

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

MEETING MINUTES

Wednesday July 13, 2011 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, July 13, 2011 at 7:00 p.m. Those present: Mayor Janie Lichtfuss, Mayor Pro Tem Julie Cozad. Trustees: Bob Carnahan, Doug Kehr, Lois Ann Onorato and Peggy Wakeman. Also present: Town Administrator/Police Chief Jim Burack, Town Attorney Bruce Fickel, Community Development Director Steve House, Finance Director Mitzi McCoy, Project Manager/Admin Asst. II Caree Rinebarger and Public Works Director Mike Woodruff. Absent: Trustee Ted Chavez, Co-Clerk Cheryl Powell and Co-Clerk Betty Rangel

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

Town Administrator Jim Burack requested to add staff reports to the end of the discussion agenda.

Citizens Comments

Ms. Bernadette Cordova of the Sexual Assault Victim Advocate (SAVA) in Greeley gave a brief presentation. The SAVA Center is an advocate for sexual assault victims and offers a rape crisis hotline to provide assistance 24 hours a day, 7 days a week. They also provide sexual assault advocacy from step 1 to court and provide therapy for individuals or groups. Ms. Cordova provided literature/handouts for Town use. Discussion included how the program is run and funded. Ms. Cordova explained they have paid support staff, volunteers and interns.

Minutes of Previous Meeting – June 20, 2011 meeting.

Minutes approved as distributed.

Town on Milliken Building Inspector Ken Kidd requested that the minutes reflect the waiver of his forty percent (40%) compensation fee on building permits he has processed for the Wakeboarding Park, Retired Police Building/Town Hall

remodel, 3 Coffee & Roastery tenant finish, and the Photovoltaic Systems at Dove Valley.

CONSENT AGENDA

1. List of Bills

List of Bills for July 13, 2011.

Trustee Onorato asked why the Town purchased food from restaurants outside of Milliken. Mayor Pro-Tem Cozad asked if the bill for Colorado State University (CSU) was reimbursable. Trustee Wakeman asked if the payment to Anton, Collins, Mitchell, LLP for the 2010 audit was a partial or full payment and why our computer and communication costs are higher this year and requested the staff to monitor these costs in the future. She also asked for an update on the Coffee Shop budget.

Town Administrator Jim Burack explained two food bills were related to the Community Court Grant consultant visit. The CSU bill is 100% reimbursable under the grant. Mayor Pro-Tem Cozad explained the meal for the Water and Utility Study Group was a request and that they are working on keeping the costs low and Administrative Assistant Caree Rinebarger explained she has been working with local restaurants to provide meals for the Study Group without going over the allocated amount budgeted. The remodel for the Coffee Shop will be at the budgeted amount or under. Finance Manager Mitzi McCoy responded that the bill for the 2010 audit was a progress payment.

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

A suggestion was given to the board by the Town Attorney to only abstain from individual bills, rather than the entire list of bills.

Vote: All in favor, none opposed. Trustee Wakeman abstained from voting on the JCR Automotive bill.

ACTION AGENDA

1. First Reading and Public Hearing for Consideration of an Amendment to Milliken Municipal Code Chapter 7, Article I Section 7-1-10 and a Addition to Milliken Municipal Code Chapter 7, Article II, Sections 7-2-160, Prairie Dogs

Public Hearing Opened at 7:16pm

Town Administer/Police Chief Burack presented the Town Board with a proposal to amend the Milliken Municipal Code regulating the presence of

prairie dogs on residential lots zoned R-1, R-2 and R-3 or residentially-designated PUD excluding parcels zoned R-1E, of the Town, that is platted and upon which infrastructure has been installed and one or more residences is occupied. The Board had discussed various options previously and this was the latest version incorporating clarification about PUD areas that contain current and future residential development. The revised copy was distributed to each Board member at the meeting.

Trustee Wakeman noted that in Sec. 7-2-160 (b) the first line should read "If an owner of any lot, block or parcel of ground within the applicable zones of the Town as described in Paragraph (a) above." She also pointed out a typographical error in Paragraph (a) line six, that should read "dog nests" instead of "dog nest." Town Administrator Burack also noted a typo in Paragraph (a) line two, that should read "parcels," not "pacels."

