

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

MEETING MINUTES

Wednesday, May 25, 2016

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, May 25, 2016 at 7:00 P.M. Those present: Mayor Beau Woodcock, Mayor Pro Tem Linda Measner. Trustees: Elizabeth Austin, LeRon Ehrlich, Nick Ehrlich and Ken Kidd. Also Present: Town Administrator Kent Brown, Town Clerk Cheryl Powell, Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger, Accounting Technician Courtney Diller, Public Works Director Bill Landwehr and Town Attorney Linda Michow. Absent: Trustee Katy Burack and Parks Director Josh Roseberry

Pledge of Allegiance

Mayor Woodcock called the meeting to order.

Roll Call

Trustee's: Austin, L. Ehrlich, N. Ehrlich and Kidd, Mayor Pro Tem Measner and Mayor Woodcock.

Agenda Approval

Staff had no changes to the Agenda.

Mayor Woodcock motioned to approve. Trustee Nick Ehrlich seconded.

All in favor, none opposed.

Citizen Comments

None.

Minutes of Previous Meeting

- May 11, 2016

Minutes approved as distributed.

Trustee LeRon Ehrlich motioned to approve the minutes. Mayor Pro Tem Measner seconded.

All in favor, none opposed.

Acknowledgement of the Paid List of Bills

- May 2016 List of Bills.

CONSENT AGENDA

1. Exclusive Utility Easement with Marilyn Schneider

Marilyn Schneider is granting an exclusive utility easement to the Town of Milliken for the purposes of the Eastside Water Loop System Development Project.

Mayor Pro Tem Measner motioned to approve the Consent Agenda. Trustee Austin seconded.

Discussion: None.

Vote: All in favor, none opposed.

ACTION AGENDA

1. Consideration and Approval of the Ratification of the Town Administrators Contract

Town Attorney Linda Michow asked the Town Board to consider for approval pursuant to C.R.S. Section 31-4-304, the appointment of the Town Administrator shall not continue beyond thirty (30) days after compliance with C.R.S. Section 31-4-401 by the members of the Board succeeding the Board that appointed the Town Administrator.

Trustee LeRon Ehrlich indicated that compensation for the Town Administrator needs to also be discussed. The prior Town Board is in the process of completing an evaluation on Town Administrator Brown. Town Attorney Michow

indicated that after the review and a summary of the evaluations is completed, compensation can be discussed.

Trustee LeRon Ehrlich motioned to approve the ratification of the Town Administrators Contract until the evaluation is complete. Trustee Kidd seconded.

Discussion: None.

Roll Call Vote: Trustee Austin – yes, Trustee L. Ehrlich – yes, Trustee N. Ehrlich – yes, Mayor Pro Tem Measner – yes, Mayor Woodcock – yes, Trustee Kidd – yes. Motion carried.

2. Consideration and Approval of Ordinance 729, Amending Chapter 18, Article 1 of the Milliken Municipal Code Regarding the Payment of Fees

Town Administrator Brown explained to the Board that the Town collects fees related to the issuance of building permits for new construction, in addition to providing for the payment of a Cash-in-Lieu Fee for raw water when water is not provided by the property owner or builder. In an effort to mitigate the cash burden on builders and property owners during construction, Town Staff requested the Town Board to consider deferring the Cash-in-Lieu Fee in a manner similar to the current practice of deferring water and sewer tap fees. This has been the practice since Ordinance 613 went into effect in 2009. In April 2014 Ordinance 694 went into effect, which defers impact fees which theoretically do not take effect until the issuance of the Certificate of Occupancy (CO).

Town Attorney Michow explained that this deferral process is in place to help the builder during construction. Michow went through the process that is currently in place based on information she received from the Building Permit Technician Caree Rinebarger.

Trustee LeRon Ehrlich asked about the System Development Fee that is on this evenings Agenda as an Action Item. He asked about a July 1st date that was spoken of earlier. Attorney Michow explained that she had the effective date as of May 25th since she did not want a rush of building permits being pulled prior to the July 1, 2016 date.

Michow explained that this Ordinance does not have a sunset date as the prior ordinances have had.

Trustee Kidd asked the Attorney to read #4 of the ordinance which addresses the fee's.

Trustee LeRon Ehrlich motioned to adopt Ordinance 729 amending Chapter 18 of the Milliken Municipal Code by amending Article 1 regarding the payment of fees. Trustee Austin seconded.

Discussion: Mayor Pro Tem Measner indicated that she is not in favor of emergency ordinances, unless it affects the health, safety and welfare of the community.

Roll Call Vote: Trustee Austin – yes, Trustee L. Ehrlich – yes, Trustee N. Ehrlich – yes, Mayor Pro Tem Measner – yes, Mayor Woodcock – yes, Trustee Kidd – no. Motion carried.

3. Consideration and Approval of a Right-of-Way Easement and License with the Extension Irrigation Company

Town Administrator Kent Brown asked the Town Board to consider for approval a Right-of-Way Easement with the Extension Irrigation Company. He explained that in order to construct water and sewer main pipelines across the right-of-way the Extension Irrigation Company needs to provide this easement. He explained that there is a fee of \$23,500 in order to obtain this crossing.

