

## Town of Garden City Minutes

April 21, 2009

Regular Meeting

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

Mayor Eddie Miller and Trustees; Terry Greenwood, Brian Seifried, Dennis Kendrick, Lonelle Archuleta, Fil Archuleta and Clarence Krieger were present. Staff present was: Don Hoff, Town Attorney; Cheryl Campbell, Clerk; Commander Mike Parkos and Commander Pat Haugse, Evans Police Department. Also in attendance were: Mike Schwartz and Bobbi Jo Rice, A.F. Ray's and Lisa Donley, Thee Working Class Bar.

**Consent Agenda**

- a. Approve Minutes of Regular Meeting
- b. Approve Minutes from Special Meeting April 3, 2009
- c. Approve Treasurer's Report for 2009 Including Paying Bills
- d. Approve Clerks' Attendance at Elections Luncheon on 04/24/09 in Greeley
- e. Approve Clerk's Attendance at CIRSA Luncheon in Loveland on 05/20/09

Lonelle Archuleta moved and Dennis Kendrick seconded to approve the consent agenda. 7 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.

**Mike Ketterling, KBN Engineering**

- a. 8<sup>th</sup> Avenue Southbound

Mike Ketterling gave a report on 8<sup>th</sup> Avenue. There is a washboard effect in the southbound lanes especially between 25<sup>th</sup> and 26<sup>th</sup> Streets. This is probably the result of the asphalt temperature during the overlay project. Rocky Mountain Pavement would like to watch 8<sup>th</sup> Avenue over the summer and see if the summer heat will correct the problem, if not, then Rocky Mountain Pavement will address the issue in September 2009.

- b. Drain Repair at the corner of 27<sup>th</sup> Street and 8<sup>th</sup> Avenue

Mike also addressed the Board regarding the drain at the corner of 27<sup>th</sup> Street and 8<sup>th</sup> Avenue. The drain is an odd construction due to a nearby gas main. Mike would like to design a new inlet for the drain and estimated the cost of the design to be \$1200.00-\$1500.00. Lonelle Archuleta moved and Fil Archuleta seconded to have Mike Ketterling develop a new design for the drain at 27<sup>th</sup> Street and 8<sup>th</sup> Avenue.

7 Aye. 0 Nay. Motion carried.

Mike also verified with CDOT that they acknowledge abandonment by the State of 8<sup>th</sup> Avenue from 25<sup>th</sup> Street south to 28<sup>th</sup> Street to Garden City and that they need to create a document of abandonment for the Town. They hope to complete the paperwork process by the end of 2009.

**Police Report**

Commander Mike Parkos apologized for the police report not being ready and assured the Board that this would not happen again. Evans PD will begin foot patrols this week-end. The two officers will be walking Garden City from 9PM-2AM every Friday and Saturday night. They will possibly have some foot patrols on the department's schedule overlapping days also. Brian Seifried asked the Commanders to explain the breathalyzer procedures that the department is using. Commander Haugse explained that the officers can ask a citizen to submit to a breathalyzer, the citizen has the right to refuse the test. Evan's has applied for COPS Grants.

**Ordinance No. 03-2009 An Ordinance Prohibiting Smoking In Certain Public Places**

Ordinance No.03-2009 changes the minimum distance that smoking is allowed from the main entrance of a public building from fifteen feet to one foot. Adopting this ordinance also causes smoking violations to be written into Garden City Municipal Court rather than County Court. Clarence Krieger moved and Lonelle Archuleta seconded to adopt Ordinance No. 03-2009 An Ordinance Prohibiting Smoking In Certain Public Places.

A roll call vote was taken:

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

7 Aye. 0 Nay. Motion carried. Ordinance No. 03-2009 was adopted.

**A.F. Ray's Liquor Violation**

Brian Seifried excused himself because he is the owner of A.F. Ray's. His manager, Mike Schwartz was present to address the Board regarding the violation. Evans PD was conducting a routine bar check on March 28, 2009 when they were approached by a visibly intoxicated person. The officers reported her to be unsteady, her eyes droopy and glazed and her speech slow and slurred. This same person, minutes later, was involved in a disturbance outside the bar (in the 2600 block of 8<sup>th</sup> Avenue north of the bar). The PD administered a PBT and the woman's results were 0.202% which is 2 ½ times the legal limit. The server, April Chesire, and owner, Brian Seifried were both cited for over service to a visibly intoxicated person. The State Liquor Enforcement Investigators called the Clerk's office last week to voice concern over two back to back violations for A.F. Ray's in the first few weeks of their liquor license. Ian Graham, State Liquor Enforcement Investigator, also voiced some concern regarding the length of time between the officers contacting the woman in the bar and contacting her again outside and down the street from the bar. Ian stated that this is a 'gray area' for prosecution purposes because it is impossible to determine the woman's exact whereabouts during the first and second contact. He also stated that the conviction lies in the witness of the over-service, and in this case, the officers did not witness the over-service. Mike Schwartz reported that he believes that this is case of harassment by Evans PD toward A.F. Ray's and he stands on the belief that he, nor Brian nor their staff broke the law in this case. The Board discussed what action, if any, to take and decided to mandate Alcohol Server Training for all staff at A.F. Ray's within 60 days of their hire date. A.F Ray's management is to provide proof of such training to the Clerk's office. Dennis Kendrick moved and Lonelle Archuleta seconded to mandate Alcohol Server Training for all A.F. Ray's staff within 60 days of their hire date and for A.F. Ray's

management to provide proof of such training to the Clerk's Office. 6 Aye. 0 Nay. Motion carried.

### **CD Funds Returned by New Frontier Bank**

Due to the FDIC assuming control of and closing New Frontier Bank, the Town must move the Capital Improvement CD to a new bank. Dennis Kendrick moved and Clarence Krieger seconded to move the CD to Bank of Choice. 7 Aye. 0 Nay. Motion carried.

### **ColoTrust Account**

The Board discussed the ColoTrust account. The interest rate is very low and continuing to drop, currently the interest rate is .34%. The Board also discussed the lack of security in having the majority of the Town's money in one account. The Board instructed the Clerk to make arrangements for four new CD accounts at local banks. Clarence Krieger moved and Lonelle Archuleta seconded to open four new bank accounts at local banks and to authorize Edwin Miller, Clarence Krieger and Lonelle Archuleta to authorize the banks to open the accounts and to authorize Edwin Miller, Clarence Krieger and Lonelle Archuleta to be signers on the accounts. 7 Aye. 0 Nay. Motion carried.

### **Park Update**

CSU Extension is working on the plans. They are not ready yet.

### **Municipal Clerks Institute**

Municipal Clerks Institute will be held July 12-17, 2009 in Boulder. The cost is the same as last year, \$850.00 for tuition and housing and \$46.00 for Boulder Dinner Theater. Dennis Kendrick moved and Clarence Krieger seconded to approve the Clerk's attendance at the Municipal Clerks Institute July 12-17, 2009 in Boulder, CO. 7 Aye. 0 Nay. Motion carried.

### **Garden City Web Site**

The Board discussed the need and desire for a Town web site. The Board wanted some research done on the company that submitted a bid and maybe on some other companies that manage web sites for municipalities. Clarence Krieger moved and Lonelle Archuleta seconded to have Brian Seifried research different web site providers. 7 Aye. 0 Nay. Motion carried.

### **Accounting Software**

The Clerk would like to convert to Quickbooks Accounting Software. This would automate several of the functions that are currently being done manually such as check writing, W-2's and 1099's. Dan Schommer, Garden City's Auditor, recommended a consultant that could help the Town with the conversion process. The consultant, Lisa Brown, charges \$65.00 per hour and the estimate is 6-8 hours for the conversion. Lonelle Archuleta moved and Brian Seifried seconded to approve the purchase of the software, payroll subscription and consultant services for the conversion to Quickbooks software. 7 Aye. 0 Nay. Motion carried.

### **Welcome Signs**

Clarence Krieger had a prototype made of a welcome sign for Garden City. He suggested that the Town buy four signs and place one at 28<sup>th</sup> Street on northbound 8<sup>th</sup> Avenue and one at 26<sup>th</sup> Street on southbound 8<sup>th</sup> Avenue and one at 25<sup>th</sup> Street on southbound 85 and one at 28<sup>th</sup>

Street on northbound 85. The quote from Northern Colorado Traffic Control, Inc is \$355.20 per sign which includes installation. Lonelle Archuleta moved and Terry Greenwood seconded to purchase four signs including installation from NCTC at a price of \$355.20 per sign. 7 Aye. 0 Nay. Motion carried.

**National Night Out Preparation**

The Clerk asked for permission to begin plans including making purchases for National Night Out on August 4, 2009. Lonelle Archuleta moved and Fil Archuleta seconded to approve planning and purchases for National Night Out. 7 Aye. 0 Nay. Motion carried.

**Attorney Report**

Attorney Don Hoff reported that the Sheriff's office has jurisdiction in Garden City but if it seems that there are officers spending excessive time in Garden City, write down the car number and Don will check into it. He also reported that the sample resolution for colors of buildings that the Town of Milliken has adopted does not fit the Town of Garden City's needs; he will continue to research this issue. He also reported that the City of Evans has adopted a new code enforcement ordinance that gives the property owner 7 days to correct the code violation or the City will do the work and bill the property owner. The Board discussed adopting the Evans code for Garden City and decided to table the discussion until the regular meeting on July 21, 2009.

**Announcements**

- a. a. Comcast is adding an Economy Video Package effective 04/24/09.  
Comcast is moving Movieplex Channel 149 from the Starter Package to the Classic Tier Package effective 04/28/09.  
Comcast is adding channels 617 WAPA, 618 Sur Mexico and 616 Gran Cine effective 05/05/09.  
Comcast is changing channels 45 Oxygen and 64 TruTV from Analog to Digital. Subscribers need to change their service from Standard Cable to Digital Cable available at the same price.

**Other Board Issues**

The Clerk reported that tables and chairs are disappearing from the basement. Clarence reported that he has two tables. There is a form to be filled out and a deposit to be paid on all tables and chairs borrowed from the Town.

Lonelle Archuleta asked if the Town could do something about the missing banners on the street light poles in town. Lonelle Archuleta moved and Clarence Krieger seconded to have the banners and any broken brackets replaced and/or repaired. 7 Aye. 0 Nay. Motion carried.

**Adjourn**

Clarence Krieger moved and Dennis Kendrick seconded to adjourn the meeting. Since there was no further business, Mayor Eddie Miller adjourned the meeting at 10:10 PM.

Respectfully Submitted by \_\_\_\_\_  
Cheryl Campbell, Clerk