

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

MEETING MINUTES

Wednesday, August 13, 2014 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, August 13, 2014 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 Treasurer & Accounting/Finance Director Patrick Murphy, Community Engagement Specialist/Planner Seth Hyberger, Administrative Assistant Gale Amaya, Public Works Director Jason Fowler, Parks and Outdoors Director Josh Roseberry and Town Attorney Bruce Fickel and Community Development Director Anne Johnson. Absent: Interim Town Administrator Powell.

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Roll Call

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

Agenda Approval

Staff did not have any changes to the Agenda.

Citizen Comments

Minutes of Previous Meeting

- July 23, 2014 – Approved as distributed

CONSENT AGENDA

ACTION AGENDA

1. Public Hearing and Consideration and Approval of Ordinance 698, Amending Section 13-2-440 of the Milliken Municipal Code

To consider for approval Ordinance 698, which amends Section 13-2-440 of the Milliken Municipal Code by adding language "Where pressure reducing valves are located in the meter pits the maintenance, repair and replacement shall be the responsibility of the property owner(s)."

Director Fowler explained that at the present time it is the Town who is liable to maintain the meters. The Town should not maintain the PRV's located in the meter pit, it should be the responsibility of the homeowner. Town Attorney Fickel said that in the past there have been pressure problems at Mad Russian and that has caused problems with water heaters blowing up. It is the convenience of the homeowner to use the Town's meter pit. The Town does not want the liabilities.

Director Fowler would like to send letters to property owners informing them that they are now responsible to maintain/replace the PRV's and it is not the responsibility of the Town of Milliken.

Mayor Tokunaga asked to make sure staff sends out information to property owners to advise them of the change.

Trustee Beck moved to approve the Public Hearing and Consideration and Approval of Ordinance 698, Amending Section 13-2-440 of the Milliken Municipal Code. Trustee Onorato seconded

Discussion: None

Vote: All in favor, none opposed.

2. Consideration and Approval of Ordinance 700, to Continue the Extension of the Moratorium Enacted Under Ordinance 691, Regarding Medical and Recreational Marijuana Facilities

To consider for approval an Ordinance continuing the extension of the moratorium regarding Medical and Recreational Marijuana Facilities until November 30, 2014.

Town Attorney Fickel said that prior to the enactment of this Legislation, it made sense to wait and see how both medical and recreational marijuana were simulated into the communities and how sales and enforcement worked. Several months ago the Board received a brief memo outlining how other

municipalities were doing that. Town Attorney Fickel suggested we continue the moratorium until the Board could form an opinion whether to have any portion of the recreational marijuana or any portion of the medical marijuana, or the manufacturing of marijuana, or grow operations of marijuana. Marijuana facilities are not as easy or as well established as the liquor and alcohol licensing although it is very similar. The moratorium allows the Town to not accept applications for any marijuana related operation.

Mayor Tokunaga would like to see what is allowed in a C-5 zone District and if we have any code related to C-5. Town Attorney Fickel said the code can be conformed to what uses will be acceptable. When the Town receives an application on a grow operation, or a medical marijuana facility, the Town can create an ordinance and zoning based on the type of operation.

Mayor Tokunaga would like to know if we have an application submitted on December 1st, and the Town Board decides to allow recreational and or medical marijuana operations, does the Board have to take the applications at the time. Town Attorney Fickel said that the Board will approve an application before issuing a license. The Board can address a grow operation prior to issuing a license. Town Attorney Fickel said until the Board decides whether to allow any operations it would be a waste of time to create the appropriate ordinances. Once the Board decides what they want to do, then we can take a look at what the other communities have. Mayor Tokunaga asked if the other option is to just ban all marijuana operations instead of just extending the moratorium.

Mayor Pro Tem Measner would like to work on the regulations and rules prior to receiving the applications.

Town Attorney Fickel said the Board needs to decide what portion of, or all of, the marijuana retail sales and manufacturing of growth sales is going to be accepted. Then make a determination when this should be adopted. This is a billion dollar industry. It is advisable to wait and see what other municipalities are doing see how it has impacted other communities.

Mayor Pro Tem Measner moved to approve Ordinance 700, extending the temporary moratorium imposed under Ordinance 691 and 683, until November 30, 2014 in order to allow more time to investigate and develop proper regulations and to benefit from the study and implementation of regulations which will be enacted by the State and other municipalities or upon information received by Town Staff, in which the Board of Trustees, may repeal the imposed moratorium prior to November 30, 2014. Trustee Beck seconded

Discussion: None

Vote: All in favor, none opposed.

3. Consideration and Approval of a Lease/Purchase Agreement for a Skid Steer Loader for Public Works, Parks and Utilities

To authorize the Interim Town Administrator to execute a Lease/Purchase Agreement for the acquisition of a Skid Steer Loader for use by the Public Works Department, Parks Department and the Town's Utilities

Finance Director Murphy explained the financing for the Skid Steer Loader with Titan Machinery, Inc. Funds have been appropriated in the General Fund and the Water Fund to cover the cost of the first 50% payment on this Agreement. Funds would need to be appropriated in 2015 to pay the balance.

Trustee Kidd asked what the Skid Steer Loader is being used for. Public Works Director Fowler responded the Parks Department, Public Works and Utilities is using it for the Town owned trails. Trustee Beck asked if the \$2200.00 would go for the down payment. Finance Director Murphy said it would if it is purchased, if not it would just go for the rental. Trustee Jemiola asked about the usage and life span of this equipment. Director Fowler said that if the Skid Steer Loader is maintained it could last (20) twenty years. Finance Director Murphy said that the good thing about this is that you can purchase different attachments when needed. Town Attorney Fickel said that Titan Machinery, Inc. is not giving us a bill of sale. Attorney Fickel would like to Warrant the Title and would request a bill of sale.

Trustee Jemiola moved to deny the Consideration and Approval of a Lease/Purchase Agreement for a Skid Steer Loader for Public Works, Parks and Utilities. Trustee Ehrlich seconded.

Discussion: None

Vote: Trustee Ehrlich, Trustee Onorato, Trustee Jemiola, Mayor Pro Tem Measner, Trustee Kidd in favor. Trustee Beck opposed

4. Consideration and Approval of a Contract with A-1 ChipSeal for the 2014 Maintenance of Town Streets

To review and consider for approval the contract with A-1ChipSeal for the purpose of street maintenance repairs throughout the Town of Milliken for the amount not to exceed \$193,345.75.

Director Fowler said that as part of the 2014 Budget the Town Board appropriated funds for the street maintenance in the amount of \$250,000.00.

The repairs will consist of a combination of infrared patching, crack sealing and mill and overlay.

Town staff has obtained various quotes for services, but staff has selected A-1 for consideration due to the competitive cost and ability to use highly competitive pre-existing government bids.

Trustee Kidd and Trustee Jemiola would like to know a approximate amount that it will cost to complete the street project. Director Fowler said that for all of Milliken Streets for mill and reconstruction the cost would be approximately \$33,500,000 chip seal approximately \$10,000,000.

Reid Hobler, 800 Mill Iron, Milliken said that when Irene Ave. was originally paved, there was no intention to have the amount of road usage from the Fire Department. Could the Town enter into an agreement with the Fire Department since they have more usage. Mayor Tokunaga said that heavy traffic is also coming from oil companies.

Trustee Jemiola moved to approve the Contract with A-1 Chip-Seal for the 2014 maintenance of Town Streets not to exceed 250,000.00 Trustee Kidd Seconded.

Discussion: None

Vote: All in favor, none opposed.

5. Consideration and Adoption of Amendments to the Town of Milliken Financial Policies

Finance Director Murphy asked the Town Board to amend the Financial Policies of the Town to eliminate ambiguities regarding purchasing thresholds, revise Conflict of Interest Provisions to accommodate the support of Local businesses and accommodate the nature of governing in a smaller community, and provide clarification and flexibility in managing emergency procurements.

Trustee Jemiola had a question on conflict of interest policies with a Town employee's family member who is doing business with the Town. Which staff member is making the approval for the staff member's family. Trustee Jemiola does not feel comfortable with staff family doing business with the Town. Trustee Jemiola understands we have a limited pool of vendors that we have to pull from.

Trustee Beck said that it is her understanding that we send out an RFP and proposals come in, that the lowest bidder is chosen. Finance Director Murphy said that it is the best bidder not necessarily the lowest bidder. Trustee Beck

said that based on the fact that we are a small town it does appear that it is a conflict of interest. The Town Administrator and Department Head normally make the decision. Finance Director Murphy said that the Town is about to award a contract to a Planning Commissioner which would be a direct violation of the current policies.

Trustee Kidd said that the definition of the Official should be thrown out.

Town Attorney Fickel said that if you are going to use the term Official you need to define what an Official is. Disclosure is what is needed for this, define and enforce it.

Trustee Jemiola says that there is a conflict and that Mayor Tokunaga, Finance Director Murphy, Trustee Jemiola and Interim Town Administrator Powell need to bring this into a work session for review.

Mayor Pro Tem Measner said that she is concerned with the Town Board jeopardizing the conducting of business with local business owners. Trustee Beck agrees with Mayor Pro Tem Measner, we need to do business with Local Business Owners.

Trustee Onorato says that she appreciated doing business with the Town when she had her business in Town. Trustee Ehrlich agrees with Trustee Onorato.

Trustee Jemiola moved to refer the consideration of the amendment of the Town's Financial Policies and to review the remainder of the Town's Financial Policies with the Legislative Committee, which will provide the Board of Trustee's with their recommendation by the next Work Session. Trustee Kidd seconded.

Mayor Tokunaga suggested reviewing this particular portion of the Financial Policies first and reviewing the remainder at a later date.

Trustee Jemiola amended his motion to focus on this portion of the policies at this time with the Legislative Committee within the next two (2) weeks. Trustee Kidd approved the amended motion.

Discussion: None

Vote: Trustee Ehrlich, Trustee Onorato, Trustee Jemiola, Mayor Pro Tem Measner, Trustee Kidd in favor. Trustee Beck opposed.

6. Consideration and Approval of an Oil and Gas Lease Agreement with Grizzly Petroleum Company, LLC

To consider for approval an Oil and Gas Lease Agreement with Grizzly Petroleum Company, LLC to extract the mineral interest in and under certain tracts of land as described within the Lease.

Town Attorney Fickel asked to delay this Action Item until next meeting.

Trustee Jemiola approved to postpone this until the next Town Board Meeting. Seconded by Trustee Onorato.

7. Consideration and Approval of a Participation Agreement with Lot Holding Investments, LLC for the Construction of Improvements at Sappington Park

To consider for approval of an Agreement with Lot Holding Investments, LLC for the construction of improvements at Sappington Park.

Trustee Onorato moved to approve the Consideration and Approval of a Participation Agreement with Lot Holding Investments, LLC for the Construction of Improvements at Sappington Park adding that prior to execution of the Participation Agreement by the Mayor and the Town Clerk, the final plans for the park improvements shall be approved by the Town's Park's Committee and Parks and Recreation Director. Trustee Kidd seconded the motion.

Discussion: None

Vote: All in favor, none opposed.

DISCUSSION AGENDA

INFORMATIONAL AGENDA

1. HMGP Acquisition/Infrastructure Project

To discuss the findings by ICON Engineering regarding several drainage projects that were identified during the development of the Milliken Storm Water Waste Drainage Plan Update and to discuss the HMGP application

Regular Meeting adjourned 8:57 P.M.

Executive Session

C.R.S. 24-6-402(4)(b), to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions.

ASSIGNMENT AND PROJECT UPDATE(S)

Other Business

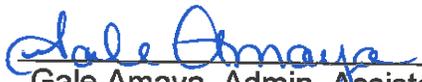
Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 9:35 P.M.

Prepared by:

Approved by:


Gale Amaya, Admin. Assistant


Milt Tokunaga, Mayor