

Town of Garden City Minutes

March 17, 2009

Regular Meeting

Mayor Miller called the meeting to order at 7:30 P.M.

Mayor Eddie Miller and Trustees; Terry Greenwood, Dennis Kendrick, Lonelle Archuleta, Fil Archuleta and Clarence Krieger were present. Staff present was: Don Hoff, Town Attorney; Cheryl Campbell, Clerk; Commander Pat Haugse, Evans Police Department. Also in attendance were: Keith and Mary Eisele, 2731 7th Avenue; Brian Seifried and Bobbi Jo Rice from A.F. Rays/8th Avenue Wing Shack; Lisa Donley from Thee Working Class Bar.

Consent Agenda

- a. Approve Minutes of Regular Meeting February 17, 2009
- b. Approve Treasurer’s Report for February 2009 Including Paying Bills
- c. Approve Clerk’s attendance at CIRSA Orientation on April 8, 2009
- d. Approve \$150,000.00 transfer from the General Fund to the Street Fund
- e. Approve \$1500.00 transfer from the Conservation Trust Fund to the General Fund

Dennis Kendrick moved and Fil Archuleta seconded to approve the consent agenda. 6 Aye. 0 Nay. Motion carried.

Public Not on the Agenda Invited To Be Heard

Mayor Miller asked the audience to introduce themselves and invited public comment. There was none.

Vacancy on The Board of Trustees

The Clerk’s office had received one additional letter of interest from Mary Eisele 2731 7th Avenue. The Vacancy Announcement notice was delivered to all residences on January 29, 2009. Don Hoff suggested that Mary Eisele address the Board and she made a brief statement. Clarence Krieger moved to appoint Mary Eisele to fill the vacant seat on the Board of Trustees. Motion was lost due to lack of a second. Lonelle Archuleta moved and Dennis Kendrick seconded to appoint Brian Seifried to fill the vacant seat on the Board of Trustees. A roll call vote was taken.

Terry Greenwood	Yes	Dennis Kendrick	Yes
Lonelle Archuleta	Yes	Fil Archuleta	Yes
Eddie Miller	Yes	Clarence Krieger	No

5 Aye. 1 Nay. Motion carried. Brian Seifried was appointed to the Board of Trustees. The Clerk administered the oath of office to Brian.

Police Report

Commander Pat Haugse addressed the Board regarding the statistics for February 2009. He reported that patrol has been increased on 8th Avenue. Evans Police Department will begin foot patrols on Friday and Saturday nights and possibly Sundays, also. The Board asked the Commander about an electronic speed indicator sign. The Board discussed the need for additional Speed Limit signs on 8th Avenue. Dennis Kendrick moved and Terry Greenwood seconded to purchase four additional Speed Limit signs for 8th Avenue. 6 Aye. 0 Nay. Motion carried.

Ordinance No. 02-2009 An Ordinance Re-Enacting the Garden City Landscape Improvement and Water Rebate Program.

The Board approved the program for 2009 at the February 17, 2009 meeting. Dennis Kendrick moved and Fil Archuleta seconded to adopt Ordinance No. 02-2009 An Ordinance Re-Enacting the Landscape Improvement and Water Rebate Program. A roll call vote was taken.

Terry Greenwood	Yes	Dennis Kendrick	Yes
Lonelle Archuleta	Yes	Fil Archuleta	Yes
Eddie Miller	Yes	Clarence Krieger	Yes

6 Aye. 0 Nay. Motion carried.

Liquor Licensing Issues

• a. **Thee Working Class Bar Smoking Complaint**

Evans PD observed a patron smoking in the bar during a routine walk-through on March 5, 2009. Lisa Donley was present to address the Board regarding this incident. She said that she had no idea that the patron was smoking in the bar because she had just arrived a few moments before the officer came in. She was upset that she did not receive a summons until approx. 5 days after the incident. Originally she was given a warning but after further consideration and feedback from other bar owners, citizens and the Town Attorney, Evans PD returned to Thee Working Class Bar and issued Lisa Donley a summons. The Clerk advised Lisa Donley that the Clerk's office has received several complaints regarding patrons and staff smoking in the bar. Lisa Donley received a verbal warning in October 2008 from the Board of Trustees as a result of citizen complaints of smoking in the bar. Terry Greenwood moved and Clarence Krieger seconded to take no action against Thee Working Class Bar's liquor license at this time. 6 Aye. 0 Nay. Motion carried.

• b. **A.F. Ray's Liquor Violation**

The owner of Bear's Inn called to register a complaint regarding A.F. Rays offering free drinks to anyone with a college I.D. on Wednesday nights from 9PM-11PM. Brian Seifried, owner of A.F. Ray's, brought in the advertising for the Board's review. The bar also received a liquor violation from Evans PD on March 6, 2009. The incident involved a visibly intoxicated person being served at the bar. This person told Evans PD that he had 20 drinks before he got to the bar and had been served 2 shots and a beer at the bar. The PD was discussing the incident with Brian and detected liquor on Brian's breath, Brian agreed to a breathalyzer test which resulted in .019. The PD warned Brian about drinking interfering with his ability to recognize a visibly intoxicated person in the bar. There was no summons issued but Brian and his staff were warned and a liquor violation was forwarded to the Town. Brian Seifried was present to answer questions from the Board. He explained the incident and his concerns regarding the interpretation of the laws pertaining to visible intoxication. He reported that his staff has been trained and that he is taking personal responsibility for his business. Lonelle Archuleta moved and Terry Greenwood seconded to take no action against A.F. Ray's liquor license at this time. 6 Aye. 0 Nay. Motion carried.

Allowable Smoking Distance from the Main Entrance of a Public Building

Currently Colorado State Law mandates no smoking within 15 feet of the main entrance of a public building. The Board discussed changing the minimum distance for businesses in Garden City. Several options were discussed by the Board and the audience. Dennis Kendrick moved and Fil Archuleta seconded to change the smoking distance to 5 feet from the main entrance of a public building. 6 Aye. 0 Nay. Motion carried.

Park Update

The Clerk is waiting for a call from CSU to schedule a kick-off meeting with the Board and the student who will be creating the plans for the two proposed park sites. The Town's cost for the plans is \$1250.00 and DOLA will match \$1250.00.

Clerk PTO Request and Health Insurance Premium Increase

The Board approved the Clerk's request to take two PTO days on April 10, 2009 and on April 14, 2009. The office will close at 11:30 AM on those days as well as April 11, 2009 when the Clerk is at CIRSA in Denver. The Clerk also reported that the premium for the Clerk's health insurance is increasing to \$225.00 per month.

Garden City Spring Clean-Up Days

The Board discussed the possible dates for Garden City Spring Clean-Up Days. Dennis Kendrick moved and Lonelle Archuleta seconded to set the dates for Garden City Spring Clean-Up Days on May 15, 16, 17, 2009 and to approve the purchase of services from Waste Management for those same dates. 6 Aye. 0 Nay. Motion carried.

Rocky Mountain Pavement Product Information

The Board was provided with some literature on a new product available in Colorado for streets. It is a product made from recycled tires and the cost would fall between crack sealing and overlaying. Rocky Mountain Pavement will bring the vendor to do a ten minute presentation when we are ready to do street work again. The Board voiced some concerns regarding a washboard or ripple effect on southbound 8th Avenue. The Board instructed the Clerk to have Mike Ketterling from KBN Engineering check into the problem.

Attorney Report

Attorney Don Hoff reported that the Board could put an issue on an upcoming ballot imposing a 'Skin Tax' for sexually oriented businesses. This would be an occupational tax assessed to a sexually oriented business license. Don also reported that the Town could implement color restrictions on business buildings.

Announcements

- a. Comcast channel additions effective 04/04/09.

Effective 04/04/09, channel 665 Fox Sports Network and channel 690 MLB HD will be added.

- b. Bulls Eye Mayors Group Meeting on 04/06/09 in LaSalle.

The Bulls Eye Mayors Group Meeting will be held in LaSalle at the Old Train Depot 04/06/09 at 7:00 PM.

Adjourn

Since there was no further business, Clarence Krieger moved and Fil Archuleta seconded to adjourn the meeting. Mayor Eddie Miller adjourned the meeting at 9:14 PM.

Respectfully Submitted by _____
Cheryl Campbell, Clerk