Discussion among the Board continued with concerns from Trustee Kehr on how to control the nuisance of prairie dogs on smaller parcels of property when they are migrating from their habitat on an adjacent larger vacant parcel. Town Administrator Burack responded this ordinance would not apply to those parcels, unless it was a platted lot that was part of the subdivision. Town Attorney Bruce Fickel informed the Board they could amend the ordinance to include larger unplatted areas that the prairie dogs are migrating from. Town Administrator Burack recommended leaving the ordinance as is and if there is ever an interest in amending the ordinance to include these parcels we can at that time.

Hearing no further discussion the Public Hearing was closed at 7:27pm.

Mayor Pro-Tem Cozad moved to approve Ordinance 647 amending the ordinance as stated with changes to Paragraphs (a) and (b). Trustee Onorato seconded the motion.

Discussion continued with Trustee Carnahan asking for clarification on why the Town wouldn't recommend changes to include larger unplatted lots where the prairie dogs are migrating from since he thought the intent of the ordinance was to eliminate the nuisance. Trustee Carnahan also voiced concern about the financial burden put on residents from prairie dogs that migrate from larger parcels that are not affected by the ordinance. Town Administrator Burack stated that the ordinance is to control and reduce the migration patterns of the prairie dogs not to eliminate them. Staff feels this ordinance is a step in the right direction and is open to suggestions.

Mayor Pro Tem Cozad stated that the concerns are not just the large parcels in Town but also parcels in the County in which we have no control over. She would suggest we move forward with the ordinance as it stands and we can always amend it in the future.

Vote: Mayor Lichtfuss, Mayor Pro-Tem Cozad, Trustee Onorato and Trustee Wakeman in favor, Trustee Carnahan and Trustee Kehr oppose.

Town Attorney Fickel stated that this is the first reading and the Board can suggest changes to staff for the second reading.

2. For Consideration and Approval of Resolution 11-10, Supporting a Grant Agreement with the State Board of the Great Outdoors Colorado (GOCO) for Dog Park Funding

Community Development Director House asked the Town Board to consider for approval a grant agreement with the State Board of the Great Outdoors Colorado Trust Fund (GOCO) for a dog park to be located east of Centennial Lake and south of State Highway 60 and to authorize the Town Administrator to sign the agreement on behalf of the Town. Director House also noted a change to section 2(c) of the agreement on page 2. The new language reads "Grantee does not own the property or properties on which the Project is to be located (the "Property"). Therefore, the agreement attached hereto as Exhibit D between Grantee and the Property's owner continues in effect and unmodified throughout the term of this Agreement." The changes were made by GOCO and approved by Town Attorney Fickel.

Trustee Wakeman requested that Section 2 of the Resolution read "the Board of Trustees of the Town of Milliken authorize the expenditures of funds as necessary to meet the terms and obligations of the grant agreement and application up to \$9000.00 from the Conservation Trust Fund and \$6,140.00 of in-kind support for the grant."

Trustee Wakeman moved to approve Resolution 11-10 in support of a State Board of Great Outdoors Colorado (GOCO) Mini Grant for construction of the Milliken Dog Park with the amendment to Section 2 adding language of "up to \$9000.00 from the Conservation Trust Fund and \$6,140.00 of in-kind support for the grant" and with the changes to Section 2(c) of the grant agreement. Trustee Kehr seconded the motion.

Vote: All in favor, none opposed.

3. For Consideration and Approval of Consultant Services and Appropriation of Funds for the Town Square Design

Community Development Director House asked the Town Board to consider for approval consultant services for the design of the Town Square, to amend the budget and to appropriate funds for the project. Director House included information explaining the three different bids as well as a spreadsheet with five (5) alternative scenarios. They included a Town Square Master Plan without Museum, Museum relocation to Town Square (Milliken Historical

Society or HS Use), Remodel at 417 Broad Street for HS Use, build-to-suit Museum at Town Square, and demolition and lot sale of 417 Broad St.

