

TOWN OF GARDEN CITY  
BOARD OF TRUSTEES  
MINUTES

Regular Meeting  
7:30 p.m.

April 20, 2004

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 and Clarence Krieger. Staff present was Attorney Don Hoff and Town Clerk Janice Walter. Also present were: Lew Yeddis and Michael Covalt, Club One; Mary Miller 816 27<sup>th</sup> Street; Kris Pickett and Jim Vetting, 2770 8<sup>th</sup> Avenue; and Jennie Atkin, Everyday Store.

Mayor Warren asked for a moment of silence in honor of Dixie Hill and the service she did for the Town. Dixie passed away April 10, 2004 at Kenton Manor in Greeley.

Minutes & Treasurer's Reports

A. Minutes of Regular Meeting March 16, 2004

B. Treasurer's Reports for March 2004

Vince Loftus moved to approve both the Minutes of Regular Meeting March 16, 2004 and the Treasurer's Reports for March 2004. Clarence Krieger seconded. 6 aye. 0 nay. Motion carried.

Everyday Store Liquor License Renewal

We had received an application for renewal of the Everyday Store 3.2% beer retail license. Applicant is Recuperos, LLC. Their current license will expire June 4, 2004. All fees had been paid. Betty Warren asked if the service to minor charges from last year had been taken care of. Jennie Atkin, manager, replied that all of the personnel involved in that incident are no longer working there. Eddie Miller moved and Vince Loftus seconded to renew the 3.2 percent beer retail license for the Everyday Store #5709. 6 aye. 0 nay. Motion carried.

2770 8<sup>th</sup> Avenue Drainage

The Board reviewed a letter from Jim Vetting about the results of the engineering study done by Kris Pickett. The engineer considers going south through County Corner Feeds yard with a 12 inch PVC

pipe to drain to 28<sup>th</sup> Street the best and most cost effective remedy to the drainage problems for 2770 8<sup>th</sup> Avenue. Another alternative would be for the Town to install a catch basin and a 12 inch pvc pipe that would run to the west under the street into the storm drain that is on the west side of 8<sup>th</sup> Avenue. Clarence Krieger stated that he did not think that the water from 8<sup>th</sup> Avenue is the problem. After considerable discussion, the Board generally agreed that Mr. Vetting should fill in his property and install the pipe south to 28<sup>th</sup> Street. The Clerk told Mr. Vetting that the Board's approval did not grant him any rights over other property owners. Mayor Warren stated that if the pipe going to the south did not solve the problem, we may have to look at this issue again after the pipe is installed.

#### 2606 8<sup>th</sup> Avenue Parking and Landscaping

John Donley stated that the Viva Mart property had been sold to Mr. and Mrs. Jimmy Qwan of Denver, Colorado. The new owners were not present but wanted Mr. Donley to tell the Board that their number one desire was to get along with the Town. In that vein, they have signed a contract to pave and stripe the back parking area and they want to apply stucco and change the color on the front of the building. Mr. Donley thinks they will have about 40 parking spaces. They have applied for a building permit to gut the 2604 building and remodel it to add a furniture store to the business. Don Hoff stated that the Board will need to set a hearing to transfer the parking variance for 2606 8<sup>th</sup> Avenue and then he was not sure about 2604 8<sup>th</sup> Avenue. Dennis Kendrick stated that he had not seen more than 40 cars parked there at a time. The Clerk reported that she had received a complaint from the surrounding businesses about their parking being used by Viva Mart customers especially on weekends. The hearing would have to be set with enough time to notify the public. If the application is turned in immediately the hearing could be held May the 14<sup>th</sup> and that is the Friday before the next regular meeting. Everyone agreed if it was going to be that close anyway, the hearing should be set for the next regular meeting. The Clerk stated that the Board can not give approval to expand the business or add a new business at this time; they can only consider what information they receive at the hearing. Clarence Krieger moved to authorize the Town Clerk to issue a building permit at the owner's risk. This would not in any way mean approval for expansion of the current business or opening an

additional business at that location. Dennis Kendrick seconded. 6 aye. 0 nay. Motion carried.

