

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

MEETING MINUTES

Wednesday December 10, 2014 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, December 10, 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: Interim Town Administrator Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy and Town Attorney Bruce Fickel. Absent: Parks Director Josh Roseberry, Community Engagement Specialist/Planner Seth Hyberger and Administrative Assistant Galè Amaya

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Roll Call

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

Agenda Approval

Interim Town Administrator Powell stated there were not any changes to the agenda from staff. Attorney Fickel substantially

Citizen Comments

None

Minutes of Previous Meeting

- November 25, 2014 – Approved as distributed.

CONSENT AGENDA

There were not any items.

ACTION AGENDA

1. Consideration and Approval of Ordinance 704, Creating the Town of Milliken Storm Water Management and Facility Utility Enterprise

To consider for approval the Town of Milliken Storm Water Management and Facility Utility Enterprise. The Town must create a Storm Water Management Enterprise as a special condition of accepting its Energy and Mineral Impact Assistance Grant from the Colorado Department of Local Affairs in the amount of \$135,000. The Town's Storm Water Master Plan 2014 listed multiple projects for the Town totaling \$22,230,570.

Mr. Sorenson had presented this item during the Work Session with the Town Board of Trustees.

Trustee Jemiola moved to approve the creation of a Storm Water Management and Facility Utility Enterprise for the Town of Milliken. The Storm Water Management and Facility Utility Enterprise will enable the Town to undertake storm water improvements to better protect the community and address its long-term drainage needs. Trustee Ehrlich seconded.

Discussion: None

Vote: All in favor, none opposed. Motion passed

2. Consideration and Approval of Resolution 14-31, Adopting the 2015 Budget and Amending the 2014 Budget

Finance Director Pat Murphy explained that the resolution is to adopt and appropriate the 2015 Town of Milliken revenues, expenses and transfers for each fund. The budget year begins January 1, 2015 and ends December 31, 2015. This resolution also adopts the "Estimate" column in the 2015 Budget as the Revised Budget for 2014.

Mayor Pro Tem Measner moved to approve resolution 14-31 recognizing revenues, appropriating expenditures, and transferring funds for the 2015 and 2014 budget years. Trustee Beck seconded.

Discussion: None.

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

3. Consideration and Approval of Resolution 14-32, Establishing the 2014 Mill Levy for the 2015 Budget.

Finance Director Murphy explained to the Town Board the purpose of this Resolution is to set the Mill Levy for General Governmental Operations and Debt Service on the 2007 bonds issued to fund the construction of the Police Building and Meeting House. The Mill Levy must be certified to Weld County by December 15th of each year.

Trustee Onorato moved to approve resolution 14-32 establishing the 2014 Mill Levy for the 2015 Budget. Mayor Pro Tem Measner seconded.

Discussion: None

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

4. Consideration and Approval of Ordinance 703, an Extension of a Temporary Moratorium on Medical Marijuana and Marijuana Facilities, Establishments and Clubs until May 27, 2015

Town Attorney Fickel asked for consideration and approval of ordinance 703 requesting an extension of the Temporary Moratorium on the submission, acceptance, processing and approval of any application for a Town of Milliken permit or licensed related to the C-5 Zone District. The Temporary moratorium will expire on May 27, 2015. The reason for the May 2015 date is to allow enough time for the Town Board to consider this item for the November ballot.

Mayor Tokunaga indicated that Marijuana Facilities, etc. could be banned and the citizens could petition to have this item allowed. Trustee Jemiola indicated that the Town Board needs to decide what they would like to do with this issue

During this time, Town Staff and Legal Counsel will investigate the Town's regulatory authority over such businesses or clubs. Discussion will also include whether the Town Board would like to consider this item as a question on the November 2015 ballot.

Trustee Jemiola suggested that since this the third moratorium on this issue, that the Town Board make a decision to either ban, allow, or put it on the ballot as a question for the voters. Town Attorney Fickel explained that the Board could amend this ordinance to ban in perpetuity or to ban until it is placed on as a question on the ballot for the registered voters.

Trustee Jemiola motioned that the question for the prohibition of marijuana be placed on the November 2015 ballot.

The Town Board and Town Attorney Fickel discussed the various types of marijuana enterprises and if this prohibition would include all or just some of

the marijuana enterprises. Town Attorney Fickel suggested adding to the ballot an excise tax on marijuana, if the Town Board is going to place the various marijuana related businesses on the ballot.

Trustee Jemiola amended his motion to have all marijuana related issues at the November 2015 election and have a moratorium that would continue until that time. Mayor Pro Tem Measner seconded.

Discussion: None

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

5. Town Administrators Contract

Town Attorney Fickel explained to the Town Board that the Board needs to approve by a motion to confirm that the contract that has been given to them substantially conforms with the approval that the Board has already given to the Mayor to execute a contract with the new Town Administrator under terms that are set forth in the agreement.

Trustee Jemiola moved to approve the employment agreement with Kent Brown who will serve as the Town Administrator. The agreement substantially conforms to the Memorandum of Understanding (MOU) that the Board has reviewed and authorizes the Mayor to sign. Mayor Pro Tem Measner seconded.

Discussion: None.

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

DISCUSSION AGENDA

1. Vacation Time Over the Allowed Carry Over Limit.

To consider a request by the Interim Town Administrator to receive compensation for vacation time over the allowed carry over limit for 2014.

Trustee Kidd handed out a document to the Town Board stating he has a concern with the salary being paid to Cheryl Powell. Trustee Jemiola requested that the position not the person be referred to. Trustee Kidd listed the salary of the Town Clerk from 2010 to current. Trustee Kidd also handed out a survey that was done by a community. Trustee Kidd believes that at the wage that the Town Clerk is being paid he does not believe he could vote in favor.

Mayor Tokunaga explained that the job being done at the time was a Town Administrators job and further explained that the previous Town Board recommended that a compensation survey be conducted. This survey was conducted by an outside agency. The Mayor believes that the wage is a separate item from what is being discussed.

Mayor Pro Tem Measner moved to approve the proposal submitted by Interim Administrator Powell. Trustee Beck seconded.

Discussion: Trustee Jemiola asked due to the temporary promotion would the vacation time be accrued at the rate of pay during the temporary position or at the position prior to the interim position.

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

Town Attorney Fickel instructed the Town Board that a vote is needed to pay in lieu of losing.

Discussion: Trustee Kidd explained to the Town Board that he was not implying that the Town Clerk should be penalized for the carryover. He was implying that the salary the Town Clerk was making should compensate. Trustee Ehrlich asked if there is money in the budget. Finance Director Murphy answered that there is. Trustee Jemiola explained that the circumstances that occurred over the time that the Town Clerk was serving as the Interim Administrator and that she chose to stay and take care of these issues instead of taking vacation knowing that she could potentially lose this time.

Vote: Mayor Pro Tem Measner, Trustees Beck, Jemiola and Onorato in favor, Trustees Ehrlich and Kidd opposed. Motion passed.

INFORMATIONAL AGENDA

There were not any items.

ASSIGNMENT AND PROJECT UPDATE(S)

Other Business

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

Announcement

Trustee Onorato would like to have the Town Board view the Heritage House this evening after the meeting.

Trustee Jemiola asked about the KMB Fund and how much was in the Fund. Director Murphy answered approximately \$2,600. Trustee Jemiola asked if these funds could be directed to other areas. Director Murphy said this could be done by direction of the KMB Board.

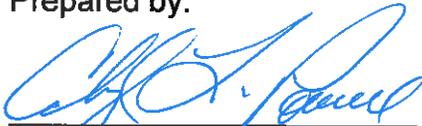
Director Murphy commended Cheryl Powell for her service as the Interim Town Administrator given the circumstances over the Interim period.

Mayor Pro Tem Measner commented on the Public Works Storage Facility and the work that has been done. Interim Administrator Powell announced that the building is on route to Milliken. Director Murphy stated that the project is on task to be completed this year.

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 7:41 P.M.

Prepared by:


Cheryl Powell, Town Clerk

Approved by:


Milt Tokunaga, Mayor