

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

**MEETING MINUTES**

**Wednesday, October 8, 2014 – 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, October 8, 2014 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Trustees: Linda Beck, LeRon Ehrlich, Jordan Jemiola, Ken Kidd and Lois Ann Onorato. Also present: Interim Town Administrator Cheryl Powell, 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.

Absent: Mayor Pro Tem Linda Measner

**Pledge of Allegiance**

Mayor Tokunaga called the meeting to order.

**Roll Call**

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

**Agenda Approval**

None

**Swearing-in of New Police Officer**

Interim Town Administrator/Town Clerk Powell swore in the Town's newest Police Officer Jason Tope.

**Citizen Comments**

Mr. Gary Hanson, who resides at 118 S. Frances Ave., addressed the Town Board regarding internal lot lines on his property and having these vacated so his property can become one. Mr. Hanson owns five (5) lots in three (3) sections and would like to build a garage on the property. Mayor Tokunaga informed Mr. Hanson that Planning Commission has been addressing this and is going to revisit this ordinance at their next meeting, which will be held on Oct. 15<sup>th</sup> at the

Meeting House. Interim Administrator Powell informed Mr. Hanson, that an ordinance is in the process of being reviewed by the Planning Commission and the Town's Attorney, and it will be brought before the Planning Commission on the 15<sup>th</sup> of October. The ordinance, if passed by the Commission, will be brought to the Town Board for approval. Trustee Kidd invited Mr. Hanson to attend the Planning Commission meeting on Oct. 15<sup>th</sup> at the Meeting House at 7:00 pm.

### **Minutes of Previous Meeting**

- September 24, 2014 – Approved as distributed.

### **CONSENT AGENDA**

There were not any items.

### **ACTION AGENDA**

1. **Appeal Application for Review and Recommendation of a Variance Request for a Rear Side Yard Setback and Front Side Yard Setback**

Seth Hyberger, Community Engagement Specialist/Planner asked the Town Board to consider a request from Phoenix Concrete Construction, LLC on behalf of the property owner, to appeal an administrative decision and seek a variance to Zoning Ordinance Section 16-3-490, Density and dimensional standards. The request is to allow a 4'11" rear side yard setback rather than the 5' requirement and to allow a 4'4" front side yard setback rather than the 5' requirement for the R-1 Zone District. The applicant has requested the variance to prevent an undue hardship to the contractor and property owner. All building on the project site has ceased. A written notice of appeal to the determination made by an Administrative Official charged with the enforcement of the code was made on September 17, 2014 and written materials were first filed on September 24, 2014 within the required 10 day notice period. The Planning Commission approved the request and forwarded it on to the Board on October 1, 2014.

Trustee Jemiola moved to approve the request from Phoenix Concrete Construction, LLC on behalf of the property owner 2 Valley Builders Inc. is consistent with the appeal to an administrative decision as stated in Section 16-3-520(f) and variance criteria as stated in Section 16-3-520(j)(2). The Variance request has been recommended to the Board of Trustees regarding Section 16-3-490, Density and Dimensional Standards, to allow a 4'11: rear yard setback rather than the 5" requirement and to allow a 4" 4" front side yard setback rather than the 5" requirement for the property located at 704 School House Drive. Trustee Onorato seconded

Discussion: None

Vote: Trustee Ehrlich, Onorato, Jemiola, and Beck approved.  
Trustee Kidd recused himself from voting

Town Attorney Fickel informed the Board that a certified copy of the motion should be notarized and recorded with the Assessor's Office to avoid future issues.

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

Director Murphy brought to the Board an authorization for Interim Town Administrator Powell 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.

Trustee Ehrlich asked for clarification on the agreement Titan. It was his understanding that the payments made to lease the Skid Steer would be applied to the purchase price. Director Murphy replied that Trustee Ehrlich was correct.

Trustee Beck moved to authorize the Interim Town Administrator to execute a Lease/Purchase Agreement with Titan Machinery, Inc. for the acquisition of a Case Skid Steer. Trustee Onorato seconded

Discussion: None

Vote: Trustee Onorato-yes, Trustee Beck-yes, Mayor Tokunaga – yes, Trustee Ehrlich-no, Trustee Jemiola-no and Trustee Kidd-no. Motion failed

**3. Acknowledgement of Receipt by the Town Board of the 2015 Proposed Budget**

Finance Director Murphy provided a Power Point presentation and an overview of the Town's revenue and expenditures for the proposed 2015 Budget.

Director Murphy explained that there will be two (2) Public hearings held on October 22<sup>nd</sup> and November 12<sup>th</sup>, 2014. The Town Board and Staff will continue reviewing and discussing the 2015 budget with additional Budget Work Sessions prior to and in between the Public Hearing dates.

Trustee Ehrlich motioned to acknowledge the receipt of the Proposed Budget. Trustee Jemiola seconded.

Discussion: None

Vote: All in favor, none opposed

## **DISCUSSION AGENDA**

There were not any items.

## **INFORMATIONAL AGENDA**

### **1. Consideration of an Administrative Decision to Correct Problems Regarding Single Family and Duplex Lots in Blocks 8, 9, 14 and 15 of the Settlers Village Subdivision**

Interim Town Administrator Powell provided the Town Board with information regarding a problem with some remaining Settlers Village lots and requested that an administrative decision be allowed to correct the problems.

Town Attorney Fickel explained the need to allow single family lots in the subdivision. Formal modification of the plat will come back to the Board.

### **2. Bernhardt Industrial Park Feasibility Study**

Interim Town Administrator Powell explained to the Town Board that based on conversations with the Town Board regarding the Industrial Park area east of Town, staff would like to obtain a Feasibility Study regarding the Industrial Park area. This Study would need to be reimbursed through an agreement between the Town and the property owner. One of the main reasons for the Feasibility Study is it is required by both the Department of Local Affairs (DOLA) and the Economic Development Administration (EDA) in order to obtain grants through either of these agencies.

Interim Town Administrator Powell explained that the Water Loop project would resolve a safety concern regarding the fire flow on the east side of Town.

Trustee Jemiola gave an update on the MPO meeting regarding the North I-25 Corridor.

Interim Town Administrator Powell asked the Board if they wish to make changes for the second scheduled November meeting as it is the day before Thanksgiving and the second scheduled December meeting is on Christmas Eve. The Board would like for Interim Town Administrator Powell to come up with alternative dates and bring them to the Board.

## 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 8:32 P.M.

Prepared by:

  
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Gale Amaya, Admin. Assistant

Approved by:

  
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Milt Tokunaga, Mayor