

TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET

WEDNESDAY, NOVEMBER 16, 2011 7:00 P.M.

The Planning Commission of Milliken convened into regular session on the 16th day of November, 2011 at 7:00 p.m. Those present were: Chairman Linda Measner, Vice-Chairman Tim Woodcock, Commissioners Dave Bernhardt, Janet Carter, Jordan Jemiola and David Watson. Also present: Town Attorney Bruce Fickel, Community Development Director Steve House, Town Co-Clerk Betty Rangel and Building Official Ken Kidd. Commissioner James Anthony was absent.

Chairman Measner called the meeting to order and led the audience in the pledge of allegiance.

Agenda Approval

Agenda approved as presented.

Citizens Comments

There were none.

Minutes of Previous Meeting

November 2, 2011 minutes approved with corrections.

CONSENT AGENDA

No Items

ACTION AGENDA

1. Public Hearing on Amendments to Chapter 16, Article VII or the Milliken Municipal Code Regarding the Sign Code continued.

Community Development Director Steve House explained this is a continuation of the public hearing from the last Planning Commission meeting. At the November 2, 2011 meeting a request was made to have the Town Attorney present to discuss legal implications of regulating murals.

Commissioners asked what language could be added in regard to regulating murals. An example of an objectionable mural is one with a picture of a marijuana field.

Town Attorney Fickel explained any kind of regulation on free speech generates litigation. The problem on prohibiting or regulating speech and or advertising on murals is the Town would have to justify prohibiting speech/advertising on murals. Attorney Fickel also commented there are risks of being sued for violating someone's Constitutional rights and having to pay their

attorney's fees pursuant to 42 USC 1983. Attorney Fickel suggested he be allowed to bring back language in order to help the process of regulating murals.

Other discussion, comments, concerns, questions and suggestions included the following;

- There could be a mural that might be obscene, racist, or advocating hate crimes.
- If people took personal responsibility and care about the community they would not place a mural that could damage the community's image.
- How much regulating is really needed?
- Signs and murals need to be kept separately.
- The issue of advertising vs. art on murals
- A fee is imposed for the review of a mural. The response was the expense could be high.
- Adding language that prohibits any sign or mural that promotes any illegal activity.

Commissioner Bernhardt moved to continue the public hearing for the proposed amendments to the Sign Code in order to have the Town Attorney provide language for the sign code in regard to murals. Commissioner Watson seconded the motion.

Discussion: There was no further discussion.

Vote: All in favor, none opposed.

DISCUSSION AGENDA

1. Annexation Regulations

Director House explained that included in the packets is a spreadsheet of the Town's 2007 fee structure. He explained that since then staffing has changed, an example he said was the town no longer has an engineer therefore the engineering review is out sourced.

Commissioner Jemiola distributed copies of the development fee schedule for the Town of Windsor and the City of Evans.

Discussion, comments, questions and concerns included the following;

- Development fees and the cost for staff time could be considered double dipping since staff is paid from the general fund regardless of development fees.
- The Town should offset the cost for processing development projects but there should not be a profit on development fees.
- Commissioners asked for clarification on fees for review and preparation for the annexation application process.
- Milliken's oil regulations serve as model.
- There was a request staff research other municipalities in order to do a comparison on development fees.
- Lowering development fees, the more businesses will be attracted to develop in Milliken.

2. Downtown Parking

Director House distributed a copy of an example of a Cash In Lieu of On-Site Parking. He explained some communities are using the Cash in lieu paved on-site parking. The cash could be used for: Property acquisition, Construction, Leasing, Maintenance, Signage etc.

END OF DISCUSSION AGENDA

Other Business

1. Users of High Plains Library District (HPLD) Public Computer Centers in Weld County

Director House reviewed the October statistics for the High Plains Library District.

Unfinished Business

None

Adjournment


There being no further business, the meeting adjourned at 8:50 p.m.

Prepared by:

Approved by:



Beatriz Rangel, Town Co-Clerk



Chairman, Linda Measner