

TOWN OF GARDEN CITY  
BOARD OF TRUSTEES  
MINUTES

Regular Meeting  
7:30 p.m.

May 21, 2002

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 Guthrie and Town Clerk Janice Walter. Also present were: John P. Donley, Viva Mart; Brooke Delisle and Debbie Haubert, Everyday Store; Tracy Bengford, Todd Bengford, Sandy Bengford, and Frank Bengford, Kings Pawn; Dave Pond, Atomic Car Wash; Dan Schommer, Watkins & Schommer; and Dan Dailey, Northern Colorado Driveline.

**Minutes & Treasurer's Reports**

**A. Minutes of Regular Meeting April 16, 2002**

**B. Treasurer's Reports for April 2002**

Vince Loftus moved to approve both the Minutes of Regular Meeting April 16, 2002 and the Treasurer's Reports for April 2002. Dixie Hill seconded. 7 aye. 0 nay. Motion carried.

**2001 Audit**

Dan Schommer of Watkins & Schommer presented the 2001 audit. The opinion on the financial statements was a clean opinion which says that the financial statements present fairly the Town's financial position. There were no adjusting entries. Clarence Krieger moved and Vince Loftus seconded to accept the 2001 Audit, sign the Letter of Understanding for 2002, and to pay Watkins & Schommer \$1,850 for the 2001 audit. 7 aye. 0 nay. Motion carried.

**David Pond**

David Pond discussed his plans for developing the empty lot north of Atomic Car Wash that he is in the process of purchasing. He is considering putting in storage units in the empty lot which would require a change or variance in the zoning. Eddie Miller stated that the area was zoned business to encourage retail sales that would generate sales tax. Storage units would not produce any revenues for the Town other than the increase in property tax. Mr. Pond stated

that he would be removing all of the old cars that are there now, keep the area clean and work closely with the fire department and other authorities to comply with all requirements. His intentions are to make one of the three apartment units that are there into an office for the storage units and continue with the car wash. The representatives of the two businesses present stated that they did not have any objections. Mayor Warren said that the Board could not make any decisions until plans are complete.

### **Everyday Store #5017 Liquor License**

#### **A. Renewal**

Everyday Store #5017 had applied for renewal of their 3.2 percent beer retail liquor license. Applicant is Duke and Long Distributing Co., Inc. Corporate officers are Randy M. Long, Gary N. Long and Kelly L. Dixon. Manager is Brooke Delisle. All fees had been paid. Their current license expires 6/29/02. Brooke Delisle and Debbie Haubert were present to represent the applicant. Eddie Miller moved to renew the Everyday Store #5017 liquor license. Dennis Kendrick seconded. 7 aye. 0 nay. Motion carried.

#### **B. Transfer of Ownership**

Recuperos, LLC dba Everyday Store #5709 had applied for a transfer of ownership of the Everyday Store #5017 liquor license for the retail sales of 3.2% beer off premise. Applicant members are; Matthew Moore, Boise, Idaho; Michael B. Westover, Boise, Idaho; Donald C. Christensen, Long Beach, California; Jon S. Pettee, Dallas, Texas; Randolph E. Brown, Coppell, Texas and Steven D. Chantelois, Dallas, Texas. Brooke Delisle is listed as manager. Date of application was April 9, 2002. We did issue a temporary permit last month so they can continue to sell beer under the current licensee while the transfer is being considered. Betty Warren moved and Eddie Miller seconded to approve the transfer of ownership of the Everyday Store #5017 liquor license. 7 aye. 0 nay. Motion carried.

### **Variance 2002-01**

Mr. Sung IL Kim had applied for a variance of the minimum parking space requirements at 2606 8<sup>th</sup> Avenue. Based on our zoning code that size of a store would require 102 parking spaces. Mr. Kim is asking to be allowed to open with only 14 parking spaces in the front of the building. He does have a 40-foot by 100-foot area in the back

of the building but it is not paved (which is required by code) and he does not want to go to the expense of having it paved at this time. Mr. Kim was not present but John Donley was present to represent him. Eddie Miller stated that the reduction requested is considerable. Mr. Donley stated that there is actually less than 14 spaces probably only 8. He also stated that Mr. Kim's plans are to remove the portion of the building that contains the print shop and the check-cashing place when their leases expire. That would give him a paved drive from 8<sup>th</sup> Avenue to the back parking and additional spaces. The owners of King's Pawn wanted to know what recourse they would have if he is allowed to open and uses their parking spaces. Mayor Warren suggested considering a temporary variance where the business would be closed if the parking was not paved by the deadline. Betty Warren stated that the owner did know that parking would be a problem. Staff had verified that Mr. Kim had done most of the remodeling without a building permit and had never contacted the Town Hall about what would be required for his business to open. The building inspector had to post a stop work order to obtain compliance with a building permit. Clarence Krieger expressed his concern that even if the area was paved Mr. Kim only owns a 40 foot wide area on the south side and the rest of that back lot belongs to someone else. Mr. Donley stated that Mr. Kim also has about 15 feet next to the building on the west side of the back lot for pedestrian traffic. Eddie Miller stated that if the paving is not done by the time Mr. Kim opens there will be cars parked all over the place and affecting all of the other businesses. Betty Warren suggested that the Board set a time limit of 6 months. The owners of King's Pawn agreed that they could live with the parking problems if the problem would be corrected in 6 months. A 6 months time period would end in November or December. Betty Warren moved to grant Variance #2002-01 with the following restrictions.

1. That Mr. Kim pave the back parking lot by May 1, 2003
2. That Mr. Kim must put signs up in front of King's Pawn and Silver State Plastic that says parking for those businesses only and a sign in front of his business saying additional parking in the rear.
3. If the back area is not paved by May 1, 2003, he must close the business until it is done.

Chief Guthrie stated that since part of the front parking spaces is on private property, enforcement of no parking signs would be the responsibility of the individuals who own the property. The Police

would not issue citations or warnings for violations of those signs. Mr. Donley stated that Mr. Kim would be a good neighbor. Someone stated that he was not a good neighbor when he painted his building that awful color. While the Clerk had received numerous complaints about the color of the building, both front and back, and as far away as 11<sup>th</sup> Avenue, she had not received any written replies concerning the parking. Don Hoff asked for verification of the future plans with the building. Mr. Donley again stated that Mr. Kim is planning to tear down the portions of the building when the print shop and the check cashing business are located so there will be a paved drive from 8<sup>th</sup> Avenue to the rear of the building. Mr. Hoff stated that if a variance is granted for fewer parking spaces than required, Mr. Kim could not expand his business into additional areas of the building.

Dixie Hill seconded. 5 aye. 2 nay. Motion carried.

### **2001 Annual Police Report**

Chief Guthrie presented the 2001 Annual Police Report. There were not a lot of changes from the year before. 15% of the responses to calls by Police Officers were in Garden City. The Garden City Court activities were also included. Don Hoff stated that court activity has dropped significantly. Chief Guthrie replied that both Garden City and Evans court activity had dropped due to the turn over of personnel and due to the fact that there have not been many complaints about speeding from the people in the communities. He added that the decrease in criminal activity and the improved reputation of Garden City in the last few years are due to a combination of good enforcement and the positive efforts by the Town Board.

### **Street Lights**

We still had not received final figures from Xcel for replacing streetlights. The estimate was approximately \$215,000 to remove 6 lights and install 14 new lights on 8<sup>th</sup> Avenue and to install 9 lights in the rest of Town. Mayor Warren asked the Board if he could proceed with the plans when we do receive something from Xcel. Vince Loftus moved to go ahead with the plans for streetlights when we receive information from Exel Energy. Dennis Kendrick seconded. 7 aye. 0 nay. Motion carried.

**Garden City Signs**

Betty Warren shared 2 plans for 3 x 5 signs that say Welcome to Garden City or Welcome to the Town of Garden City with backlighting. She stated that the signs would be placed on business properties along the streets low to the ground so drivers could see them. Eddie Miller expressed concern about vandalism. Eddie Miller also suggested something like a cloth banner over the street. No action was taken.

**Matching Funds**

Mayor Warren reported that Harold Fahrenbruch, Trustee of Johnstown, said the Matching Fund Grants at Johnstown had increased interest in remodeling building fronts in the downtown area but they have only received one application. We will hold public hearings to determine if the citizens are interested in this type of program in Garden City.

**Computer**

The Clerk was planning to ask for a second computer so she would not have to worry about infecting the computer with the accounting on it when using the Internet. But it may be too late. She is having problems with the computer now. We will have to have it checked and repaired (if possible). We may have to consider purchasing 2 computers to avoid the same thing happening in the future. We do have money budgeted for office equipment. Vince Loftus moved and Dixie Hill seconded to purchase one or two new computers, whatever is needed. 7 aye. 0 nay. Motion carried.

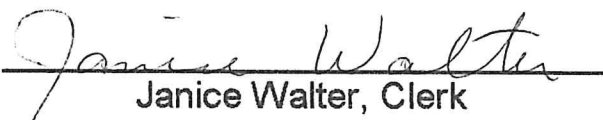
**Other Board Issues**

Clarence Krieger stated that most of the flags that we purchased and put up around Town have blown down and we have lost them.

Eddie Miller asked that we contact JD Byrider again about blocking the alley.

Since there was no further business, Mayor Warren adjourned the meeting at 9:20 P.M.

Respectfully Submitted by:

  
Janice Walter, Clerk