Mayor Pro-Tem Cozad asked if the overall impact to the budget varied depending on the sale of the land. Director House responded yes.

Town Administrator Jim Burack told the Board that Staff prepared the worksheet to assist with explaining the options for 417 Broad Street and the Town Square Master Plan. The prices on the spreadsheet do not include the costs for construction of the Town Square Master Plan as noted on the bottom of the spread sheet. Administrator Burack also noted that placing the museum in the Town Square could require marginal additional costs for items such as curb and gutter and possible drainage issues. He reiterated that the Town will not know if a museum in the Town Square would work until a Master Plan is completed.

Mayor Lichtfuss clarified that the spreadsheet is added information and for now we need to make a decision on who will be selected for the design of the Town Square.

Mayor Pro-Tem Cozad thanked Director House for providing the information on the spreadsheet.

Mayor Lichtfuss announced the range for bids: TST and Thorp Architects: \$10,505; MJ Tupa Studio and Linda Ripley Design Group: \$16,470; and Roth Sheppard and Jim Sell Design: \$29,750 plus reimbursable for an additional \$2,500.

Mayor Pro Tem Cozad asked if Director House could explain the TST bid.

Community Development Director House explained that the base fee and optional fee listed under Design, along with \$630 for site plan, \$740 for grading and erosion control plan and \$625 for demolition plan under construction documents, total \$10,505. In the agenda memorandum the total was rounded up to \$12,000 to allow for contingences for any additional costs or change orders that may occur.

Mayor Pro-Tem Cozad moved to amend the 2011 budget and appropriate funding for design services for the Town Square in an amount not to exceed \$12,000 and the acceptance of the bid from TST. Trustee Kehr seconded.

Trustee Carnahan asked why staff is requesting \$12,000 when the TST proposal is for \$10,505. He recommended we approve the amount of \$10,505 and if additional change orders or issues occur that were not included in the bid a separate request should be brought to the Board for additional funding.

Trustee Carnahan moved to amend the motion to appropriate funding for design services of the Town Square in an amount not to exceed \$10,505. Trustee Onorato seconded.

Vote: All in favor, none opposed.

Mayor Pro-Tem Cozad agrees with Trustee Carnahan that the Town should hold the contractor to the contracted amount, however, planning projects are more conceptual so it is understandable why additional funds are being requested. She feels the change orders are a better way of tracking the funding and the project.

Trustee Carnahan would like to see all change orders come before the board for their approval so they can monitor the project and use of funds.

Vote: All in favor, none opposed.

DISCUSSION AGENDA

Mayor Lichtfuss requested a Discussion Agenda to include Staff Reports.

1. **Revision of the Milliken Municipal Code Chapter 2, Article VI, Modification of Human Relations Committee to Community Justice Advisory Board**

Town Administrator/Police Chief Burack asked the Town Board to discuss and consider a future amendment to the Milliken Municipal Code to modify town committees currently contained in the Municipal Code but that could be changed to reflect current community needs. Administrator Burack explained that Chapter 2 of the Code currently includes a Human Relations Committee which has not been staffed and to which no one has been appointed by the current Board. The Administrator requested the Board discuss the possibility of renaming and restructuring the committee to become a Community Justice Committee to help support the work of the Community Court and serve as an Advisory Committee to the Police Department.

Administrator Burack also suggested the Board look at and discuss renaming and restructuring what is in the Code as the Tree Committee and Open Space and Trails Advisory Committee and merging the two committees into a Trees, Trails, and Open Space Committee, that might also handle Keep Milliken Beautiful Committee – related work. The committee would meet the requirements of the Arbor Foundation for Tree City USA designation.

Discussion included concerns about the current structure of the Human Relations Committee as it is stated in the current Code, including the social responsibilities of the committee, language, the terms of committee members and the size of the committee. Discussion also included clarification that a consolidated Tree, Trails, Open Space and Beautification Committee would meet the requirements for Tree City USA and the Arbor Foundation.

Administrator Burack stated that it is not the recommendation of the staff to retain the current Human Relations Committee language, but to submit modified language fitting the purpose and functions for a Community Justice, Court and Police Committee. The Trails & Open Space Committee did operate within the last five years when there was designated funding but has not met recently.

