

**MINUTES**  
**CITY OF VICTOR**  
**REGULAR COUNCIL MEETING**  
**May 15, 2008 – 6:00 P.M.**  
**COUNCIL CHAMBERS, 500 VICTOR AVENUE**

**6:00 P.M. CONVENE**

**I. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Mayor Serena E. 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**

**CONSENT CALENDAR:**

- A. Approval of Minutes April 17,2008
- B. Approve Statement of Expenditures and Authorize Signing of Checks

Council Member, Don Daniel moved to approve the minutes of April 17 meeting and payment of Expenditures in the amount of \$72,602.09; authorizing signing of checks; second by Council Member, Buck Hakes.

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

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

There were no Additions, Deletions or Corrections to the Agenda.

**V. MAYOR, COUNCIL REPORTS**

**a. Mayor/Police Commissioner**

Mayor Bielz gave a brief report advising Council that the Gaming Impact Grant applications have been submitted and reviewed by the Local Board. There were 17 applications. The City has requested \$565,645 in funding: \$275,969 Police Department salaries, dispatch and Court costs; \$242,135 Street maintenance salaries, phase 1, 2 and part of 3 drainage and capital equipment purchase for a Roller; \$47,541 Fire Rescue operations and rollover of capital not used this year. The fire rescue request is due to 79% of the calls being from outside City limits of Victor. The Mayor related discussion of the Ranking Committee Members supporting Victor in forming a special district or not responding if there is no revenue return. *Commissioner Ignatius said the Mayor was absolutely right that Victor Citizens should not be paying for response in the county and the county would support a special district or fire authority.* The Divide Fire District does not respond outside their district if the resident does not pay an annual fee. The Teller County Commissioners have averaged the scores given by the Ranking Committee and the Victor Police Department ranked 6<sup>th</sup>, Street Maintenance Operations & Equipment ranked 8<sup>th</sup> and Victor Fire Rescue ranked 9<sup>th</sup>. The Mayor explained that the local ranking is not a major concern as last year the applications that ranked lowest were ranked higher at the Division of Local Affairs Presentation which this year will be in September.

Mayor Bielz announced that there will be a Planning Commission 101 training May 21<sup>st</sup> at 7:00 p.m. The presentation will be done by Eric Bergman who will be accompanied by Clay Brown. Both are from DOLA.

June 10<sup>th</sup> the Heart of Colorado Rural Philanthropy Days Steering Committee will meet in Victor. Philanthropy Days will be held in September in Teller County.

The Mayor reported that she is moving forward on the 55+ and older Senior Employment Program. We are trying to get an employee for Public Works; and Cemetery Maintenance; however, the supervisor is required to be with the senior; therefore, it hasn't been decided how that could work. The program is a training program to reintroduce Seniors 55 and older back into the workforce. The Mayor noted that seniors' experience is valuable to the workforce so it seems a little backward. Perhaps the City will hire an attendant at the Alta Vista Station if supervision can be worked out.

The Mayor announced that there will be a free luncheon on Tuesday and related plans to bring the Golden Circle Nutrition Program to Victor on Tuesday and Thursday.

Council Member Veldean Petri reported that she had worked with Jim Lottig to submit the 2008 update of the Water Quality Management Plan to PPACG.

Veldean related Mr. Lottig's plan for updating the Sewer Plant re installing the covers etc. and is looking toward an Energy Impact Grant for the upgrades.

Veldean attended the Teller Housing Board meeting today. There are six projects planned in the Woodland Park area. They are looking at a CDBG grant to get some consultation on the projects and to set up a regional office.

Plans for the May 31<sup>st</sup> Clean up Day are moving forward. Waste Management will be bringing in the containers that morning and removing them that evening. The Mayor spoke with Jane Mannon this morning and it appears that the Mine will be matching the number of containers which would provide a total of 8 containers. Hours of operation will be 8:00 a.m. to 5:00 p.m. Flyers will be posted advising the Public of this opportunity and notice will be in the newsletter. Volunteers will be encouraged to assist those who do not have a means to transport their clean up debris to the site.

Council Member Don Daniel expressed his and Mr. Lottig's appreciation to Veldean for her assistance in submitting the Water Quality Report.

The City is still in negotiation with the Mine on updating the water contract. At the time negotiations are completed there will be an Executive Session with the City's Water Attorney to bring council up to date.

Mayor Bielz wanted to say on that report there is also a projection of capital replacement down the line and all the numbers we will need for the Energy Impact Grant. It was perfect timing on this report for those numbers that are needed.

Council Member Buck Hakes noted the Stope that opened up in the Gold Bowl. The sod has been put in place. The Mine donated the money and Mark helped with installation.

The restrooms at Wallace Park are nearly ready to be opened.

