

TOWN OF GARDEN CITY  
BOARD OF TRUSTEES  
MINUTES

Regular Meeting  
7:30 p.m.

October 21, 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: Margie Joy, North Front Range MPO; Martha Terrazos, Lindo Michoacan Restaurant; John Donley, Viva Mart; and Dick Loftus.

Minutes & Treasurer's Reports

A. Minutes of Regular Meeting September 16, 2003

B. Treasurer's Reports for September 2003

Vince Loftus moved to approve the Minutes of Regular Meeting September 16, 2003 and the Treasurer's Reports for September 2003. Betty Warren seconded. 7 aye. 0 nay. Motion carried.

North Front Range MPO

Margie Joy from the North Front Range MPO presented information on the 2030 Regional Transportation Plan. She also reported that the Regional Transportation Authority has been put on hold for the time being. The various cities belonging to the authority have not been able to agree on several policy matters.

Lindo Michoacan H & R Liquor License Renewal

We had received an application for renewal of the Restaurant liquor license from Martha Terrazos dba Lindo Michoacan Restaurant. Their current license expired September 26. All fees had been paid for an H & R liquor license. Dixie Hill moved to approve the renewal of Lindo Michoacan Restaurant liquor license. Vince Loftus seconded. 7 aye. 0 nay. Motion carried.

Viva Mart Hearing

Dan Swallow reported that no one had called for the final inspection of the building permit for the electrical work. Other than that he stated that they are in compliance. The only other thing that he wants the Board to know is that he did note on the plans for adding retail on the second floor that the required paved parking would increase from

102 spaces to 148 spaces. The variance granted in 2002 was to allow less than the 102 spaces that were required at that time. In considering what to do about that agreement not being kept, the Board had to also consider the fact that the required paved parking spaces are now 148. This hearing was called to show cause why the variance to allow Viva Mart to open without sufficient parking should not be revoked since they had not complied with the agreement. The agreement stated that no later than May 1, 2003 Mr. Kim shall have the parking that is available in the east lot paved or cease doing business. Clarence Krieger asked why the businesses shouldn't have to comply with the building and zoning codes when he and other residents are required to comply. Betty Warren moved and Eddie Miller seconded to extend the variance for Mr. Kim and give him until May 1, 2004 to comply with the agreement or paragraph 3 becomes affective immediately and operations must stop. 7 aye. 0 nay. Motion carried.

#### Revitalization Grant Program

Don Hoff presented a draft of an Ordinance establishing a mini grant program of no more than ten \$3,000 grants to improve business properties. Clarence Krieger stated that he was under the impression that the grants would be available to residents also. After considerable discussion about what type of property should be eligible, Clarence Krieger moved to table this issue to some other time. Dennis Kendrick seconded. 7 aye. 0 nay. Motion carried.

#### Loftus Property

Dick Loftus stated that the property to the north of the Town Hall is for sale for \$75,000. Since this was not on the agenda, the Board could not approve any motions. The Clerk expressed concerns about having a playground so far back in the property that we could not see what was going on. The last playground we had was on a corner property that was very visible and there were complaints every month about the kids and their activities. Mayor Warren stated that a majority of the Board is interested in pursuing the purchase. Betty Warren stated that we should hire an appraiser.

#### CSECU Resolution No. 1-2003

The Board received copies of a resolution needed if we are to continue with the CSECU credit card. Betty Warren moved to adopt Resolution No. 1-2003 authorizing CSECU credit cards in the name



of Mayor Robert S. Warren, Mayor Pro Tem Edwin D. Miller, and Town Clerk Janice E. Walter.

Eddie Miller, yes

Dennis Kendrick, yes

Clarence Krieger, yes

Dixie Hill, yes

Vince Loftus, yes

Betty Warren, yes

Mayor Warren, yes

Resolution adopted.

#### Weld County Annual Town/County Meeting

The Weld County/Town meeting will be October 30<sup>th</sup> at the Mad Russian near Milliken. The dinners are \$14 per meal this year. All elected and appointed officials are encouraged to attend.

#### December Schedule

##### A. Christmas Dinner

Betty Warren reported that she had already contacted the Evans VFW to serve the same meal for the same price as last year on Saturday, December 13, 2003. Clarence Krieger moved and Dixie Hill seconded to hold our annual Christmas dinner at the Evans VFW on December 13, 2003. 7 aye. 0 nay. Motion carried.

##### B. December Meeting

We will receive the final assessed valuation for taxes from the County by December 10<sup>th</sup> and we have to have the budget adopted by December 15<sup>th</sup>. They usually get the assessed valuation to us before the 10<sup>th</sup> but the law just says by the 10<sup>th</sup>. Mayor Warren announced that the December meeting will be scheduled for December 9, 2003.

#### Announcements

##### A. Ninth Avenue Apartments

The Clerk reported that the Ninth Avenue Apartments had obtained a building permit to add a shed and some concrete where the north dumpster is located. The dumpsters will be in their proper place soon.

##### B. Voting Precinct

The Clerk reported that the county had changed the boundaries for our voting precinct. Garden City now has 2 precincts. All voters who live west of 7<sup>th</sup> Avenue will vote at the Town Hall in precinct 319. If you live east of 7<sup>th</sup> Avenue you are in 320 and have to vote at Bonnell.

### C. Elm Trees

The Clerk reported that Jay from American Turf and Tree said we would have to get written permission from all property owners/tenants before they could spray the elm trees. We would have to make sure every thing such as people, cars, toys, dogs etc are removed from under the trees. The cost would be based on the size of the trees. They have never had anyone other than the owners of the property pay for spraying. The only spraying that towns pay for are the trees located in their parks and on publicly owned property.

### Retirement

Nicky Elsberry will meet with the Clerk to go over some of the possibilities and get answers to some the questions about retirement.

### JD Byrider

Dan Swallow had reported to the Clerk that the JD Byrider billboard sign can continue to be used as an on premise sign as a legal non conforming sign as long as it is not abandoned. The sign is 300 square feet on each side. The sign code states that maximum size per face shall not exceed 125 square feet. The Clerk also took paperwork over to JD Byrider again explaining that they can not park their vehicles on the gravel where the landscaping is supposed to be.

### Gentleman's Club

The Clerk is getting inquiries about regulations for a gentleman's club again. A real estate agent will be in to read the regulations.

### Natural Gas Prices

Jed Reed, Atmos energy reported to the Clerk that natural gas prices are dropping about 11%. Residential rates will drop from .77 to .67 and commercial rates will drop from .76 to .66 per CCF.

### Street Work

The Clerk met with Bill Sterling of the Greeley Public Works Department. He suggested that we could possible enter into an intergovernmental agreement with Greeley for all of our engineering and street work including crosswalks on 8<sup>th</sup> Avenue. We already have an intergovernmental agreement for street maintenance on 8<sup>th</sup> Avenue. He also stated that the City of Greeley does not do initial street construction but requires that be done by the developers. We



need to be working with the owners of the Hillside Mall, John Waterbury to get 9<sup>th</sup> Avenue constructed.

Other Board Issues

Eddie Miller asked if anything had been done about the drainage at 2770 8<sup>th</sup> Avenue. The Clerk reported that Jim Vetting had called her to report that he was going to work with the stone company to fill the hole on his property. Clarence Krieger stated that we needed to do something about Forest Stone blocking the natural flow of runoff. The Clerk stated that he did not do anything that he was not told to do by the building inspector. Mayor Warren said that Jim Vetting is responsible for fixing the drainage on his private property.

Executive Session


The attorney stated that he needed to discuss a personnel issue. Dennis Kendrick moved to go into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Betty Warren seconded. 7 aye. 0 nay. Motion carried. Mayor Warren recessed the regular meeting at 9:30 P.M. to go into executive session.

Mayor Warren reconvened the regular meeting at 9:42.

Eddie Miller reported that there had been a water leak on the west side of 9<sup>th</sup> Avenue for a long time. The Greeley water department has finally found that when the water line was replaced the old line had never been capped. That has been fixed now.

Since there was no further business, Mayor Warren adjourned the meeting at 9:46 P.M.

Respectfully Submitted by:

  
Janice Walter, Clerk