TOWN OF MILLIKEN
BOARD OF TRUSTEES
MILLIKEN MEETING HOUSE, 1201 BROAD STREET

MEETING MINUTES

Wednesday January 14, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, January 14, 2015 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Linda Measner; Trustees: Linda Beck, LeRon Ehrlich, Jordan Jemiola, Ken Kidd and Lois Ann Onorato. Also present: Town Administrator Kent Brown, Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger and Town Attorney Bruce Fickel. Absent: None.

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Roll Call

Trustee's: Ehrlich, Onorato, Mayor Pro Tem Measner, Mayor Tokunaga, Trustee Beck, Trustee Kidd and Trustee Jemiola

Agenda Approval

Town Administrator Brown indicated there were not any changes to the agenda from Staff. Trustee Jemiola requested to move Action Item 3 (Resolution 15-02) to the Consent Agenda. Town Administrator Brown requested to move the Feasibility Study from the Discussion Agenda to the Action Agenda.

Citizen Comments

Bob Fields, who owns a farm located at 9190 WCR 52 Milliken, in Weld County, which is west of the Mill Iron 5 subdivision in Milliken. He spoke to the Town Board about a strip of ground that is owned by him and adjacent to the subdivision. Mr. Fields provided a map of the property and explained that to his knowledge this piece of land was unknowingly annexed into the Town of Milliken when Jim McDowall annexed the property known as the Mill Iron 5 subdivision. Mr. Fields became aware of this when he built his current home on his property in 2006. His son David submitted a building permit to Weld County for a home

he would like to build which is located on the property in question. Mr. Fields provided the Town Board with the history regarding the property indicating that he had purchased this land in 1969. Mayor Tokunaga directed staff to investigate and review the archives regarding this parcel. Town Attorney Bruce Fickel informed the Town Board that the statute of limitations on this may have passed. Town Staff will report back to the Town Board with any information that is found regarding this property.

Minutes of Previous Meeting

- December 22, 2014 – Approved as distributed.

CONSENT AGENDA

1. **Resolution 15-01, Posting of Notices**

   A Resolution establishing locations for posting of notice for meetings of the Board of Trustees of the Town of Milliken as required annually by C.R.S. §24-6-402(2).

2. **Renewal of 3.2 Percent Beer Retail Liquor License (Off Premises) for 7-Eleven**

   The 7-Eleven Store # 39078 has submitted the Renewal Application and paid the required fees to renew the 3.2 Percent Beer Retail License (Off Premises) for the period of February 28, 2015 until February 28, 2016.

3. **Consideration and Approval of Resolution 15-02, Application for a Transportation Master Plan Update**

   Consideration and approval of Resolution 15-02, to support applying for a CDBG-DR Planning Grant for an update to the Town's Transportation Master Plan 2008. The plan's purpose will be to assess and identify deficiencies to the Town of Milliken's transportation network and pinpoint project solutions. The Milliken Transportation Plan Update improvements shall consist of the following: roadway network, rail facilities, trails/pedestrian facilities, and public transit. Hyberger also explained that the CDBG-DR Planning Grant Application will be requesting 100% funding for the project.

   Mayor Pro Tem Measner moved to approve the Consent Agenda. Trustee Onorato seconded.

   Discussion: None

   Vote: All in favor, none opposed. Motion passed.

ACTION AGENDA

1. **Public Hearing and Consideration of Approval for a Site Plan Review and Use by Special Review to Allow the Construction of a Verizon Wireless Telecommunications Facility**

   Mayor Tokunaga read a statement regarding the Quasi-Judicial procedure.

   Public Hearing opened at 7:18 P.M.

   Town Clerk Powell swore-in the witness Becky Siskowski

   Becky Siskowski, who resides at 25670 CR 15 ½ in Johnstown, CO spoke to the Town Board regarding the proposed Verizon Wireless Telecommunications Facility. Ms. Siskowski explained that they intend to install a seventy (70) foot tower with a five (5) foot lightening rod, twelve (12) antennas and an eleven foot eight inch (11'8") by twenty-six foot (26') pre-fabricated shelter with a diesel generator on a concrete slab at 315 Frontier Court, in the I-2, Medium Industrial Zone District. She explained that at this time no comments had been received from the public.

   Community Development Director Martha Perkins explained to the Town Board that the Planning and Zoning Commission reviewed the application and recommended approval to the Town Board for a site plan and Use by Special Review to allow the construction. Planning Commission did not have any concerns.

   Trustee Jemiola asked if the notice sent to surrounding property owners should have been 500 feet and not 300 feet. Director Perkins pointed out in Section 16-3-500 of the Town's Land Use Code states that the surrounding property owners (within three hundred (300) feet of the property), mineral interest owners of record, oil and gas lessees for the property and the appropriate referral agencies needed to be notified by certified mail.

   Mayor Tokunaga asked if there would be other carriers included on the tower. Ms. Siskowski responded that there are not any at this time.

   Public Hearing Closed at 7:30 P.M

   Trustee Kidd finds that the application meets the provisions of Sections et.seq. of the Town of Milliken's Land Use Development Code, including Section 16-3-500, 16-3-610, and 16-4-430 and the Town Board approves the request for a site plan review and Use by Special Review to allow the construction of a Verizon Wireless Telecommunications Facility in the I-2, Medium Industrial Zone at 315 Frontier Court in Milliken, Colorado which includes a 70 foot freestanding monopole with a 5 foot lightening rod, which is

75 feet tall with 12 antennas and a 312 square foot shelter on 7.25=/- acres on property owned by Bestway Concrete Company. Trustee Ehrlich seconded.

Discussion: None

Roll Call Vote: Trustee Ehrlich – yes, Trustee Onorato – yes, Trustee Jemiola – yes, Mayor Pro Tem Measner – yes, Mayor Tokunaga – yes, Trustee Beck – yes and Trustee Kidd – yes. There were none opposed. Motion passed.

2. **Consideration and Selection and Acceptance of a Proposal for the Audit of the Town's Basic Financial Statements for the Fiscal Year Ended December 31, 2014**

Finance and Accounting Director Patrick Murphy explained to the Town Board that the Town of Milliken is required by the State to submit annual financial statements which have been audited by an independent Certified Public Accountant. The Auditor is employed by the Town Board and is charged with evaluating these statements and rendering an opinion as to their conformance with the Generally Accepted Accounting Principles (GAAP) of the United States. Director Murphy explained that this proposal was sent out as an Request for Proposal (RFP). Three (3) proposals were submitted in response to the RFP. Anderson Whitney quoted $11,500 for their services, but could not guarantee that they would have the audit completed in time without filing for an extension. Swanhorst and Company quoted $15,000 for their services and Anton Collins Mitchell (ACM) who has currently been the Town's auditing firm quoted $15,550.

Mayor Tokunaga asked that originally there had been issues with ACM due to Town staffs record keeping. Director Murphy explained that was a portion of it, but the largest problem was the change in auditing staff and that issue had been resolved and the Town has had consistent professional staff from ACM. Director Murphy explained that ACM will assign the same management and field staff that the Town has had for the past two years.

Trustee Jemiola stated that he has viewed a presentation from Anderson Whitney and they seem like a very professional firm. Trustee Jemiola commented that Anderson Whitney's cost was less than that of ACM. Director Murphy explained that the internal costs are typically higher when you change auditing firms, but that staff will be able to effectively work with whatever firm is selected and will make every effort to ensure a smooth and timely process.

Trustee Jemiola moved to approve the audit proposal submitted by Anderson Whitney for performing the required audit of the Town's basic Financial Statements for December 31, 2014 and authorize the Town Administrator to

execute an Engagement Contract in accordance with the terms and conditions outlined in the proposal submitted. Mayor Pro Tem Measner seconded.

Discussion: Mayor Tokunaga asked if there would be an issue with the filing time with Anderson Whitney. Director Murphy stated that was correct. Mayor asked if we could schedule the next audit (2015) so that the Town would not have to file an extension. Director Murphy will discuss this with Anderson Whitney.

Vote: All in favor, none opposed. Motion passed.

3. **Feasibility Study**

Town Administrator Brown explained that RFP's had been sent out for the Feasibility Study and proposals returned. There have been continuing phone calls with the Bernhardt's regarding an agreement. The problem that the Town is up against is if the Town is going to apply for an Economic Development Administration (EDA) grant that we only have until March 12th to submit it. The Feasibility Study needs to be completed as a requirement for the grant application. Administrator Brown explained that Town Attorney Fickel, Mayor and Mayor Pro Tem as well as he have spoken to the Bernhardt's regarding the agreement.

Community Engagement Specialist/Planner Seth Hyberger explained that there were two (2) responses in regard to the feasibility study, one was over $200,000, the other came in at $11,000. The RFP was written so that it met the requirements of the EDA, such as road, rail, and environmental concerns. Hyberger explained the criteria that is needed to apply for the EDA grant.

Town Clerk Powell asked if the cost of the Feasibility Study would also be submitted to the Department of Local Affairs (DOLA) for an Administrative Grant to cover half the cost of the study. Hyberger replied that it would.

Trustee Jemiola authorized the Town Administrator Kent Brown to pursue the Feasibility Study through F&D Engineering Services up to $15,000, contact the property owners (Bernhardt's) and to pursue the DOLA Administrative Grant. Trustee Onorato seconded.

Discussion: None.

Vote: All in favor, none opposed. Motion passed.

DISCUSSION AGENDA

There were not any items.

INFORMATIONAL AGENDA

There were not any items.

ASSIGNMENT AND PROJECT UPDATE(S)

Other Business

Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 7:56 P.M.

Prepared by: Approved by:

Cheryl Powell, Town Clerk Milt Tokunaga, Mayor