Mr. Hakes related concerns expressed by residents of the City with the horses that roam unattended damaging private property and the parks. A State Patrolman chased one around town one day trying to move it out of the City. Discussion followed with regard to the need for an Ordinance protecting residents and visitors from injury. The City Attorney will prepare an Ordinance for Council consideration.

Mayor Bielz noted from what she sees it's the same horses owned by the same family; otherwise the City doesn't have a serious problem with livestock. She noted we have deer, foxes and other wildlife. *The Mayor questioned the Attorney if the family could be contacted and attempt to alleviate the problem and if the prior Ordinance regarding livestock was still in effect to which there was not a response.*

The City Attorney reported that he has reviewed the Teller County Building Code and has prepared a draft to adopt the Teller County Building Code. He did have previous discussion with the City Clerk regarding the two Animal Control Ordinances in effect and had anticipated he might be requested to draft such an Ordinance; which he will do and email to the Clerk.

#### **VI. PUBLIC HEARINGS:**

There were no Public Hearings.

#### **VII. ORDINANCES AND RESOLUTIONS**

##### **EMERGENCY ORDINANCE # 465 AN ORDINANCE ADOPTING THE TELLER COUNTY BUILDING CODE BY REFERENCE**

The City Attorney noted that the reference in this Ordinance is to the Teller County Building Code as in effect in January 1, 2007. There are a number of amendments to the Teller County Building Code so adopting the Code in effect as of January 1, 2007 would pick up all those amendments with the exception of the Tabor Fees, which would not be essential as part of the City's Building Code by Reference.

The Attorney reviewed briefly each of the seventeen Articles in the Table of Contents pointing out the relation to the City of Victor. He explained that the 2003 International Existing Building Code is much more pertinent to the City. He explained that according to Colorado Law it is not permitted to adopt penalties by reference; therefore, in Section 2 of the Ordinance he has provided a brief provision for penalties. When the City has a Code he suggests a similar provision for penalties be adopted. Following his review his recommendation was to revise the Ordinance to except Articles XIV and XVII. He would correct those provisions in the Ordinance and have them to the Clerk tomorrow.

Council Member Don Daniel moved to approve Emergency Ordinance # 465, An Ordinance Adopting the Teller County Building Code by Reference, excepting Articles: XIV and XVII; second by Council Member Veldean Petri. Upon recommendation of the City Attorney, Council Member Daniel amended his motion the finding it is in the interest of the public health, safety and welfare to enact the Ordinance immediately; second by Council Member Petri. Roll Call Vote on motion as amended: Council Members: Daniel, yes; Petri, yes; Hakes, yes; May, yes; Mayor Serena E. Bielz, yes.

Mayor Bielz clarified the need for adoption of this emergency Ordinance.

Dennis Christmas questioned if the City was going to put together a competent Board to enforce the Codes. Mayor Bielz noted that Teller County Building Codes will be in place and through the IGA Teller County Inspectors will carry out issuing permits and conducting inspections. The City Police Officer's will enforce serving summons and complaints to bring violations into Municipal Court.

#### **VIII. UNFINISHED BUSINESS**

##### **A. City Clean up Day May 31<sup>st</sup>**

Hours will be 8:00 a.m. to 5:00 p.m. Coupons were sent out with the water billing and for residents who do not receive a water bill, newsletters containing the coupon are available at the Victor Library and the Claim Jumper.

Wendy Lee Sobinski volunteered to assist the elderly and others who are not able to transport debris.

The Mayor noted there will be a scrap metal man at the site to collect all metals. If the dumpsters do not fill by 2:00 p.m. additional loads will be accepted.

Wendy Lee questioned if the building next to her house is a medical building. Ownership of the building has not been determined. Ownership of the boat and debris is known. Wendy would like plant some flowers around it to give it some justice as it's a real eye sore. Council Member Hakes will talk to the owner of the shed. The Mayor thanked Buck for looking in to it.

##### **B. Grazing Lease/City Owned Property Penrose Area**

Council discussed the proposed lease examining right of way questions, adverse possession, and access to the property in relation to a property not being able to be land locked; selling the 120 acres rather than leasing it for grazing, there being no need for fencing, the potential increase in property's value due to mining. The City Attorney advised that he once knew a family with property in that area and if Council would like he could inquire if they had any interest in that property. The potential lessee wants to bring his cattle across this property.

The matter was tabled until next meeting for further investigation.

#### **X. NEW BUSINESS:**

##### **Cynthia Vaccaro/ Application for Building Permit**

Mike Grant spoke to Council with regard to the application reviewed by some members of the Planning Commission who referred the matter on to Council with a favorable recommendation to ask the County to issue permits and conduct inspections. There has been a "glitch" in the situation as on wall of the building collapsed when the City was preparing to install the water meter. Mr. Grant and Ms. Vaccaro noted that there was some concern that the backhoe had caused the wall to collapse. Mr. Grant will have a structural engineer look at the building. Mr. Grant advised that the electric had to be cut off due to the wall's instability. Dennis Christmas advised he will be the general contractor for this project, Teller County is fully aware of this project and are just waiting for the City to refer the project for permitting.

