz addressed Council proposing a committee consisting of Marvin Bielz, Serena Bielz, Ed Hunter, Jack Lorenz, Tish Allen and Veldean Petri be appointed to oversee the cemetery working under the umbrella of the City. There is a need to compile policies and procedures, a fee schedule and directory of burial sites.

Council Member Buck Hakes moved to approve the creation of Sunnyside Cemetery Advisory Committee consisting of Jack Lorenz; Marvin Bielz; Tish Allen; Serena Bielz; Ed Hunter and Veldean Petri and they shall elect a Chairman from among their numbers with the City accepting ownership and responsibility of the cemetery; second by Council Member Don Daniel.
Roll Call Vote: Council Members: Hakes, yes; Daniel, yes; Petri, yes; May, yes; Mayor Bielz, yes.

D. Mayor Bielz: Gaming Impact Award Grant Employee Wages Increase and Public Utilities # 1

The Mayor reviewed the history of this agenda item pointing out that at the time the budget was adopted in December the Gaming Grant award was unknown; therefore, the amount budgeted was what was requested. The City was granted \$4,000.00 additional funds for salaries and there are gaming funded employees who have not had salary increases in three years. The Mayor had provided Council with information reflecting budget numbers supporting this request. Discussion followed with regard to the number of employees affected who had been with the City six months, the need to use the funds or they would be required to be returned; whether comp time could be paid with those funds; the history of what Council faced during the budget process when a three percent raise was proposed by a council member and the end result was laying off two employees because there were no funds available; the availability of matching funds. The funds are included in the 2009 projection; however, the street department funding is questionable for gaming funds while the Police Department is not in jeopardy. Following discussion Council Member Don Daniel moved to postpone consideration of a 10% salary increase until the November 13th meeting for gaming impact funded employees; second by Council Member Rick May.

Mr. Stevens questioned why the matter should be postponed for such a long period of time. Veldean noted that she was very torn about this because she felt the City Employees are very valuable; however, two employees were terminated because there was no money. There are three employees affected by this proposal who have been employed over six months. One employee in water wastewater has received a salary increase with promotion to ORC. No evaluations have been completed on the employees.

Dale Roy mentioned that Council was hiring an employee tonight where funds are not available yet employees who have been with the City are being denied salary increases when funds are available.

Leona Stephens questioned why it takes months to review the matter when money is available that not used would be lost.

Mr. Stevens suggested a new motion overturning the motion on the table. He doesn't believe the Council has a true picture of the finances.

Question was called by Councilman Daniel. Four members of Council voted aye. Motion was read by Shirley Beach. Roll Call Vote was called by the Mayor.
Council Members: Daniel, yes; May, yes; Hakes, yes; Petri, no; Mayor Bielz, no.

E. City Clerk: Re: Approval of Budget Calendar for Posting

Shirley questioned if the proposed calendar met with Council's schedule. September 25th was deleted. The Mayor questioned if there was a need for all the meetings. Shirley will wait to hear from Council what dates meet their schedules for budget preparation.

F. Council Member Petri: Re: City's Mission Statement

Veldean asked Council to put their ideas down and perhaps a Mission Statement could be worked on at the meeting July 14. She presented some examples; the City Attorney, Councilman Hakes and City Clerk presented some ideas for consideration.

Veldean needs a Mission Statement for her application to Rural Philanthropy Days. She will call to find out when the Mission Statement is needed to appear in the booklet.

It was determined that there would not be sufficient time at the CIP workshop to work on the mission statement.

XI. CORRESPONDENCE:

There was no correspondence.

XII. UNSCHEDULED MATTERS

Dale Roy commented that the City does need more employees. He discussed the numerous drainage problems and the fact that there once was a sidewalk on Third Street and if the gravel was removed there would be curbs, gutters and sidewalk. He further commented on the change in atmosphere in the Council from a few months ago. It seems like Council is battling each other and encouraged work sessions so that decisions can be made at meetings. He believes there's a lot of good going on in Victor. He hopes the City can hire people and that Council will work better together for the people.

Joe Stevens thanked Council for approval of drainage system on Diamond and Third Street. The problem on his property derives from Granite. He encouraged council to make a new motion to overturn the earlier motion to table salary increases until November 13. He would like to see them readdressed at an earlier date. He has reviewed the budget and he sees a lot of flaws. He stated that he believes the Council has made a very bad decision and thinks the matter should be on the next agenda. He's asked council to do their homework even though they may not understand everything in the budget. He noted that all entities are having trouble maintaining their police force; however, more money will allow Victor to obtain well trained officers rather than Rookies. The Mayor noted that Cripple Creek officers with little training receive \$32,500.00 beginning salary. Veldean questioned that she thought starting salary was \$29,000.00 to which the Mayor noted she said officers with one or two months training receive the higher starting salary. Discussion included comments from the Council in reference to budget vs actual revenue that is available; making increases retroactive; consideration of a Bonus, Performance Payment and salary increases if the revenue would not be sustained.

Mr. Stevens questioned how council could make decisions when they don't understand the budget. He requested that the matter be on the next agenda for reconsideration. The Mayor advised that Mr. Stevens should stand up when the future agenda scheduling is considered to which he responded he was requesting it now.

Mr. Hakes noted that one officer had been paid double for a period of time to which Mr. Stevens agreed that was a positive action. Mr. Hakes does not disagree with salary increases he would just like to gain a greater understanding of the fund availability before action is taken.

The City Attorney advised that council could make a motion to reconsider at the July 24th meeting or at this meeting.

Mr. Stevens added that if the City continues to return gaming monies that go unused year after year very soon the commission will laugh at the City when funding requests are submitted. He requested that a motion be made to reconsider the salary increases at the July 24 meeting and council needs to get a copy of the budget because he doesn't think everyone has an understanding of this budget.

The Attorney stated the motion requested is to reconsider the decision made by council to postpone consideration of the 10% salary increase until November 13th to the July 24th meeting. Council expressed concerns with decreased revenue, increasing costs, and all expressed their confidence and support of City Employees. No motion was forthcoming.

Leona Stephens reminded Council of the acronym TEAM: Together Everyone Achieves Much.

XIII. FUTURE AGENDA SCHEDULING

Council Member Veldean Petri moved to add the Newsletter; Request Aspen Mine Senior Club Member's presence to discuss the nutrition program and Victor's Mission Statement to be on the July 24th agenda; second by Council Member Don Daniel. Roll Call Vote:
Council Members: Petri, yes; Daniel, yes; Hakes, yes; May, yes; Mayor Bielz, yes.

XIV. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT

No additional public comment.

XV. ADJOURN

Council Member Daniel moved to adjourn; second by Council Member Hakes with unanimous voice vote in favor.

ATTEST _____
Shirley A. Beach, City Clerk

APPROVED: _____
Serena E. Bielz, Mayor