

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

MEETING MINUTES

Wednesday, February 24, 2016

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, February 24, 2016 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, Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger, Finance Director Jennifer Nash, Accounting Technician Courtney Diller and Town Attorney Linda Michow. Absent: Parks Director Josh Roseberry and Public Works Director Bill Landwehr.

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Roll Call

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

Agenda Approval

Trustee Jemiola requested that Action item # 3 be moved to the Consent Agenda.

Citizen Comments

None.

Public Service Announcement

Trustee Jemiola announced that the Town's Police Chief Benito Garcia has been appointed as the law enforcement representative for the State of Colorado on the states Restorative Justice Counsel.

Minutes of Previous Meeting

February 10, 2016

Minutes approved as distributed.

Acknowledgement of the Paid List of Bills

February 2016 Bills

Trustee Kidd asked if all the bills have been mailed. He asked what would happen if the Town Board disapproved the list of bills? Town Attorney Michow indicated that the bill would need to be pulled. Discussion involved bringing the unpaid bills to the Town Board at each meeting and have them approve and sign them the night of the meeting.

Trustee Ehrlich indicated that he has signed the payables checks in the past and he asks questions on invoices prior to signing the check.

Trustee Jemiola asked a question regarding petty cash. Accounting Technician Diller explained that the Town keeps \$650.00 in petty cash for sundry items. This check on the list was to replenish the petty cash.

Accepted as presented.

CONSENT AGENDA

1. Resolution 16-04, Appointing Election Judges for the April 5, 2016 Regular Municipal Election

A Resolution appointing three (3) election judges and one alternate judge for the April 5, 2016 regular municipal election.

Cheryl Powell, Town Clerk

2. 2016 Annual Community Partners Investment in Upstate Colorado Economic Development

Authorization to submit payment to continue Milliken's investment in Upstate Colorado Economic Development.

3. Consideration of Ongoing Legal Services with Michow, Cox & McAskin, LLP

To provide direction on the transfer of legal representation by Town Attorney Michow from Widner, Michow & Cox, LLP to Michow, Cox & McAskin, LLP.

4. Consideration and Approval of Authorizing the Town Administrator to Sign the Contract for the East Side Water Loop and Sewer Project

The Town received a grant from the Colorado Department of Local Affairs (DOLA) to assist with the financial needs to install a water loop on the east side of Milliken. The Town has experienced low fire flows in the industrial sections of Town and in order to provide necessary fire protection in this area, for health and safety reasons, it is necessary to construct a water loop to provide the additional fire flow and water capacity. The Town will also be incorporating the installation of a sewer line at the same time to save the Town in future constructions costs for this line.

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

Discussion: None.

Vote: All in favor, none opposed. There were not any items.

ACTION AGENDA

1. Public Hearing and CDBG-DR Post Award on the Comprehensive Plan and Disaster Resiliency Update

Public Hearing opened at: 7:11 P.M.

Community Engagement Specialist/Planner Seth Hyberger explained to the Town Board that the purpose of this item is to conduct a post award public hearing for a CDBG-DR Round One Planning Grant that the Town received for its Comprehensive Plan and Disaster Resiliency Update 2016. The total cost for the project was \$80,000. The project was 100% funded through the CDBG-DR Planning Grant Program. He explained that the Town worked with Clarion and Associates to update the Town's Comprehensive Plan.

Mayor Tokunaga indicated that is essential to have input from the residents along with the business community and to include other entities while the update is occurring.

Public Hearing closed at: 7:14 P.M.

2. Continuation of a Public Hearing on Ordinance 724, Amending the Town of Milliken's Land Use Code, Chapter 16 of the Municipal Code to Provide a Process Whereby Expired Site Plans and Subdivision Plats may be Ratified and Reinstated

Public Hearing opened at: 7:15 P.M.

Director Perkins asked the Town Board to continue the public hearing to a time and date certain for Ordinance 724, an Ordinance amending the Town of Milliken's Land Use Code, Chapter 16 of the Municipal Code to provide a process whereby expired site plans and subdivision plats may be ratified and reinstated upon request of an applicant and subject to approval of the Town based on specified criteria and reduce legal notification timeframes to conform with state laws.

Trustee Kidd asked about the Ordinance. Perkins and the Town Attorney are working on the approval process. Currently the noticing period is 30 days. There are developers who began the process years ago, but due to the economic downturn halted their development and would like to now pick up where they left off.

Trustee Ehrlich asked if this included Development Agreements. Perkins responded yes, but they would be required to submit new Development Agreements.

Mayor Pro Tem asked about the timeframe that developers have on their Site Plans before they expire. Perkins responded that a Site Plan expires after three (3) years. Trustee Jemiola asked if the Site Plan approval would go to the Planning Commission for final approval. Perkins replied yes and they would need to be presented to the Planning and Zoning Commission for approval. Perkins indicated that the Town Attorney suggested that the reinstatement of existing Site Plans be performed administratively. Trustee Jemiola indicated that some Site Plans that he approved when he was on the Planning Commission look different than what the plan originally was. Trustee Ehrlich does not feel comfortable with staff reviewing some of these Site Plans, they should go before the Planning Commission and Town Board. This process would reduce the liability on the staff.

Trustee Kidd agrees with Trustee Ehrlich and he appreciates that staff is trying to streamline the projects that have been previously approved, but has concerns about previously approved projects that may be in the flood plain area.

Mayor Pro Tem Measner indicated that she is hesitant about reinstating a site plan that is 10 years old.

Mr. Jared Tucker, 952 Traildust Dr., asked the Town Board and Community Development Director Perkins if this is regarding developments that have multiple phases such as phase 2 and 3. He indicated that changes do occur after three (3) years of the original approval. Perkins addressed Mr. Tucker's concern. Mr. Tucker is also concerned that past problems will keep occurring. Indicating that Developers need to repair items that they did not address initially when they began a development.

Public Hearing closed at: 7:29 P.M.

Trustee Jemiola moved to continue the public hearing to 7:00 pm on March 23, 2016 to consider the adoption of Ordinance 724 to allow the Town Attorney additional time to refine Ordinance 724's language. Mayor Pro Tem Measner seconded.

Discussion: None.

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

3. Consideration and Approval of an Agreement with Michow, Cox & McAskin, LLP for Professional Legal Services

To consider for approval a contract proposal from Michow, Cox & McAskin, LLP as a result of the realignment of Widner, Michow & Cox into two firms including Michow, Cox & McAskin, LLP and Widner, Juran, LLP.

Trustee Jemiola moved to approve the Agreement for Legal Services of Town Attorney with Michow, Cox & McAskin, LLP and authorize the Mayor to sign the Agreement. Trustee Onorato seconded.

Discussion: None.

Vote: All in favor, none opposed.

DISCUSSION AGENDA

There were not any items.

INFORMATIONAL AGENDA

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

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 7:34 P.M.

Prepared by:

Approved by:

Cheryl L. Powell, Town Clerk

Milt Tokunaga, Mayor