

TOWN OF GARDEN CITY  
BOARD OF TRUSTEES  
MINUTES

Regular Meeting  
7:30 p.m.

May 18, 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, Police Chief Michael Guthrie and Town Clerk Janice Walter. Also present were: Troy Bengford, Frank Bengford, Sandy Bengford and Belinda Bengford, Kings Pawn; Lewis Yeddis, 2700 8<sup>th</sup> Avenue; Dan Daily, Northern Colorado Driveline; Mary Miller, 816 27<sup>th</sup> Street; Kevin Deubach, Sherry Deubach, and Kristy Deubach, American Auto Body; John Donley, Jimmy Kwon and Scott Young Lee, Viva Mart; Terry Greenwood, 2740 6<sup>th</sup> Avenue Lane; Paul Nielsen, 2619-2621 8<sup>th</sup> Avenue; Carol and Hank Petrie, Neon Rose; and Margie Joy, NFRMPO.

Trustee Appointment

The Board reviewed letters of interest to be on the Board of Trustees from Terry Greenwood and Mary Miller. Each applicant gave a brief statement about their interest. Betty Warren moved and Dennis Kendrick seconded to vote by written ballot for the appointment. 6 aye. 0 nay. Motion carried. The vote was tied at three each. The tie was decided by lot when Mary Miller's name was drawn from a hat. Mary Miller was sworn in as Trustee.

American Auto Body Request

Kevin Deubach of American Auto Body requested special consideration for a live broadcast with outdoor speakers on Saturday June 14<sup>th</sup> from 1 p.m. to 4 p.m. Betty Warren moved and Dennis Kendrick seconded to approve American Auto Body's request. 7 aye. 0 Nay. Motion carried.

Audit

A. 2003 Audit

B. Letter of Understanding for 2004

C. Invoice

Dan Schommer presented the 2003 Audit. The fee for 2004 will be \$1850 plus the cost of including GASB 34 information for the audit. Betty Warren moved to accept the audit, sign the letter of understanding for 2004 and pay the invoice of \$1850 for the 2003 Audit. Clarence Krieger seconded. 7 aye. 0 nay. Motion carried.

Neon Rose Liquor License Renewal

ECH Corporation had applied for renewal of their tavern liquor license. Corporate Officers are Carrol J. and Henry Petrie Jr., 19510 WCR 78, Eaton, CO 80615. There were no negative reports. All fees had been paid for a tavern license with live entertainment. Clarence Krieger moved to approve renewal of the Neon Rose liquor license. Vince Loftus seconded. 7 aye. 0 nay. Motion carried.

Evans Ordinance

Chief Guthrie asked the Board to consider an ordinance that would require liquor licensees to call the Police any time there is a violation of law. Betty Warren moved and Eddie Miller seconded to include Evans Ordinance No. 264-04 in the Evans ordinances that are considered for adoption by reference. 7 aye. 0 nay. Motion carried.

Mayor Warren recessed the regular meeting, turned the meeting over to Mayor Pro Tem, Eddie Miller and left the room to avoid any appearance of a conflict since he had met with John Donley to discuss the issue prior to the date of the hearing.

Variance 2004-01

Eddie Miller called a public hearing to order to consider Variance 2004-01. John Donley stated that he was appearing on behalf of Mr. and Mrs. Jimmy Kwon, the new owners of 2604, 2606 and 2620 8<sup>th</sup> Avenue to request a parking variance. Mr. Donley also stated that the interior of 2604 had been remodeled, the front of the building will be redone in white stucco and that the back parking area will be paved and striped for between 25 and 30 spaces. The cost of improvements will exceed \$125,000. Mr. Kwon said he wants to improve the appearance of the building.

Don Hoff stated that the original variance granted to Mr. Kim was to allow him to open with 14 parking spaces instead of 102, and then he added the second level without consideration a few months later which would have required 40 more parking spaces. Now Mr. Kwon wants to open another 4,000 foot of retail which would also require additional parking spaces. Mr. Donley stated that the second floor is only used for storage of merchandise.

Frank Bengford of Kings Pawn Shop stated that his business is already suffering on weekends from lack of parking spaces and if they extend the business into 2604 8<sup>th</sup> Avenue it would negatively affect Kings Pawn Shop business. The 14 parking spaces that were mentioned would have to include the spaces in front of the check cashing business and that business also is required to have parking spaces. He also stated that if parking were paved in the back, there is no guarantee that customers would park back there and he can not patrol his parking spaces to prevent Viva Mart customers from parking there. After Betty Warren stated that Kings Pawn did not have very many parking spaces either, Mr. Bengford reminded the Board that the Town took away a lot of his parking when 26<sup>th</sup> Street was striped to have a turning lane and changed to parallel parking north of his business. Parking in the back would also restrict access by emergency vehicles. He said that they could maybe survive with Viva Mart if the back was paved but if another business is added at 2604 that would really hurt his business.

Mr. Kwon stated that he would be happy to share any parking that is available with the pawn shop. As merchants they need to work together to bring in customers. He said he would put up signs saying do not park in front of pawn shop, but he does not care if the pawn shop customers park in his parking spaces.

Dennis Kendrick moved to go into executive session for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Mary Miller seconded. 6 aye. 0 nay. Motion carried. Mayor Pro Tem Miller announced that it was 8:45 and for the record, he is the presiding officer. As required by the Open Meeting Law, the executive session will be electronically recorded. Present at the executive session will be the 6 Board members and the Town Attorney. He cautioned each participant to confine all discussion to the stated purpose of the session and that no formal action may occur in the executive session.

Mayor Pro Tem Miller announced that it was 9:02 and the executive session had been concluded. The participants were the 6 Board members and the Town attorney. For the record he asked if any person who participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law would state their concerns for the record. Hearing none he continued with the hearing.

Betty Warren moved to direct the Town attorney to prepare for consideration at the next regular meeting draft findings, conclusions and a decision to (1) transfer the original parking variance from the previous owner to Mr. and Mrs. Jimmy Kwon, (2) enlarge the variance to accommodate an additional store and (3) to drop the requirement for open space if barrels of flowers are placed in the back of the store. Dennis Kendrick seconded. 6 aye. 0 nay. Motion carried. Mayor Pro Tem Miller recessed the meeting for a five minute break.

Mayor Warren closed the hearing and called the meeting back to order.

#### Commercial Revitalization Grant Program

##### A. Jimmy Kwon

John Donley on behalf of Mr. Kwon requested a revitalization grant of \$3,000 for Viva Mart improvements to install new window, remove overhead door at 2604 8<sup>th</sup> Avenue, to stucco and paint the entire front of 2604, 2606 and 2620 white. Estimates for the work were approximately \$16,500 work to be done by July 1, 2004. Dennis Kendrick moved to approve the request for a grant for improvements at 2604, 2606, and 2620 8<sup>th</sup> Avenue. Vince Loftus seconded. 7 aye. 0 nay. Motion carried.

##### B. Paul Nielsen

Paul Nielsen requested a grant for restaining the Scooter's, Lindo Michocan Restaurant, and Cigarette & Beer Express buildings at 2619 thru 2621 8<sup>th</sup> Avenue. The color will be the same. Dennis Kendrick moved to approve a grant to Mr. Nielsen in the amount of 50% of the invoices or \$3,000 whichever is less. Eddie Miller seconded. 7 aye. 0 nay. Motion carried.

C. Lew Yeddis

Lewis Yeddis requested a grant for resurfacing the asphalt east and south of the Club One and 8<sup>th</sup> Avenue Wings property. He stated that he had already paid for the painting of the buildings so was not asking for that but would like a grant for the asphalt. Mayor Warren stated that the painting was also eligible and if Mr. Yeddis brought in invoices for the painting and the asphalt the Town would reimburse 50% up to \$3,000. Betty Warren moved and Dennis Kendrick to approve a grant to Mr. Yeddis 50% of the resurfacing and paint receipts up to \$3,000. 7 aye. 0 nay. Motion carried.

North Front Range MPO

Margie Joy presented an overview of the North Front Range Metropolitan Planning Organization 2030 Regional Transportation Plan. The Board reviewed a prioritized list of 300 projects that totaled approximately 26 million dollars. Now the MPO is in the process of presenting the program to get public input before the final plan is presented. Ms. Joy told the Board that her phone number is 970-224-6102 if there are any questions at a later time.

Weld County Planning

We had received an application for a Site Specific Development Plan and Special Review Permit for a commercial use in an Agriculture zone near WCR 54 and WCR 45 from Weld County. Eddie Miller moved to reply that we have reviewed the request and find no conflicts with our interests. Clarence Krieger seconded. 7 aye. 0 nay. Motion carried.

Xcel Energy Street Lights

The Board reviewed a bill for \$207,764.31 that we received from Xcel Energy for the street lights. We still have not received anything in writing canceling the \$208,163 bill. Mayor Warren stated that the job is not finished, the arms are not up and the old lights have not been removed. Dennis Kendrick moved that we table the discussion until the project is complete. Mayor Warren stated he would contact Mike Guile to help us get the project done. Betty Warren seconded the motion. 7 aye. 0 nay. Motion carried.

Minutes & Treasurer's Reports

A. Minutes of Regular Meeting April 20, 2004

B. Treasurer's Reports for April 2004

The Clerk passed out the minutes of the April meeting which had to be withheld until after the hearing. Betty Warren moved to table the approval of the minutes until June to give everyone a chance to read them and to approve the Treasurer's Reports for April 2004. Dennis Kendrick seconded. 7 aye. 0 nay. Motion carried.

Other Board Issues

The Clerk reported that she had received a call asking if there were some funds available for street side business improvements. The deadline for the Revitalization Grant program was May 10<sup>th</sup> and we received a total of 4 applications. Dennis Kendrick moved to extend the deadline until we have approved a total of 10 applications as long as the work can be completed and grant paid before the end of 2004. Betty Warren seconded. 7 aye. 0 nay. Motion carried.

Since there was no further business, Mayor Warren adjourned the meeting at 9:56 P.M.

Respectfully Submitted by: Janice Walter  
Janice Walter, Clerk