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

MEETING MINUTES

Wednesday, September 9, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, September 9, 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 and Town Attorney Linda Michow Attorney Sunita Sharma. Absent: Community Engagement Specialist/Planner Seth Hyberger

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.

Presentation

Milliken Police Chief Benito Garcia presented Lori and LeRon Ehrlich with a plaque commemorating their involvement in the community.

Agenda Approval

Town Administrator Brown indicated that Staff had no changes to the Agenda. Mayor Tokunaga requested an Executive Session added to the Agenda.

Trustee Jemiola requested to move Action item #2, Lease Agreement with Colorado Greenbelt Management to the Consent Agenda. There were no objections from the Trustees.

Mayor Tokunaga introduced the new Town Attorney Linda Michow.

Citizen Comments

Mr. David Chaput, who resides at 1937 Bobbie Drive, Milliken addressed the Town Board and stated that he was representing and speaking on behalf of the other Mad Russian residents that were in attendance. He indicated that the Milliken Government is trying to intervene with their lives having Code Enforcement notice them regarding little items. Mr. Chaput indicated that trivial items such as trash cans not being in the right spot, boats or trailers on the road to long, etc. The residents realize these are part of the Town's Municipal Code, but items such as these have been not noticed for (ten) 10 years and no one has complained. Mr. Chaput said that a resident told him that she was contacted and told to cut her plant that was hanging over onto the golf course property. He also spoke about an incident that happened at the golf course a few years ago regarding a golf cart that had performed a donut on the golf course and tore up the turf. He said a police officer was looking for a resident in the area to point the blame on. It turned out that it was a golf course employee who damaged the turf. Mr. Chaput recommended that the solution to these problems should be handled differently. He prescribed that perhaps the neighbor that is upset about another neighbor leaving a trailer on the road too long should speak directly to the neighbor who is violating. If that doesn't remedy the situation, then it should be brought up to the Architectural Control Committee (ACC) and then if that doesn't work that the Town's Code Enforcement Officer should be contacted. He also spoke about the weeds out by the golf course near hole # 3. Mr. Chaput believes there is a conflict of interest when the Code Enforcement Officer, the golf course manager who is also a Town Trustee and the golf course owner are related. Mr. Chaput indicated that he heard that Trustee Ehrlich was planning to resign from the Town Board and wanted to know the process of how a new Trustee would be appointed if Trustee Ehrlich resigned. Mr. Chaput stated that he has been told that Trustee Ehrlich was doing good work on the Board and hoped he would stay on the Board since he was voted in by the residents of Milliken.

Mr. Chaput spoke about allowing golf carts on the streets in the Mad Russian, he was informed that this is prohibited in Milliken, but he apprised the Town Board that other municipalities who have subdivisions around a golf course allow this usage. Mr. Chaput asked why Chief Benito Garcia was appointed Chief of Police without the required education. He also was told that there is a lot of turnover in the Police Department and wanted to know why the police officers leave. Mayor Tokunaga responded that these issues will be directed to Administrator Brown for a response at a later date.

Trustee Jemiola responding to Mr. Chaput and explained the reasoning behind having a full-time Code Enforcement Officer and how it was important to have this position in the Town of Milliken.

Mr. Bob Kjelland, who resides at 118 Birdie Dr., Milliken was concerned that

code enforcement may be selective in the areas around Town. He said there are violations all around town and could walk around the block surrounding the Meeting House and take pictures of all the violations that occurring in this section of town. He wants to be sure that violations in all of Milliken are being addressed, not just those occurring in the Mad Russian subdivision.

Mr. Reid Hobler, who resides at 800 Mill Iron Rd., Milliken addressed the Town Board and complemented staff regarding the selection of flowers used in the flower pots along downtown Milliken. He stated that they look better than they have in the past. Mr. Hobler also addressed the decision to have a ballot question to increase the Town's sales tax. He stated the he believes this should happen, but wanted to know how the Town Board plans to communicate the necessity of this to the residents. Mayor responded stating that perhaps a site on the Town's webpage indicating what the additional tax would be applied towards. He explained that the Town Board wants to inform the residents where this revenue would be prudently expended.

Mr. Ron Grider, who resides at 153 W. Juneberry, Milliken, wanted to know where the Town is in regard to making a decision regarding the business that is located next door to him. Attorney Michow indicated that the code is currently being reviewed and how it would apply in this particular instance. Administrator Brown stated that they want to make sure that any potential enforcement of the code is applied equally to all residential businesses of this nature. Mayor Tokunaga spoke about home occupations and if the code applies to one home occupation would it apply to another home occupation. He does not want this to be subjective.

Minutes of Previous Meeting

Approved as distributed.