Further discussion focused on the status of committee members who would be citizens and the clarification that the current Board/Staff sub-committees designated by the Board would remain unaffected.

Mayor Pro-Tem Cozad would like to see the Tree Committee and Open Space and Trails Advisory Committee combined, and would recommend keeping the committees focused. As a former member of the Open Space and Trails Advisory Committee, she said that Town staff participation helped the committee stay focused and that they achieved a lot when funding was available. The Board has discussed trail development extensively and included it as a Town goal so it is important that the Town form a committee to engage citizens on this issue.

Trustee Carnahan concluded by stating that this could be a good start to a new beginning and would like to be a part of a new Trees, Trails, Open Space and Beautification Committee.

2. Staff Reports

Public Works Director Mike Woodruff

- A 4-way stop will be installed this week at Tamera Ave. and Green St.
- One way signage for the alley behind Town Hall was installed to more safely accommodate traffic for the Town Hall and Library/Coffee Shop.
- The 244th U.S. Army Reserve Engineer Battalion will likely be working on concrete removal and drainage projects at the Grain Elevator, Lola Park and Fireman's Park.
- Proposals for the CAP Farms sewer project are due July 14th.

Community Development Director Steve House

- The Planning Commission is discussing Downtown Parking issues and opportunities.

- Additional discussion concerned the potential for a designated Bicycle Lane and striping for parking.
- An economic development work session for the Board perhaps attended by Sam Mamet and Larry Burkhardt is planned for August.
- Modifications are being solicited for Project Pride. Staff is working with the MBA on a potential new name such as “\$tore Front\$” and other ideas to interest more downtown merchants or potential business owners.
- A news release will be issued on July 14th announcing Project Pride funding for the Two Rivers Building.
- The cost of tuition for the PLACE Conference in Commerce City will be covered by Live Well Weld that will pay for up to four Milliken-attendees.
- The Farmers Market, facilitated by the J-M Chamber, was discussed.

Finance Manager Mitzi McCoy

- Financial reports will be issued at the next Board meeting.

Town Administrator/Chief of Police Jim Burack

- An updated Board, Commission and Staff Directory was distributed and special note was made that after-hours reports of police and public works issues should be routed to the Weld Co. Communications Cntr. (356-1212 ext. 4) to ensure an officer can respond right away and notify the Public Works on-call as appropriate.
- Betty and Cheryl graduated this year from the Clerks Institute, at the conclusion of the third year of participation.
- The Town has obtained by quit claim deed as a donation from Bill Jerke a small piece for property on the west side of Alice Ave. just north of the Union Pacific right-of-way.
- A series of vehicles break-ins of unlocked cars resulted in the theft of a .40 cal handgun in Frank Farms and .45 cal handgun in WalMar. An arrest has been made but the weapons have not been recovered.
- A letter from the Roosevelt High School FFA requesting donations was distributed to Board members. The cause is not an appropriate recipient of municipal tax dollars but private donations would be accepted.
- An update on the Post Office Delivery Unit Optimization (DUO) program was provided. The Postal Service had not responded to the Town’s most recent inquiries but both U.S. Senators from Colorado were responsive and engaged on Milliken’s behalf.

Town Attorney Bruce Fickel

- Continues to work with Kerr-McGee attorneys on the oil and gas litigation settlement.
- A settlement offer has been received from Advantage Bank related to the Peregrine Subdivision landscaping issues. Bruce requested direction from the Board to either accept the offer or guidance for him to bring it back at

the next Town Board meeting for formal acceptance. The consensus was that it be brought back at the July 27th meeting.

Project Manager/Administrative Assistant II Caree Rinebarger

- An update on Safe Routes to Schools was provided covering suggested abatement code revisions, construction administration costs and traffic and pedestrian safety signs around the schools.

Adjournment


Hearing no further business, the Mayor adjourned the meeting at 9:09p.m.

Prepared by:



Caree Rinebarger
Project Manager/Admin. Asst.II

Approved by:



L. Jane Lichtfuss, Mayor