

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

MEETING MINUTES

Wednesday, September 14, 2016

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, September 14, 2016 at 7:00 P.M. Those present: Mayor Pro Tem Linda Measner. Trustees: Elizabeth Austin, Katy Burack, LeRon Ehrlich, Nick Ehrlich and Ken Kidd. Also Present: Town Administrator Kent Brown, Town Clerk Cheryl Powell, Community Development Director Martha Perkins, Finance/Accounting Manager Courtney Diller, and Town Attorney Linda Michow. Absent: Mayor Beau Woodcock and Public Works Director Bill Landwehr

Pledge of Allegiance

Mayor Pro Tem Measner called the meeting to order.

Roll Call

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

Agenda Approval

Staff had no changes to the Agenda.

All in favor, none opposed.

Citizen Comments

None

Minutes of Previous Meeting

- August 24, 2016

Minutes approved as distributed.

Trustee LeRon Ehrlich motioned to approve the minutes as distributed. Trustee Nick Ehrlich seconded.

All in favor, none opposed.

CONSENT AGENDA

1. Consideration and Approval of a Lease Agreement with the Tree Guys, LLC

To approve a Lease Agreement with the Tree Guys, LLC for the operation of the Town's Yard Waste Disposal area located at 2951 Ash Street, Milliken.

Trustee LeRon Ehrlich motioned to approve the Lease Agreement with the Tree Guys, LLC for the operation of the Yard Waste Disposal area. Trustee Austin seconded.

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

ACTION AGENDA

1. Consideration and Approval of the 2015 Audited Financial Statements

Finance/Accounting Manager Courtney Diller introduced Alan Holmberg and Melissa Bigler with Anderson & Whitney, P.C. They spoke to the Town Board and indicated they are there to answer any questions the Board may have. Holmberg pointed out some highlights of the audit report. He went through what is the responsibility of the Auditing firm and what is the responsibility of the Town. Mr. Holmberg reviewed the Management Letter with the Town Board.

Holmberg addressed the Opinion of the Audited Financial Statements. He went through some of the changes in the 2015 audit. He pointed out that one of these changes was in the accounting of the Police Officers pension plan through FPPA.

He went through the Town's funds and their net positions. This is an area where one of this year's changes occurred. Holmberg spoke of the additional line item called the Deferred Outflows of Resources – pension plan.

Trustee Austin asked Mr. Holmberg about the Milliken Housing Authority and the notes receivable amount of \$1,526,235. The discussion was about what happens when the amount comes due and what would occur at that time. Holmberg spoke about the note and the value that note has.

Mr. Holmberg addressed the Notes to Financial Statements area of the Financial Statement. He also provided a comparison between 2014 and 2015 in both revenues and expenses. He pointed out the debt services. He indicated that the Milliken Housing Authority is a Component Unit of the Town.

Trustee Austin asked about the audit and explained that there were several different people who oversaw the accounting of the Town during the year. Melissa Bigler indicated that the prior Finance Director Pat Murphy put some good steps in place and that the last Finance Director followed those. She also indicated that Pat Murphy remained available to ask any questions that the former Finance Director had. Austin asked if the Town's books were left in good enough condition that Finance/Accounting Manager Diller will be able to rely on their information. Melissa indicated that the books are in good condition.

Trustee Nick Ehrlich indicated his appreciation of Finance/Accounting Manager Diller for her help through this process.

Trustee Austin motioned to accept the 2015 audit and financial statements that were prepared by Anderson and Whitney and approve them as audited and submit a copy to the State of Colorado. Trustee Burack seconded.

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

2. Public Hearing and Consideration and Approval of a Front Yard Setback Variance Request

The Board has convened as the Board of Adjustment.

Public Hearing opened at: 7:26 pm

Community Development Director Martha Perkins explained to the Board of Adjustment a request for a Variance has been made for a front yard setback located at 417 Broad Street. The agent is John Bailey with 2 Valley Builders, Inc. and the property owners are Brent M. Coddington and Chesea Babb. Perkins explained that the applicant John Bailey who was the builder, is available for any questions. Perkins indicated that the Board of Adjustment can approve this Variance, but there is 30 days that it could be appealed to District Court.

Attorney Michow explained to the Town Board the criteria that could be viewed by the District Court and or the Board of Adjustment.

Mr. John Bailey with 2 Valley Builders, is the builder of the property at 417 Broad Street. He provided some history in regard to the lot. One of the first steps he performs is through his engineering firm. That firm provides a plot plan and the engineering for the house plans. He has used this firm for years, even though it has changed hands throughout the years. The pins on this property were not entirely in their proper places. He spoke of the improvements he made in regard to sidewalks, etc. near the mentioned property. The Improvement Location

Certificate (ILC), is what provided the information that there was a problem and that there is an eighty (80) foot right-of-way easement, instead of the sixty (60) foot easement in a typical residential area. Edmond Survey found an eighty (80) foot right-of-way on this property and the Rocky Mountain Group found a sixty (60) foot right-of-way easement on this property. He realizes what occurred is a huge mistake.

