

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

MEETING MINUTES

Wednesday, January 26, 2011 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, January 26, 2011 at 7:00 p.m. Those present: Mayor Janie Lichtfuss, Mayor Pro Tem Julie Cozad. Trustees: Bob Carnahan, Ted Chavez, Doug Kehr, Monica Martens and Peggy Wakeman. Also present: Town Administrator Jim Burack, Town Attorney Bruce Fickel, Community Development Director Steve House, Finance Manager Mitzi McCoy, Co-Clerk Cheryl Powell, Co-Clerk Betty Rangel and Public Works Director Mike Woodruff.

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

Town Administrator Jim Burack responded there were no additions or deletions to the agenda. Mayor Lichtfuss informed the Town Board that Town Attorney Bruce Fickel would like to discuss the packet of information that the Town Board received during the Discussion portion of the Agenda.

Citizens Comments

There were none.

Minutes of Previous Meeting – January 12, 2011 meeting.

Minutes approved as distributed.

2. Transfer of Ownership of the Sport Zone, LLC Tavern Liquor License to The Dawg House Saloon, LLC

Sport Zone, LLC has submitted a liquor license transfer to The Dawg House, LLC and The Dawg House, LLC has paid all required fees.

Trustee Martens moved to approve the consent agenda. Mayor Pro Tem Cozad seconded the motion.

Vote: All in favor, none opposed.

ACTION AGENDA

1. List of Bills

Mayor Pro Tem Cozad as a matter of disclosure informed the Town Board that a couple of Tetra Tech employees are conducting work for the Town and that she will be abstaining from the vote on the list of bills.

There was a question whether the payment to RNR Enterprises to restore a portion of the structure at the R.O. Plant was covered by the Town's insurance. Public Works Director Mike Woodruff explained that the work was actually done at the Waste Water Treatment Plant Wet Wells. This work had been budgeted for 2010 and RNR Enterprises submitted the lowest bid. There was a question regarding the payment to Land Title Guarantee for subdivision covenants. Community Development Director Steve House replied that this was to obtain the latest covenants for all the subdivisions in Milliken since the Town Staff receives a lot of inquiries regarding them. A final question was regarding the payment to Sun Enterprises for a weed management vehicle. Director Woodruff explained that this was a purchase of a vehicle "mule" for weed management and that given the cost for the last two (2) or three (3) years of hiring a company to perform weed management this will be more cost-effective. The vehicle, tank and spray bar had been budgeted for 2011.

Vote: Mayor Lichtfuss, Trustees Carnahan, Chavez, Kehr, Martens and Wakeman in favor. Mayor Pro Tem Cozad abstained. Motion carried.

2. Public Hearing and Consideration of Approval of Ordinance # 643 Amendments to Chapter 16, Article II of the Milliken Municipal Code with Regard to Landscaping and Fencing

Community Development Director Steve House asked the Town Board to consider the recommendations of the Planning Commission on proposed new and revised regulations to the Land Use Code, thereby relaxing some of the

landscaping requirements for new single and two-family homes, and allowing for new chain link fencing on a limited basis.

Mayor Lichtfuss commended the Planning Commission for the time involved in working through the Landscaping and Fencing Standards.

Discussion included clarification regarding single trees on corner lots on small lot single-family residential homes. Director House explained that this was an oversight and it should be included in Ordinance #643. Further discussion focused on current policy that at the issuance of the Certificate of Occupancy (C.O.) front yard landscaping and irrigation systems have to be completed. Ordinance #643 indicates that front yard landscaping and irrigation systems need to be in place within one (1) year of C.O. issuance and the question was how it would be monitored. Director House responded that a tickler file or red flag system would need to be in place and that within one (1) year of C.O. issuance the property would need to be inspected and if the property was not in compliance it would be handled the same as other violations of the Land Use Code and could potentially be processed through the Town's court system.

Town Co-Clerk Beatriz Rangel informed the Board that the Planning Commission heard from builders and Homeowner Associations (H.O.A.s) and they indicated that the Town should not be involved in landscape enforcement since the builders are agreeable to the front yard landscape and irrigation requirements and that it would be up to the H.O.A.s to enforce them.