### CML Announcements

All elected officials are invited to attend the 2004 CML Spring Outreach Meeting in Loveland on Thursday May 20<sup>th</sup> from 11:30 a.m. to 1:30 p.m. to receive updates on CML activities and programs and for an opportunity to discuss issues of importance to our community and region.

The CML 82<sup>nd</sup> Annual Conference will be in Steamboat Springs June 22-26. All officials are encouraged to attend.

Lew Yeddis told the Board that the bright yellow house at 2701 7<sup>th</sup> Avenue will be painted a tan color in the near future. The store at 2704 will be opening soon as The 8<sup>th</sup> Avenue Wings Shack. Lew showed the Board the color that he wants to paint the restaurant and apartment above. He is also planning to resurface the parking in front and fill the hole in the asphalt that Excel left when installing the new street light. Mayor Warren told Mr. Yeddis if he got the hole filled to send us a bill and that he should apply for the Commercial Revitalization Mini Grant.

Michael Covalt reported that he had continued with the after hours dance club last month and that he had not had any problems. Mayor Warren reported that someone had complained to him that the customers were mostly gang bangers. Michael also reported that they had painted the back of his business in a graffiti style mural. It is purple and black to signify a city night scape. He would like to continue that around to the north if the Board approves. Mayor Warren stated that the Board can not control the color but he thinks it looks Goth to him and very dark not only in color but in what it is projecting. Mary Miller stated that she thinks the mural will encourage more graffiti in town. Michael stated that he thinks that the mural will slow down the graffiti because the taggers will respect the painters. Mr. Yeddis is not enthused about the mural and hopes that Michael does change it to blend in with the rest of the building.

### Election Cancelled

#### A. Announcement

The Garden City regular election scheduled for April 6, 2004 was cancelled because there were not more candidates than seats to fill.

Bob Warren was declared elected as Mayor for a two year term and Vince Loftus & Clarence Krieger were declared elected as Trustees for four year terms. All three of the officials were given the oath of office prior to the meeting.

B. Vacancy

There was one more Trustee seat up for election that we did not receive any candidate petitions for. That would have been for 4 years if elected. Since there is a vacancy, the Board will appoint a trustee who will serve for 2 years then that person will have to run in the next regular election which will be April of 2006. We have received two letters of interest; one from Terry Greenwood and one from Mary Miller. Don Hoff suggested that the opening be posted and the appointment made in May. Dennis Kendrick moved that we post the position of trustee and continue the appointment to the next meeting. Clarence Krieger seconded. 6 aye. 0 nay. Motion carried.

Appointments for 2004-2006 Term

A. Mayor Pro Tem

B. Town Attorney

C. Municipal Judge

D. Town Clerk/Manager/Treasurer

Betty Warren moved and Clarence Krieger seconded to appoint Eddie Miller as Mayor Pro Tem, Don Hoff as Town Attorney, Michael Stewart as municipal judge and Janice Walter as Town Clerk/Manager/Treasurer for the 2004-2006 term. 6 aye. 0 nay. Motion carried.

CIRSA

The Board reviewed the annual Loss Review from CIRSA. One of the fire extinguishers had the wrong date on it but the other 3 were correct. There were items too close to the sprinkler heads in the basement; we need to build additional shelves. We could not find the Material Safety Data Sheets that the maintenance man keeps; housekeeping in both the shed and the outside storage room needs to be improved. Bob Andolsek said he did move some of the major obstacles. We may need to build a larger storage shed. We also have a lot of street signs that need to be replaced. The Fire Department also requested that the signs be replaced. Bob said he would do that. Clarence Krieger moved to check into a new shed that

would fit our needs. Betty Warren seconded. 6 aye. 0 nay. Motion carried.

We have \$1,721.74 in the Property Casualty Loss Control Credit Account and \$1,615.54 in our Worker's Comp Loss Control Credit Account. The Clerk asked the Board to think about something we could spend the money on that would improve the liability or the employee workman compensation exposures. In the past, we have used the funds to purchase the lap top computer so we can take on line safety classes, to repair the handicap ramp at the old Town Hall and to purchase an ergonomic key board. Betty Warren suggested we use some of the money for crosswalks but the Clerk stated that street work is not eligible for the loss control credit.

Betty also reported that the estimate that she has received for two crosswalks is \$52,600 and the estimate for four crosswalks is \$91,200. The crosswalks would be 6 feet wide by 100 feet long. One of the reasons the cost is so high is traffic control for closing portions of 8<sup>th</sup> Avenue would be very high. Eddie Miller reported that there should be a stop sign or lights at a crosswalk and there is a new flashing light out that is solar powered and that there should not be more than one crosswalk in that short of a distance. Clarence Krieger suggested that we drop the crosswalks for now since we do not have two streets in town that match.

#### Greeley Public Works Meeting

Eddie Miller and the clerk met with Bill Sterling, Greeley Director of Public Service; Jerry Pickett, Greeley Street Superintendent; and Fred Jones, Greeley Transportation Services Manager. The discussion was concerning the various areas of street work that could be done through an intergovernmental agreement. Some of the things suggested were for crack fill and seal, pot hole repair, construction, street sweeping and snow removal, regular maintenance programs, GIS or geographical information system, storm water utility (since this would add approximately \$3.75 per month to each residential water bill we were not enthused but it may be something we are forced to do because of Federal mandates), setting up the initial GASB 34 program to put a value and life expectancy on each of our streets (another mandated program), drainage and engineering. We also talked about 9<sup>th</sup> Avenue. Greeley requires that the developers pay for the new streets and Bill

Sterling said they almost had Waterbury talked into doing that street a couple of years ago but he backed out when he found out how much it cost. Greeley contracts with Northern Colorado Traffic Control to install their street signs (they found that is more cost affective than using their own personnel) and they thought we could contract with them for the same price. Greeley orders their signs but if we ordered through Greeley we could probably get a better price because of the quantity. We ordered over \$900 worth of street signs last October and that was only 12 street signs (stop, parking, etc) and 10 street designation signs (7<sup>th</sup> Avenue, 26<sup>th</sup> Street, etc., these are the ones the fire department is worried about). No one on the Board expressed an interest in doing an intergovernmental agreement for any of these items. Three of the Board members stated they would be against an agreement.

The rest of the discussion was about pedestrian cross walks. All of the following statements came from the Greeley staff. They do not put in crosswalks without doing a traffic study. They are going to send us some traffic studies. They do not do crosswalks where there is not also a street light or stop sign. Unregulated crosswalks create a false sense of security, everyone thinks they have the right of way, and there is a bigger chance of an accident so they are more dangerous. There is a new flashing light in Fort Collins that we could look into. They would not recommend putting in 4 crosswalks in that short of a distance.

#### Ordinance Suggestions

The Board reviewed an ordinance requiring the liquor licensees to report violations concerning disorderly conduct and breach of peace to the Police Department. Eddie Miller moved to table the discussion until Chief Guthrie is here at the May meeting. Vince Loftus seconded. 6 aye. 0 nay. Motion carried.

Dennis Kendrick asked when we would be considering an ordinance to ban pit bulls. Don Hoff reported that the state legislature was voting on a law saying that the municipalities can not regulate the breed of dogs allowed. We do have a code regarding vicious animals. Dennis Kendrick and Eddie Miller suggested we pass an ordinance to control the color of paint that can be used for buildings on 8<sup>th</sup> Avenue. Don Hoff replied that he did not know if we can regulate good taste by passing an ordinance but he will check into it.

Other Board Issues


We have \$2295.13 in the Conservation Trust Fund that we can only spend on recreation or parks.

Every year we spend a lot of money to rent and set up a tent for National Night Out. The Clerk suggested that we build a permanent structure at the east end of the parking lot by the picnic shelter. Something like a shelter that could also be used for parking. The Board did not express any interest. The clerk did contact the owner of the empty lot on the north side of 26<sup>th</sup> Street. He did not know how much he wanted for the lot but said he would figure it out and call back.

Clarence Krieger asked for a new American flag and a new Town flag to put up on the pole in front of his residence.

Since there was no further business, Mayor Warren adjourned the meeting at 9:37 P.M.

Respectfully Submitted by:

  
Janice Walter, Clerk