

Town of Garden City Minutes

October 20, 2009

Regular Meeting

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

Mayor Eddie Miller and Trustees; Terry Greenwood, Dennis Kendrick, Lonelle Archuleta, Fil Archuleta, Brian Seifried and Clarence Krieger were present. Staff present was: Don Hoff, Town Attorney; Cheryl Campbell, Clerk; Michelle Fisher, Deputy Clerk; Commander Mike Parkos and Commander Pat Haugse, Evans Police Department. Also in attendance were: Lee Heinze and Ronica Rueb, White Horse Inn; Robert Ray, Council for El Carousel, Adrian and Estella Tarin, Happy Days Liquor Store; Michael Schwartz and Susan Smart, A F Ray's; Debra Ashland and Helen Sanchez, El Carousel; John and Cindy Vasco, Milliken; Wade Fisher, Student Volunteer; Casey and Tracey Villa, Generations Natural Medicine; Josh Divine, UNC Connection; Janice and Carl Walter.

**Community Award Certificate Presentation**

The Clerk presented Award Certificates to all businesses and volunteers who contributed to National Night Out. The Town spent \$2400.00 for this year's event held August 4, 2009. There was over \$500.00 in raffle prizes and food donated to the event by local businesses. The Board thanked everyone for their support.

**Consent Agenda**

- a. Approve Minutes of Regular Meeting September 15, 2009
- b. Approve Treasurer's Report for September 2009 Including Paying Bills
- c. Approve Beautify Garden City Rebates totaling \$247.65

Dennis Kendrick 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.

**City of Evans Code Enforcement**

The Board has discussed Evans Code Enforcement at several meetings in 2009. The most important change is that violations and fines are handled administratively rather than through the municipal court system. Also the amount of time a property owner or tenant has to bring the property into compliance is significantly reduced. Brian Seifried moved and Dennis Kendrick seconded to adopt the Code Enforcement Code from the City of Evans for the Town of Garden City. 7 Aye. 0 Nay. Motion carried. Attorney Don Hoff will prepare an ordinance to be considered at the November 17, 2009 meeting.

**Police Report**

Commander Haugse reported on the statistics for September 2009. City of Evans Attorney Russ Anson had e-mailed Attorney Don Hoff the proposed Police Contract for 2010. Dennis Kendrick moved and Brian Seified seconded to hold a Special Meeting of the Board of Trustees on November 4, 2009 at 5:30 PM to consider the proposed contract. 7 Aye. 0 Nay. Motion carried.

**El Carousel Hotel Restaurant Liquor License Renewal**

El Carousel submitted the renewal application for their Hotel Restaurant with Live Entertainment Liquor License. Evans PD reported no violations and no objections to renewal. Union Colony Fire Protection District submitted a list of fire code violations and recommends not approving the renewal until the violations are corrected. Weld County Health Department reported no violations and no objection to renewal. Dan Swallow recommended signs at all exits stating that doors must remain unlocked during business hours. He recommends renewal of the license. All fees have been paid for a Hotel Restaurant with Live Entertainment License. Debra Ashland and Attorney Bob Ray were present to address the Board regarding the renewal. Debra was asked about the fire code violations and she reported that all items have been corrected and El Carousel is waiting for re-inspection by the Fire Dept. Lonelle Archuleta moved and Clarence Krieger seconded to approve El Carousel's Hotel Restaurant with Live Entertainment Liquor License contingent on the Clerk's Office receiving a notice of completed corrections within 10 days from the Fire Dept. 7 Aye. 0 Nay. Motion carried.

**Mayor Eddie miller adjourned the regular meeting and opened the Public Hearing at 7:50 PM.**

**Public Hearing – Adrain Omar Tarin DBA Happy Days Liquor Store New Retail Liquor Store License Application.**

Adrian Omar Tarin DBA Happy Days Liquor Store whose home address is 3246 35<sup>th</sup> Avenue Greeley, CO submitted an application for a new retail liquor store license at 2621 8<sup>th</sup> Avenue #B Garden City. The application date was September 8, 2009. The location was posted on September 25, 2009 and the notice of public hearing was posted in the marquee and published in the Greeley Tribune on October 9, 2009. The applicant submitted a neighborhood survey to the Clerk's office. All fees have been paid for a new retail liquor store license with concurrent review by the State. A background check including fingerprints was conducted by Evans PD. The report stated two charges from 2000. Attempted theft and false reporting stemming from the theft of Mr. Tarin's vehicle. He pled not guilty and requested a jury trial in which he was found guilty. He was sentenced to probation, community service and fines. And later in 2000 a DWAI which resulted in probation, community service and fines. All conditions were met and satisfied according to the police report and the guilty plea was withdrawn by the court in September 2001. Mr. Tarin disclosed these details at the time of his application. He has nothing on his record since 2000. Mr. Tarin was present to address the Board regarding his application. Clarence Krieger moved and Dennis Kendrick seconded to approve the Retail Liquor Store Application for Adrian Omar Tarin DBA Happy Days Liquor Store. 7 Aye. 0 Nay. Motion carried.