Discussion followed with regard to safety of the building. There was no motion forthcoming from Council. The City Attorney advised that there needed to be some disposition of the agenda item.

7:15 P.M. Council recessed to allow the Clerk to retrieve a document from her office.

7:21 P.M. Council reconvened in regular session.

Council Member Don Daniel moved to adjourn to Executive Session in accordance with C.R.S, Section 24-6-401, (4), (b): for conference with the City Attorney to receive legal advice; second by Council Member Buck Hakes.

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

7:38 P.M. Council reconvened in regular session.

The City Attorney disclosed that the matter before Council was discussed in executive session and he had made some recommendations and that no decision had been made.

He asked that the applicants come to the podium. He The Attorney addressed Mr. Grant and Ms. Vaccaro who made the comment that they would consider litigation saying that's fair enough and absolutely their right. He added on behalf of the City if they give authorization for the applicants to proceed to Teller County then the responsibility shifts to their side to be in compliance and to adhere to no construction being done on the commercial building until a building permit is obtained. If construction is begun without obtaining permits they would be in violation and could expect a summons into Municipal Court. Further, since they would be subject to the jurisdiction of the City, and if it were determined that anything had been done that was not in accordance with the Code would be a violation and unless it's addressed and handled promptly and sufficiently, then that would be another incidence to coming into Municipal Court or for having a Stop Work Order, so "just as it is perfectly acceptable and your absolute right to say by golly if you don't get what you want you're going to go to litigation, same back at you".

While the Attorney had no crystal ball and could not predict what action council would take, if they do agree to forward this request to Teller County he would recommend that they would act very quickly to obtain the engineer report and the permits and share information with council. He wished the applicants good luck and hoped they would not have to talk again. Mr. Grant added he hoped to talk to the Attorney again because he hoped to sell him some barbeque.

Council Member Veldean Petri moved to approve the referral to the Teller County Building Department for issuance of permits for Cynthia Vaccaro and Mike Grant; second by Council Member Rick May.

Dennis Christmas thanked the Council for moving forward. As General Contractor his license would be in jeopardy. The City Clerk will write a letter to Al Chamberlin advising the project is referred to Teller County for permits and inspections.

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

Council Member Daniel questioned if Mr. Christmas is a B Contractor to which he responded that in the letter he presented to the Planning Commission, Mr. Chamberlin said he will present the request to the Board of Review to upgrade Mr. Christmas' license from a C license to a B license which has been done before. He has done several Casinos and the pool house at Mountain Estates.

**A. Lonesa Wyatt/ Application for Building Permit**

To be consistent with previous action Buck suggested the same stipulation be given to her. Before she continues with any construction the applicable permits must be obtained.

Council Member Buck Hakes moved to authorize Ms. Wyatt to proceed to Teller County with the stipulation she does no construction until the appropriate permits are obtained; second by Council Member Veldean Petri.

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

**B. Business License Application**

Charles W. Pratt, Jr. dba Victor's Down-to-Earth  
Landscape-Excavating-Clean-Up

Mr. Pratt approached Council to request approval of his business license. He offered to volunteer to assist with the Clean up.

Council Member Don Daniel moved to approve the business license application of Charles W. Pratt, Jr. dba Victor's Down to Earth landscape and clean up business; second by Council Member Buck Hakes.

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

**C. BPO Elks # 367 Waiver of Local Licensing Fee for Special Events Permits**

Mike Grant encouraged the Council to waive the fee for the Victor Elks noting the greater good they have done for the community.

Council Member, Veldean Petri moved to waive the local liquor fee for Special Events License for BPO Elks # 367; second by Council Member, Rick May.

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

**D. Additional Monthly Council Meeting**

Council Member Buck Hakes moved to hold City Council Meetings the second and fourth Thursday of each month; second by Council Member Don Daniel.

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

**E. Vehicle Sale**

Council Member Daniel requested the vehicle sale be postponed to determine if there are additional vehicles to be sold.

**F. Tommyknocker Construction Proposal for Gutters on Alta Vista Station**

Council reviewed the proposal of Tommyknocker Construction to complete work that had been agreed to by a previous administration. It was the consensus of Council that work on the restrooms was a higher priority than the gutters on the Alta Vista Station. A proposal will be requested for work on the restrooms.

**XI. CORRESPONDENCE:**

(None)

**XII. UNSCHEDULED MATTERS**

No unscheduled matters

**XIII. PUBLIC COMMENT WITHOUT PRIOR APPOINTMENT**

There was no Public Comment.

**XIV. ADJOURN**

The meeting was adjourned on motion by Council Member Daniel with second by Council Member Hakes and unanimous voice vote.

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

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