

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

MEETING MINUTES

Wednesday September 14, 2011 - 7:00 P.M.

Call to Order

The Town of Milliken Board of Trustees convened a regular session on Wednesday, September 14, 2011 at 7:00 p.m. Those present: Mayor Janie Lichtfuss. Trustees: Bob Carnahan, Ted Chavez, Doug Kehr, Lois Ann Onorato and Peggy Wakeman. Also present: Town Attorney Bruce Fickel, Public Works Operations Mngr. & Water/Wastewater Superintendent Jason Fowler, Community Development Director Steve House, Finance Director Mitzi McCoy, Co-Clerk Cheryl Powell and Co-Clerk Betty Rangel. Absent: Mayor Pro Tem Julie Cozad and Town Administrator/Police Chief Jim Burack.

Pledge of Allegiance

Mayor Lichtfuss called the meeting to order.

Agenda Approval

Town Co-Clerk Cheryl Powell responded there were no staff additions to the agenda. Mayor L. Jane Lichtfuss requested an Executive Session for legal advice to be added after the last agenda item. Town Attorney R.B. Fickel requested an Executive Session prior to the Consent Agenda.

Citizens Comments

Mr. Keith Uttecht who resides at 734 S. Tamera Avenue in Milliken and who is a school bus driver for District RE-5J expressed concern regarding the different speed limits in various areas of Town. The following streets are "in town" locations: Quentine Ave. south of Highway 60 to Green Street is 25 miles per hour (mph). Quentine Ave. from Green St. south to Inez Ave. is 30 mph. Inez Ave. east of Quentine Ave. is 35 mph. The following locations are country roads: Quentine Ave. from Weld County Road (WCR) 46 to WCR 44 west is 25 mph. WCR 44 east and west is 35 mph. WCR 21 to WCR 44 south is 35 mph. Mr. Uttecht understands the 25 mph for "in town" streets but does not understand why the speed limits on the country roads are 25 mph since there isn't anything there but cornfields.

Mayor Lichtfuss explained that the speed limit on WCR 21 is 25 mph due to the

washboard effect higher speeds have on the road and due to how the road is affected by semi trucks. Mr. Uttecht stated that WCR 44 is equally as bad and the speed limit is 35 mph. Public Works Operations Mngr. & Water/Wastewater Superintendent Jason Fowler stated that WCR 44 is graded each week. Mr. Uttecht explained that he finds it difficult to go 30-35 mph in town to 25 mph in the country.

Receipt by Board of 2010 Financial Audit by Anton Collins Mitchell, LLP

Trustee Carnahan motioned that the Board of Trustees acknowledges receipt of the 2010 audit. Trustee Onorato seconded.

Vote: All in favor, none opposed.

Minutes of Previous Meeting – August 24, 2011 meeting.

Minutes approved as distributed.

Executive Session

Trustee Wakeman moved to go into Executive Session according to C.R.S §24-6-402(4)(b), to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions. Trustee Chavez seconded.

Vote: All in favor, none opposed.

Resume Regular Meeting

Mayor Lichtfuss stated: "The time is now 7:50 P.M. and the Executive Session has been concluded. If any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I ask that you state your concerns now."

There were no concerns. Mayor Pro Tem Cozad was not present.

CONSENT AGENDA

Trustee Kehr motioned to move the Burnout Grill's Liquor License Renewal to the Action Agenda.

1. List of Bills

List of Bills for September 14, 2011.

Trustee Onorato questioned the payments to Hensley Battery, Weld County Garage and Redco Tires. Her question was why these items and repairs were not purchased or provided through local businesses. Public Works Operations Mngr. & Water/Wastewater Superintendent Jason Fowler explained the battery purchased at Hensley Battery was less expensive than the Town's local NAPA store, the repair work at Weld County Garage was performed at the same time as other repairs that were covered under warranty and the tires were installed at Mares Auto.

Trustee Chavez moved to approve the consent agenda. Trustee Carnahan seconded the motion.

Vote: All in favor, none opposed.

ACTION AGENDA

1. Renewal of Hotel and Restaurant Liquor License for Burnout Grill

Town Co-Clerk Cheryl Powell asked the Town Board to consider for renewal the Hotel and Restaurant Liquor License for the Burnout Grill. Danielle Jennings has submitted the renewal application and paid the required fees to renew the Hotel and Restaurant Liquor License for the period of September 14, 2011 until September 14, 2012.

Trustee Carnahan moved to direct the Town Attorney to bring back two (2) resolutions which would authorize the Municipal Judge to act as the hearing officer for alleged violations of the Colorado Liquor Code and/or the Colorado Revised Statutes and/or the ordinances of the Town of Milliken. The Judge would be delegated the authority to evaluate and perhaps invoke sanctions for alleged violations. Trustee Wakeman seconded.

Vote: All in favor, none opposed.

Danielle Jennings who is the owner of the Burnout Grill and resides at 202 S. Marjorie, Milliken explained to the Town Board that she realizes that there have been excessive police calls to her business and she has been working with Commander Benito Garcia in regard to speaking to her staff. She also explained that she has had a lot of turnover in employees.

Trustee Wakeman asked Ms. Jennings what type of training the employees receive and whether they receive Training for Intervention Procedures (TIPs) training when hired. Ms. Jennings explained that any new employees are briefed and provided with written policies regarding TIPS and once a year she sends all her employees to a formal TIPS training class.

Trustee Wakeman moved to approve the renewal of the Hotel and Restaurant License for Burnout Grill located at 1760 Broad St., Unit A Milliken, CO for the period of September 14, 2011 until September 14, 2012. Trustee Kehr seconded.

Vote: Mayor Lichtfuss, Trustees: Chavez, Kehr, Onorato and Wakeman in favor. Trustee Carnahan opposed. Motion passed.

2. **For Consideration and Approval of Resolution 11-14 Supporting the Placement of a Banner Across Highway 60 at Frances Ave.**

Community Development Director Steve House explained to the Town Board that Weld County's Live Well program has been active in Milliken as part of their efforts to promote opportunities for low cost and high nutrition food availability to Town residents. Grant money is available in the amount of \$4800 for construction poles for a banner that would span Broad St. The banner would advertise the farmers market. Director House explained that the resolution is a requirement of CDOT.

Trustee Onorato asked about the other banner pole location west on Broad Street and why that location could not be used. Public Works Operations Mngr. & Water/Wastewater Superintendent Jason Fowler explained the other location is subject to higher winds than the requested location near Frances Ave. He explained that several banners have been destroyed at the location west on Broad St.

Trustee Carnahan asked if the new banner poles could be used for other types of banners other than advertising for the farmers market. Director House explained that he believed they could.

Trustee Kehr asked if we received any bids on the banner poles yet. Director House said he has not but thinks they will cost approximately \$2500 or more.

Trustee Carnahan asked if there will be additional funds needed for the purchase of the banner poles. Director House responded that he does not believe the project will go over the grant amount.

Trustee Wakeman moved to approve Resolution 11-14 in support of the installation of grant-funded support poles and a banner at the Town Square at Frances Avenue and Colorado Highway 60. Trustee Onorato seconded.

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

Executive Session

The time is 8:05

Trustee Kehr moved to go into Executive Session according to C.R.S §24-6-402(4)(b), to confer with an attorney for the Town for the purposes of receiving legal advice on specific legal questions.

Vote: All in favor, none opposed.

Resume Regular Meeting

Mayor Lichtfuss stated: "The time is now 8:35 P.M. and the Executive Session has been concluded. If any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I ask that you state your concerns now." There were no concerns. Mayor Pro Tem Cozad was not present.

3. Water and Sewer Utilities for the Property's Located at 901 and 903 Broad Street

The Town Board discussed the outstanding water and sewer utility bills for the property located at 901 and 903 Broad Street. The Town Board decided to reconnect the utility service and to waive the disconnect fees. The Board also decided to offer the property owner, Mr. Pat Onorato, a payment plan to repay at a reasonable rate the adjusted outstanding balance.

Trustee Wakeman motioned that in light of the fact that the utilities were not paid by the previous owner she moved to reconnect utility service to the properties in order to allow them to be rented out or occupied, to direct the Town to review the outstanding balance and remove any appropriate charges, and to allow Mr. Onorato two (2) years to pay the remaining amount. Trustee Carnahan seconded.

Vote: Mayor Lichtfuss, Trustees: Carnahan, Chavez, Kehr, and Wakeman in favor. Trustee Onorato abstained. Motion passed.

Finance Director Mitzi McCoy will contact Mr. Onorato on Thursday, September 15, 2011.

DISCUSSION AGENDA

Platte River Village Metropolitan District

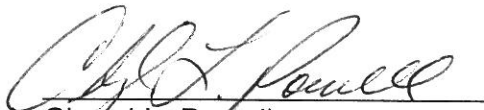
Town Attorney Bruce Fickel spoke about the information that was provided in the Town Board packets regarding the appointments and dissolution of the

Platte River Village Metropolitan District which will come before the Town Board on Wednesday, September 28, 2011.

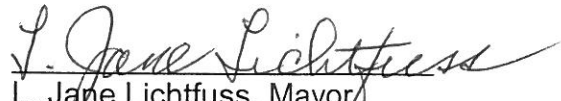
Adjournment

Hearing no further business, the Mayor adjourned the meeting at 8:41 p.m.

Prepared by:


Cheryl L. Powell
Town Co-Clerk

Approved by:


L. Jane Lichtfuss, Mayor