CONSENT AGENDA

1. **Consideration and Approval of a Lease Agreement with Colorado Greenbelt Management for the use of Tree Limb Center**

Town Administrator Kent Brown asked the Town Board to consider for approval the Lease Agreement with Colorado Greenbelt Management for the use of the Tree Limb Center. Administrator Brown explained that the Lease that is being presented reflects the changes that were requested by the Town Board.

Trustee Jemiola moved to approve the Consent Agenda. MPT seconded. Discussion: None.

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

ACTION AGENDA

1. **Public Hearing and Consideration and Approval of the Transfer of Ownership of the 3.2% Beer Off Premises Liquor License**

Mayor Tokunaga explained the public hearing procedures.

Trustees indicated that they did not have any conflicts. Town Clerk Powell swore in the witness Ashley Harrison who is an owner of JD2 Investments.

Public Hearing Opened at: 7:54 P.M.

Town Clerk Cheryl Powell explained that on June 30, 2015 the ownership of the 7-Eleven Store #39078 transferred to JD2 Investments, Inc. and 7-Eleven, Inc. They have requested that the 3.2% Beer Off Premises Liquor License be transferred to the new owners. Ashley Harrison who is with JD2 Investments, Inc. is present to answer any questions that the Town Board may have.

Trustee Jemiola asked if this is essentially part of the transitional paperwork of the sale of 7-Eleven. Ms. Harrison replied that it was.

Mayor Pro Tem Measner asked Chief Garcia if there have been any issues at this location. Chief Garcia indicated there was not.

Ashley Harrison spoke to the Town Board and explained that she purchased the 7-Eleven as a franchise and also owns the 7-Eleven that is located in Windsor, CO. Ms. Harrison is in the process of cleaning up the property and questioned who would be responsible for the condition of the sidewalk that is around her establishment. She also indicated that she would like to become involved in the community. Mayor Tokunaga responded that Ms. Harrison should contact Town Administrator Brown to talk about the sidewalks and any other questions she may have.

Public Hearing Closed at: 8:00 p.m.

Trustee Onorato moved to approve the ownership transfer of the 3.2% Beer Off Premise Liquor License to JD2 Investments, Inc. and 7-Eleven, Inc. located at 1100 Broad Street, Milliken, CO. Mayor Pro Tem Measner seconded.

Discussion: None.

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

3. **Consideration and Approval of an Agreement for Professional Services for Municipal Court Prosecutor**

Town Administrator Kent Brown asked the Town Board to consider and approve an agreement with Sunita Sharma as the Town's Municipal Court Prosecutor. Brown indicated that the previous Town Attorney covered both services as Municipal attorney and Town Attorney. When the Town Board hired the firm of Widner, Michow & Cox, LLP they were aware that this firm did not offer services as prosecuting attorney.

Trustee Kidd asked why this had not gone out for bid. Mayor Tokunaga explained that this service was included in the original Request for Proposal (RFP) and all the firms that had submitted a bid were reviewed for this service.

Trustee Beck moved to approve the Professional Services Contract between the Town of Milliken and Sunita Sharma of the Law Offices of Sunita Sharma, LLC to perform the duties of Municipal Court Prosecutor. Trustee Onorato seconded.

Discussion: None.

Vote: Trustee's Ehrlich, Onorato, Beck, Mayor Pro Tem Measner and Mayor Tokunaga in favor. Trustee's Jemiola and Kidd opposed. Motion passed.

4. **Consideration and Approval and Adoption of Amendments to the Town of Milliken's Financial Policies**

Administrator Brown asked the Town Board for their approval and adoption of the amendments to the Town of Milliken's Financial Policies. These amendments were brought to him and the Board by Trustee Jemiola. Administrator Brown explained that these amendments were reviewed and approved by Mayor Tokunaga, Trustee Jemiola and Town Administrator Kent Brown. He also explained that the Town's auditing firm Anderson and Whitney had also been contacted and they did not have any concerns with the amendments. Trustee Jemiola outlined the specific areas of the Financial Policies that were amended.

Trustee Jemiola moved to adopt the recommended revisions to Sections 2.2.5 and the elimination of Section 2.2.8 of the Town of Milliken Financial Policies. Trustee Ehrlich seconded.

Discussion: None.

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

Mayor Tokunaga thanked Trustee Jemiola for taking the lead on the amendments to the financial policies.

DISCUSSION AGENDA

There were not any items.

INFORMATIONAL AGENDA

There were not any items.

Executive Session

Trustee Jemiola moved to go into Executive Session under C.R.S. 24-6-402(4)(b), to confer with an attorney for the City for the purposes of receiving legal advice on a specific legal question. Mayor Pro Tem seconded.

Mayor called for a 10 minute recess.

Executive Session began at: 8:20 P.M.

Executive Session ended at: 8:43 P.M.

Regular Meeting resumed at: 8:43 P.M.

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 8:44 P.M.

Prepared by:

Cheryl L. Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor