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

MEETING MINUTES

Wednesday, July 8, 2015 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, July 8, 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, Community Engagement Specialist/Planner Seth Hyberger and Town Attorney Bruce Fickel. Absent: Treasurer & Accounting/Finance Director Patrick Murphy and Police Chief Benito Garcia.

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. Mayor Tokunaga indicated that Item #5 (Fossil Park Development Agreement) on the Action Agenda has been deleted until a later date. Trustee Jemiola suggested moving Action Agenda items #1 & #2 to the Consent Agenda. The Town Board had no concerns regarding the changes to the Agenda. Those that were in attendance in the audience were asked if they had any concerns regarding these items. There were none.

Citizen Comments

Ms. Dani Jennings, who resides at 202 S. Marjorie Avenue in Milliken, and who also owns a business located at 1760 Broad St., Milliken called the Burn Out Grill, spoke about an event they host on Wednesday evenings called Cruise Night. This event takes place during the seasonal times during the year in which the music from the bands could be played outdoors. There has been complaints

from a citizen regarding the noise from this event. Ms. Jennings informed the Town Board that the event ends at 9pm, and a stage with a sound barrier had been built to help with excess noise from their bands. She is concerned about losing their liquor license because of these complaints. Ms. Jennings explained that when the police have made contact with her regarding the noise complaint, the music would either be turned down, moved inside or just ceased. Ms. Jennings further explained that she had even held the event on a different day of the week with an earlier ending hour. The complaint still continued.

Discussion from the Town Trustees and the Town Attorney was in regard to the volume at which the music was played and perhaps a standard that could be used instead of just on a resident complaint basis. Town Attorney Fickel offered to speak with Ms. Jennings and Police Chief Garcia in regard to this.

Ms. Jennings also explained to the Town Board that certain proceeds from the events were donated to worthy causes, such as the Skate Park and the Boys and Girls Club. Ms. Jennings also informed the Town Board that she has cancelled all the remaining music events for the year, since she cannot risk losing the establishment's liquor license. She explained the amount of money that is now lost in revenue for her business, due to the cancellations and all the others that it has effected monetarily such as her staff and the bands that were scheduled to play at the Wednesday evening event.

Mayor Tokunaga asked if the events were cancelled strictly due to the complaints. Ms. Jennings replied yes.

Minutes of Previous Meeting

Approved as distributed.

CONSENT AGENDA

1. **First Amendment to Intergovernmental Agreement (IGA) Between the Town of Milliken and Thompson Rivers Parks and Recreation District (TRPR)**

Town Administrator Kent Brown asked the Town Board for consideration and approval of an amendment to the IGA between the Town and TRPR. This amendment will indicate the Town's financial obligation as set forth in the agreement.

The Town entered into an IGA with TRPR in July 2014, committing the Town to assist in funding the construction of a field house in Milliken, now known as the Milliken Athletic Complex (MAC). The original agreement obligated the Town to fund up to $200,000 per year for twenty (20) years, depending on the final construction costs and financing requirements. The construction budget has

been completed, financing is in place, and the costs of the project are in excess of the original estimates. TRPR is proposing that the Town contribute the maximum amount allowable under the original IGA.

2. **Consideration and Approval of Resolution 15-17, Appropriation of Funds for the Support of the Milliken Athletic Complex**

   Town Administrator Kent Brown asked the Town Board for consideration and approval of Resolution 15-17, appropriating $200,000 from the General Fund to be paid to the Thompson Rivers Parks and Recreation District (TRPR) in accordance with the Amendment to the IGA.

3. **Consideration and Approval of Resolution 15-16 and Policies for Community Development Block Grant – Disaster Recovery (CDBG-DR) Compliance**

   Community Engagement Specialist Hyberger asked the Town Board to consider for approval Resolution 15-16 and policies for CDBG-DR compliance.

   The purpose of this item is to approve the following resolution and policies regarding Section 504 of the Rehabilitation Act, Americans with Disabilities Act of 1990, and Community Development Block Grant-Disaster Recovery compliance. These include: Equal Employment Opportunity Policy; Excessive Force Policy; Town of Milliken Residential Antidisplacement and Relocation Assistance Policy; and the Town of Milliken Notice of Nondiscrimination Policy.

   The Town received a CDBG-DR Planning Grant in the amount of $80,000 to go towards the development of the Town's Comprehensive Plan Update 2015. The United States Housing and Urban Development and Colorado Department of Local Affairs requires the aforementioned resolution and policies to be approved in order to ensure grant requirements regarding civil rights are met.

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

   Discussion: None.

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

ACTION AGENDA

1. **Consideration and Acknowledgement of the Determination of Irrigated Acres under Centennial North Non-Potable Irrigation System and Non Potable Water Certificates**

   Building Permit Technician Caree Rinebarger asked the Town Board to acknowledge the determination of irrigated acres under Centennial North non-potable irrigation system and non-potable water certificates.

   Rinebarger indicated that in 2004 an agreement was made between the Town of Milliken and Lot Holding Investments, LLC. The agreement created 501 Water Certificates, and provision for 48 Acres of Non-Potable Irrigation (use of the non-potable irrigation can be assigned and transferred within the subdivisions). A current accounting of the Non-Potable Irrigation usage by acres completed in conjunction with Lot Holding Investments, LLC, determined that Lot Holdings has 7.2 acres remaining and available, to date, for irrigation via the non-potable irrigation system.

   Trustee Kidd asked what would happen if this determination is not accepted. Rinebarger indicated that she was not sure, she would need to ask the Town's Water Engineer Forrest Leaf. She also explained that this determination is only in regard to non-potable water used for irrigation.

   Town Attorney Fickel explained that this is more of a house keeping issue so that what Lot Holding, LLC shows as remaining non-potable water, is the same as what the Town shows in their records.

   Mayor Pro Tem Measner moved to acknowledge and approve the Memorandum of Determination of Irrigated Acres under the Centennial North Non-Potable Irrigation System and Non-Potable Water Certificates. Trustee Jemiola seconded.

   Discussion: None.

   Vote: All in favor, none opposed.

2. **Consideration and Approval of the Sale of Property Located at 417 Broad Street**

   Town Administrator Brown asked the Town Board for consideration and approval of the property located at 417 Broad Street and to allow for him to sign for the sale. Administrator Brown explained that a year ago this property was appraised at a lessor value. Brown explained that the listing price was at 50,000, and an offer to buy came in at $45,000. The buyer is asking for half the closing costs to

be paid by the Town and a completed survey of the property.

Trustee Kidd asked if the property had water and sewer taps and what the current pricing of these taps are. Administrator Brown responded saying that the property does have the taps and Rinebarger responded saying the current pricing for a water tap is $9,000 and a sewer tap is $4,000. Trustee Kidd asked if the well on the property is working. Brown explained that the well is not working, but the buyer is aware of this.

Mayor Pro Tem Measner explained that her understanding from when the house on the property was originally moved next to the Town Hall that the proceeds from the sale of the house was to be applied towards the expense of renovating the house which now being used as a museum called the Heritage House.

Trustee Jemiola moved to approve the sale of property at 417 E. Broad Street and authorize the Town Administrator to sign all documents related to the sale of the property to 2 Valley Builders. Trustee Onorato seconded.

Discussion: None.

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

DISCUSSION AGENDA

Bee Keeping Ordinance

Administrator Brown explained that there was an incident that occurred in the last few weeks at an outlying property. The bees swarmed a neighbors horses and the family members. This property who owns the bees has 10 hives. They did not realize that this was a violation of the Town. The hives have been moved.

Discussion was in regard to the distance between properties for those who would like to have bees.

Trustee Jemiola responded that as long as it is regulated and limited it should be an allowable use.

Mayor Tokunaga asked if there will be an ordinance that will come before the Town Board in the near future. Administrator Brown responded yes.

Mayor Pro Tem Measner asked if the ordinance included a barrier between the hive and the surrounding properties to negate the flight path. Trustee Jemiola responded yes, it was in the sample ordinance which he had provided.

Discussion from the Town Trustees was regarding the barriers used and the distance from the property lines. What the lot size should be allowed for the bee keeping. Town Attorney Fickel suggested bringing in an expert in the field of bee keeping.

It was determined by the Town Board to bring in an expert to speak during a Work Session.

INFORMATIONAL AGENDA

1. **Fields De-Annexation Memo**

The Town Board packet included a memo from Town Attorney Fickel.

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 7:42 P.M.

Prepared by:

Cheryl Powell, Town Clerk

Approved by:

Milt Tokunaga, Mayor