

TOWN OF GARDEN CITY
BOARD OF TRUSTEES
MINUTES

Special Meeting
7:30 p.m.

September 2, 2004

Mayor Pro Tem Eddie Miller called the meeting to order at 7:00 P.M. Board members present were Dennis Kendrick, Eddie Miller, Vince Loftus, Mary Miller and Clarence Krieger. Staff present was Attorney Don Hoff and Town Clerk Janice Walter. Also present were: Gary DeWitt, Michael Anders, Dave Davis, Rick Gabel, Steve Gonser, Eric Prieve and Rose McDonald, Colorado Department of Transportation; Nina Kendrick, Kim Jackson, Michael S. Woodruff, Shirley Pfankuch and Gary Wiegel, Garden City residents and/or property owners.

Mayor Pro Tem Eddie Miller announced that this was a public hearing to consider Use by Special Review No. 2004-01 to put a materials development and design laboratory in a B-Business Zone at 2647 8th Avenue. The Board had received a map and a memorandum from the attorney regarding the ordinance and the criteria for granting or denying the application for Use by Special Review. The Board also received a letter from the building official.

Jerry Chilson of Realtec stated that he was representing the owners of the property, PBRJD.

Mike Anders from CDOT Property Management thanked the Board and explained that CDOT is trying to get out of leased property for their facilities. He had identified 3 building in the Greeley area but the building at 2647 8th Avenue was they only one that they made an offer on. He introduced Gary DeWitt who explained that CDOT had submitted a notebook of material safety data sheets and a notebook of quantities of potentially hazardous materials per UBC 1979 Table 3-D. He also explained the structure of CDOT and the processes and policies of the materials lab. There are seven full time employees of the lab and some part time during the summer season. There would not be any heavy duty vehicles assigned to this location. They test aggregates from proposed pit and production samples from asphalt, concrete and aggregate projects and do pavement management analysis. Steve Gonser explained some of the machinery and the processes of these tests and Eric Prieve explained some of the nuclear devices that are used to determine the asphalt density and

the moisture content of the asphalt. The nuclear devices are comparable to dental and medical lab x-rays in the amount of radioactivity emitted. Gary DeWitt also stated that the odor and noises emitted are also minimal. They do not do any chemical testing at this lab but only do physical testing. They comply with all public health requirements.

The applicants answered some questions of the Board concerning nuclear radioactivity, traffic concerns, combustibility of petroleum based materials and terrorist threats.

The property is located within the Business District with restaurants, bars and grocery stores and is located adjacent to a residential zone with a 40 unit residential housing complex and single family residence next to the property.

Kim Jackson, 9th Avenue Apartments, expressed concern about the words assume and guess in the presentation. She stated that the residents were only mentioned once and the question of what would happen in an emergency was not addressed.

Michael Woodruff, 9th Avenue Apartments, expressed concern about the property values. The average citizen looking for an apartment or home in the area would only need to hear the words hazardous and radioactive and they would not care about safeguards. They would just look elsewhere and that would affect the property values and make the apartments less rentable. He asked why the lab could not be built to suit in an industrial or rural area that the state already owns that is not close to residences.

Gary Wiegel, 9th Avenue Apartments, stated that the current location of the CDOT lab is less noticeable but if you do go back into the area, you can see that it is trashy. He also expressed concerns about what changes could and would be made to the policies and operation once they were allowed to occupy the building

Shirley Pfankuch, 9th Avenue Apartments, asked if any of the CDOT locations have had an environmental study done after operating at the location. Environmental studies done later could affect the property values if a lab is located there. She expressed concerns about the guidelines that were exceeded in the UBC book. She was also concerned about what modifications would be made in the next few years. She has tenants that have lived in the apartments for 15 years and they have not been asked whether they would like to be subjected to the hazards and radioactivity. There are 92 people, many of them handicapped that live in the apartments and most of

the other CDOT labs in the state not located adjacent to residential areas. In going through the hazardous materials book provided by CDOT, she noticed that there are many different recommendations for handling fires or other emergencies and that was not included in the presentation. While the employees of CDOT have a choice about rather they want to be exposed to these hazardous materials and radioactivity, the residents of the surrounding area would not.

Nina Kendrick, 2630 9th Avenue, also expressed concerns about the additional traffic that would be generated in the area.

Jerry Chilson, Realtec stated that generating traffic in a town should be positive because that is what most businesses would look for before relocating. Everyone is afraid of nuclear devices but what is being requested is not any more radioactive than medical x-rays and microwaves. Their current location is a five acre site that has many tenants and CDOT only has about 3500 feet. The environmental studies done on the property have not been negative.

Rick Gabel stated that they did look out west but the cost of building was too high so they started looking for existing buildings. Their first choice was the Ehrlich property but that was purchased by someone else.

Gary DeWitt stated that they would have a common dumpster. If there were any changes with the nuclear devices they would have to be approved by the health departments and other governing agencies Steve Gonser stated that all of the emissions are within the guidelines. The emissions listed in the hazardous materials book are worst case scenarios.

Don Hoff explained the uses allowed by special review and the criteria for granting or denying the use by special review.

Dennis Kendrick moved to go into executive session to receive legal advice from the town attorney under CRS 24-6-102 section 402(4)(b). Clarence Krieger seconded. 5 aye. 0 nay. Motion carried.

Mayor Pro Tem Eddie Miller resumed the meeting with the following announcement: "The time is 9:08 and the executive session has been concluded. The participants in the executive session were Clarence Krieger, Mary Miller, Vince Loftus, Eddie Miller, Dennis Kendrick and the Town Attorney Don Hoff. For the record, if any person who participated in the executive session believes 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 the Open Meetings Law, I would ask that you state your concerns for the record". Since there was none, Dennis Kendrick moved to deny the request since the evidence did not support the granting of a Use By Special Review and to direct the town attorney to prepare for the consideration at the next regular meeting draft findings, conclusion and decision denying the application of PBRJD GREELEY LAND ENTERPRISES, LLC for a Use By Special Review for the property located at 2647 8th Avenue regarding a Colorado Department of Transportation materials testing laboratory. Vince Loftus seconded. Roll call vote:

Dennis Kendrick, yes
Mary Miller, yes
Eddie Miller, yes

Clarence Krieger. Yes
Vince Loftus, yes

Since there was no further business, Mayor Pro Tem Eddie Miller adjourned the meeting at 9:10 P.M.

Respectfully Submitted by: Janice Walter
Janice Walter, Clerk