

TOWN OF GARDEN CITY
BOARD OF TRUSTEES
MINUTES

Regular Meeting
7:30 p.m.

November 18, 2003

Mayor Warren called the meeting to order at 7:30 P.M. Board members present were Mayor Bob Warren, Dennis Kendrick, Betty Warren, Eddie Miller, Vince Loftus, Dixie Hill and Clarence Krieger. Staff present was Attorney Don Hoff, Police Chief Michael Guthrie and Town Clerk Janice Walter. Also present were: Brian Christiansen, Scooters; Michael Covalt, Big Daddy's; Lee Heinze, White Horse Inn; and Jim Vetting, 2770 8th Avenue.

Minutes & Treasurer's Reports

A. Minutes of Regular Meeting October 21, 2003

B. Treasurer's Reports for October 2003

Vince Loftus moved and Betty Warren seconded to approve both the Minutes of Regular Meeting October 21, 2003 and the Treasurer's Reports for October 2003. 7 aye. 0 nay. Motion carried.

Liquor License Issues

A. White Horse Inn Renewal

We had received an application for renewal of the White Horse Inn liquor license. Applicant was Ron-Lee-Von LLC. Officers are Leona Heinze and Ronica S. Jackson. Their current license expires 1/9/04. All fees had been paid for a tavern license with live entertainment. Eddie Miller thanked Leona Heinze for observing the noise ordinance and keeping her door shut when they are playing music. Clarence Krieger moved to approve renewal of the White Horse Inn liquor license. Vince Loftus seconded. 7 aye. 0 nay. Motion carried.

Mayor Warren turned the meeting over to Mayor Pro Tem Eddie Miller. Mayor Warren and Betty Warren left the meeting to avoid any appearance of conflict of interest.

B. Scooter's Renewal

We had received an application for renewal of Scooter's liquor license. Applicant was Brian Scott Christiansen, 2600 9th Avenue Garden City. Their current license expires 1/02/04. All fees had

been paid for a renewal of a tavern liquor license with live entertainment. Eddie Miller reminded Brian Christiansen about keeping his doors shut when playing music. Clarence Krieger moved and Vince Loftus seconded to approve the renewal of Scooter's liquor license. 5 aye. 0 nay. Motion carried.

Mayor Warren and Betty Warren returned to the meeting. Mayor Warren resumed chairing the meeting.

C. Big Daddy's Transfer of Ownership

We had received an application for a transfer of ownership of Big Daddy's. Applicant is FM Entertainment, LLC. Michael Covalt is the only member and will also be the manager. Application date is 9/23/03. All fees had been paid for a transfer of ownership of a tavern liquor license with live entertainment. Mr. Colvalt is currently operating under a temporary permit. Eddie Miller stated that the front doors had been left opened one Saturday night and he could hear the noise 2 blocks away. The doors are to remain closed especially when there is music. Mayor Warren stated that in Garden City the bars are required to call the Police whenever there is a problem. Betty Warren moved and Eddie Miller seconded to approve the transfer of ownership of Big Daddy's liquor license to FM Entertainment, LLC. 7 aye. 0 nay. Motion carried.

Jim Vetting

Jim Vetting had requested to be on the agenda again to discuss the drainage on his property at 2770 8th Avenue. Dan Swallow had sent a memo to the Board stating that Forrest Stone had elevated his property and that the drainage of 2770 8th Avenue is a civil matter and the Town should not dedicate public money to improve private property. Don Hoff stated that you can not block the historical flow of property but that is a civil matter. Mayor Warren stated that his main concern is that water running into Mr. Vetting's property from 8th Avenue has no place to go. Eddie Miller stated that there had never been a complaint about 8th Avenue drainage since we reconstructed 8th Avenue. Jim stated that he wanted to fill in the hole on the east side of his property and that the owners of Forrest Stone had said they would help him do that. He is concerned that building up his property might cause drainage problems for someone else. Dennis Kendrick moved and Betty Warren seconded to authorize Don Hoff to

contact an engineer and spend up to \$2,500 on a drainage study to determine what should be done about the drainage at 2770 8th Avenue. 7 aye. 0 nay. Motion carried.

JD Byrider/All About Auto Sales & Service

The Board reviewed a letter from Verniece Thomas of PB Roche Solutions that is now part of the conglomerate that owns JD Byrider. The Use by Special Review No. 1999-01 that you granted in June 1999 was to Lee Yoder, Weld County Garage dba JD Byrider. That use by special review should not have been transferred without approval of the Board according to the zoning code. The ownership did change in May 2000 without the Board's approval or knowledge. Now the business is also going to change to All Autos Sales & Service. Verniece Thomas explained that there are two businesses at that location, the auto sales and the finance company. They were not aware that the purchase in 2000 required approval of the Board and would like to request that approval at this time. Dennis Kendrick asked if there were conditions in the use by special review about parking. The clerk explained that there is supposed to be landscaping and parking is not permitted on that area and that there is to be no parking in the alley. Don Hoff stated that Verniece Thomas should write a letter detailing the information necessary to approve the change in ownership in connection with the use by special review. The Board will consider that letter at the December meeting.

