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

Wednesday, January 12, 2022

The Town of Milliken Board of Trustees convened a regular session on Wednesday, January 12, 2022, at 6:30 P.M. Those present: Mayor Elizabeth Austin, Mayor Pro Tem LeRon Ehrlich (by Zoom) and Trustees: Derek Granquist, Linda Measner, Nichole Rodriguez, Amanda Long, and Peggy Wakeman. Also, Present: Town Administrator Cheryl Powell, Parks Director Keith Staggs, Streets Director John Rabas, Finance/Accounting Director Wade Nickerson, Water/Wastewater Director Don Stonebrink, Community Development Director Pepper McClenahan (by Zoom), Police Chief Benito Garcia, Town Attorney Matthew Gould, and Administrative Assistant Tami Burns.

Absent: Town Clerk Caree Rinebarger

Pledge of Allegiance

Mayor Austin called the meeting to order at 6:30 P.M.

Roll Call

Trustee Granquist, Trustee Long, Trustee Measner, Trustee Rodriguez, Trustee Wakeman, Mayor Pro Tem Ehrlich (by Zoom), and Mayor Austin.

Agenda Approval

Trustee Wakeman motioned to approve the agenda as presented. Trustee Rodriguez seconded.

Roll Call Vote: Trustee Long – Yes, Trustee Measner – Yes, Trustee Rodriguez – Yes, Trustee Wakeman - Yes, Trustee Granquist – Yes, Mayor Pro Tem Ehrlich - Yes and Mayor Austin - Yes.

Motion Carried.

Citizen Comments

There were none

Minutes of Previous Meetings – December 20, 2022

Trustee Measner motioned to approve the minutes of December 20, 2021, as distributed. Trustee Rodriguez seconded.

Roll Call Vote: Trustee Rodriguez – Yes, Trustee Measner– Yes, Trustee Wakeman - Yes, Trustee Granquist – Yes, Trustee Long – Abstained as she was absent from the meeting, Mayor Pro Tem Ehrlich - Yes and Mayor Austin - Yes.

Motion Carried.

Town Administrator's Report

- Town Administrator Cheryl Powell wanted to share a positive email with the Town Board she had received from School Superintendent Trusler. The email expressed her appreciation for all the work Town Staff has done to remove snow from the sidewalks and streets allowing the kids to continue attending school. Ms. Trusler also stated that she appreciated the care that Town Staff gives to the wellbeing of its residents.
- Engineering on the Cherry Street Storm Drainage Project will begin as soon as we receive the contract from DOLA which should be the end of this month.
- Administrator Powell has requested that the Warrant Study that was completed on Highway 60 at County Road 23 ¾ and Centennial Drive be updated due to recent traffic incidents. The update should be completed by end of this week or first part of next week.
- Administrator Powell and Streets Director Jon Rabas have a meeting with CDOT in regard to pedestrian crossing on Highway 60. Director Rabas is looking into the different crossing signals and costs. They will take this information to the meeting with CDOT in hopes of getting a grant for the crossing signals.
- Dog park cameras are scheduled to be installed on Tuesday, January 18, 2022. Greeley Lock and Key is waiting for a part in order to complete the installation of cameras at the Skate park.

  Mayor Austin asked if we could schedule a Volunteer Day to clean up Dog Park once the cameras have been installed. Once the Park has been cleaned up, citations can be given to those that don't pick up after their dogs. Administrator Powell indicated that it is a possibility.

Consent Agenda

a. Resolution 22-01 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 by Colorado State Statutes.

b. Professional Services Agreement for Certified Floodplain Management Services

To Authorize the Town Administrator to sign a Professional Services Agreement to engage Lamp Rynearson and Troy Spraker, CFM, to continue providing Certified Floodplain Management services for the Town of Milliken. The Agreement has been reviewed by the Town Attorney.

Trustee Rodriguez moved to approve the Consent Agenda. Trustee Measner seconded.

Roll Call Vote: Trustee Long – Yes, Trustee Wakeman - Yes, Trustee Rodriguez – Yes, Trustee Granquist – Yes, Trustee Measner – Yes, Mayor Pro Tem Ehrlich - Yes and Mayor Austin - Yes.

Motion Carried.

Action Agenda

a. **Ordinance 797 - Amending Certain Provisions of the Milliken Municipal Code Authorizing Towing of Non-Motor Vehicles in Defined Circumstances and Authorizing the Issuance of Temporary Parking Permits**

Matthew Gould, Town Attorney, asked the Board for their consideration and adoption of Ordinance 797, an Ordinance amending Chapter 8, Article III, of the Milliken Municipal Code to enable law enforcement to tow and impound non-motor vehicles and to allow the Town Administrator to grant exceptions using a new, discretionary permit. The Ordinance before them is based on the discussion at the December 20, 2021, Work Session.