**Mayor Eddie Miller adjourned the Public Hearing and resumed the Regular Meeting at 7:52 PM.**

**Garden City Land Use Code**

The Board reviewed the City of Evans Code relating to restrictions on architectural styles and colors of buildings in the 85 Corridor in the City of Evans. Attorney Don Hoff stated that 8<sup>th</sup> Avenue is a natural extension to the Highway 85 Corridor and that it makes sense to use the Highway 85 Corridor portion of Evan's code as a model for Garden City's Land Use Code. The Board decided to discuss this matter in greater detail at a Special Meeting of the Board of Trustees on November 4, 2009 at 5:30 PM.

• a. Medical Marijuana Dispensaries

The Board reviewed some proposed regulations for Medical Marijuana Dispensaries. Casey Villa, Jr. was present to answer questions from the Board regarding dispensaries. He explained the operation and mission of his dispensary. Lonelle Archuleta questioned whether some of the proposed regulations were a violation of HIPPA Laws. Brian Seifried voiced concern that the proposed regulations were too invasive and perhaps the Board needed to do more research into more appropriate regulations. Fil Archuleta agreed. Dennis Kendrick talked about the hours of operation restrictions in the proposed regulations and he felt that 9:00 AM through 9:00 PM would be acceptable. Terry Greenwood suggested a review of the dispensaries every three or six months until all parties involved are comfortable with the operation and regulation of the dispensaries. Attorney Don Hoff will obtain some more examples of regulations in other Colorado towns and have them available at the Special Meeting of the Board of Trustees on November 4, 2009. Dennis Kendrick moved and Lonelle Archuleta seconded to discuss the proposed regulations at the Special Meeting on November 4, 2009 and to provide Evans PD Commanders with copies of the proposed regulations for their review. 7 Aye. 0 Nay. Motion carried. Evans PD was asked to have their input for the Board to consider at the Special Meeting.

Dennis Kendrick moved and Lonelle Archuleta seconded to take a ten minute recess. 7 Aye. 0 Nay. Motion carried.

**Resolution No. 03-2009 – A Resolution Accepting A Portion of State Highway 85 Following Abatement By The Colorado Department of Transportation Commission**

Attorney Don Hoff has been communicating with CDOT regarding the paperwork needed to show that Garden City owns 8<sup>th</sup> Avenue after abatement by CDOT. The Resolution originally adopted by the Board of Trustees is too old and CDOT has requested an updated Resolution. Brian Seifried moved and Terry Greenwood seconded to adopt Resolution No. 03-2009 – A Resolution Accepting A Portion of State Highway 85 Following Abatement By The Colorado Department of Transportation Commission. A roll call vote was taken;  
Fil Archuleta-Yes Terry Greenwood-Yes Eddie Miller-Yes Brian Seifried-Yes  
Clarence Krieger-Yes Lonelle Archuleta-Yes Dennis Kendrick-Yes

**Attorney Report**

Attorney Don Hoff reported to the Board that he had received a copy of the proposed Police Contract from the City of Evans for 2010. He noted that Evans is requesting a significant increase in the contract price. The Board decided to discuss the contract in detail at the Special Meeting on November 4, 2009 at 5:30 PM. The Clerk will get a copy of the Police budget from the City of Evans.

- a. Park Update

Don Hoff reported to the Board that the property owner of the 2710 6<sup>th</sup> Avenue Lane property had made a counter offer of \$36,000.00 which Don has accepted on the Town's behalf. Don also reported that the owner of the 2712 7<sup>th</sup> Avenue property had received a new purchase agreement reflecting that the owner will retain the mineral royalties until the owner's death at which time the royalties will go to Garden City. Don is awaiting the return of both purchase agreements.

**Weld County Town/County Dinner**

The Board decided to attend the Town/County Dinner on October 29, 2009. The Clerk will RSVP for seven attendees at \$19.00 per person.

**Deputy Clerk/Maintenance One Year Review**

The Clerk will do Michelle's one year review. Dennis Kendrick moved and Clarence Krieger seconded to approve a raise to \$12.00 per hour starting November 1, 2009 and to buy a leaf blower/vacuum for the Town. 7 Aye. 0 Nay. Motion carried.

**Announcements**

- a. Fall Clean-up Days is scheduled for November 13,14,15, 2009. We will be using Northern Colorado Disposal this year and 30 yard dumpsters in all four locations. The driver will empty all dumpsters until noon on Saturday.
- b. Bulls Eye Mayors Group will meet on December 7, 2009 at 7:00 PM in Gilcrest.

**Adjourn**

Since there was no further business, Lonelle Archuleta moved and Fil Archuleta seconded to adjourn the meeting. Mayor Eddie Miller adjourned the meeting at 9:40 PM.

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