

Town of Garden City Minutes

December 9, 2009

Regular Meeting

Mayor Miller called the meeting to order at 7:00 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; Commanders Mike Parkos and Pat Haugse, Evans PD; Also present were Jerry Park and Glenna Medina, VFW; Philip White, 522 27th St.; John Rotherham Sr and Jr and Alicia Rotherham, Nature's Herb; Rusty and Theresa Boyd, Whiskey River.

Consent Agenda

- a. Approve Minutes of Regular Meeting November 17, 2009
- b. Approve Treasurer's Report for November 2009 Including Paying Bills
- c. Approve Clerk's Attendance at the Quarterly Luncheon for the Clerks of Weld County with Don Sandoval of DOLA in Mead on January 7, 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.

Whiskey River Revitalization Grant Application

Whiskey River 618 25th Street submitted a Revitalization Grant Application to help defray costs of their recent improvements to the building. The Board determined that Whiskey River's grant request of \$3000.00 met the criteria of Garden City's Revitalization Grant Program. Brian Seifried moved and Dennis Kendrick seconded to approve Whiskey River's Revitalization Grant Application and Grant Agreement for \$3000.00. 6 Aye. 1 Nay. Motion carried.

Whiskey River Pavement Grant Application

Whiskey River 618 25th Street submitted a Pavement Grant Application to help defray costs of their recent improvements to the parking lot. The Board determined that Whiskey River's grant request of \$3000.00 met the criteria of Garden City's Pavement Grant Program. Dennis Kendrick moved and Brian Seifried seconded to approve Whiskey River's Pavement Grant Application for \$3000.00. 6 Aye. 1 Nay. Motion carried.

Police Report

Commanders Parkos and Haugse were present to address the Board regarding Police Department matters for the month of November 2009. The statistics were not yet available due to the early meeting date. Commander Haugse reported successful prosecution and sentencing of a home invasion case that occurred earlier this year. Attorney Don Hoff verified with the Commanders that the police protection of Garden City would continue status quo even though the contract for 2010 was not yet approved by Evans City Council. Commander Parkos reported that he believed the contract would be approved within the week.

Pioneer Post 2121 Tavern with Live Entertainment Liquor License Renewal

Jerry Park, Registered Manager of the VFW, was present to address the Board regarding their Tavern with Live Entertainment Liquor License Renewal. Due to the early meeting date, reports from Evans PD and Dan Swallow were not yet available. All fees have been paid for a Tavern with Live Entertainment Liquor License. Lonelle Archuleta moved and Clarence Krieger seconded to approve VFW's Tavern with Live Entertainment Liquor License Renewal contingent on the Clerk's Office receiving positive reports from Evans PD and Dan Swallow. 7 Aye. 0 Nay. Motion carried.

Mayor Eddie Miller adjourned the regular meeting and opened the Use By Special Review No. 2009-01 Public Hearing at 7:10 PM.

Use By Special Review No. 2009-01 Public Hearing

John and Alicia Rotherham 10376 WCR 6 Ft Lupton, Co applied for a Use By Special Review in order to open a Medical Marijuana Dispensary at 522 27th Street. Phil White from Phil's Automotive is the owner of the property and has consented to the use of the property as a Medical Marijuana Dispensary. Phil White was present at the meeting to support the Rotherhams' request. All fees have been paid for the permit, business license and meeting fee. Background checks and fingerprints were done by Evans Police Department. The background checks for both John and Alicia were clear. The Rotherhams have received and acknowledged the Garden City Land Use Code regarding regulations of Medical Marijuana Dispensaries. Dan Swallow has received and reviewed their business plan and building plans. He issued a written report stating requirements that must be met prior to a Certificate of Occupancy being issued. The surrounding property owners were notified of the hearing by the Clerk's Office. Notice of the hearing was posted on the property and published in the Greeley Tribune. One letter was received from the Knights of Columbus in protest of a Medical Marijuana Dispensary within 500 feet of their location. Trustee Fil Archuleta asked the Rotherhams how soon they would be implementing the services aspect of their business to which the Rotherhams answered that they would offer the services to their patients immediately on opening. Trustee Dennis Kendrick asked about security and safe issues. The Rotherhams indicated that First Class Security of Greeley has been contracted to address the security needs of the business. Dennis Kendrick moved and Lonelle Archuleta seconded to approve Use By Special Review No. 2009-01. A roll call vote was taken: Brian Seifried – Yes Clarence Krieger – Yes Eddie Miller – Yes Dennis Kendrick – Yes Lonelle Archuleta – Yes Terry Greenwood – Yes Fil Archuleta – Yes 7 Aye. 0 Nay. Motion carried.

Mayor Eddie Miller adjourned the Public Hearing regarding Use By Special Review No. 2009-01 and resumed the regular meeting at 7:25 PM.

Resolution No. 05-2009 A Resolution Summarizing Expenditures and Revenues For Each Fund Adopting A Budget For The Town Of Garden City, Colorado For The Calendar Year 2010 Beginning On The First Day Of January 2010 And Ending On The Last Day Of December 2010

This Resolution is necessary to comply with State of Colorado statutes regarding municipal budgets. Dennis Kendrick moved and Clarence Krieger seconded to approve Resolution No. 05-2009 A Resolution Summarizing Expenditures and Revenues For Each Fund And Adopting A Budget For The Town Of Garden City, Colorado For The Calendar Year 2010 Beginning On The First Day Of January 2010 And Ending On The Last Day Of December 2010. A roll call vote was taken: Eddie Miller – Yes Terry Greenwood – Yes Dennis Kendrick – Yes Clarence Krieger – Yes Fil Archuleta – Yes Lonelle Archuleta – Yes Brian Seifried – Yes 7 Aye. 0 Nay. Motion carried. Resolution No. 05-2009 was passed, approved and adopted.

Resolution No. 06-2009 A Resolution To Appropriate Sums Of Money

This Resolution is necessary in order to comply with State of Colorado statutes regarding municipal budgets. Clarence Krieger moved and Dennis Kendrick seconded to approve Resolution No. 06-2009 A Resolution To Appropriate Sums Of Money. A roll call vote was taken: Clarence Krieger – Yes Lonelle Archuleta – Yes Terry Greenwood – Yes Brian Seifried – Yes Eddie Miller – Yes Fil Archuleta – Yes Dennis Kendrick – Yes 7 Aye. 0 Nay. Motion carried. Resolution No. 06-2009 was passed, approved and adopted.

Resolution No. 07-2009 A Resolution Levying General Property Taxes For The Year 2009 To Help Defray The Costs Of Government For The Town Of Garden City, Colorado For The 2010 Budget Year.

This Resolution is necessary in order to comply with the State of Colorado statutes regarding municipal budgets. Brian Seifried moved and Terry Greenwood seconded to approve Resolution No. 07-2009 A Resolution Levying General Property Taxes For The Year 2009 To Help Defray The Costs Of Government For The Town Of Garden City, Colorado For The 2010 Budget Year.

A roll call vote was taken: Terry Greenwood – Yes Dennis Kendrick – Yes Lonelle Archuleta - Yes Fil Archuleta – Yes Brian Seifried – Yes Clarence Krieger – Yes Eddie Miller – Yes
7 Aye. 0 Nay. Motion carried. Resolution No. 07-2009 was passed, approved and adopted.

Resolution No. 08-2009 A Resolution Changing The Meeting Time Of The Regular Monthly Board Meetings

This Resolution formally changes the time of The Board of Trustees of The Town of Garden City regular monthly meeting to 7:00 PM. Clarence Krieger moved and Lonelle Archuleta seconded to approve Resolution No. 08-2009. A roll call vote was taken: Lonelle Archuleta – Yes Dennis Kendrick – Yes Fil Archuleta – Yes Clarence Krieger – Yes Eddie Miller – Yes Brian Seifried – Yes Terry Greenwood – Yes.
7 Aye. 0 Nay. Motion carried. Resolution No. 08-2009 was passed, approved and adopted.

Discuss GOCO Results and Park Plans Including Possible Scheduling Of A Special Meeting.

The Clerk's Office received the Grant decisions from GOCO on December 2, 2009. The grant request for the Garden City 6th Avenue Lane Park Project was approved. The grant request for the Garden City 7th Avenue Park Project was not approved. The only reason given for the 7th Avenue Project not being approved was the number of applicants in this grant cycle. There were 38 applicants and only 20 were approved. The Board discussed the different options for the Town's next step. The Board decided that the Clerk will put together a timeline before the next meeting incorporating input from Melanie Ames from CSU. Terry Greenwood moved and Dennis Kendrick seconded to accept the grant award from GOCO for the land acquisition for the Garden City 6th Avenue Park Project. 7 Aye. 0 Nay. Motion carried.

Announcements

- a. Comcast Price Increases

Comcast is raising their prices effective with the January 2010 bills. The Clerk reviewed the increases and noted that Comcast is raising all packages about \$2.00 per month.

- b. Garden City Christmas Dinner December 12, 2009 at 6:30 PM at Corleone's at Raffertys

Other Board Issues

Attorney Don Hoff explained to the Board that according to Colorado Statute 31-4-405 the Mayor and Trustees are not eligible for compensation increases, including the recent decision to start receiving compensation for Special Meetings, during the term that they are currently serving. Eligibility for compensation for Special Meetings will begin upon re-election. Any Board Member not running in the upcoming election in April 2010 will not be eligible for the compensation increase until they are re-elected in 2012. Don Hoff also shared an article from the Denver Post written in support of Statutory Towns not banning Medical Marijuana Dispensaries in their towns in order to be in compliance with Article 20 of the State Constitution.

Adjourn

Since there was no further business, Clarence Krieger moved and Fil Archuleta seconded to adjourn the meeting. Mayor Eddie Miller adjourned the meeting at 7:58 PM.

Respectfully Submitted by _____
Cheryl Campbell, Clerk