

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

MEETING MINUTES

Wednesday, March 25, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, March 25, 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, Treasurer & Accounting/Finance Director Patrick Murphy, Community Development Director Martha Perkins, Parks and Outdoors Director Josh Roseberry, Police Chief Benito Garcia and Town Attorney Bruce Fickel. 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.

Agenda Approval

Town Administrator Brown indicated that staff did not have any additions to the Agenda. Mayor Tokunaga asked to move Action Agenda Items #3 and #4 to the Consent Agenda. Trustee Jemiola had a question regarding Action Item 4, prior to it being moved to the Consent Agenda. He asked if Weld County could view the maps with this version of ArcGIS software. Director Perkins replied that this version will allow others to view the Towns maps. The Town Board had no conflict moving these items to the Consent Agenda.

Citizen Comments

None.

Minutes of Previous Meeting

- March 11, 2015 – Approved as distributed.

Acknowledgement of the Paid List of Bills

- March 2015 List of Bills

Mayor asked what benefit the Town receives from the National League of Cities. Administrator Brown explained that the Town receives information that is different from the Colorado Municipal League (CML).

CONSENT AGENDA

1. Consideration and Approval of a Maintenance Agreement and Easement with Binder Family Farms, LLC

Town Administrator Kent Brown asked the Town Board to approve an Agreement and Easement with Binder Family Farms, LLC for a culvert located under the north end of S. Tamera Avenue which intersects with WCR 46 ½. The culvert was installed for the benefit of the Town to create a connection with Tamera Avenue. The Town has maintained the culvert and a portion of the easement for the owners' ditch, even though it is the obligation of the owner to maintain the ditch according to the Colorado Revised Statutes. Due to the circumstances in regard to the culvert, the Town had verbally agreed to maintain the identified area. This agreement will provide written documentation substantiating this practice.

2. Consideration and Approval of Geographic Information System (GIS) Hardware and Software

Director Perkins asked the Town Board to review and consider for approval the purchase of a new desktop computer and a new ERSI ArcGIS software license for maintaining and expanding the Town's geographic information system. Currently, the Town is running an obsolete and unsupported version of ArcGIS. Staff would like to upgrade from Version 9.3 to the ERSI supported version 10.3 with ERSI's software support and access to an ArcGIS online account.

ACTION AGENDA

1. Consideration and Decision as to Holding a Public Hearing Regarding a Trustees Potential Conflict of Interest

Mayor Tokunaga explained that at the last meeting it was discussed placing this item on the agenda. The Mayor spoke to Town Attorney Fickel and it was

explained that in order to have an objective decision is to proceed with a third party.

Town Attorney Bruce Fickel explained that when an issue comes before the Board, the Board needs to act in a quasi-judicial capacity. The Board needs to sit as a finder of fact and to apply those facts to come to a conclusion. When a Board has already heard the facts, etc. this Board cannot sit as a fact finding body in a quasi-judicial manner. Attorney Fickel had contacted the Colorado Municipal League (CML) and CIRSA (Town's Insurance Company) in regard to this issue. CML's recommendation was to hire an outside firm to conduct the finding of fact. CIRSA recommended a firm by the name of Nathan, Bremer, Dumm & Myers, P.C. Marni Kloster who is with the firm, can accomplish the finding of fact and bring the results to the Town Board at their Wednesday, April 22, 2014 meeting. This process would bring an impartial conclusion to the Town Board and to the citizens. The Town Board would need to confirm or reject Ms. Kloster's recommendation, unless the Town Board decides to delegate this task to her. The Town Board can decide which process they prefer at a later date, it does not need to be decided at this time. Ms. Kloster will not be able to begin this investigation until April 20, 2015. Ms. Kloster would not be able to give a written conclusion to the Town Board at their meeting on April 22nd, but would be able to present to them in person at that meeting.

Town Attorney Fickel indicated to the Town Board that they would need to have a Motion to retain Ms. Kloster to conduct the independent investigation and analysis and to bring to the Town Board her analysis and recommendation on April 22, 2015.

Trustee Jemiola asked the Town Attorney if he personally or professionally knew the attorney that is being recommended by CIRSA. Town Attorney responded he knew of her, but could not recall what it was in regard to. He does not have a working relationship with her, but he knows who she is. The other Attorney that CIRSA had recommended is already working on a discrimination claim with the Town and probably wouldn't be appropriate to have the same Attorney on this issue. Ms. Kloster was CIRSA's only other choice for this type of issue.

Mayor Pro Tem Measner motioned to retain an independent counsel, Marni Kloster, to conduct a fact finding and provide a fact finding recommendation to the Town Board per Town Attorney Fickel's recommendation. Trustee Beck seconded.

Discussion: Mayor Tokunaga asked Town Attorney Fickel if this would be presented in a Public Hearing. Attorney Fickel replied that the fact finding would be presented during a Public meeting. Trustee Jemiola asked when this would be presented to the Town Board. Town Attorney Fickel said it

would be brought to the Town Board at their April 22, 2015 meeting. The Town Board would be able to ask Ms. Kloster questions and the Public would be able to ask questions, if that is what the Board chooses. This is typically what occurs during a quasi-judicial matter. Then this matter would be returned to the Town Board. Attorney Fickel indicated that the Board would then have two (2) options, the Town Board then could recuse themselves and whatever recommendation that is provided by Ms. Kloster the Board would abide by. The other way would be to not give Ms. Kloster that authority and the Board could either accept or reject her recommendation. Attorney Fickel stated that the Town Board has time to consider these options. It does not need to be decided this evening.

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

Attorney Fickel provided the Retention Agreement with Marni Kloster to the Town Board, after discussion on the actual Retention Agreement. Attorney Fickel stated that unless he is contacted by noon on Friday, March 27th, he will go with the recommendation that was presented.

2. Consideration and Approval of Park Site Amenities per the Capital Improvements Project Plan

Parks and Outdoors Director Josh Roseberry presented through a visual presentation to the Town Board his recommendations based on the Capital Improvements Plan (CIP) for park site amenities that had been approved during the 2015 budget.

Director Roseberry explained that according to the CIP, four (4) parks, Lola, Dog, Ada and Mountain View Park were slated for site amenities for 2015. The site amenities have been split into five (5) categories: #1 Benches, Trash Cans, Grills and Picnic Tables, #2 Playgrounds, #3 Shelters, #4 Mountain View Bleaches and Dugouts and # 5 Dog Park Agility Equipment. Director Roseberry explained that he is recommending three (3) separate companies; GoPlay Equipment, Summit Recreation and Recreation + for various items for the individual parks. Director Roseberry is recommending GoPlay Equipment for all the benches, trash cans, grills, picnic tables and shade shelters for the parks. GoPlay has also been selected for the agility equipment for the Dog Park. Summit Recreation has been selected for the playground equipment and Recreation + for the bleachers and dugout equipment for Mountain View Park. The cost for this portion of the Parks CIP plan is \$205,753.00.

Trustee Jemiola commended Director Roseberry on his presentation and on the packet information he provided to the Town Board.

Trustee Jemiola moved to approve the Site Amenities portion per the budgeted Capital Improvement Plan for Parks 2015 by authorizing the Town Administrator to sign for the purchase of the equipment as recommended in each category within reason and what is best for the Town of Milliken, and understanding that we will still hear and approve other portions of the Parks CIP plan as they are made available to us. Trustee Onorato seconded.

Discussion: Mayor Pro Tem Measner and Mayor Tokunaga thanked Director Roseberry for the presentation and the materials that were provided to them. Trustee Kidd was in agreement with the Mayor and Mayor Pro Tems comments.

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

DISCUSSION AGENDA

1. Revision of Chapter 18 to Adopt a Board of Appeals, Clarify the Violation and Abatement Process and Define a Schedule for Expired Permits

Building Official Jonathan Gesick spoke to the Town Board regarding his proposed revisions to Chapter 18 of the Town's Municipal Code. Mr. Gesick explained that he would like to create a new Board of Appeals that will be appointed by the Board of Trustees to make decisions on building code related issues. He would also like to revise sections of the Municipal Code to create a foundation for dealing with future violation cases and the abatement of dangerous buildings. Mr. Gesick also recommended adopting a new permit expiration schedule, to clean up the Town's permit records, avoid violations by keeping track of expired permits and notifying the applicant. Trustee Jemilola would like to see the amendments chapter by chapter which would be easier to follow. Trustee Jemiola asked if the Board of Appeals would be similar to the County's and how many members would be on the Board and who would comprise of the Board. Mr. Gesick replied there would be at least three (3) members, but most likely five (5) or seven (7) members. Mr. Gesick explained that the Building Official would be a non-voting member, basically the secretary of the meeting and the Building Official would bring the information to the Town Board of Trustees. Mr. Gesick stated that these issues would be strictly in regard to the Building Codes.

Staff will draft the ordinance for the Board of Building Appeals.

INFORMATIONAL AGENDA

Mr. Blair Howe, who is with the Front Range Fire Rescue Authority provided the Town Board with an update of the Authority. Mr. Howe along with J.J.

Long provided the Town Board their history and positions with the Authority. Fire Chief Bateman was also in attendance to answer any questions.

Mr. Howe explained that today's recruits go through a Fire Academy which takes about 4-5 months. Some are EMT certified and IV certified. The Fire Station in Milliken is staffed 24/7. There are also two (2) paramedics staffed 24/7. He views our Fire District as professional and dedicated. The Milliken Fire District shares the Fire Chief with the Johnstown Fire District, who have joined together to form the Front Range Fire Rescue Authority. Milliken and Johnstown are separate fire districts and have separate taxing authorities. By pulling the efforts of both fire districts, a lot more has been accomplished. Both districts are still staffed with volunteers and full-time staff. In the next three (3) weeks there will be new trucks brought into Milliken and Johnstown. One of the ambulances is being refurbished. All of these items have been expensive. The Districts use their funds in the most efficient and cost effective manner.

Trustee Jemiola asked how expansive the Fire District is in Milliken. Mr. Howe responded 37th St. south to the Platte River and an east boundary of 35th Ave. all the way through Milliken and Johnstown.

Trustee Onorato thanked Mr. Howe for coming and presenting.

Mayor Tokunaga asked how many volunteers there are. Fire Chief Bateman responded there are approximately 35. He explained that volunteers are hard to recruit, since there is over 200 hours of training they need to go through.

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 8:13 P.M.

Prepared by:


Cheryl Powell, Town Clerk

Approved by:


Milt Tokunaga, Mayor