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

MEETING MINUTES

Wednesday, August 12, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, August 12, 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 Attorney Sunita Sharma. Absent: Community Engagement Specialist/Planner Seth Hyberger and Town Attorney Bruce Fickel.

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 had no changes to the Agenda. Trustee Kidd requested to add an item to the Discussion Agenda. Trustee Jemiola requested to add the remainder of the strategic planning session that was initiated at the Work Session.

Trustee Jemiola requested to move Action Item #2, Consideration and Adoption of the Town of Milliken Trail and Gap Analysis Report to the Consent Agenda. Mayor Pro Tem Measner seconded. All Trustees approved this change.

Citizen Comments

None.

Minutes of Previous Meeting

Approved as distributed.

CONSENT AGENDA

1. **Consideration and Approval of a Liquor License Renewal El Mex-Kal Family Mexican Restaurant**

   To consider for approval a Hotel and Restaurant Liquor License Renewal for El Mex-Kal from August 26, 2015 until August 26, 2016.

2. **Consideration and Approval of the Adoption of the Town of Milliken Trail and Sidewalk Gap Analysis Report**

   Town Administrator Kent Brown and the Town Board to consider for adoption the Town of Milliken Trail and Sidewalk Gap Analysis Report prepared by the Town's contract engineering firm, Lamp Rynearson & Associates.

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

   Discussion: Mayor Tokunaga requested to have the Highway 60 GAP improvements considered during the Colorado Department of Transportation (CDOT) Improvements that will be occurring on State Highway 60 in 2016.

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

ACTION AGENDA

1. **Consideration and Approval a Memorandum of Understanding (MOU) with Purvis Properties, LLC**

   Town substitute Attorney Sunita Sharma asked the Town Board to consider the MOU with Purvis Properties, LLC. The Purvis family will donate and convey to the Town a 15 foot strip of land adjacent to and south of the existing 30 foot right-of-way of Weld County Road 46 ½ and convey a 30 foot temporary construction easement adjacent to and south of the dedicated 15 foot strip of land. Both of these are needed for the construction of the proposed trail and are included in Exhibit "A", the Trail and Exhibit "B", the Temporary Construction Easement. This Agreement needs to be approved which is required by the Colorado Department of Transportation (CDOT).

   Trustee Jemiola thanked the Staff members who have helped with this project.

   Trustee Jemiola moved to approve the Memorandum of Understanding between the Town of Milliken, Colorado and Purvis Properties, LLC and authorize the Mayor to sign on behalf of the Town. Trustee Ehrlich seconded.

Discussion: None.

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

2. **Consideration and Approval of a Lease Agreement with Colorado Greenbelt Management**

Town Administrator Kent Brown asked the Town Board to consider for approval a lease agreement with Colorado Greenbelt Management for the use of the Tree Limb Center located at the Public Work Facility at 2951 Ash Street. Residents will still be able to obtain mulch for free. The Town's front-end loader will be used on a very infrequent basis.

Trustee Jemiola commented that this will help save costs in staffing, but questioned the annual permit fee amount that the Town collects and whether this amount will be prorated when Colorado Greenbelt assumes the Tree Limb Center. Trustee Jemiola also questioned item # 8 in the contract, stating that due to the tenant only being charged $1.00 per year for the lease, there should not be any cost to the Town for legal fees, etc. He wants to ensure that the Town will not be liable and that the Town could terminate the contract within 30 days with any cost or fees.

Town Administrator Brown will review this area of the contract with the prospective tenant and bring the agreement back to the Town Board at the next meeting.

Mayor Tokunaga would like to add an area to the contract that states the company maintain the property to a satisfactory level. Attorney Sharma responded that there could be additional language added.

Trustee Ehrlich moved to postpone this item until the next meeting, with the corrections. Trustee Jemiola seconded.

Discussion: None.

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

DISCUSSION AGENDA

1. **To Discuss and Review Potential Ballot Questions to be Placed on the November 2015 Ballot**

Town Administrator Brown reviewed with the Town Board with potential ballot questions pertaining to marijuana sales and production, taxation of marijuana

sales and a question to potentially increase sales tax. Administrator Brown also presented the Board with additional information in regard to sales tax.

Town Administrator Brown explained that surveys were sent and returned by several utility customers within the Town and these questions stem from those received from the Town's residents.

The Mayor stated that he prefers the simplified shorter version. Trustee Jemiola concurred with the Mayor.

Discussion from the Town Board was how the Town receive these funds. Attorney Sharma responded that the state has been working through this and that banks are now allowing these types of businesses to access the banking system and even credit cards are now being accepted by vendors.

Trustee Jemiola asked if there would be a way to have these funds allocated to specific funds, such as the water or sewer fund. Town Administrator Brown explained that the funds would be received into the Town's General Fund which would allow more flexibility on where the funds could be distributed. The Town Board would be able to allocate up to 10% to either the Water or Sewer Fund from the General Fund if they so desire.

Further discussion was on the zoning and whether the 2nd question needed to be placed on the ballot. Trustee Jemiola and Attorney Sharma explained the reasoning for this item and why it should remain on the ballot. This will explain that certain zoning would be required to operate a facility.

Discussion from the Board was in regard to a potential question on the November ballot regarding a 1% sales tax increase to be placed on the November ballot. Mayor Tokunaga mentioned the sales tax that is currently being collected on the signal light on Hwy. 257 and Hwy. 60. This sales tax amount will sunset once the signal light is paid off. Mayor Tokunaga asked whether this could be addressed in the proposed November ballot question or should it be a separate item at a later date. It was determined that this question should be asked at a later date.

Discussion from the Board was the language that should be placed in the ballot question.

Mr. Ted Chavez, a Milliken resident, spoke of the amount of sales tax that Milliken residents pay in other communities. He stated that Milliken does not have a shopping center or grocery store and the residents from the Town pay the sales tax amounts in these other municipalities and those municipalities receive the benefit, not Milliken. Mr. Chavez also pointed out that the people who pass through Milliken, non-residents, will pay this additional sales tax amount, which will benefit Milliken and its residents.

Trustee Ehrlich would like staff to draft the questions for the proposed language on the ballot.

Milliken Parks

Trustee Kidd commented on the condition of some of the parks in Town. He indicated that the drinking fountain at Centennial Lake has been broken for two (2) years and has not fixed/replaced. The restroom at Ehrlich Lake has had a leak for two (2) years. The monument sign turf east of town is dead due to not being watered. The Skatepark looks bad and the Windmill Park on the west side of town looks good, with the exception of the 4 dead trees. Trustee Kidd also spoke about the condition of the landscaping on Green Street. He indicated that there are good looking parks in town, but that some look terrible.

He would like these items addressed or would like to have bids sent out for contracting out these services. Trustee Kidd further explained that he wasn't faulting anyone and indicated that if it's due to a shortage of equipment or supplies, the Town Board needs to be notified of this. Town Administrator Brown will respond to these concerns at the next Town Board meeting.

Ms. Shellie Satterfield, a Milliken resident, asked if other landscaping material could be used, such as native grasses, etc.

Trustee Jemiola spoke of perhaps contracting out some of the services in order to help staff address items that are currently in need of repair, etc. He indicated that he did not want to change any Full-time equivalents (FTE's) but asked if perhaps some of the smaller parks be contracted out.

Trustee Ehrlich responded that the Town may be lacking an irrigation technician or stated that due to the hot temperatures, perhaps the sprinklers are not covering the area they should be. Perhaps there could be someone sent to training for irrigation and all the new techniques, etc. that could be used.

Discussion was to prioritize these areas that have not been addressed.

Mayor Tokunaga requested a 10 minute break.

The Town Board meeting resumed at 8:36 p.m.

Continuation of the Strategic Planning Work Session Item

Assistance from a professional firm regarding PR for the Town. Additional upgrades to the Meeting House, video broadcast regarding the Town Board meetings, a non-live version to provide the community information. Communications with the community in diverse ways such as an electronic board, etc. Regional collaboration in regard to items such as water issues, GIS

personnel sharing, such as the Town is currently doing with the Economic Development person Walt Elish.

Water – the use of non-potable, the reduction of treated water per residence that has a non-potable system. Communities such as Windsor require non-potable systems with all their new residential communities. Currently Milliken requires 50% live plant material in residential developments, perhaps the code needs to be amended. Town entrance on the west side of town, one side of the road looks good (windmill Park), the other side does not look very good and the fence that is adjacent to the property further down the road is not in the best condition. Hall-Irwin spoke of adding a wetland to a portion of the property along Hwy 257. If the bridge on Hwy 257 is redone, it would be an opportune time to add the pedestrian portion to the bridge, this addition would be at the cost of the Town. Currently there are not any stream gauges along the big or little Thompson or the South Platte rivers. USGS monitors the gauges along those rivers. There is an installation cost and a maintenance cost. This would provide good data to the residents in Town.

The Housing Authority needs to be considered in the budget based on what they presented at a previous Work Session with the Town Board.

Stop lights and traffic control need to be reviewed/added along the east corridor of the Town especially when the Milliken complex is completed.

Town Administrator Brown indicated that this information that has been presented will provide a foundation for the strategic planning session.

Town Attorney

Mayor Tokunaga spoke about the two (2) firms that the committee consisting of the Mayor Pro Tem, Town Administrator and he are considering after reviewing all the submittals. One firm is located in Denver and the costs will be higher. The other firm is out of Fort Collins. As the Town is growing, the municipality will be requiring more MOU's, and IGA's, there will be more complex agreements. Estimates of costs have been received from both firms.

Trustee Ehrlich asked what the additional cost would be to have an attorney from Denver drive up for the Wednesday staff meetings. Town Administrator Brown indicated that they would not need to be present at every meeting and some of those could be conducted by phone conference or skype. Trustee Jemiola was looking at the local firm, due to their institutional knowledge of Weld County. The Mayor explained that the Denver firm currently does Lochbuie and does both larger and smaller municipalities. The Denver firm does not do prosecution so this would need to be segregated. The Fort Collins firm does do prosecution. The hourly rate with the Denver firm was more, but would this firm could be more efficient.

The Board consensus was to allow the committee to make the choice and perhaps to only have a one year contract.

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 9:11 P.M.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor