

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

**MEETING MINUTES**

**Wednesday, March 30, 2016**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday March 30, 2016 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, Finance Director Jennifer Nash, Accounting Technician Courtney Diller and Town Attorney Linda Michow. Absent: Parks Director Josh Roseberry and Public Works Director Bill Landwehr.

**Pledge of Allegiance**

Mayor Tokunaga called the meeting to order.

**Roll Call**

Trustee's: Ehrlich, Onorato, Beck and Kidd, Mayor Pro Tem Measner and Mayor Tokunaga. Trustee Jordan Jemiola arrived after roll call was taken.

**Agenda Approval**

Staff indicated that they did not have any changes to the Agenda.

**Citizen Comments**

Mayor Tokunaga addressed the audience prior to the Citizens Comments portion of the agenda. The Mayor stated the following: *As everyone knows, the Town is holding an election on April 5th. Under Colorado law, the Town is not allowed to spend Town funds or to allocate Town resources to influence any election or to contribute to any candidate. The Town is authorized to respond to questions on an election. This statement is intended only to respond to questions the Town staff and Board of Trustees have received from electors concerning two recently distributed campaign mailers, the first of which included the Town logo, and the second of which included references to the current Town Board. The Town did*

*not pay for, sanction, promote or otherwise have any involvement in the creation or distribution of either campaign mailer. The Town will not use any of its resources, funds or staff to promote or influence any candidate or election issue. I would like to conclude by saying that this statement is not intended to generate debate or discussion among Board members or members of the audience.*

*Thank you and let's move on to the next agenda item.*

Trustee Beck asked to be excused as a Trustee and allowed to speak as a citizen of Milliken.

*Linda Beck, 2262 Birdie Dr., Milliken, spoke to the Town Board and audience saying the following: My views do not represent the Town's or the views of the Board. I would like to make perfectly clear that the last line on the anonymous flyer, the very last sentence said, "if you have any doubts about these facts talk to any board member to verify" She would like it known that she is not a part of those comments or that writing.*

*While I agree with Mayor Tokunaga with respect to addressing the "Milliken Voter Alert", I feel compelled to address just a couple of issues raised in the alert.*

*It should be noted that the person or persons who wrote this, did so anonymously, but they accused the four candidates of doing the same thing. Not only did the candidates actually put their names on their letter, they added their pictures.*

*Because this is still a small town, I will not wade into the mud the anonymous authors of the Alert wrote about the former members of the Board of Trustees and the Town's staff except to say that libel is illegal and we all know those people, whose ethical and moral reputations were maligned, have given exemplary service to the Town for years and their reputations are unquestionably stellar.*

*I have to say that I was shocked by the implication that somehow a candidate's qualifications to be trustee were somehow affected by the acts of her husband. I really believed that all of us understood that women candidates stood on their own merits.*

*Regarding the Reverse Osmosis plant, the record is clear, once the Town Administrator and the Town's staff became aware of the non-compliance issue with the State of Colorado, they responded immediately by shutting down the plant and are currently working diligently to bring the reverse osmosis plant back in compliance or find a solution. The final penalty, if any penalty at all, has not yet been determined.*

*Finally, we all know that when you have no facts to support your position, people resort to maligning your opponent. Thank you author of the alert for alerting us to*

*the fact that you have no facts to rebut the positions taken by the candidates you have maligned.*

*Elizabeth Austin, 775 Saddleback Dr., Milliken, spoke to the Town Board and audience saying the following: She is one of the candidates and on the two flyers that came out and she was checking social media and noticed that there's some statements out there and she is now speaking to set the record straight.*

*She announced that she did appear in the first flyer and paid her one quarter share of the costs for that flyer. During the Candidate Forum there were questions asked about the flyer and those were answered. If anyone has any further questions, she would stay after the meeting to answer them. In response to the statements that Linda Beck just spoke about regarding the last flyer, she is concerned about how this reflects on the Town. First of all, the candidates choose to run for office, not their family members, not their businesses and they should not be drug into this vortex of smut. The candidates ran on a platform to bring more prosperity to the town and to further what the current Board has done. She does not know how individuals or businesses would want to come to a town with this type of ethics.*

*Elizabeth stated that she had received four (4) phone calls from individuals wanting to know who wrote the last flyer and she wouldn't answer. She said that she is the one who did locate the company who printed the last flyer and obtained a copy of that invoice. She referred those whom she spoke to, to the Johnstown Breeze. The Breeze did an excellent job of reporting on this issue. She became more concerned when certain candidates were being accused of writing this last flyer. Elizabeth stated that she believes that this race should be a fair race. Elizabeth announced that she personally does not believe that Beau Woodcock nor Nick Ehrlich wrote the flyer. The Town Board is also a part of this collateral damage, due to the comment at the end of that flyer.*

*Finally, she asked that the citizens put this behind them and let it die. More gossip would make this issue grow and get worse. Let's get on with the business of taking care of the town.*

*Michealle Hobler, 800 Mill Iron Rd., Milliken, spoke to the Town Board and audience saying the following: She was personally disgusted by the letter (flyer) that was distributed anonymously. Her husband Reid was mentioned in this flyer. The person who wrote this flyer made it personal by bringing her business (veterinary clinic) into this, it stated that the business is Reid's business and it's not, it is her business. They have been citizens of this Town for fourteen (14) years and they have done nothing but good for this community and to say otherwise is slander. She is heartbroken by knowing who wrote the letter because it is a client of hers. Dragging her husband through the mud and mentioning her business it is now personal.*

*In summary, her husband was accused of making shady business transactions*

*by purchasing a water tap and that he knew, due to being on the Board at that time, that these fees were going to go up. Michealle indicated that the cost increase for the water tap was not a secret. She also clarified that Milliken Animal Clinic was established in 2010 and they purchased the building in 2011, the water tap increase did not take place until 2014. The raw water cash-in-lieu rate was on the Work Session Agenda for Wednesday, February 12, 2014. The rate than was voted on by the Town Board on Wednesday, February 26, 2014. Both the Work Session and Town Board meetings are public meetings. In closing she is disgusted. At the Candidates Forum discussion was how to keep businesses in Town. Michealle's response to that question is, you don't do what just occurred.*

Reid Hobler, 800 Mill Iron Rd., Milliken, spoke to the Town Board and audience saying: *He would like to add to his wife's statement regarding businesses in Town. He personally received phone calls from clients in Johnstown, letting him know that there is available building space in Johnstown. The clients indicated to him that if Milliken isn't treating you right, why don't you move your business to Johnstown. Reid said if Board members or those in the audience think that issues like this don't matter. If the Board or residents who want businesses to come to town, issues like this should not happen. Issues like this should not occur if the Town wants businesses to come here. If something like this had occurred prior to his wife's business opening in town, he would have encouraged her to go elsewhere. This town attacks its own businesses. He would like the Town Board to address this issue, he does not know what they can do, but something needs to happen.*

Shellie Satterfield, 201 Oakwood Ct., Milliken, spoke to the Town Board and audience saying: *She received the flyer at her home and tried to find out who had written it. The flyer hurts everyone, why would anyone want to volunteer or run for office, why would anyone want to get involved and come to the meetings if this is the kind of fear tactics that people have to face. She came to the meeting tonight and thinks the Town Board should address the community as a whole. What does the Town want to look like? She does not believe the Town wants to be portrayed that it attacks its own. The Town needs leadership by example. That the Board had nothing to do with the mailing, didn't help pay for it and won't stand for it. The Board was brought into the last flyer whether they knew of it or not. It has tarnished the Town Board, the candidates the flyer refers to and also the other candidates. It is not fair that those who had nothing to do with this flyer pay the price for it. The town has growth and new citizens. She cannot imagine what she would have thought, if she had not lived here already for a few years after reading that flyer.*

Trustee Ehrlich excused himself from the Board and spoke as a citizen.

LeRon Ehrlich, 2457 Birdie Dr., Milliken, addressed the Town Board and the audience by saying: *He wished all the candidates good luck. He indicated that*

*there is one goal that everyone who sits on the Town Board, that are elected by the people, and that is to run efficient town business. He looks forward to working with whoever gets elected to the Board. He has two (2) years remaining on the Town Board. If people are wanting to split the Board or has a personal agenda that makes the job of the Town staff very difficult. Personally he hopes all the candidates have the same goal and that is for the betterment of the Town.*

Robin Denman, 1907 Windsong Dr., Johnstown, addressed the Town Board and audience by saying: *She would like to share her concern and has taught in this district for 37 years, she knows many people in town. Robin had been the Mayor in Gilcrest and knows that small towns have their own interesting problems and challenges. She spoke about the flyer that was sent out and that the Johnstown Breeze has indicated who had sent it out. What concerns her are the people that are in businesses in Milliken, because if they do not know what is the truth and they see what is in the flyer and they assume that is the truth. She indicated that to send something out without a signature is cowardly and hurtful. She knows many of the candidates that are running and finds the flyer heartbreaking. Her Hope is that the people and businesses can recover from what has occurred and without consequences. The candidates that are running are running on platforms that they believe can help Milliken. She commended the Johnstown Breeze for their article.*

### **Minutes of Previous Meeting**

- March 9, 2016

Trustee Onorato advised the Clerk of a correction regarding Dennis Reid and the spelling of his first name.

Minutes approved with correction.

### **Acknowledgement of the Paid List of Bills**

- March 2016 List of Bills.

Trustee Kidd inquired about the invoice from Bruce Fickel. Accounting Technician Courtney Diller responded that this is the last payment for prior business with the Town.

Trustee Ehrlich asked about the payment to Lawrence, Jones, Custer. Town Administrator Brown responded that they are the Town's Water Attorneys.

## CONSENT AGENDA

Trustee Jemiola requested Action Item # 2 to be moved to the Consent Agenda. The members of the Board had no concerns with this item being moved to the Consent Agenda.

### 1. Renewal of Retail Liquor Store License for McCutters

Melissa McLavey of McCutters, LLC has submitted the Renewal Application and has paid the required fees to renew the Retail Liquor Store License for the period of June 16, 2016 until June 16, 2017.

### 2. Consideration and Approval of Resolution 16-06, Updating Revenues Related to Solid Waste Collection Services

Town Board to consider for approval to adjust the Town Fee Schedule to reflect the rate changes necessary to fund the price increase by Waste Management, Inc. The rate increase of 2.75% which will increase the cost of the 96 gallon container to \$12.44 per month and recycling will also increase .32 to \$3.07 per month.

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

Discussion: None.

Vote: All in favor, none opposed.

## ACTION AGENDA

### 1. Consideration and Approval of Ordinance 727, Amending Chapter 13 in Regard to the Storm Water Utility Enterprise and Storm Water Utility Fees

Town Attorney Linda Michow asked the Town Board to consider for approval Ordinance 727. The Town of Milliken had recently established a Stormwater Utility through the passage of Ordinance 704 on December 10, 2014. In the process of reviewing the procedures to collect a proposed stormwater fee, the framework to impose and collect those fees as a separate enterprise in the Code was not completed. This Ordinance creates that framework and structure within the Code. This will allow fee's to be collected and mechanisms to collect the fees.

The proposed Ordinance also sets forth the following exempted types of property: Public highways, roads, trails, sidewalks, and bike paths, etc., Agriculturally zoned or assessed property, Railroad right-of-way. Any delinquent fees shall be certified for collection to the Weld County Treasurer.

The stormwater fee will be brought to the Town Board at their next meeting.

Trustee Onorato moved to approve Ordinance 727, amending Chapter 13 of the Milliken Municipal Code to enact a New Article V Concerning the Town's Storm Water Utility. Trustee Kidd seconded.

Discussion: None.

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

## **2. Consideration and Approval of Resolution 16-05, Updating Revenues Related to Water Services**

Finance Director Jennifer Nash asked the Town Board to consider for approval to amended fee adjustments, deletions and additions to the Town of Milliken's Fee Schedule. The Town has not increased its water rates since 2010. The Town conducted a water rate analysis and it was recommended that the increase should be 15%. During this time the Town has seen significant increases from its two (2) water treatment providers, the City of Greeley (91%) and Central Weld (86%). Staff is also recommending that the non-potable water rates be increased to \$45.00 for all base use and \$1.00 per 1,000 gallons of usage.

Mayor Tokunaga asked Director Nash to explain the increases and how they will impact the residents. She explained that normal water users who average 20,000 gallons per month will not feel the impact of this increase as much as those who use 40,000-60,000 per month.

Town Administrator Brown reiterated that the increase is based on the increases the Town has received from its water providers, Central Weld and the City of Greeley. The highest two water rate categories were combined. There was more of an increase for those higher water users.

Mayor Tokunaga indicated that some of the increase from the provider was due to the peak demand usage. The water storage tank will help alleviate this problem.

Director Nash also addressed the cash-in-lieu fee and indicated that this amount will be adjusted on new development to allow for a more competitive rate compared to neighboring communities. This adjustment will allow the Town to generate more cash reserves to directly purchase additional raw water. Mayor Tokunaga indicated that there could be a potential increase in building that could incur due the drop in the cash-in-lieu rate.

Mayor Pro Tem Measner moved to adopt resolution 16-05 the recommended Fee Schedule with changes to water rates including base standby charges and usage charges and the cash in lieu rate. Trustee Beck seconded.

Discussion: None

Vote: All in favor, none opposed.

**3. Consideration and Approval of the Brookstone Phase I Development Agreement with Lot Holding Investments, LLC**

Community Development Director Martha Perkins asked for the Town Board to consider and approve a development agreement for a commercial site plan consisting of two four-plexes for Brookstone Development Phase I on approximately .98 acres. The Planning & Zoning Commission reviewed and approved the Brookstone Subdivision Site Plan for Phase I in a public hearing on October 21, 2015.

Director Perkins explained that Lot Holding Investments, LLC has been actively building single family residential housing in Settlers Village through their company Windmill Homes. Lot Holding would like to test the market for multi-family condominium housing by building 2 four-plexes as the first phase of the proposed Brookstone Subdivision Condominium Multi-Family Housing Project. The Brookstone Subdivision totals 11.621 acres. The Town is withholding a 10% financial collateral of the total cost of the public improvements and the landscaping in the pocket park designed to serve the Brookstone Development. Town Administrator Brown spoke about the improvements.

Director Perkins further explained that the Comprehensive Plan supports the development of a variety of housing types necessary to support employee recruitment and retention.

Trustee Jemiola moved to approve the development agreement with Lot Holding Investments, LLC for the Brookstone Subdivision Phase I. Trustee Onorato seconded.

Discussion: None.

Vote: All in favor, none opposed.

**DISCUSSION AGENDA**

Elizabeth Austin spoke to the audience and asked if anyone is interested in the Events Committee.

Mayor Tokunaga asked for a 5 minute recess.

**Executive Session**

C.R.S. 24-6-402(4)(b), to confer with any attorney for the Town for the purposes of receiving legal advice on specific legal questions.

Trustee Kidd moved to go into Executive Session under C.R.S. 24-6-402(4)(b). Trustee Beck seconded.

Vote: All in favor, none opposed.

Executive Session began at: 8:05 P.M.

Executive Session ended at: 8:22 P.M.

**Resumed Regular Meeting**

Resumed at: 8:22 P.M.

**INFORMATIONAL AGENDA**

**Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)**

**Adjournment**

Hearing no further business, the Mayor adjourned the meeting at 8:23 P.M.

Prepared by:

  
Cheryl L. Powell, Town Clerk

Approved by:

  
Milt Tokunaga, Mayor