

## Town of Garden City Minutes

April 15, 2008

Regular Meeting

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

### Roll Call

Mayor Miller and Trustees, Terry Greenwood, Mary Miller, Dennis Kendrick, Lonelle Archuleta, Nina Kendrick and Clarence Krieger were present. Staff present was: Don Hoff, Town Attorney; Kitty Kinoshita, Town Clerk; Janice Walter, Deputy Clerk; Sergeant Phipps, Evans Police Department; and Aaron Carpenter, maintenance. Also in attendance were: Fil Archuleta, 2706 8<sup>th</sup> Avenue; Lauren Carpenter, Loveland; Carl Walter, Greeley.

### Consent Agenda

The Clerk stated that she had originally done the minutes for March to only reflect 6 total votes, but the Deputy Clerk had told her all of the votes count so she had changed the minutes to reflect 7 votes. The Clerk explained that she had been told by some other Clerks that in some municipalities the Mayor only votes if there is a tie. The Attorney stated that in this type of government the Mayor votes unless you have an ordinance that says the mayor only votes to break a tie and we do not have such an ordinance so all seven votes count. An amended copy of minutes was given to the Board. The Clerk said she had also changed the Treasurer report to reflect some revenues that had been left out. The Deputy Clerk stated that the amended Treasurer report still did not add up so it was not approved. Lonelle Archuleta moved to approve the corrected Minutes for Regular Meeting March 18, 2008. Nina Kendrick seconded. 7 ayes. 0 Nays. Motion carried.

Public Invited to Be Heard – Mayor Miller invited the public to be heard. There were no comments.

Attorney Report – Don Hoff explained that the City of Evans had adopted codes to reflect some changes in the Model Traffic Code, a section authorizing alcoholic beverage tasting, and a section assessing an additional court fee. In order to be uniform, he submitted to the Board for their consideration an ordinance updating our adoption of the Evans code by reference. The Ordinance will be voted on at the next meeting.

### Police Report

Sergeant Phipps explained the Police report for the month of March. Lonelle Archuleta questioned an item that showed an Evans address. There was nothing to report about the barking dogs but the Clerk did report that the owners of the chickens are building a pen. Sgt Phipps also stated that officers had been in the Stagger Inn numerous times after hours and they did not find any illegal activity at those times.

### State of Colorado Liquor Enforcement Sting

Hearings were held by the Colorado Liquor Enforcement Division concerning some of the sales to minors reported in January. The White Horse received a 5 day suspension with 4 days in abeyance, but agreed to pay a

fine to the Colorado Department of Revenue in lieu of suspension of \$200.00. The Everyday Store received a 7 day suspension with 5 days held in abeyance but agreed to pay a fine to the Colorado Department of Revenue in lieu of suspension of \$200.00.

Introducing Aaron Carpenter new Maintenance Man

The Clerk introduced Aaron Carpenter as the new maintenance man. Aaron told the Board about his background and made some suggestions about the landscaping. He also asked the Board if he could have some type of budget so he could make some purchases for landscaping. Dennis Kendrick asked him to itemize his activity on the time sheets. Nina Kendrick asked Aaron about the cost of his suggested landscaping. He estimated a cost of about \$200-\$300 per month for this season to get things started with approximately 70% in perennials that would come back each year. After that it would be about \$300 per year. The Clerk stated that there is a budget of \$5,000 per year for park maintenance. The Board agreed that they would like to see his plans before deciding about the budget but for this month to proceed with purchases up to \$500. There was also discussion about the cleaning that is required.

Ordinance No. 2-2008 and Application

Don Hoff presented Ordinance 2-2008, an ordinance creating the Garden City Water Rebate Program. Since the Greeley water rate for Garden City citizens and business is so high, the Town Board believes that a water rebate program might encourage more landscaping improvements. The Clerk stated that there are two properties in Town that have already started improving and the Board agreed to consider the mortgage pictures to improvements made already this year. Dennis Kendrick moved and Lonelle Archuleta seconded to approve Ordinance No. 2-2008 and the application for a rebate. Roll call vote:

Terry Greenwood, yes	Mary Miller, yes	Dennis Kendrick, yes
Lonelle Archuleta, yes	Nina Kendrick, yes	Clarence Krieger, yes
Mayor, Eddie Miller, yes		

Ordinance adopted.

Kitty Kinoshita asked if she should send applications to renters or just mail to owners. The Board agreed that the applications should go to the renters with flyers and mailed to the owners. Lonelle Archuleta, Nina Kendrick, Mary Miller and Aaron Carpenter will be the committee to evaluate the improvements and determine the eligibility of each rebate.

8th Avenue Street Repair

The Clerk reported that Ed Stieber of CDOT came by and picked up a copy of the agreements we have with them concerning 8<sup>th</sup> Avenue. She explained that we wanted to get it repaired and put a crosswalk in. Mike Ketterling in researching our rights and obligations found CDOT still has control of 8<sup>th</sup> Avenue. Greeley said they would be patching 8th Avenue on the 14<sup>th</sup>. Ed said he would do some research and get back to us.

Garden City Park

Don Hoff reported that there were no back taxes due on the property at 2710 6<sup>th</sup> Avenue Lane. After considerable discussion about acquiring that property to use as a park, the Board agreed to authorize Don Hoff to offer \$35,000 for the property with the option to negotiate.

Board and Appointments for 2008-2010 Term

The Garden City general election was cancelled because there were not more candidates than positions to be filled. Edwin Miller was declared elected Mayor for a two year term. Lonelle Archuleta, Clarence Krieger and Nina Kendrick were declared elected Trustees for four year terms. All four were sworn in before the meeting.

Terry Greenwood moved to appoint Clarence Krieger as Mayor Pro Tem for the 2008-2010 term. Nina Kendrick seconded. 7 aye. 0 nay. Motion carried.

Lonelle Archuleta moved and Terry Greenwood seconded to appoint Michael Stewart as Municipal Judge for the 2008-2010 term. 7 aye. 0 nay. Motion carried.

Lonelle Archuleta moved to appoint Don Hoff as Town Attorney for the 2008-2010 term. Dennis Kendrick seconded. 7 aye. 0 nay. Motion carried.

Dennis Kendrick moved and Lonelle Archuleta seconded to reject the reappointment of Kitty Kinoshita as Town Clerk/Treasurer. When Clarence Krieger questioned the reasons for the motion, the following items were listed:

1. The friendship between Clarence and Kitty has caused a conflict of interest. Anytime the Board would question Kitty, Clarence would come to her defense. She should be working for the entire board.
2. Kitty has been very defensive whenever anyone says anything to her. The Board has a right to ask questions.
3. Even some of the Board members don't want to come to the meetings anymore because they feel that they have to have their back up against the corner just to ask any questions. Responses are often very negative and explosive.
4. The Treasurer's Reports don't always add up so the reports balance.
5. There are several errors in the minutes.
6. Kitty had been cautioned about these items in numerous prior meetings.

The mayor called for a roll call vote. The attorney reminded everyone that voting yes means not to reappoint and voting no means to reappoint.

Mayor Miller, yes	Terry Greenwood, no	Mary Miller, yes
Dennis Kendrick, yes	Lonelle Archuleta, yes	Nina Kendrick, yes
Clarence Krieger, no		

Motion carried. Kitty Kinoshita's reappointment was rejected.

The Clerk asked to turn the meeting over to the Deputy Clerk and she left.

Announcements

Spring Clean Up Days

Spring Clean up Days will be May 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>. Dumpsters will be placed at Kendrick's residence - 2630 9<sup>th</sup> Avenue, Knights of Columbus - 2600 6<sup>th</sup> Avenue, across from the Town Hall - 621 27<sup>th</sup> Street Road and at Les Matson's Construction - the corner of 27<sup>th</sup> Street and 7<sup>th</sup> Avenue. We are getting the dumpsters at last year's pricing of \$200 for 20 yard and \$225 for the 30 yard dumpster.

North Front Range Metropolitan Planning Organization

We have received the NFRMPO Council Meeting Summary for April 3, 2008, a draft of Resolution 2008-3 to support the Governor's Transportation Finance and Implementation Panel Report and Funding Threshold recommendations, and a summary of the January report.

86<sup>th</sup> Annual CML Conference

The CML annual conference will be June 17-20, 2008 in Steamboat Springs. All Board members and staff are encouraged to attend. The Town will pay registration, meals and mileage. There are agendas and registration forms available in the Clerk's office.

ColoTrust 2007 Annual Report

The ColoTrust annual financial report is available for review in the Clerk's office.

Active Living by Design Workshop May 1<sup>st</sup>

There will be a workshop on May 1<sup>st</sup> discussing active living by design and walk able communities. Cost is \$30 for 1 or \$25 each if 2 or more attend. Weld County is hosting a dinner and presentation for elected officials on April 30<sup>th</sup>. Lonelle and a guest are registered to attend.

National Environmental Policy Act Workshop

Colorado Municipal League will be hosting a lunch & Learn Program about increasing awareness of understanding of the National Environmental Policy Act and regulations on April 22, 2008 at the CML offices in Denver. Elected officials are encouraged to attend and can earn one credit for the Municipal Elected Officials' Leadership Training Program. Cost is \$15.

Advanced Liquor Licensing Workshop

There will be an advanced liquor licensing workshop on May 16<sup>th</sup> in Loveland. Total cost is \$16.00.

Dennis Kendrick moved to adjourn and Clarence Krieger seconded. 7 aye. 0 nay. Meeting adjourned at 8:50.

Meeting was called back to order at 8:51 by Mayor Miller.

The Deputy Clerk asked for direction from the Board about what they want her to do. Don Hoff suggested that the Town Hall be opened 32 hours a week but all five weekdays and that the pay is the same as what Kitty was making. Lonelle Archuleta moved that Janice work 32 hours a week starting at 7:30 AM five days a week starting at \$15 per hour. There was no second and no vote.

We will get an open - close sign for the front door.

The Deputy Clerk requested that we adopt a personal policy since we do not have any policies in writing. Don Hoff said he would bring a personnel policy and job descriptions into the next meeting for the Board to consider. We currently have a list of Holidays from the minutes in 1990; vacation of 1 week after 1 year, 2 weeks after 2 years, 3 weeks after 3 years and Janice was still at 3 weeks after 17 years; sick days of 1 day per month with the option of carrying over 30 days a year after 2 or 3 years; some medical and some retirement. The Deputy Clerk also stated that the last time we took applications it was with the understanding that we would pay \$8 per hour with a raise to \$10 but hired Kitty at \$15 per hour and if we are going to pay more we should know that before advertising because we will get an entirely different group of applicants. Don Hoff suggested that we advertise the opening at \$30,000 to \$35,000 depending on qualifications with benefits negotiable.

Since there was no further business, Mayor Miller adjourned the meeting again at approximately 9:00 P.M.

Respectfully submitted: \_\_\_\_\_  
Janice Walter, Deputy Clerk