Ordinance 797 would give the Town Administrator the authority to issue temporary parking permits with time constraints allowing certain types of parking that would otherwise be in violation of Town Code.

Administrator Powell explained that while taking her granddaughters to school last week, there is a white truck and trailer that had not moved and was impeding school traffic. Administrator Powell stated that she informed Police Chief Garcia of this violation yesterday as the truck and trailer had been in the same place for over 72 hours.

There are two provisions for a Temporary Use Permit under the Land Use Code. The first, is the Temporary Use Permit for truck, trailers, and storage containers. This would state the time frame and approved location within the Town's Right-of-Way (ROW). The Second is a Revocable or Administrative Temporary Use Permit. The time frame and special circumstances, that would otherwise be in violation of a town ordinance, could be approved by the Town Administrator.

Trustee Wakeman feels that 90 days is too long of a time frame. She would rather see 30 days with multiple renewals as to control the situation. Attorney Gould explained that the Administrator would have the authority to approve a 30, 60, or 90 day permit based on the circumstance.

Mayor Austin stated that she agrees with the 90 day time frame based on certain circumstances. She explained that in recent history there have been two house fires in which the homeowners lived out of a trailer in front of their homes while they rebuilt.

Town Attorney Gould suggested that he could revise the ordinance to 30 days with the option of (two) 2 renewals/extensions. Attorney Gould stated that our Prosecuting Attorney Fred Long has done some research on parking citations. We currently have an Ordinance that allows issuance of parking citations. We also have provisions in the model traffic code. We are trying to understand the proper issuance of citations by personally serving parking citations which would be pertinent to our towing provision under subsection 5.8.33

Trustee Measner feels that this Ordinance is government overreaching. She does not want to target those that continue to park in the ROW. She also indicated that sometimes residents use a trailer in their business. Trustee Measner feels this would deny them from making a living. If something in the ROW is impacting the neighborhood or traffic she feels this is a different situation. She won't vote for a blanket Ordinance that will affect law abiding citizens.

Mayor Austin stated that she does not feel the proposed Ordinance is a blanket ordinance but as a clarification of the current Ordinance.

Attorney Gould explained that the proposed Ordinance is to clarify the existing towing provisions and expands autos to include trailers. The powers will remain the same. This Ordinance is not complaint based, it is for those that are not in compliance, impeding traffic and/or are a nuisance.

Pro Tem Mayor Ehrlich feels that residents that are unaware of the need for a temporary permit will be ticketed. He stated that POD containers should be put in their driveway. If this is not feasible it should be on a case by case basis.

Mayor Austin suggested that this be tabled and brought back for further discussion at the next Work Session.

Trustee Granquist moved to table Ordinance No. 797. Trustee Rodriguez seconded.

Roll Call Vote: Trustee Granquist – Yes, Trustee Long – Yes, Trustee Measner – Yes, Trustee Wakeman – Yes, Trustee Rodriguez – Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes.

Motion Carried.

b. <u>Resolution 22-02 Teen Character Awards Sponsorship</u>

Matthew Gould, Town Attorney, asked the Board for the consideration and adoption of Resolution 22-02, a Resolution authorizing sponsorship of the Teen Character Awards Banquet. The YMCA of Northern Colorado and the Johnstown-Milliken Rotary Club have

joined to sponsor a Teen Character Awards Banquet to be held in the Fall of 2022. The purpose of the banquet is to honor teenagers from Johnstown and Milliken for their demonstration of good character skills. The Town has been asked to sponsor a table at the event at a cost of $1,000 in exchange for four (4) tickets.

Town Attorney Matt Gould stated that he has concerns with this donation because it could potentially create a legal problem. State Statutes states, "No portion of any money so appropriated shall be given or loaned to any society, corporation, association or institution that may be wholly or in part under sectarian or denominational control". The YMCA stands for, Young Men's Christian Association. This may be deemed as a sectarian organization. The information provided did not specify whom the donation would go to but that it would go toward YMCA & Rotary scholarships.

All Board members agreed that recognizing and honoring our teens is important. However, there were concerns about whether town government should be involved or donate taxpayers' money to the YMCA which may be deemed a sectarian organization.

Mayor Austin suggested that she take this financial request to the Milliken Events Committee so that taxpayer money was not being used. The Milliken Events Committee will be having a meeting this week so a decision could be made very soon. If the Milliken Events Committee approves the request to sponsor a table at the Teen Character Awards Banquet, Mayor Austin will not attend but requested that one of the Board Members attend the Banquet to represent the Town of Milliken.

The Board has no issues with Milliken Events Committee sponsoring a table at the Banquet to be held, March 10, 2022. Attorney Gould will present a new Resolution of support to the Town Board at the next meeting.

Mayor Pro Tem Ehrlich moved to support the Milliken Events Committee in donating money for a table at the Teen Character Awards Banquet. Trustee Measner seconded.

Roll Call Vote: Trustee Measner – Yes, Trustee Long – Yes, Trustee Rodriguez – Yes, Trustee Wakeman – Yes, Trustee Granquist – Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes.

c. <u>Four (4) Towns Regional Broadband Project</u>

Cheryl Powell, Town Administrator explained the Executive Summary from Broadband Study and is requesting permission for authorization to develop a Memorandum of Understanding (MOU) with Allo Communications for Community Broadband.

Administrator Powell explained, there were three (3) communication companies interviewed. When it came to the services that could be provided, the cost to the town which would be minimal, and the history of this provider, the committee felt this would be the best choice for their respective communities. Allo Communications is the only company that offered phone, internet, and TV. Administrator Powell felt that what Allo Communications offered would work best for our older community members. There won't be much cost difference from what Allo Communications charge other communities.

Allo Communications would like to have a contract signed by end of March 2022. They could start in all four communities by September of this year. The time frame should be less than a two year build out.

All four (4) communities want to create the MOU together and bring back to their prospective Boards for approval. It also let's Allo Communications know that they are the committee's choice.

Mayor Austin stated that Administrator Powell did a great job working with the other Towns and is happy to know that the original cost that was estimated at 60 million dollar has ended up costing a very minimal amount to the Town. Administrator Powell stated that we will need to get bulk permits out quickly for the work to be completed. She is confident that this will not be a problem.

Trustee Granquist asked what the cost to each household would be. Administrator Powell explained that there would be more information on the cost of service when the MOU was completed and that each town will have their own franchise agreement with Allo Communications. Administrator Powell also stated that each Town will receive a Franchise Fee for something the Town did not install.

Trustee Granquist moved to authorize the Town Administrator to develop a Memorandum of Understanding (MOU) with Allo Communications for broadband deployment in the Town of Milliken for consideration at a future Town Board meeting. Trustee Rodriguez seconded.

Roll Call Vote: Trustee Wakeman – Yes, Trustee Long – Yes, Trustee Measner – Yes, Trustee Rodriguez – Yes, Trustee Granquist – Yes, Mayor Pro Tem Ehrlich – Yes and Mayor Austin - Yes.

Motion Carried.

Informational Agenda

a. Police Department Monthly Report - December Chief Benito Garcia

Police Chief Benito Garcia provided the Board with the Police Department Report for December 2021.

Mayor Austin summarized the police report stating that seven (7) people were cited for speeds between 20 and 39 miles over the speed limit. There have been nine (9) traffic accidents in town on state Highway 60 alone. The police department has averaged five (5) tickets a month. However, in the month of December alone, officers wrote 17 tickets. This is a 240% increase.

Mayor Austin inquired about the amount of traffic that has been going through Town. Chief Garcia explained that they did a traffic count that showed that within a two-week period there were approx. 44,000 vehicles that pass on Hwy 60. He also pointed out that high traffic counts account for the recent traffic accidents. Most of the accidents are happening

during the morning and evening rush hours when traffic is heaviest. There is not much of a break in the flow of traffic. People are pulling into the heavy traffic flow because they are getting impatient which is causing a lot of these accidents. During heavy traffic hours, it can take 5-10 minutes to get out onto Highway 60.

Trustee Granquist asked if traffic begins to break up because of the stoplight at Hwy 60 and Alice and is this helping slow down traffic so that people can get out? Chief Garcia explained that traffic gets backed up when there is a red light. Then there is a constant flow once the light turns green, so there is not much of a break.

Trustee Long asked if changing the timing on the light would help. Chief Garcia indicated that he would look into this.

Trustee Wakeman stated that she tries to avoid the school areas when children are let out. It seems that drivers are so focused on their needs that they are not paying attention to what is happening around them. Trustee Wakeman asked if we could put something in the newsletter or start a safety campaign to encourage people to slow down and pay attention to your surroundings. Chief Garcia indicated that he could reach out to the schools at see if they can put out a safety newsletter. Town Administrator Powell stated that we could put it in our newsletter as well.

Chief Garcia inferred that there are a lot of distracted drivers especially in the school zones.

b. Community Development Report - November and December

Community Development Director McClenahan provided the Board with the Community Development Report for November and December 2021.

Adjournment

Trustee Measner motioned to adjourn the meeting. Trustee Measner seconded.

Hearing no further business, the meeting was adjourned at 7:24 P.M.

Prepared by:

Tami Burns, Administrative Assistant II

Approved by:

Elizabeth Austin, Mayor