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

MEETING MINUTES

Monday, November 23, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Monday, November 23, 2015 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: Town Administrator Kent Brown, Town Clerk Cheryl Powell, Community Development Director Martha Perkins, Community Engagement Specialist/Planner Seth Hyberger, Finance Director Jennifer Nash, Public Works Director Bill Landwehr, Accounting Technician Courtney Diller and Town Attorney Linda Michow. Absent: Parks Director Josh Roseberry.

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

Mayor Tokunaga added an Executive Session to confer with the Town Attorney for legal advice. Town Administrator Brown indicated that staff did not have any changes to the Agenda.

Citizen Comments

None.

Minutes of Previous Meeting

November 9, 2015

Minutes approved as distributed.

Acknowledgement of the Paid List of Bills

November 2015 Bills

Trustee Ehrlich asked about the payment to AgTown for the brochure. Community Engagement Specialist/Planner Hyberger responded that this was a Grant and was 100% funded.

Trustee Onorato asked about Apex Pavement Solutions and the work performed for the Town. Public Works Director Landwehr explained that the company performed improvements on Inez, the car wash and an area near Power Motive.

Trustee Jemiola asked about the payment to Bigfoot Turf. Director Landwehr responded that turf was laid along Alice Ave. Trustee Jemiola asked if this area has irrigation infrastructure. Landwehr responded yes.

Accepted as presented.

CONSENT AGENDA

1. **Consideration and Approval of a Retail Liquor License Renewal for Milliken Liquors**

To consider for approval a Retail Liquor License renewal of Milliken Liquors from January 09, 2016 until January 09, 2017

Trustee Ehrlich moved to approve the Consent Agenda. Mayor Pro Tem Measner seconded.

Discussion: None.

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

ACTION AGENDA

1. **Second of Two (2) Public Hearing on the Proposed 2016 Budget**

Town Administrator Kent Brown explained to the Town Board that this is the second of two (2) Public Hearings in regard to the proposed 2016 budget. The budget will be brought to the first meeting in December for their approval.

Public Hearing Opened at: 7:04 P.M.

Town Administrator Brown explained that only the changes that the Town Board requested were addressed within the budget.

Mr. Thomas Farmer, 100 N. Norma Ave., Milliken, complemented the Town Board on a tough job in doing the budget. Mr. Farmer had concerns regarding increases for Staff and questioned whether it was necessary to provide increases each year. He is on social security and does not always receive a raise. He also questioned whether the budgeted item for a safety sheathing that is placed inside of a hole couldn't be borrowed from a neighboring community and whether a used one should be obtained instead of a new one.

Mr. Farmer explained to the Town Board that he had concerns regarding a sign situation for a business in Town and had come to the Town Hall for answers regarding it. He was upset with an Open Records request that he needed to complete in order to obtain the information and was upset with the lack of information he obtained from the person who was assisting him. Mr. Farmer also has concerns with some Public Works employees and the way they spent their time during work hours. He has concerns that the expenditure for Tablets and Software as a tracking device for Public Work employees will not remedy this problem. He described a few instances where he followed or saw Public Works employees.

Mr. Farmer also spoke to the Town Board regarding the position of the Code Enforcement Officer and feels that the Town is trying to become a Home Owners Association. The Town Boards role is for the health, safety and welfare of its residents, not what type of fence that is constructed in a yard. Mr. Farmer described a few instances. Mr. Farmer also described an incident that one of his tenants had with the Police Department and particularly one of its Officers. The tenant was wrongly apprehended by the officer and the officer never apologized for the incident. Mr. Farmer recommends that at least six (6) employees with the Town should be fired or at least reprimanded and no pay rates due to this. He is concerned that his property tax money is being used this way.

Mr. Farmer is in complete agreement that the Town needs to purchase additional water, stating it is a diminishing product.

Trustee Jemiola responded to Mr. Farmer's concern regarding the sign code and explained that the Code is half Milliken and half Fruita. He indicated that the Code is currently being reviewed. He agreed with Mr. Farmer regarding the water issue. He is not sure in regard to the Open Records law.

Mayor Tokunaga thanked Mr. Farmer and responded that Town Administrator Brown will address his concerns. Not all employees will be receiving a 3% increase, some will receive more and some not at all.

Public Hearing Closed at: 7:20 P.M.

2. **Consideration and Approval of Ordinance 721, Low Speed Electric Vehicles and Golf Cars on Town Streets and Rights-of-Way**

Town Attorney Linda Michow asked the Town Board for their consideration and approval on the proposed Ordinance 721 regarding Low Speed Electric Vehicles (LSEVs) and golf cars on Town roads and streets. The purpose of the ordinance is to adopt specific requirements governing the operation of LSEVs and golf cars as set forth in the ordinance. The issue is presented, in response to requests by residents for the ability to operate golf cars on Town roads. She provided the definition of the current Model Traffic Code (MTC) that the Town has adopted. Certain municipalities have exempted these. Attorney Michow explained the definition as written in the MTC.

Attorney Michow explained that the proposed ordinance has ten (10) requirements. For example, staff has recommended the reduction in the speed of these vehicles to 25 not 35 mph. They are not allowed on state highways unless you are crossing one. Must have insurance and driver's license to operate these vehicles. Attorney Michow explained to the Town Board the Federal requirements. Trustee Jemiola understands the use of these vehicles in golf course communities.

Trustee Ehrlich explained that there are children that operate these that are not old enough and some of the children ride motorized scooters currently on the streets where he resides.

Mayor Pro Tem Measner indicated that the Town shouldn't create an ordinance that not only mimics but is more restrictive than state law.

Trustee Jemiola motioned to not approve Ordinance No. 721. Mayor Pro Tem Measner seconded.

Discussion: None.

Vote: All in favor, none opposed.

DISCUSSION AGENDA

December Meeting

Town Administrator Brown asked the Town Board if they would like to change the date for the Wednesday, December 23, 2015 meeting.

Town Board announced that the meeting will be on December 23rd but indicated that they would like to change the meeting time for that meeting to 6:00 p.m.

Beehives

Trustee Jemiola explained that he would like to have two (2) beehives on properties. He would like to have an ordinance drafted. Town Administrator Brown indicated that this will come to the Board after the first of the year.

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

Executive Session

Trustee Jemiola motioned to go into Executive Session under C.R.S 24-6-402(4)(b) regarding Colorado Department of Public Health and Environment (CDPHE). Trustee Onorato seconded.

All in favor, none opposed.

Resume Regular Meeting

Adjournment

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

Prepared by:

Cheryl L. Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor