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

MEETING MINUTES

Wednesday, April 22, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, April 22, 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, Community Engagement Specialist/Planner Seth Hyberger, Police Chief Benito Garcia and Town Attorney Bruce Fickel. Absent: Parks and Outdoors 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

Town Administrator Brown indicated he would like to add an Executive Session.

Mayor Tokunaga made a statement recusing himself from the next item on the agenda and asked Mayor Pro Tem Measner to preside in his place. Mayor Pro Tem Measner then opened the floor to Citizen Comments.

Citizen Comments

Milt Tokunaga who resides at 24355 Hwy. 257, Milliken, spoke as a resident of Milliken. Mr. Tokunaga spoke about Trustee Ken Kidd indicating that Trustee Kidd is an individual that possesses a high quality of character, and who does a lot for the Town without seeking acknowledgment. Some of the way Trustee Kidd provides services are taking seniors out to lunch, donating his time on the Town's clean-up days by picking up items from residents homes, cleaning out the

Town's storm drains when there wasn't anyone available to accomplish that task at the time, etc. Mr. Tokunaga also stated that Trustee Kidd received the highest number of votes during the election when Mr. Kidd ran for the position of Trustee.

Mayor Tokunaga returned to his Mayoral seat to preside over the remainder of the meeting.

Minutes of Previous Meeting

- April 8, 2015 – Approved as distributed.

Acknowledgement of the Paid List of Bills

- April 2015 List of Bills

Trustee Ehrlich spoke about a payment on the list of bills made out to him. This payment was a landscape deposit that he made during the construction of his home to gain a Temporary Certificate of Occupancy. He has now installed the landscape and this is the return of his deposit.

CONSENT AGENDA

There were not any items.

ACTION AGENDA

1. **Update on Conflict of Interest**

   Town Attorney Fickel addressed the Town Board and indicated that Attorney Marni Kloster was not able to complete the findings since all the interviews necessary for her report and therefore is asking for a postponement.

   Trustee Ehrlich moved to postpone the conflict of interest item until May 13, 2015. Trustee Onorato seconded.

   Discussion: None.

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

2. **Public Hearing on Martinez-Hahn Annexation will be Continued until the May 27, 2015 Meeting**

   Director Perkins indicated that this Public Hearing needs to be continued until the May 27, 2015 meeting.

Trustee Jemiola moved to continue the Martinez-Hahn annexation until May 27, 2015 meeting. Mayor Pro Tem Measner seconded.

Discussion: None.

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

3. **Public Hearing/Meeting for the Purpose to Review and Recommend Ordinance 706, Disconnecting/De-Annexing 6.78 Acres Owned by Robert D. Fields and Doris Fields**

Mayor Tokunaga spoke about the hearing procedures and read the quasi-judicial hearing procedures to the Town Board and Members of the Public.

Trustee Jemiola disclosed that Mrs. Fields was his Kindergarten teacher. Trustee Onorato goes to church with Mrs. Fields and their son was in her 4-H Club group.

The Public Hearing Opened at: 7:12 P.M.

Town Clerk swore in Doris and Robert Fields and their daughter-in-law.

Mr. Fields indicated there was an error on the property description. Where the Ordinance says "East One-Half," it should read "West One-Half."

Community Development Director Martha Perkins asked the Town Board to review Ordinance 706, disconnecting a Long, Thin, Trapezoidal Piece of Land consisting of Approximately 6.78 Acres Located in the West One-Half Northwest One Quarter W ½ NW ¼) of Section 34, Township 5 North, Range 67 West of the 6th Principal Meridian, Weld County Colorado from the Town of Milliken. The property owners are Robert David Fields and Doris Ann Fields and own 100% of the subject property. Their agent is their son Robert David Fields, as Power of Attorney.

Director Perkins indicated to the Town Board that the Planning Commission recommended Ordinance 706 to be forwarded to the Town Trustees at their April 15, 2015 meeting. Director Perkins would like her staff report put into the record.

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

Trustee Beck motioned that, after hearing testimony, examination of the documents presented and the findings of fact, finds the application meets the provisions of the Colorado Revised Statures Section 31-12-501 et. Seq. and approves Ordinance 706 with the change from east to west, to disconnect

approximately 6.78 acres owned by Fields immediately west of the Mill Iron Subdivision. Trustee Onorato seconded.

Discussion: Mayor Tokunaga read a statement from Director Perkins saying that "Milliken is a peaceful, quiet, and safe. Citizens know, respect and care for each other and there is a general concern for the community as a whole. Through their collective efforts and strong leadership, Milliken residents have maintained and built upon the community's high quality of life."

Trustee Jemiola recused himself from the vote since he is also on the Weld County Council.

Vote: Roll call vote: Trustees: Ehrlich and Onorato yes. Mayor Pro Tem Measner and Mayor Tokunaga, yes. Trustees: Beck and Kidd, yes, Motion carried.

