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

MEETING MINUTES

Wednesday, June 10, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, June 10, 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, Police Chief Benito Garcia and Town Attorney Bruce Fickel. Absent: Community Development Director Martha Perkins and 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

Tonia Martinez who was scheduled to present, was not able to attend due to illness. This presentation will take place on another date.

Swearing-In Ceremony

Chief Garcia provided the Town Board and audience with a background summary about Justin Ellis. Mr. Ellis' family was present for the ceremony.

Town Clerk Cheryl Powell swore in the new Milliken Police Officer Justin Ellis.

Agenda Approval

Town Administrator Brown indicated that Staff had no changes to the Agenda. Trustee Jemiola requested to move Action Item 2 (Municipal Abatement Service Contract) to the Consent Agenda.

Citizen Comments

Mr. Thomas Farmer, who resides at 100 N. Norma Ave., Milliken, was concerned about the destruction of the Bridge in Lola Park. He has been informed by his daughter that the bridge was in bad condition due to age, destruction by children, etc. Mr. Farmer would like to know what the plans are for replacing the bridge. Town Administrator Brown informed Mr. Farmer that the bridge will be replaced. The replacement is part of the Town's Parks improvements. The Town is concentrating on four (4) of Milliken's parks this year. He informed Mr. Farmer that the bridge was not sufficient with the heavy rains the Town has received and the new structure will better accommodate the water that runs beneath it. Administrator Brown explained that the Town has preserved the brick that was salvageable from the structure and it will perhaps be used in another Town project.

Trustee Onorato explained that she has a photograph of the original bridge being constructed with the residents, etc. that were involved. The Town Board suggested inviting those members to the dedication of the new bridge.

Mr. David Fields, spoke of the recent de-annexation of his family's property located on WCR 52 with the Town. Mr. Fields became concerned when he applied for a building permit to construct a residence for him and his family through Weld County. He was not opposed to the annexation that occurred in 1998 with the McDowell's property (Mill Iron V). Mr. Fields said that at the time of this annexation there had been discussion with the Administration and Town Board that were in place in 1998. Mr. Fields explained that there is a unique water right with the property he owns called the TJ Jones Seepage. This water right was impacted when the subdivision was built and will be further impacted with the Martinez-Hahn subdivision when it is developed. Mr. Fields claims that when the Mill Iron subdivision was being considered, the Fields did not receive the proper notification. He indicated that the Town had already put this annexation through the Planning and Zoning process and when the Fields family went to address this at the Town Board meeting, they were told that they had missed their opportunity to voice any concerns. Due to this land being opened and exposed for development, there had not been any mitigation done regarding the potential of washouts due to heavy rains. Because of this the Fields lost crossings and access to both of their fields that year and were not able to farm this land. The Fields did not complain about this problem because they were wanting to be a good neighbor.

Mr. Fields asked that his comments be included in the minutes to this Town Board meeting, since the meeting minutes from past years were vague. Mr. Fields views this discussion as a continuation of the past years meetings. Mr. Fields has asked and has not received the receipt indicating that the Fields received proper notification on the McDowell Annexation known as Mill Iron V. Mr. Fields feels that the lack of notification was an error in the process. If the

Board realizes this particular parcel of land was annexed in error, there should be some shared acknowledgement that there a mistake. Mr. Fields thought that the Town could have fast tracked the de-annexation procedure due to this error. He indicated that he had first brought this error to the attention of the Town in November of 2014, there was not a Town Administrator or Town Planner on staff at the time. In early December of 2014 he spoke with the newly hired Town Planner and she indicated to Mr. Fields that this would need to be discussed with the Town Attorney, but the Attorney was on vacation. Mr. Fields had to wait until January to have these discussions. At this time he had over $80,000 invested in this project. Due to the length of time the de-annexation process took, his builder had to move the building of Mr. Fields home down the list and bypass him until the issue was resolved.

Mr. Fields indicated that when his family spoke to the Town Board it was said that too much time had passed stating that he land was purchased in 2007, the six (6) acres was purchased for $687.00. Mr. Fields indicated that this was only a survey and the legal fees to transfer the property. The cost of land was substantially higher. Mr. Fields stated that he was not concerned with going through the disconnection/de-annexation process thinking it would only be a thirty (30) day process. He became concerned when Administrator Brown told him that the Town needed to follow the process of disconnection with the proper noticing requirements, Planning Commission and the Town Board followed by the Ordinance effective date after passage by the Town Board of sixty (60) days. In June Weld County started accepting his building permits for review. He had to acquire another bridge loan and title work which cost him $1,800 in interest and fees. He has all these expenses and then his Attorney informed him that there was a $750.00 fee for disconnection from the Town. Mr. Fields requests that the Town Board waive this fee.

Mr. Fields indicated that he needs a map to provide to the County indicating the new boundary line. His wife also asked the Town Administrator and Community Development Director to send a letter to Weld County stating that the disconnection had been approved by the Town Board. Mr. Fields indicated that Administrator Brown would not send the letter until the fee was paid by the Fields. There was also another $400.00 added to this fee.

Mr. Fields has had to find new funding for his project, he has paid $3,900.00 in legal fees and the fees to the Town. Mr. Fields has asked the Town Board to meet him in the middle of this. Mr. Fields indicated that he is contemplating telling this story to the Newspaper and the media. He wants to know if this situation is unresolvable he is willing to take this to Court.

Mr. Fields also informed the Town Board of all the traffic and the speed of the traffic that is occurring in the area of his property on WCR 52.

He will be a fair neighbor, but not a good neighbor. He will no longer dig out the

Mill Iron subdivision after a snowstorm. He will no longer look the other way regarding the noxious weeds at the Mill Iron V subdivision.

Mr. Fields asked the Town Board to review the Mill Iron V subdivision map, indicating that the development stops at the fence line of the Fields property.

He would not like to see this type of thing happen to someone else. He asked the Town to ask questions, etc. so another person does not have to go through this again when annexing property into Town that is adjacent to another property.

Trustee Jemiola thanked Mr. Fields for bringing this to the Town Boards attention. He indicated that the traffic problem is probably not all of Milliken's residents, that there is trucking due to businesses.

Mayor Tokunaga asked what items would Mr. Fields like addressed. Mr. Fields distributed copies of the correspondence from his attorney and the invoice from the Town to the Town Board. Mr. Fields would be happy to address any other damages with the Town. Mr. Fields also addressed all the various things that his family has done for the Mill Iron subdivision and that he and his family have always been good neighbors to the Milliken community. He would like to hear something back from the Town Board within thirty (30) days.

Mayor Pro Tem Measner asked about the Water right. Mr. Fields indicated that it is the TJ Jones Seepage that is part of the filing with the property. It starts above WCR 54. The Martinez-Hahn property does not have any water rights outside of the ½ share of Greeley Loveland water.

Mayor Tokunaga indicated to Mr. Fields that the Town Board will respond within thirty (30) days.

Town Clerk Powell explained to Mr. Fields that she does try to incorporate as much detail in the minutes she produces, but wanted him to understand that verbatim minutes are not taken and the state statutes only require action minutes to be taken. She and the current Town Board like more substance to the minutes so more detail is available for future viewings of minutes.

Trustee Kidd asked for more clarification of the property from Mr. Fields. Mr. Fields explained. Mr. Fields suggested that the Town Board contact Stroh Reality of Loveland since they developed the property with Jim McDowell.

Trustee Jemiola asked to have this placed on the July 8, 2015 Town Board Agenda.
Mr. Fields indicated that Rider Riddick with Weld County is needing the map of the property with the revised boundaries.

Mr. Fields would like half his legal fees and Town fee's, which is approximately

$3000.

Minutes of Previous Meeting

Approved as distributed.

CONSENT AGENDA

1. **Consideration and Approval of a Contract for Municipal Abatement Services**

Town Administrator Brown asked the Town Board to consider and approve a contract with Escape Landscapes to provide Municipal Abatement Services.

Trustee Jemiola moved to approve the Consent Agenda. Trustee Onorato seconded.

Discussion: None.

Vote: All in favor, none opposed. Motion passed

ACTION AGENDA

2. **Consideration and Approval of Resolution 15-14, Adopting the Town of Milliken Sewer Code**

Town Attorney Fickel asked the Town Board to consider and approve Resolution 15-14, which will add a section in the Town of Milliken's Municipal Code for Sewer. This Code will provide standardized regulations for the construction and use of the Town's sewer system. Asked to adopt as a code next meeting to adopt by reference and the next meeting to adopt.

Mayor Tokunaga asked about discharge limits. These are the newest limits that the Department of Health will ask for in June 2015. Mayor asked if it wouldn't be best to follow the Colorado Department of Health Standards or whichever is more restrictive. Town Attorney Fickel will add some additional language to the Ordinance.

Trustee Jemiola moved to approve Resolution 15-14, which will add a section to the Town of Milliken's Municipal Code for Sewer. Mayor Pro Tem Measner seconded.
Discussion: None.

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

DISCUSSION AGENDA

Trustee Jemiola would like to have a follow-up with Mr. Fields and have it a part of the Work Session and to bring it to the July 8, 2015 Town Board Meeting.

Trustee Jemiola asked who is the owner of the CAP Farms land is it Boulder Scientific or Lot Holdings. TA Boulder Scientific owns the property. Town Attorney indicated that a LOMAR has been submitted, but will provide information that he has on the property to the Town Board if they would like him to.

Trustee Jemiola moved to have the information on the Boulder Scientific site and the Planning Documents. Mayor Pro Tem Measner seconded.

Discussion: Trustee Kidd indicated that there were phasing plans regarding Boulder Scientific, but he does not believe they spoke about the chemicals.

Vote: All in favor, none opposed.

Trustee Jemiola asked for this information for the second meeting in July.

Mayor Pro Tem Measner would like to know where staff is at regarding the questionnaire for the issues that will be on the November ballot. Town Administrator Brown indicated that there were a few changes and the survey will be going out shortly.

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 8:14 P.M.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor