

Town of Garden City Minutes

November 17, 2009

Regular Meeting

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

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; Commander Mike Parkos and Commander Pat Haugse, Evans Police Department; Michael Schwartz, AF Ray's; Casey Villa, Generations Natural Medicine; Jay Hartman 2604 6th Avenue.

Consent Agenda

- a. Approve Minutes of Regular Meeting October 20, 2009
- b. Approve Minutes of Special Meeting November 4, 2009
- c. Approve Treasurer's Report for October 2009 Including Paying Bills
- d. Approve \$ 653.00 for Colorado Municipal League Membership for 2010

Dennis Kendrick moved and Fil 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.

Resolution No. 04-2009 A Resolution Authorizing Town of Garden City Credit Cards for the Mayor, Mayor Pro Tem and Town Clerk for 2010

The Town has three credit cards from Credit Union of Colorado with \$1000.00 limit on each card. Each year the Board adopts a resolution authorizing the cards. Clarence Krieger moved and Terry Greenwood seconded to adopt Resolution No. 04-2009 A Resolution Authorizing Credit Cards for the Town of Garden City. A roll call vote was taken.

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

Police Report

Commander Mike Parkos gave a report on the statistics for the month of October 2009. Traffic patrol was stepped up for October. Recent gang tagging activity was discussed.

White Horse Inn Tavern with Live Entertainment Liquor License Renewal

Ron-Lee-Von LLC DBA White Horse Inn submitted the renewal application for their Tavern with Live Entertainment Liquor License on October 19, 2009. Ronica Rueb is the registered manager. Evans PD, Union Colony Fire Protection District and Weld County Health Department reported no violations and no objections to renewal. All fees were paid for a Tavern with Live Entertainment Liquor License. Clarence Krieger moved and Lonelle Archuleta seconded to approve White Horse Inn's Tavern with Live Entertainment Liquor License. 7 Aye. 0 Nay. Motion carried.

Schedule December Meeting

The Board discussed the date options for the December meeting in order to comply with Colorado Budget Law. Lonelle Archuleta moved and Brian Seifried seconded to schedule the December meeting for Wednesday December 9, 2009.

Mayor Eddie Miller adjourned the regular meeting and opened the Budget Hearing.

The Clerk reported on the proposed budget for 2010. The budget is based on the modified accrual method of accounting. The Town has four funds: General Fund, Street Fund, Capital Improvement Fund and Conservation Trust Fund. The budget is balanced. The only revenue going into the Street Fund is Weld County Motor Vehicle Tax and Road and Bridge Tax and also State of Colorado Highway Users Tax, so any major expenditure in the Street Fund will have to be paid with revenue transferred from the General Fund. We will have to wait for the Police Contract to be settled, the GOCO Grant Awards to be announced December 2, 2009 and the final valuation from the Weld County Assessor's Office in order to finalize the proposed budget for 2010. There was no public comment on the proposed budget.

Mayor Eddie Miller adjourned the budget hearing and opened the Public Hearing regarding the proposed Land Use Code and Ordinance No. 07-2009.

The final draft of the proposed Land Use Code was presented to the Board last week for their review. The Board discussed Article VIII Medical Marijuana Dispensaries at length especially S. 1. a. (7) which states that no Medical Marijuana Dispensary shall be allowed to be located within any building or structure that contains a residential unit. Jay Hartman spoke to the Board regarding his desire to open a dispensary in the Towne Tavern building which contains apartments. Evans PD supports the ordinance as written. Terry Greenwood moved and Clarence Krieger seconded to leave Article VIII Section S. 1. a. (7) of the Garden City Land Use Code as written and not allow dispensaries in any building or structure that contains a residential unit. A roll call vote was taken.

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

Dennis Kendrick moved and Lonelle Archuleta seconded to adopt Ordinance No. 07-2009 An Ordinance Adopting By Reference The Town of Garden City Land Use Code Repealing The Previous Land Use Code And Providing Penalties For Violations Thereof. A roll call vote was taken.

Brian Seifried-Yes Terry Greenwood-Yes Dennis Kendrick -Yes Lonelle Archuleta-Yes Clarence Krieger-Yes Fil Archuleta-Yes Eddie Miller-Yes
7 Aye. 0 Nay. Motion carried. Ordinance No. 07-2009 was passed, approved and adopted.

