

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

**MEETING MINUTES**

**Wednesday, June 13, 2012 - 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, June 13, 2012 at 7:00 p.m. Those present: Mayor Milt Tokunaga, Mayor Pro Tem Julie Cozad; Trustees: Linda Beck, Ted Chavez, Reid Hobler, Jordan Jemiola, and Lois Ann Onorato. Also present: Town Administrator/Police Chief Jim Burack, Town Attorney Bruce Fickel, Public Works Director Jason Fowler, Community Development Director Steve House, Town Clerk Cheryl Powell, Parks and Outdoors Director Josh Roseberry and Assistant Attorney Sunita Sharma.

**Pledge of Allegiance**

Mayor Tokunaga called the meeting to order.

**Agenda Approval**

Town Administrator Burack responded there were no staff additions to the Agenda.

**Citizens Comments**

There were none.

**Minutes of Previous Meeting** – May 23, 2012 meeting.

Minutes approved as distributed.

**CONSENT AGENDA**

**1. Consideration and Approval of Resolution 12-16 Appointing a Member to the Planning Commission**

For consideration and approval of Resolution 12-16 appointing Richard Hillier to fill the vacant position on the Planning Commission, to begin his term with

the next scheduled Planning Commission meeting and continuing until April 2016.

Mayor Pro Tem Cozad requested this item to be moved to the Action Agenda.

## **ACTION AGENDA**

### **1. Consideration and Approval of Resolution 12-16 Appointing a Member to the Planning Commission**

For consideration and approval of Resolution 12-16 appointing Richard Hillier to fill the vacant position on the Planning Commission, to begin his term with the next scheduled Planning Commission meeting and continuing until April 2016.

Mayor Pro Tem Cozad moved to approve Resolution 12-16 appointing Richard Hillier to the Planning Commission. Trustee Jemiola seconded.

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

### **2. Consideration and Approval of a Special Events Permit to Provide Malt, Vinous and Spirituous Liquor License to Mile High Wakeboarding**

Town Clerk Cheryl Powell asked the Town Board to consider for approval a Special Event Liquor License for Steve Jones with Mile High Wakeboarding at Centennial Lake for Sunday, July 1, 2012.

Trustee Onorato asked if the Milliken Water Works Pool will be used at this event. Steve Jones with Mile High Wakeboarding responded that currently 303 Magazine is considering renting the pool facility for use of their bathroom facilities and parking area during this event. The Milliken Water Works Pool is closed on Sundays so this event will not interfere with pool operations.

The Board asked about security for the event and traffic control for the event. Steve Jones responded that security will be posted approximately every fifty (50) feet around the cordoned off area of the event. Parking will be available at the Thompson Rivers Parks and Recreation (TRPR) building lot, Hall-Irwin's office lot, the grass area across the street from the event which is vacant and owned by Lot Holding, LLC and possibly along one side of Centennial Drive. Mr. Jones indicated to the Board that most attendees will be arriving either by limousine or chartered bus.

Mr. Jones explained to the Board that this is a private event, with a 'beach party' theme for those who are 21 years of age or older. There will be potentially 500-1000 people attending this event. A cover charge fee of \$20-

\$30 will be collected from those who have been invited and Milliken should receive their portion of the sales tax collected on these fees. The Town will be listed as an additional insured on the liability insurance document and Mr. Jones will forward this document to Town Clerk Powell if the special event liquor license is granted.

Mayor Pro Tem Cozad asked about the training for those who will be serving the alcohol. Mr. Jones is not able to answer for 303 Magazine who will be running the party, but 303 Magazine has run many of these events before and he was certain they have trained staff who will be serving the alcohol.

Mr. Bob Carnahan, 707 S. Olive Avenue, Milliken questioned whether the pool is closed on Sundays. He was also was disturbed with the lack of knowledge by the applicant about who is serving the alcohol at the event. Public Works Director Jason Fowler looked on the TRPR website regarding the pool schedule and confirmed, according to the website, that the Water Works Pool is closed on Sundays. Mayor Tokunaga asked staff to investigate the pool operations schedule and to present that information to the Town Board by the June 27<sup>th</sup> meeting.

Mayor Tokunaga asked Mr. Jones for further explanation/ information regarding the event and 303 Magazine. Steve Jones explained that 303 Magazine is a Denver-based fashion magazine with an affluent readership, and they sponsor high-end events that charge all-inclusive fee, with food, beverages, transportation and entertainment.

Mayor Pro Tem Cozad asked Town Attorney Bruce Fickel whether the Town requires an event permit to cover areas such as the number of restrooms for the size of the event, trash cleanup and parking for these one day events. Town Attorney Fickel replied that the Town has not enacted a municipal ordinance requiring an event permit for these events, other than a liquor permit.