Mr. Roy Martens, 161 Oakwood Court, Milliken had a question regarding the chain-link fence and asked about a chain-link fence on the Southwest corner of Wal-Mart that abuts a ditch and whether someone would be allowed to extend off of that chain-link fence. Community Development Director Steve House answered "no" and went on to explain that chain-link fences are prohibited in newer areas of town and the only area they would be allowed is within the Milliken Subdivision (the central area of town not covenant-controlled) on residential property in close proximity to existing chain link fencing within the neighborhood.

Mayor Pro Tem Cozad moved to approve the proposed amendments to Chapter 16 of the Milliken Municipal Code, more specifically Sec. 16-2-460, Sec. 16-2-485 and Sec. 16-2-490 as they pertain to landscaping and fencing be approved. Trustee Kehr seconded.

Vote: Mayor Lichtfuss, Mayor Pro Tem Cozad, Trustees Carnahan, Chavez, Kehr and Wakeman in favor. Trustee Martens opposed. Motion carried.

DISCUSSION AGENDA

Town Attorney Bruce Fickel explained to the Town Board that a packet of information from an attorney representing a former employee has been delivered to the Board. Fickel explained to the Town Board that they could sit as the reviewing board in a quasi-judicial capacity hearing to review the employee's wrongful termination claim. When sitting in a quasi-judicial capacity, the Board must not receive in advance ex-parte communication. He explained that if Board Members read this material that they would have to recuse themselves from any hearing pertaining to this matter.

Town Attorney Fickel spoke about the possible lease with Hall-Irwin regarding the Centennial Lake and Milliken Water Works Pool. The language currently in the lease speaks of a ninety-nine (99) year lease and Attorney Fickel is checking into the legalities of a lease for that period of time. Attorney Fickel will provide this information and the remainder of the lease terms when he receives it from Attorney Pete Ziemke who represents Hall-Irwin Corporation.

Trustee Carnahan took pictures of drainage on Green Street after recent snow plowing by the Town. He spoke about prior conversations regarding street drainage on particular streets and perhaps plowing to the north would help with drainage issues. PW Director Mike Woodruff responded that it would be a good idea and that he would speak to the plow operators.

Town Administrator Jim Burack updated the Board about Weld County and the contract with Bill Jerke regarding residency reports to maximize revenue on the Severance Tax. He spoke to Monica MiKa with Weld County in regard to the cost of this contract. He will bring this information to the Town Board once he receives it.

Mayor Pro Tem Cozad asked if the Town has received Severance Tax revenue. Finance Manager McCoy said that we have.

Town Administrator Jim Burack spoke to the Town Board regarding a possible change in the Town's Solicitation Ordinance which would allow certain businesses to go door to door, make a presentation, but not make a sale and there would be no exchange of money or consideration, or any future promise of exchange. This allows them to ring the doorbell and hand out a flyer. Town Attorney Bruce Fickel has drafted an Ordinance and it will be brought to the Town Board in the near future.

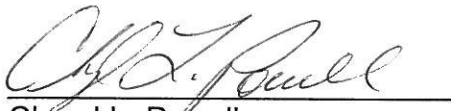
Trustee Wakeman asked for an update on the water leak at 417 Broad Street owned by the town. Town Co-Clerk Cheryl Powell explained that an Engineer, asbestos team with Koch Environmental and an Appraiser had all been out to access the damage at the property. A Contractor retained by

CIRSA will also be out to provide costs of replacing the home on the property or the foundation if that is deemed necessary. CIRSA Claims Supervisor Mike Wagner will be meeting with the Town Administrator and Co-Clerk on Thursday, January 27th to talk over some of the information he has regarding the claim. The damage was caused by a broken water pipe in the basement of the property.

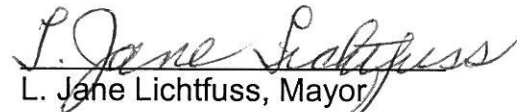
Adjournment

Hearing no further business, the Mayor adjourned the meeting at 7:45 p.m.

Prepared by:


Cheryl L. Powell,
Town Co-Clerk

Approved by:


L. Jane Lichtfuss, Mayor