Mayor Eddie Miller closed the Public Hearing on The Garden City Land Use Code and opened the Public Hearing on Ordinance No. 08-2009. An Ordinance Adopting By Reference Portions of The Evans Municipal Code.

Ordinance No. 08-2009 adopts the portion of the Evans Municipal Code that specifically pertains to Code Enforcement, regulation of trees, vegetation, nuisances, abatement of nuisances and penalties for non-compliance. This issue has been discussed at detail during prior meetings of the Board of Trustees of the Town of Garden City. Brian Seifried moved and Lonelle Archuleta seconded to adopt Ordinance No. 08-2009 An Ordinance Adopting By Reference Portions of The Evans Municipal Code. A roll call vote was taken.

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

7 Aye. 0 Nay. Motion carried. Ordinance No. 08-2009 was passed, approved and adopted.

Mayor Eddie Miller closed the Public Hearing on Ordinance No. 08-2009 and opened the Public Hearing regarding a new Tavern with Live Entertainment Liquor License for A.F. Ray's.

Brian Seifried excused himself from the hearing as he is part-owner of A.F. Ray's. The bar is currently operating under 8th Avenue Wingshack's Hotel Restaurant with Live Entertainment Liquor License. The LLC wishes to separate the two businesses with each having their own liquor license. The operation will continue as it has with the exception that servers under 21 will not be allowed to work at A.F. Ray's. Servers under 21 are only allowed under a Hotel Restaurant Liquor License and not under a Tavern Liquor License. The 8th Avenue Wingshack will modify its premises removing A.F. Ray's from the premises at the same time the new license for A.F. Ray's is approved. Dennis Kendrick moved and Clarence Krieger seconded to approve the application for a New Tavern with Live Entertainment Liquor License for A.F. Ray's and approve a Modification of Premises for 8th Avenue Wingshack's Hotel Restaurant Liquor License. 6 Aye. 0 Nay. Motion carried.

Mayor Eddie Miller adjourned the Public Hearing regarding A.F. Ray's New Tavern with Live Entertainment Liquor License and resumed the regular meeting.

Consider Sales Tax Increase on April 2010 Election Ballot

Terry Greenwood moved and Clarence Krieger seconded to put 1% Sales Tax increase question on the ballot for the April 2010 election. 7 Aye. 0 Nay. Motion carried.

Consider Mayor and Trustees Compensation

The Clerk conducted a poll of neighboring Weld County towns. All but two towns polled compensate their mayor and trustees for special meetings at the rate paid for regular meetings. Clarence Krieger moved and Lonelle Archuleta seconded to pay the mayor \$250.00 for every special meeting attended (the same rate paid for regular meetings)

and to pay the trustees \$125.00 for every special meeting attended (the same rate paid for regular meetings).

Consider Attorney's Compensation

Attorney Don Hoff asked that his hourly fee be raised to \$150.00 from \$140.00. Lonelle Archuleta moved and Fil Archuleta seconded to compensate Attorney Don Hoff \$150.00 per hour. 7 Aye. 0 Nay. Motion carried.

Consider Changing Board of Trustees Regular Meeting Time to 7:00 PM

Fil Archuleta moved and Clarence Krieger seconded to change the Board of Trustees regular meeting time to 7:00 PM. 7 Aye. 0 Nay. Motion carried.

Announcements

- a. Weld County Town County Dinner will not be held this year. Weld County returned the Town's check.
- b. The restaurant that we had booked for the Christmas Dinner closed last week. The Christmas Dinner will be held at Corleone's at Rafferty's on December 12, 2009 at 6:30 PM.
- c. Bulls Eye Mayors Group is meeting on December 7, 2009 at 7:00 PM in Gilcrest.

Other Board Issues

The Board discussed the Town resuming the practice of providing drink tickets to each guest at the Christmas Dinner. Terry Krieger moved and Clarence Krieger seconded to provide two drink tickets to each guest at the Christmas Dinner. 7 Aye. 0 Nay Motion carried.

Adjourn

Since there was no further business, Dennis Kendrick moved and Terry Greenwood seconded to adjourn the meeting. Mayor Eddie Miller adjourned the meeting at 9:07 PM

Respectfully Submitted by _____
Cheryl Campbell, Clerk