

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

MEETING MINUTES

Wednesday, January 8, 2014 – 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, January 8, 2014 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Julie Cozad; Trustees: Linda Beck, Reid Hobler, Jordan Jemiola, Linda Measner and Lois Ann Onorato. Also present: Town Administrator/Police Chief Jim Burack, Town Clerk Cheryl Powell, Treasurer & Accounting/Finance Director Patrick Murphy, Parks and Outdoors Director Josh Roseberry, Public Works Director Jason Fowler, Town Attorney Bruce Fickel and Assistant Attorney Sunita Sharma.

Absent: Community Development Director Anne Johnson

Pledge of Allegiance

Mayor Tokunaga called the meeting to order.

Agenda Approval

Town Clerk Powell said there were not any changes to the Agenda. Trustee Jemiola asked to add an item to the Discussion Agenda regarding the Coffee House.

Citizen Comments

Mr. Jim Gardner, 811 Broad Street, Milliken, CO, spoke to the Town Board regarding Irene Avenue, which runs in front of the Fire Station, indicating that the road has large potholes. He said the edge of the road on Irene Avenue is failing due to the heavy equipment specifically fire trucks, traveling on the road. Mayor Tokunaga will have the Town Administrator and the Public Works Director investigate this issue. Mr. Gardner also mentioned Josephine Avenue, Green Street and Irene Avenue were not constructed for this type of heavy use.

Mr. Gardner spoke to the Town Board regarding the Emergency Clause on the Ordinance for the Moratorium on Marijuana. He wanted to know why this was not brought before the Town Board the month prior in order

to avoid using the Emergency Clause. Mayor Tokunaga explained that the process could have been done differently and also explained that the current moratorium was due to expire on December 31st. Mayor Tokunaga directed the question to Town Attorney Bruce Fickel. Town Attorney Fickel responded that as long as the reasons were listed on the ordinance as to why it was an emergency, it was allowable.

Mr. Gardner explained to the Town Board that in November 2013 he asked about the Occupational Tax and why he is being charged for this tax when he does not receive any additional services from the Town. Mr. Gardner explained that to date he has not heard back from the Town Board in regard to this issue. Finance Director Murphy explained that a memo had been sent to the Town Board explaining the tax and indicated that the Town had adopted the Occupation Tax in 1979 and that it is a general revenue tax, adopted within the authority of the Town. As a general revenue tax, there is no obligation to provide the payer of the tax with direct services commensurate with the tax paid. A permit, on the other hand, does imply that a service will be rendered to the permit payer. Other communities levy an occupation tax on businesses based on the number of people employed within the jurisdiction. Milliken does not and only imposes an Occupation Tax on liquor establishments and telephone companies. Mayor Tokunaga responded that the Town Board, Staff and Mr. Gardner could meet and discuss this item. Mayor Tokunaga suggested placing this on the agenda at a future date and in the meantime Director Murphy will speak to Mr. Gardner and provide him with an explanation.

Recognition of Trustee Chavez

Mayor Tokunaga presented and recognized Ted Chavez for his many years of service and dedication to the Town of Milliken with a plaque and spoke of his personal experiences with Ted. Mayor Pro Tem Cozad, Trustee Onorato and Town Attorney Bruce Fickel also expressed their appreciation for Ted's commitment to the Town.

Minutes of Previous Meeting

- November 27, 2013
- December 11, 2013
- December 18, 2013

Minutes approved as distributed.

CONSENT AGENDA

1. **Resolution 14-01, Posting of Notices**

A Resolution establishing locations for posting of notice for meetings of the Board of Trustees of the Town of Milliken as required annually by C.R.S. §24-6-402(2).

Cheryl Powell, Town Clerk

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

Discussion: None.

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

ACTION AGENDA

1. **Consideration and Approval of Resolution 14-02, Authorizing Execution of a Contract with Evergreen Skatepark, LLC for Construction of the Milliken-Hillsboro Skate Park**

Parks and Outdoors Director Josh Roseberry asked the Town Board to consider for approval Resolution 14-02, authorizing a contract with Evergreen Skatepark, LLC for construction of the Hillsboro Skate Park. Director Roseberry provided the Town Board with background on the Skate Park process.

Mayor Tokunaga asked if the November 1st date on the contract is the date of completion for the project. Mayor Tokunaga mentioned speaking to Director Johnson and stating that he would like a June 1st deadline, which will allow children to utilize on their summer break. Assistant Attorney Sharma mentioned that the Resolution allows the Town Attorneys to make non-substantive changes.

Trustee Jemiola moved to approve Resolution 14-02, approving the contract with Evergreen SkateParks, LLC for the final design and construction of the Milliken/Hillsboro Skate Park and that the Town Attorney will bring to the Town Board at the January 22nd meeting a completion date on the project and authorize the Town Administrator to sign the contract. Mayor Pro Tem Cozad seconded.

Discussion: Town Attorney Fickel would like to speak to Evergreen in order to discuss the completion date and bring this date back to the Town

Board at the next meeting. Trustee Jemiola would like this statement added to his motion.

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

DISCUSSION AGENDA

1. Coffee House

Town Administrator Burack explained that the Public Computer Center is now open 20 hours per week. Administrator Burack explained that the lease holder for the Coffee Shop has had personal circumstances that have precluded opening in accordance with the lease timeline and is supposed to let him know this week if he is going to continue with the lease. Town Clerk Powell stated the hours of operation for the Public.

Trustee Jemiola would like a discussion with the Town Board prior to re-advertising for the facility. Town Administrator will have information for the Town Board at the January 22nd meeting.

INFORMATIONAL AGENDA

Updates on Staff Assignments

Other Business

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

Adjournment

Hearing no further business, the Mayor adjourned the meeting at 7:45 P.M.

Prepared by:


Cheryl L. Powell, Town Clerk

Approved by:


Milt Tokunaga, Mayor