4. **Public Hearing/Meeting for the Purpose to Review and Recommend Ordinance 707, Amending the Town of Milliken's Official Zoning Map for Fossil Park or Lot 2, Block 1 of the Settlers Village Subdivision 2nd Filing**

Community Development Director Martha Perkins asked the Town Board to review and consider Ordinance 707, amending the Town of Milliken's Official Zoning District Map for Fossil Park, or Lot 2 Block 1 of Settlers Village Subdivision Plat 2nd Filing, from a PUD "Planned Unit Development" – Industrial Zoning District to R-1 "Residential Single Family" Zoning District. The area is approximately 50 acres in size, sits vacant and is owned by Lot Holding Investments, LLC.

Mayor Tokunaga stated that this hearing will follow the same quasi-judicial procedures as the previous hearing had.

The Public Hearing Opened at: 7:25 P.M..

Bret Hall, who resides at 1845 Homestead Rd., Greeley and Russell Lee, who resides in Fort Collins, were sworn in by the Town Clerk.

Bret Hall explained that the reason for the rezoning was due to the changes that have occurred regarding the use of the area. This area now has a tennis court, dog park, swimming pool and a Field House that will be built in the near future. An Industrial area would not fit in the current circumstance. This is why the request is being made to change the industrial zoning to single family zoning.

Mayor Pro Tem Measner asked if R-1 was the appropriate zoning classification. Bret Hall indicated yes, that recreational use is allowed in an R-1 zoned district.

Director Perkins had nothing more to add and requested that her staff report be added for the record. This ordinance was brought to the Planning Commission at their April 15, 2015 meeting and the Commission passed it onto the Town Board for approval.

The Public Hearing Closed at: 7:31 P.M.

Mayor Pro Tem Measner motioned that after hearing testimony, examination of the documents presented and the findings of fact, finds the application meets the provision of Town's Municipal Code Chapter 16 Sections et. Seq. of the Town of Milliken's Land Use Development Code (LUDC) and approves the request to amend the Town of Milliken's Official Zoning District Map for Fossil Park or Lot 2 Block 1 of Settlers Village Subdivision Plat 2nd filing, from a PUD "Planned Unit Development" – Industrial Zoning District to R-1 "Residential Single Family" Zoning District in Milliken, Colorado, which consists of approximately 50 acres. Trustee Kidd seconded.

Discussion: None.

Vote: Roll call vote: Trustees: Ehrlich, Onorato and Jemiola, yes. Mayor Pro Tem Measner and Mayor Tokunaga, yes. Trustees: Beck and Kidd, yes. Motion passed.

5. **Public Hearing/Meeting for the Purpose to Review and Recommend The Sketch Plan and Preliminary Plat For Fossil Park or Lot 2, Block 1 of the Settlers Village Subdivision 2nd Filing**

Community Development Director Martha Perkins asked the Town Board to review and consider a request from Lot Holding Investments, LLC, to approve the Sketch Plan and Preliminary Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 (Parcel ID#105912441002) of the Settlers Village Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat (Parcel ID#105912019001) in Milliken, Colorado. The area is approximately 50 acres in size and currently sits vacant.

The Public Hearing Opened at: 7:33 P.M.

Bret Hall presented a Power Point map depicting the proposed Fossil Park area and explained the types of residential lots, trail system and lake.

Trustee Ehrlich asked if the lake water would be used for the non-potable irrigation system. Mr. Hall replied yes, it is currently being used, but the lake has not yet been dedicated to the Town.

Mayor Tokunaga asked if these homes will be similar to those in Colony Point. Mr. Hall replied they will be homes on larger lots than what is currently in Colony Point.

Mayor Pro Tem Measner asked how many lots will be in this subdivision. Mr. Hall replied 71 lots. Mayor Pro Tem Measner asked for the price point on these homes. Mr. Hall explained that the market hasn't been tested yet, but these homes will be at a higher price point. These homes would probably be over the $300,000 price point. Mr. Hall explained that these homes will be something that is not currently available in this area of Milliken.

Trustee Kidd thinks this will be a benefit to the Town since those residents who are looking to upgrade to a larger more expensive home will now be able to do so without leaving the Town for another community. Mr. Hall also spoke of a more affordable housing type, indicating multi-family housing. They will also be opening up a small office area within this development.

Trustee Onorato thanked Mr. Hall for their contribution to the Town.

Director Perkins had nothing further to add, except she would like her staff report added as part of the record.

The Public Hearing Closed at: 7:41 P.M.

Trustee Jemiola motioned that after hearing testimony, examination of the documents presented and the findings of fact, finds the application meets the provisions of Town's Municipal Code Chapter 16 Sections et. Seq. of the Town of Milliken's Land Use Development Code (LUDC) and approves the request for the approval of the Sketch Plan and Preliminary Plat for the purpose of developing the Fossil Park Subdivision on Lot 2, Block 1 (parcel ID#105912441002) of the Settlers Village Final Plat Second Filing and Lot 1, Block 5 of the Settlers Village Final Plat (Parcel ID#105912019001) in Milliken, Colorado. Trustee Onorato seconded.

