

TOWN OF GARDEN CITY
BOARD OF TRUSTEES
MINUTES

Regular Meeting
7:30 p.m.

July 15, 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 and Clarence Krieger. Dixie Hill was absent. Staff present was Attorney Don Hoff, Police Chief Michael Guthrie and Town Clerk Janice Walter. Also present were: Ronica Jackson and Leona Heinze, White Horse Inn; and John Donley, Lucy Kim, and Jason Kim, Viva Mart.

Minutes & Treasurer's Reports

A. Minutes of Regular Meeting June 24, 2003

B. Treasurer's Reports for June 2003

Vince Loftus moved and Betty Warren seconded to approve both the Minutes of Regular Meeting June 24, 2003 and the Treasurer's Reports for June 2003. 6 aye. 0 nay. Motion carried.

Mayor Warren reported that Dixie Hill is in the hospital. She has been very ill but she is doing better now. She told Betty Warren that she appreciated the flowers that the town had sent.

White Horse Inn Modification of Premises

Ron-Lee-Von, LLC had filed an application for 2 modifications of premises of the White Horse Inn. The modification is to fence part of the parking lot & include that area as licensed premises on August 30, 2003. On that day, they will hold their 3rd annual hog roast and auction to benefit the Humane Society and Hospice of Weld County. Then on 9/1/03 they will modify the premises a second time to remove the fence and just license the inside of the building again. Clarence Krieger moved and Vince Loftus seconded to approve both modifications of premises. 6 aye. 0 nay. Motion carried.

Viva Mart

Viva Mart had not paved the area that was to be done by May 2003. They had expanded their store up to the second level knowing that the parking variance was just based on the first floor being used. The

Board also received a letter from Dan Swallow explaining that Mr. Kim had told him that he understood that there would also be some building safety code violations if the second floor was used for anything but storage. Mr. Kim had told both the building inspector and the clerk that he understood that he could not expand when he was already asking to open with only 14 spaces when that size of building should require 102 spaces. The Board reviewed copies of the original memo from Dan from 2002, the agreement based on the variance from 2002 and a letter from Mr. Kim. When the Building Inspector tried to talk to the owners about complying, they told him that they had talked to the town and were told they weren't required to comply and everything was ok.

Mr. Kim stated that the economy was so bad that he could not afford to do the paving of the back parking area as he had agreed. He also stated that he had to expand and needs to continue to use the second floor area because he had a million dollars worth of inventory in that area.

Don Hoff stated that the legal issue is that Mr. Kim is violating the use permit that was granted last year and the Board needs to determine if that should be revoked. It would be possible to grant a short extension to get the work done. The integrity of the zoning ordinance is jeopardized if we do not do anything. The statement that the economy is so bad is inconsistent with the statement that he had to expand.

Mr. Donley explained the drop in the economy that has affected Mr. Kim and other business.

Eddie Miller stated that his main concern is the safety issues that were violated by expanding into the second floor.

Mr. Kim again stated that he wanted to keep his promise but does not have the money. He also repeated that he has added one million dollars worth of inventory into the upstairs area.

Clarence Krieger stated that he and other citizens of Garden City had to follow the building codes when he built.

The clerk reported that we had not received any complaints about the parking at this time but that could change when the economy improves.

Betty Warren stated that she did not have a problem with extending the parking situation but the upstairs can not be used.

Mr. Kim said he had to use the upstairs to make money so the town should loan him money to upgrade to meet the codes.

Mr. Kim asked the Clerk repeatedly which state code he violated. The Clerk replied that the building official is the one to answer that question and Mr. Swallow had been trying to contact him for several weeks but Mr. Kim would not return his calls or respond to his letters. Betty Warren repeated that the upstairs can not be used and must be closed down immediately. Mayor Warren stated that he did not think we could resolve the issue at this time. Dennis Kendrick stated that if the upstairs is closed he would be willing to table the issue of parking until next month. Dennis Kendrick moved to table this matter until the next meeting. Eddie Miller seconded. 6 aye. 0 nay. Motion carried.

