

Town of Garden City Minutes

November 18, 2008

Regular Meeting

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

Mayor Eddie Miller and Trustees, Terry Greenwood, Mary Miller, Dennis Kendrick, Lonelle Archuleta, Fil Archuleta and Clarence Krieger were present. Staff present was: Don Hoff, Town Attorney; Cheryl Campbell, Clerk; Janice Walter, Deputy Clerk; Commander Mike Parkos and Commander Pat Haugse, Evans Police Department. Also in attendance were: Robert and Ruth Skow, Skow Photography; John Waipa, 2517 7th Ave; Natalie Quebral, 2517 7th Ave; Ronica Rueb and Lee Heinze from The White Horse Inn; and Carl Walter, Guest.

Consent Agenda

- a. Approve Minutes of Regular Meeting October 21, 2008
- b. Approve Treasurer's Report for October 2008 Including Paying Bills
- c. Renew Membership with Colorado Municipal League for 2009

Dennis Kendrick moved and Clarence Krieger 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.

White Horse Inn Liquor License Renewal

Ronica Rueb and Lee Heinze were present to address the Board regarding the renewal of the liquor license for Ron-Lee-Von LLC DBA the White Horse Inn. The Clerk received reports from Evans Police Department, Weld County Health Department and Union Colony Fire Protection. All report no violations except the incident discussed at last month's meeting and no objections to renewal. All fees had been paid for a Tavern with Live Entertainment liquor license and annual renewal. There were no questions from the Board due to the extensive discussion with the White Horse Inn owners, managers and bartenders at the October 21, 2008 meeting. Lonelle Archuleta moved and Clarence Krieger seconded to approve the liquor license for The White Horse Inn. 7 Aye. 0 Nay. Motion carried.

Mayor Miller recessed the regular meeting and opened the Budget Hearing.

2009 Budget Hearing

Mayor Miller addressed the audience stating that the purpose of the Budget Hearing is to allow public comment regarding the proposed budget for 2009. Janice Walter, Deputy Clerk presented a short recap of the 2009 proposed budget. She stated that all of the Highway Users Tax Fees collected by Garden City and all of the Weld County Road and Bridge Taxes collected by Garden City will be used for the street fund. The Deputy also reported that the budget is balanced and is based on the semi-accrual method. Also stated was the fact that sales tax income, income from interest and other revenues are down from 2008 and the town needs to look for ways to decrease expenses.

Mayor Miller adjourned the Budget Hearing and resumed the regular meeting.

Police Report

Commander Parkos answered questions from the Board regarding the police report for October. There were no bar incidents in October, the police are concentrating on traffic issues in the town and the number of summons have increased. He also discussed code enforcement and the development of a team and a process to manage problem properties and repeat code violations. He proposed that Garden City may be interested in adopting an ordinance giving police the ability to write liquor violations into Municipal Court rather than District Court. He gave the attorney a copy of the ordinance that Evans has adopted. Dennis Kendrick asked about the taco van that sells food on the weekends at El Carousel. Commander Parkos said that they would address the issue of the taco van operating without a business license. Commander Parkos gave an update on the proposed Police Contract for 2009. He gave justification for the contract increase from \$145,000.00 for 2008 to \$155,213.00 for 2009.

Mayor Miller recessed the regular meeting and opened the Use by Special Review No. 2008-01 Hearing.

Use by Special Review No. 2008-01 Hearing

John Waipa, one of the partners from the classic car restoration, welding and minor fabrication shop operating at 2517 7th Avenue was present to address the Board. He and his partner, Eric Leskinen are requesting Use by Special Review approval to continue operating the shop which is in a B-Business Zone rather than the required C-Commercial Zone. The Board asked John several questions regarding the operation at the shop. The Clerk reported that Dan Swallow has approved the building use with restrictions of no more than 30 gallons of hazardous liquid in the shop at any time and no more than 10 gallons of hazardous liquid in use at any time. Mr. Waipa stated that he is not operating a retail business at 2517 7th Ave but that he is unsure of what business his partner

is conducting in the shop. Mr. Robert Skow, owner of the building, reported that Mr. Waipa and Mr. Leskinen are good tenants. Mr. Skow also reported that seven of the eighteen cars in the lot belong to Skow Photography. There was considerable discussion regarding the appearance of the business as being a 'junkyard'. Mr. Waipa repeated several times that he works on his own cars in the shop and that he does not know how or if his partner conducts any business. The Board discussed the necessity of speaking with Mr. Leskinen in order to decide the Use by Special Review. The attorney advised the Board on two different actions that they could take. One action would be to deny the Use by Special Review and the other action would be to continue this hearing until January 20, 2009. Lonelle Archuleta moved to continue the hearing to January 20, 2009 and for the occupants to discontinue all activity except for the removal of the junk cars between now and January 20, 2009. Terry Greenwood seconded the motion. 7 Aye. 0 Nay. Motion carried.

Mayor Miller adjourned the Use by Special Review No. 2008-01 Hearing and opened the Zoning Hearing re: Ordinance No. 04-2008.

Zoning Hearing Re: Ordinance No. 04-2008 (SOB)

The Attorney explained the proposed Ordinance No. 04-2008. The purpose of the ordinance is to establish a minimum distance (300 ft) between a sexually oriented business and a residence, church, school, park or licensed daycare center whether such uses are located within or without the Town of Garden City. The Ordinance also states that a sexually oriented business may only be located in a commercial zone. Dennis Kendrick moved and Lonelle Archuleta seconded to adopt Ordinance No. 04-2008. A Roll Call Vote was taken:

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

7 Aye. 0 Nay. Motion Carried.

Mayor Miller adjourned the Zoning Hearing and resumed the regular meeting.

Announcements

- a. Garden City Christmas Dinner December 11, 2008 6:30 PM

The dinner will be at Red Lobster on 23rd Avenue in Greeley on Thursday, December 11 at 6:30 PM.

- b. Weld County Annual Summit on December 12, 2008

The Weld County Commissioners sent an invitation to the Annual Summit to be held on December 12, 2008 from 8:00 AM – 4:30 PM at Aims College. They will be discussing regional transportation authorities and inter-jurisdictional cooperation. The cost is \$15.00 per person.

Other Board Issues

- a. Dennis Kendrick asked the Attorney if there was any legislation available regarding the colors of buildings within the town. The Attorney stated that he does not believe that there is but he will research the issue.
- b. The Board would like the Clerk to attend a financial program at CML on December 4, 2009 in Denver.
- c. The Board discussed the need and desire to listen to the CIRSA liability tapes. The Board asked the Clerk to get the latest tape available. The session will be scheduled in conjunction with a future Board Meeting.

Adjourn

Since there was no further business, Lonelle Archuleta moved and Fil Archuleta seconded to adjourn the meeting. 7 Aye. 0 Nay. Motion Carried.

Mayor Eddie Miller adjourned the meeting at 8:43 P.M.

Respectfully Submitted by _____
Cheryl Campbell, Clerk