Trustee LeRon Ehrlich asked if this crossing agreement had been overlooked by the on-call Engineering Firm. Town Administrator Brown indicated that it had.

Mayor Pro Tem Measner motioned to approve the Right-of-Way Easement and License Agreement with the Extension Irrigation Company and authorize the Town Administrator to sign. Trustee Nick Ehrlich seconded.

Discussion: None

Roll Call Vote: Trustee Austin – yes, Trustee L. Ehrlich – yes, Trustee N. Ehrlich – yes, Mayor Pro Tem Measner – yes, Mayor Woodcock – yes, Trustee Kidd – yes. Motion carried.

4. Consideration and Approval of Resolution 16-13, Updating Revenues Related to the System Development Fee

Town Administrator Kent Brown asked the Town Board to consider for approval Resolution 16-13 to update revenues related to the System Development Fee.

Administrator Brown explained that this item had been discussed during a Work Session regarding the water rates in March 2016. During the discussion, the Board had previously been provided with an Executive Summary prepared by Forrest Leaf that indicated that the recommended water rate increase does not reflect the increased rates necessary to cover capital projects needed to repair and update the existing potable and non-potable infrastructure, or to service any

associated debt service resulting from such capital projects. Discussions with a few builders have occurred and after consideration, the Board directed staff to present a proposal with the change in the Fee and Fine Schedule.

Administrator Brown indicated that during discussion earlier this evening, the Board might decide to commence this fee on July 1, 2016.

Trustee N. Ehrlich indicated that this fee should have been in place years ago and believes it should commence immediately.

Trustee Austin motioned to adopt Resolution 16-13, A Resolution of the Town of Milliken adopting a System Development Fee component of the Capital Improvement Fee under Section 13-2-280 of the Municipal Code and amending the Town's Fee Schedule in accordance herewith. Trustee Nick Ehrlich seconded.

Discussion: None.

Roll Call Vote: Trustee Austin – yes, Trustee L. Ehrlich – yes, Trustee N. Ehrlich – yes, Mayor Pro Tem Measner – yes, Mayor Woodcock – yes, Trustee Kidd – yes. Motion carried.

5. Appointments to the Planning Commission

Town Administrator Brown spoke to the Board and asked them to consider the appointments of three (3) currently serving Commissioners, plus the appointment of a Commissioner vacancy due to the resignation of Richard Hiller.

Mayor Woodcock recused himself from the discussion and vote.

Trustee Austin mentioned that perhaps the two applicants for the vacancy should come and speak to the Town Board.

Trustee LeRon Ehrlich suggested that the three (3) that are asking to be reappointed be allowed to do so. That perhaps the two applicants who have applied for the vacancy be allowed to come in for an interview during the Town Boards Work Session on June 8, 2016. The Board then can make a decision at that evenings meeting.

Trustee LeRon Ehrlich motioned to allow the three (3) current members to remain. Trustee Kidd seconded.

Roll Call Vote: Trustee Austin – yes, Trustee L. Ehrlich – yes, Trustee N. Ehrlich – yes, Mayor Pro Tem Measner – yes, Trustee Kidd – yes. Motion carried.

DISCUSSION AGENDA

1. Future Work Session Topics

Town Administrator Brown suggested some potential Work Session topics and requested the addition of two (2) Work Sessions. He would like the additional Work Sessions to include a tour of the Town's Facilities and a Strategic Planning Session. These Work Sessions would be held on a night other than the regular meeting night.

Trustee Austin recommended a tour of the facilities prior to the discussion on the Reverse Osmosis plant.

Trustee Nick Ehrlich suggested staff be present to answer questions and the direction regarding the discussion with Stewart Environmental and FEI. Mayor Woodcock suggested that the Water Commission be invited to attend this discussion.

Consensus from the Board is after 5:00pm works for the tour and the Strategic Planning Session.

2. Town Board Meeting – 2nd Meeting in June

Due to the Colorado Municipal League annual conference during the week of June 24th, the consensus from the Town Board was to hold the Town Board meeting on Wednesday, June 29th.

3. Land Use Code

Mayor Woodcock asked the Town Board what their thoughts are regarding the potential of hiring an outside firm to review/revise the Town's Land Use Code. Mayor Woodcock mentioned Home Occupations, etc.

Discussion was regarding contradictions, publication requirements, fencing, etc. within the Code and that perhaps it would be best to make the necessary amendments without hiring an outside firm.

Trustee LeRon Ehrlich suggested that these types of items be discussed during the Strategic Planning Session and have the list of items prioritized.

INFORMATIONAL AGENDA

There were not any items.

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

Adjournment

Mayor Pro Tem Measner moved to adjourn. Trustee LeRon Ehrlich seconded.

All in favor, none opposed.

Hearing no further business, the Mayor adjourned the meeting at 8:23 P.M.

Prepared by:

Approved by:

Cheryl L. Powell, Town Clerk

Beau Woodcock, Mayor