

## MINUTES

### **CITY OF VICTOR SPECIAL COUNCIL MEETING SEPTEMBER 10, 2007 5:30 P.M., CITY HALL**

#### **I. CALL TO ORDER**

#### **II. PLEDGE OF ALLEGIANCE:**

**II. ROLL CALL: Don Daniel: P Gary Horton: P Lonesa Wyatt: P  
Veldean Petri: P Mayor Bielz: P**

#### **III. ADDITIONS/DELETIONS OR CORRECTIONS TO AGENDA:**

None

#### **IV. CITY ATTORNEY/CONTRACT/FEES**

Mayor Bielz advised that Council was advised by the law firm, Hayes, Phillips, Hoffmann & Carberry, P.C. several months ago that they would no longer be able to work for the retainer per their prior agreement. She reviewed the charges of the last three months billing and advised that these costs have not been budgeted. She has spoken to the Attorney only once in the past three weeks in an effort to keep the charges down. She asked the pleasure of the Council on attempting to find an Attorney who would work for retainer rather than an hourly charge.

Council has solicited RFP's and has received a couple at this time. Also the firm Seivers and Seivers in Cripple Creek has offered to assist the City in the interim although they are not Municipal Government Attorneys.

Council Member Daniel moved to give thirty day notice to terminate the City Contract for legal services with Hayes, Phillips, Hoffmann & Carberry, P.C. as required. Motion died for lack of a second. Council will re visit this matter when additional proposals are received.

#### **V. COMMNET- APPLICATION TO REBUILD TO REBUILD TOWER**

Mayor Bielz reviewed the proposal before Council for the City to make application for Location and Extent Permit from the Teller County Planning Commission to extend and rebuild the Tower on property owned by the Cripple Creek-Victor Mining Company to accommodate Commnet Cellular Service's installation of equipment to expand wireless phone service in Victor. This Application must be turned in to the Teller County Planning Commission by September 11<sup>th</sup>. KCME of Canon City is owner of the tower; Cripple Creek-Victor Gold Mining Co. is owner of the property and City of Victor will be the Lessee. The height of the Tower may be increased up to 10% and all current users of the tower will be included. This proposal will allow cell phone service for Verizon, A T & T and other providers as well as T Mobile.

Ruth Zalewski explained the problems her company will have and the loss of revenue they will experience from the down time to allow Commnet to extend and rebuild the tower. She explained the 8 or 9 pieces of equipment that serves their customers would be in jeopardy and internet service and phone service would be interrupted for an extended period of time. She had no interest in having Commnet move their equipment. The Mayor explained that the Police transmitter is also on the tower and it would be critical to not interrupt emergency service for an extended period of time.

Ruth suggested that Commnet should follow the same regulations as T Mobile was required to follow and should build their own tower.

The Mayor explained that the Mine was not in favor of a new tower application and the lengthy and involved procedure to obtain a Conditional Use Permit.

Remarks followed from Joe Stevens and Ruth Zalewski with regard to there being too much equipment for one tower, the concern for outage to current customers and maintenance.

The Mayor again clarified that this application is due by tomorrow and the City can withdraw approval of the project at any time.

Council would prefer to have all parties available for discussion at the September 13<sup>th</sup> work session to better understand Commnet's plans. The Mayor will make an effort to bring all parties together; however, is unsure of scheduling for everyone.

Council Member Horton move to submit the Location and Extent Application with ironing out the details as condition for continuing application; second by Council Member Wyatt. Roll Call Vote: Gary Horton, yes; Lonesa Wyatt, yes; Don Daniel, no; Veldean Petri, yes; Mayor Bielz, yes.

**VI. DEPUTY CITY CLERK POSITION**

The Mayor advised that the City would like to advertise the Deputy City Clerk position to alleviate the extended hours being worked by the City Clerk. The Attorney clarified that the City Clerk's salary can be reduced as Ms. Beach requested in order to help fund the part time Deputy position. This individual would be able to do the election process that the Clerk cannot because of being a candidate and would be able to assist with the workload.

Council Member Wyatt suggested that the position be only temporary in the event Ms. Beach is not elected in November. Clarification was made that this Position will be a Council employee working in cooperation with the City Clerk Treasurer.

Council Member Horton moved to seek to fill a part time position of Deputy City Clerk-Treasurer; second by Council Member Petri.

Roll Call Vote: Gary Horton, yes; Veldean Petri, yes; Lonesa Wyatt, no; Don Daniel, abstained; Mayor Bielz, yes.

**VII. ADJOURNMENT:**

With the conclusion of business of the Special Meeting was adjourned.

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

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