Discussion: None.

Vote: Roll Call Vote: Trustees: Ehrlich, Onorato and Jemiola, yes. Mayor Pro Tem Measner and Mayor Tokunaga, yes. Trustees: Beck and Kidd, yes. Motion passed.

Mayor Pro Tem Measner and Trustee Kidd commented that the addition of this type of housing is needed in this area of Milliken.

6. **Consideration and Approval of Ordinance 705, an Extension of a Temporary Moratorium on Medical Marijuana and Marijuana Facilities and Establishments Until January 31, 2016**

Town Attorney Bruce Fickel asked the Town Board to consider and approve Ordinance 705 extending the temporary moratorium on the submission, acceptance, processing and approval of any application for a Town of Milliken permit or license related to the C-5 Zone District. This temporary moratorium will end on or before January 31, 2016 as the Town Board of Trustees desires to submit ballot questions to the eligible electors of the Town on November 3, 2015, to determine the desires of the electorate.

Mayor Tokunaga asked if this will allow ample time to put policies in place. Town Attorney Fickel believes so, as he suggested that these polices could be developed and ready to put in place prior to the election.

Trustee Beck moved to approve Ordinance 705, extending the temporary moratorium imposed under Ordinance 703, 700, 691 and 683, until January 31, 2016 in order for the electors of the Town to determine their desires at the November 3, 2015 election, for the establishment or operation of any medical or recreational marijuana businesses that sell, cultivate, manufacture, prepare, package, purchase, test or otherwise provide for or allow for the use of marijuana or marijuana products. Trustee MPT seconded.

Discussion: None.

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

7. **Consideration, Approval and Authorization to Purchase a One-Million Gallon Aquastore Water Storage Tank**

Town Administrator Brown asked the Town Board to review and consider for approval the purchase of a 1-million gallon water storage tank for the south side of Milliken. The installation of the water storage tank will be designed and located in order to achieve a reduction in the peak demand flows from the Central Weld County Water District and is a requirement in the recently approved Amendment to that supply Agreement. This tank is also one of the items in the water and sewer master plan. This item has been discussed and the different types of storage tanks have been evaluated. Administrator Brown explained that the cost of the tank is approximately $708,000 and there will be additional costs incurred to connect the tank to the water mains leading to and from the tank. In addition, the Town will need to purchase the land for the storage tank from Lot Holdings, Inc.

Trustee Jemiola moved to authorize the Town Administrator to sign for the purchase of a porcelain fused water storage tank from Engineering America. Trustee Onorato seconded.

Discussion: Mayor Tokunaga asked if the area has been designated yet for the storage tank. Administrator Brown replied not yet, but will be forthcoming.

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

DISCUSSION AGENDA

1. **Consideration of Construction Options for the Milliken - Johnstown Trail**

Finance Director Patrick Murphy asked the Town Board to provide Town Staff direction on the type of trail to be constructed for the Milliken-Johnstown Trail. Director Murphy would like the Trustees to decide the type of trail material they would prefer. The types of trail material that have been suggested are a crusher fine trail, a concrete and crusher fine trail and a concrete trail. The material selected will determine the level of additional appropriation required to fund the construction of the trail, as all options exceed the current budgeted construction cost.

Director Murphy explained that the Town is utilizing the North Front Range Metropolitan Planning Organization (NFRMPO) Grant for $300,000, the Town's original match of $75,000, and $55,000 of the Kaiser Permanente Walk and Wheel Grant funds for this trail, but will still be lacking the funding for the trail material.

Director Murphy explained that Shar Shadowen who is with the Town's Contract Engineering Firm, Lamp Rynearson, is present to answer any technical questions.

After a lengthy discussion regarding the types of trail materials and the longevity, cost and maintenance of these trail materials, it was determined by the Town Board to install a crusher fine trail.

Director Murphy indicated that a budget resolution will be brought to the next Town Board Meeting.

2. **Settlers Village Recharge**

To review attached Request for Proposals (RFP).

Mayor called for a recess prior to the Executive Session.

Executive Session

C.R.S. 24-6-402(4)(a), for the purchase, acquisition, lease, transfer or sale of any real, personal, or other property interest.

Executive Session began at 8:40 P.M.

Mayor Pro Tem Measner moved to go into Executive Session C.R.S. 24-6-402 (4)(a). Trustee Beck seconded.

Discussion: None.

All in favor, none opposed.

Executive Session ended at: 9:02 P.M.

Regular Meeting commenced at 9:02 P.M.

INFORMATIONAL AGENDA

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 9:03 P.M.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor