

Town of Garden City Minutes

September 15, 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, Evans Police Department. Also in attendance were: Lee Heinze, White Horse Inn; Les Matson, Matson Construction; Rusty and Theresa Boyd, Whiskey River; Francisca Oliva, Fiesta Rodeo/Rose's Bar; Lisa Donley, Thee Working Class Bar.

Consent Agenda

- a. Approve Minutes of Regular Meeting August 18, 2009
- b. Approve Treasurer's Report for August 2009 Including Paying Bills
- c. Approve Letter of Intent to Renew CIRSA Property and Casualty Insurance for 2010
- d. Approve Letter of Intent to Renew CIRSA Workers Comp Insurance for 2010
- e. Approve Clerk's Attendance at Notary Training in Englewood on October 9, 2010

Brian Seifried moved and Lonelle Archuleta 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.

Code Enforcement Changes in The City of Evans

Commander Mike Parkos from Evans Police Department addressed the Board regarding the Code Enforcement changes in Evans. Code Enforcement will become part of Neighborhood Services under the supervision of Dan Swallow effective September 28, 2009. Commander Parkos reported that Evans foresees no changes in the services currently provided to Garden City. Code Enforcement will have different uniforms but the same vehicles. Code Enforcement will still be dispatched through Weld County Communications. The Board received examples of a notice of violation and a violation citation for their review. Commander Parkos went into more detail about the administrative process and how notices and citations are handled. The Board was also given examples of the educational brochures that Evans uses to educate the citizens regarding Codes and violations. He also reported that Evans has partnered with an organization formally known as Partners to offer volunteer services to assist homeowners. The Board asked Commander Parkos to check into a recent incident that happened on Wednesday September 9, 2009. A child was bitten by a dog at large and had to be transported to the emergency room. Weld County responded to the incident. Commander Parkos will check into the incident and find out why Evans did not respond.

Police Report

Commander Parkos reviewed the statistics for August 2009. He discussed some serious gang activity that occurred near AF Ray's on 8th Avenue. The security team at AF Ray's captured the incident on tape. Brian has turned the tape over to Evans PD.

Ordinance No. 05-2009 An Ordinance to Acquire Certain Real Property For The Creation of a Park

Ordinance No. 05-2009 An Ordinance to Acquire Certain Real Property For The Creation of a Park. The title company requires the Town to have this ordinance in effect when and if we close on the 2610 6th Avenue Lane property. Lonelle Archuleta moved and Fil Archuleta seconded to adopt Ordinance No. 05-2009. A roll call vote was taken.

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

7 Aye. 0 Nay. Motion carried. Ordinance No. 05-2009 was adopted.

Ordinance No. 06-2009 An Ordinance to Acquire Certain Real Property For The Creation of a Park

Ordinance No. 06-2009 An Ordinance to Acquire Certain Real Property For The Creation of a Park. The title company requires the Town to have this ordinance in effect when and if we close on the 2712 7th Avenue property. Dennis Kendrick moved and Lonelle Archuleta seconded to adopt Ordinance No. 06-2009. A roll call vote was taken.

Eddie Miller-Yes Terry Greenwood-Yes Fil Archuleta-Yes Brian Seifried-Yes Lonelle Archuleta-Yes Clarence Krieger-Yes Dennis Kendrick-Yes
7 Aye. 0 Nay. Motion carried. Ordinance No. 06-2009 was adopted.

White Horse Inn Pavement Grant Application and Request

Lee Heinze and Ronica Rueb from the White Horse Inn submitted their application for a Pavement Improvement Grant along with all of the required documentation. Clarence Krieger moved and Fil Archuleta seconded to approve White Horse Inn's Pavement Grant application and request for a \$3000.00 Pavement Grant and to accept the Pavement Grant Agreement between the White Horse Inn and the Town of Garden City. A roll call vote was taken.

Terry Greenwood-Yes Brian Seifried-Yes Dennis Kendrick-Yes Clarence Krieger-Yes
Eddie Miller-Yes Fil Archuleta-Yes Lonelle Archuleta-Yes
7 Aye. 0 Nay. Motion carried.

Liquor Licensing Issues

• **a. Rose's Bar Liquor License Renewal**

Francisca Oliva DBA Rose's Bar submitted a renewal application for a Tavern with Live Entertainment Liquor License. She also submitted an application for Change of Trade Name. She has decided to withdraw the request to change her trade name and want to retain the name of Rose's Bar. We received reports from Evans PD, Weld County Health Dept, Union Colony Fire Protection District and Dan Swallow. There were two corrections needed which have been completed. Union Colony forwarded a copy of the re-inspection to the Clerk today. All report no objections to renewal. All fees have been paid for a Tavern with Live Entertainment License including a \$500.00 late fee. Lonelle Archuleta moved and Clarence Krieger seconded to approve the Tavern with Live Entertainment Liquor License for Rose's Bar. 7 Aye. 0 Nay. Motion carried.

• **b. El Carousel Liquor License Renewal**

Debra Ashland called the Clerk's office and requested to be put on the October 20, 2009 agenda.

• **c. Thee Working Class Bar Liquor Violation**

Thee Working Class Bar received a Liquor Violation on July 21, 2009. Co-owner Frank Gomez was arrested for possession of Methamphetamine in the bar. Dan Gunter, Supervisor of the State of Colorado Liquor Enforcement Division recommended that the Local Authority take no action until the criminal case is decided in the judicial system. Dennis Kendrick moved and Fil Archuleta seconded to take no action at this time. 7 Aye. 0 Nay. Motion carried.

Park Update

The property owner of the 6th Avenue Lane property has not responded with his counter-offer as of this date. The 7th Avenue property owner has agreed to the purchase contract with the condition that the sellers retain the mineral rights belonging to the property. The Clerk will have to check with GOCO to be certain that severing the mineral rights will not affect the Town's chances of receiving a grant for the purchase of the property.

Mayor Eddie Miller adjourned the regular meeting at 8:10 PM and called the Public Hearing to Order.

The Garden City Land Use Code Public Hearing was called to order at 8:10 PM. The Board discussed the proposed code at length. Don Hoff discussed the color restrictions and the need for a color pallet. Brian Seifried voiced some hesitation in legislating colors of buildings. Dennis Kendrick stated that colors of buildings represent hidden meanings such as gang colors, etc. Brian asked if we could say 'muted colors' rather than list specific colors. There was discussion about the Evans Code which regulates the 85 Corridor including colors of buildings, fences, architectural styles, etc. Dennis Kendrick suggested continuing the hearing to the October 20, 2009 meeting in order to allow Don Hoff to research the Evans Code. The Board continued discussion about regulating colors on residences and business in the whole town or just businesses in the whole town or just businesses on 8th Avenue. Clarence Krieger moved and Dennis Kendrick seconded to enact restrictions on 8th Avenue and every property in the business district and commercial district.

The discussion moved to fences and whether or not fences should be regulated in the code. Terry Greenwood moved and Brian Seifried seconded to not regulate fences in the Land Use Code. 7 Aye. 0 Nay. Motion carried.

The discussion moved onto parking requirements. Don Hoff explained that he lowered the requirements in the proposed code. Dan Swallow currently approves a parking variance for almost all new business in Garden City. Dennis Kendrick moved and Clarence Krieger seconded to accept the proposed changes to parking requirements. 7 Aye. 0 Nay. Motion carried.

Brian Seifried asked why the Sexually Oriented Business section of the code was left blank. Don Hoff explained that we recently adopted the SOB Code and passed Ordinance No. 04-2008 amending the code and it is not necessary to change the SOB code any further at this time. The Sexually Oriented Business Code Section VI will be inserted into the Land Use Code before publication. Louis 'Rusty' Boyd spoke to the Board about offering some tax credits or other incentives to encourage businesses to open in Garden City. He discussed a program happening in Grand Junction to revitalize an area that has been very successful. Don Hoff explained that our property tax is so low that it is impossible to offer tax incentives or credits. Theresa Boyd explained that the program in Grand Junction legislates that any business that opens in the revitalized district is mandated to make upgrades and bring the building into compliance before obtaining a business license. She also addressed the Board regarding credits and incentives that are offered to businesses opening in Garden City. Some examples she stated were incentives from Xcel for installing energy efficient water heaters and incentives from Upstate Colorado. She said it is very difficult to get information about what incentives are available and suggested that we offer a list of incentives to prospective business owners.

Mayor Eddie Miller adjourned the Public Hearing at 8:50 PM and resumed the regular meeting.

Medical Marijuana Dispensaries

Medical Marijuana Dispensaries are opening in several neighboring communities and Garden City has received a request for a Business License for a Medical Marijuana Dispensary. There is no state agency regulating Medical Marijuana Dispensaries and cities and towns are left to mandate regulation at the local level. The Board discussed whether or not Garden City should allow dispensaries. Don Hoff suggested that the Town should neither encourage nor discourage a dispensary from applying for a Business License.

Schedule Fall Clean-Up Days

The Board discussed the dates and procedures for Fall Clean-Up Days. Several other towns are not having clean-up days due to budget restrictions but the Board decided that Garden City will provide clean-up days for its residents and businesses in November. The Clerk will shop around for a company that can provide service throughout the week-end.

Beautify Garden City Water Rebate Committee

Lonelle Archuleta will review the applicants' projects for approval of the rebate payments. We had four application packets turned in this year. Three of the four applicants completed the application process and are eligible for rebates. Lonelle will notify the Clerk which rebate requests are approved.

Attorney Report

Don Hoff presented an agreement from the Weld County Sheriff to provide jail services for the Town of Garden City. Terry Greenwood moved and Dennis Kendrick seconded to approve the agreement with the Weld County Sheriff's Office to provide jail services for the Town. A roll call vote was taken.

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

Attorney Don Hoff presented a Memorandum of Understanding from the Weld County Clerk and Recorder authorizing that office to collect motor vehicle taxes for the Town of Garden City. Terry Greenwood moved and Lonelle Archuleta seconded to approve the Memorandum of Understanding from the Weld County Clerk and Recorder. 7 Aye. 0 Nay. Motion carried.

Budget Review and Schedule Budget Hearing

The Board of Trustees was presented with a proposed 2010 budget for their review. Lonelle Archuleta moved and Dennis Kendrick seconded to schedule the budget hearing for the November 17 meeting.

7 Aye. 0 Nay. Motion carried.

Clerk's Health Insurance Benefit

The Town of Garden City pays the cost of the premium for the Clerk to be on her spouse's health insurance. Up to this time that premium has been \$225.00. Due to a change in the spouse's employer, the premium is \$483.00 as of September 1, 2009. CEBT is a benefit trust for small towns in Colorado with few employees who join together in a trust in order to qualify for a group health plan. The cost of the premium is \$426.82. Lonelle Archuleta moved and Terry Greenwood seconded to approve \$483.00 per month to reimburse the Clerk for medical insurance through her spouse's employer. 7 Aye. 0 Nay. Motion carried.

Announcements

- a. Flu Clinic October 14, 2009 10 AM – 12 PM

The Town will host an RVNA Flu Clinic on Wednesday October 14, 2009 from 10AM until 12 Noon. The cost of a flu shot will be approximately \$25.00. Fliers will be delivered the first week in October.

- b. Comcast Channel Changes

Comcast is moving Channel 96 TV Guide from Analog Basic to the Digital Starter Cable Package effective September 24, 2009.

Other Board Issues

The Board asked the Clerk to find out if Evans PD documents Garden City on DUI tickets. The Board asked the Clerk to shop around for a restaurant for the Christmas Party.

Adjourn

Since there was no further business, Clarence Krieger moved and Lonelle Archuleta seconded to adjourn. Mayor Eddie Miller adjourned the meeting at 9:43 PM.

Respectfully Submitted by _____
Cheryl Campbell, Clerk