Trustee Austin asked if the Variance is approved, is there anything the owners of the property would have to do regarding landscaping, etc. Mr. Bailey explained the only issue he can see, is if the Town decides to widen the street by 20 feet.

Mayor Pro Tem Measner asked why hadn't Mr. Bailey noticed that this house extends further than other homes on the street. Mr. Bailey indicated that he did not really notice.

Trustee LeRon Ehrlich asked Chief Garcia if there is a sight distance problem due to where the house is sitting. Chief indicated that there had not been any complaints. Trustee Kidd indicated that there is not a sight distance problem.

Trustee Nick Ehrlich asked if there is a problem with any of the utilities on the property due to its placement. Bailey indicated that through the Town's noticing process, he did not receive any complaints from the utility companies.

Trustee Kidd feels this fault falls on Mr. Bailey's engineering firm. Trustee Kidd indicated that staff should have vacated the easement and an Administrative Variance should have been given. He spoke of other areas in Town that are in more severe violation.

Public Hearing closed at: 7:46 pm

Trustee LeRon Ehrlich motioned that the Board of Adjustment after hearing testimony, examination of the documents presented and the findings of fact finds the application does not meet the provisions of the Town of Milliken's Land Use Development Code (LUDC) chapter 16 Section 16-3-521 relating to satisfying all the criteria necessary to grant a variance, but recommends approval of the variance for the required front yard setback of approximately 8 feet and 10 inches for the property at 417 Broad Street in the Town of Milliken, Lots 12, 13, and the East $\frac{3}{4}$ of Lot 14, Block 45 in the County of Weld, Colorado with the condition that a mistake was made with the initial plot plan forcing the applicant to request a front yard setback variance be granted. Trustee Austin seconded.

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

Trustee Kidd went on record, indicating that Town Staff advised the Planning Commission to not approve this Variance.

The Board of Adjustment adjourned and Reconvened as the Town Board.

3. Consideration and Approval of Ordinance 735, Amending Section 2-2-60 of the Milliken Municipal Code

Town Attorney Michow indicated to the Town Board that during a prior discussion at a past meeting, the meeting times were discussed. She explained that currently, Section 2-2-60 (a) of the Municipal Code requires the Board to conduct two regular meetings on the second and fourth Wednesday of each month, commencing at 7:00 p.m., and at such other dates and times as determined by the Board of Trustees. It also requires that the Board meetings take place in Milliken Town Hall. She also explained that if the Board decided to cancel a meeting for lack of business, it would be in violation of Section 2-2-60, which requires two meetings per month.

Michow explained that in order to allow for changes in the meeting time and place without being in violation of the Code, Section 2-2-60 should be amended to allow the Board to fix the meeting times and dates by resolution. This can occur as long as the meetings are duly posted and noticed in accordance with the Colorado Open Meeting Law. This Ordinance will repeal and replace the current Code.

Mayor Pro Tem Measner explained that she anticipates a problem or a possibility that the Town Board may hold a meeting at an inconvenient time and place. She does not believe this Board would do this, but a future Board could possibly.

Trustee Nick Ehrlich explained that a future Board could change the date, time and place at any time.

Mayor Pro Tem Measner indicated that the meeting schedule was set at 7:00pm to allow those who do not work in Town to be able to attend. Trustee Nick Ehrlich responded that the meetings will soon be taped and therefore they can view the meetings in that manner.

Trustee LeRon Ehrlich moved to approve Ordinance 735, amending Section 2-2-60 of the Milliken Municipal Code regarding Regular Meetings of the Board of Trustees. Trustee Nick Ehrlich seconded.

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

DISCUSSION AGENDA

1. Budget Work Sessions

Finance/Accounting Manager Diller discussed the proposed dates and times to hold the 2017 Budget Work Sessions.

Town Administrator Brown explained the budget Work Session process to the newer members of the Town Board. The consensus of the Town Board was to schedule the Budget Sessions for October 17th, October 27th and November 3rd and November 10th if needed.

The Board discussed changing the November 23rd meeting to November 21st. The consensus of the Board was to Notice the meeting date change.

Executive Session

Trustee Austin moved to go into Executive Session under C.R.S. 24-6-402(4)b, and C.R.S. 24-6-402(4)(e) to confer with an attorney for the Town for the purposes of receiving legal advice and/or for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators; regarding the Town's agreement to issue water certificates in exchange for water rights. Trustee Nick Ehrlich seconded.

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

Executive Session commenced at: 8:17 P.M.

Regular Meeting Resumed

The regular meeting resumed at: 9:07 P.M.

INFORMATIONAL AGENDA

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

Future Agenda Items for the Work Session and the Regular Meeting

Adjournment

Trustee Austin moved to adjourn. Trustee Burack seconded.

All in favor, none opposed.

Hearing no further business, the Mayor adjourned the meeting at: 9:09 P.M.

Prepared by:

Approved by:

Cheryl L. Powell, Town Clerk

Beau Woodcock, Mayor