Loftus Property

Mayor Warren presented an appraisal to the Board for the Loftus property north of the Town Hall. The cost to the Town of the appraisal is \$150. Betty Warren stated that the appraisal can not be given to Mr. Loftus because he did not pay for it. The appraised value of the property is \$60,000 and Dick Loftus had offered it to the Town for \$75,000. Eddie Miller said the property is not in a good location for a park. After considerable discussion about if we should even consider having another playground, Dennis Kendrick moved to authorize the mayor to approach Mr. Loftus with the appraised value, negotiate from there and determine the use for property at a later time. Eddie Miller seconded. 7 aye. 0 nay. Motion carried.

Weld County Planning

We had received a copy of an application for a development plan for an oil and gas support and service facility in an agricultural zone north of and adjacent to WCR 50, ½ mile west of WCR 43. Dennis Kendrick moved and Clarence Krieger seconded to reply that we have reviewed the request and find no conflicts with our interests. 7 aye. 0 nay. Motion carried.

A Women's Place

We had received a request for funds from A Woman's Place of at least a quarter per capita which would equal \$91.25. We have budgeted and contributed \$150 in the past. Dennis Kendrick moved to establish a domestic abuse prevention program for 2004 and to pay A Woman's Place \$150 to administer that program. Betty Warren seconded. 7 aye. 0 nay. Motion carried.

Retirement

The Clerk met with Nicky Elsbury of Edward Jones. The program that would be the most beneficial to the Clerk would be for her to establish an IRA with what ever amount the Board would give her in the form of a raise. Legally we could go as much as \$3,500 a year starting this year. We would establish an IRA now and then add next years after the first of the year. The Clerk emphasized that in the future the Board should work with PERA (Public Employees Retirement Account) but it is too late for her to benefit from that program now. Clarence Krieger moved to give Janice Walter a bonus this year to purchase a \$2,500 IRA and an increase next year to purchase a \$3,500 IRA. Dixie Hill seconded. 7 aye. 0 nay. Motion carried.

Revitalization Grant Program

This was tabled from last month. Betty Warren suggested that the program state that any business in town would be eligible. Don Hoff stated that the program as written is available to any business but the committee may give priority to any business on 8th Avenue. After considerable discussion about the type of property that should be included, Mayor Warren asked for a show of hands. Four Board members were in favor of leaving the program as written for business or commercial property while three were in favor of including residential property also. Dennis Kendrick moved and Vince Loftus

seconded to table this issue to the January meeting. 6 aye. 1 nay.
Motion carried.

Mayor Warren recessed the regular meeting and opened a public
Budget Hearing for 2004.

2004 Budget Hearing

The Clerk stated that since we still have not paid for the street lights
and we are still hoping that we will be able to reconstruct 9th Avenue,
the largest expenditure in our budget for 2004 is for the street fund.
The Highway Users Tax from Colorado and The Road and Bridge
fund from Weld County will only generate approximately \$9,500 in
revenues for 2004. We will have to transfer the majority of monies for
the Street Fund expenditures from the General Fund. Mayor Warren
opened the meeting to any public comment on the budget.

Hearing none Mayor Warren closed the hearing and resumed the
regular meeting.

IGA For Cooperative Mosquito Management

The Board considered an intergovernmental agreement with Weld
County to deal with the continuing threat of mosquito born
transmission of West Nile Virus. Weld County has contracted with
Colorado Mosquito Control, Inc. for integrated mosquito management
services within certain areas of Weld County during the year 2004.
Our share of the cost will be \$217.20. Betty Warren moved and
Eddie Miller seconded to approve the intergovernmental agreement
and to authorize the mayor and the clerk to sign the agreement. Roll
Call vote:

Betty Warren, yes	Dixie Hill, yes
Clarence Krieger, yes	Eddie Miller, yes
Vince Loftus, yes	Dennis Kendrick, yes
Mayor Warren, yes	

Other Board Issues

Don Hoff explained the Colorado Code on smoking. Smoking is
prohibited in waiting rooms and meeting rooms located in all buildings
owned or operated by the executive and judicial branches of
government of the state of Colorado or any political subdivision

thereof except in areas designated for smoking. Since the smoking ban in any building opened to the public passed at the last election in Greeley, Don expected someone to be here to initiate a movement for the ban in Garden City also.

Since there was no further business, Mayor Warren adjourned the meeting at 9:01 P.M.

Respectfully Submitted by: Janice Walter
Janice Walter, Clerk