Greeley/Weld EDAP

The Board reviewed an invoice from EDAP requesting the annual membership of \$500. This amount is based on a population estimate of 361 and approximately \$1.39 per capita. Betty Warren moved and Clarence Krieger seconded to pay Greeley/Weld EDAP \$500 for the annual membership. 6 aye. 0 nay. Motion carried.

Weld County Planning

Jorge Morales had applied for a variance to allow a well and septic system in a residential zone from Weld County. The property is located North of and adjacent to 18th Street and east of Elder Avenue. Clarence Krieger moved to reply that we have reviewed the request and find no conflicts with our interest. Dennis Kendrick seconded. 6 aye. 0 nay. Motion carried.

Code Enforcement Report

The Board reviewed a list of 8 addresses where abatement of inoperable vehicles procedures had been started as of 2/20/03. Some have 2 or 3 vehicles at each address. Clarence Krieger had asked about inoperable vehicles at last months meeting. There was also an inoperable car reported this month at 9th Avenue and 27th Street. This is a total of 18 vehicles this year that are in the abatement process.

The following addresses were reported to code enforcement for weeds and are in the process:

2700 7th Avenue Rueben Hernandez rental (empty)

2710 9th Avenue Ken Brandrup

2712 9th Avenue basement house

2710 6th Avenue Lane Folkers (They cut inside fence; code enforcement returned for the weeds around the outside of the fences.)

2626 8th Avenue Silver State Plastics (They have contracted with someone to remove the sandburs but the contractor's equipment broke down.)

2601 7th Avenue Northern Colorado Drive Line

630 26th Street vacant restaurant

The Clerk called the Everyday Store and the attorney that owns the old Sonic building. Everyday did cut the weeds in the back but not in front. The attorney's secretary said they would get someone up there to cut weeds.

Attorney's Report

Don Hoff reported that Mayor Warren had asked him to write an ordinance to give matching grants to improve the appearance of property in Garden City. Don explained some of the procedures that Johnstown followed and asked the Board if they wanted him to proceed with developing a plan and what some of the guidelines should be. There was considerable discussion about what area would be eligible and whether it should be just businesses or residential property too. Don suggested that the Board consider appointing a committee to consider the grant applications. A committee should include a professional such as the building and zoning official. Clarence Krieger moved that the attorney proceed with developing a plan for offering some matching fund grants of a maximum of \$3,000 per owner with a total of \$30,000 per year to improve the appearance of any property anyplace in Town. Dennis Kendrick seconded. 6 aye. 0 nay. Motion carried.

Lawn Service

Our lawn is severely stressed. The Clerk had been told that we may be able to save the lawn if we apply some heavy duty fertilizer and weed killer. She suggested we hire a lawn service for the rest of this summer to see if we can get a good root system started. Bob Andolsek would still do the flower areas. After spending so much money to do the landscaping, she stated she would hate to start spending more money to remove sprinkler systems and landscaping for concrete covering. She also stated it would be harder to ask the businesses and other residents to maintain any landscaping if we did

that. The Board reviewed some estimates. Clarence Krieger expressed appreciation to the Clerk and her family for spending an evening last week pulling weeds even though that isn't her job. Eddie Miller moved and Betty Warren seconded to contract with Deibel Lawn Service to take care of the lawn for the rest of this year. 6 aye. 0 nay. Motion carried.

Other Board Issues

Betty Warren asked if we had to put work on 8th Avenue out for bids if it is only \$30,000. Don Hoff replied that legally we have to take bids for any work that is more than \$50,000 but it would be best if we took bids if the work was going to be at least \$15,000.

Clarence Krieger suggested that we have the streets checked to see if we should be doing any chip sealing. The Clerk reported that there is some concrete that needs repaired in front of Vince Lotus's property. She had asked the maintenance man to check the rest of the streets so all concrete repairs could be done at the same time.

Betty Warren met with Pat Hill, City of Greeley, about the decorative concrete. He told them that H & L Concrete was the best place to go.

Since there was no further business, Mayor Warren adjourned the meeting at 8:55 P.M.

Respectfully Submitted by: Janice Walter
Janice Walter, Clerk