Mr. Steve Jones responded that a company has been hired to clear trash and the rental of the pool facility will provide the additional toilet facilities.

Direction to Staff is to review procedures for future special events and to bring a recommendation to the Town Board by July 25<sup>th</sup>.

Trustee Hobler moved to approve the Special Events Application for the July 1<sup>st</sup> event at the Centennial Lake area conditional on no objections submitted to the Town Clerk on or before Friday, June 15, 2012 and authorize the Mayor to sign following the June 15, 2012 date. Trustee Chavez seconded.

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

**3. Consideration and Approval of Resolution 12-15 Initiating Annexation Proceedings for the Bernhardt Annexation**

Community Development Director Steve House asked the Town Board to review and consider for approval Resolution 12-15 regarding the Bernhardt Annexation and setting the dates for the public hearings.

Discussion among the Town Board, Town Attorney and Staff focused on the annexation proceedings and the Resolution that sets the Public Hearing dates for both the Planning Commission and Town Board pursuant to the Milliken Municipal Code and the State Statutes. Town Attorney Fickel explained to the Town Board the steps regarding the annexation procedure following the Resolution approval.

Mayor Pro Tem Cozad asked if the Town Board needs to determine whether the application is complete at this time. Director House replied that according to State Statute the Town Board needs to determine whether the application is substantially complete. Town Attorney Fickel explained that the parcels are within the annexation area for the Town and meet the 1/6<sup>th</sup> perimeter contiguous to the Town. He explained there is Public Service Co. ownership of a tract with overhead transmission lines that bisects the Bernhardt property and that Town Staff have been in contact with Public Service to gain their signature on the annexation petition. Public Service is in the process of reviewing this petition.

Mayor Pro Tem Cozad asked if the Union Pacific Railroad (UPRR) that runs through the property will be a part of the annexation, and if other UPRR-owned property is currently annexed into town. Town Attorney Fickel replied that UPRR property has been annexed. Mr. Dave Bernhardt who is the petitioner and resides at 23809 WCR 25, Milliken, explained to the Town Board that according to the consultant Planner, Danna Ortiz, who is working on the Bernhardt Annexation, it could take six (6) months to one year to annex the UPRR that runs through his property due to UPRR's internal procedures.

Town Attorney Fickel went through the annexation checklist with the Town Board and why some of the areas on the checklist are not applicable at this time. Town Attorney Fickel suggested that the Town should rely on its Land Use and development codes to regulate and encourage development that will improve the Town.

Trustee Jemiola moved to approve Resolution 12-15 accepting the annexation petition and initiating annexation proceedings. Mayor Pro Tem Cozad seconded.

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

Mr. Duane (Doc) Flack who resides at 5225 65<sup>th</sup> St., Milliken, previously annexed his properties to Milliken and explained that he needed a flag pole connection to Milliken to enable his annexation. The flagpole had been a right-of-way of Great Western Railroad. He stated it is a very positive move for the Town to annex the Bernhardt parcel.

## DISCUSSION AGENDA

### 1. Report on Request for Vacation of Right-of-Way on the Western International Grain Property

Community Development Director House asked the Town Board to review the request and criteria for vacation of right-of-way (ROW). Hall-Windsor Family Partnership, LLP has requested that the street and alley ROW be vacated as designated on the Town of Milliken Plat. With a vacation of the ROW this parcel can be built upon in the future with fewer restrictions regarding potential setback and ownership constraints. Director House has informed the Town Board that a Public Hearing has been set for July 25, 2012.

#### Updates on Staff Assignments

Updates on Summary items requested for this meeting:

### 1. Update on the Request for Special Events at the Burn Out Grill

Town Administrator Burack discussed the pit bike and lawnmower races hosted by the Burn Out Grill last Sunday. Mike Jennings, the owner, hired a Milliken police officer to provide security. There were no mishaps or security issues during these events. Mr. Jennings also developed race rules and guidelines after being provided various templates by the Administrator.

Mr. Jennings was directed to modify those rules into guidelines that might regulate a future burnout competition event. The Administrator will consult with the Fire District after those proposed rules are submitted to ensure the procedures are safe for a future event.

Provided Mr. Jennings submits draft rules to the Town, more information will be included in a Staff report to the Board by July 25th.

### 2. Update on the Highway 257 Trail Easement or Right-of-Way and if these Costs were Included in the Feasibility Study

Director House presented a chart and explained that the right-of-way (ROW) costs were not included early on in the feasibility study, but were recently

estimated by the consultant and included in the hand-out given to the Town Board at the meeting.

Director House explained that during the public feasibility study meeting on Tuesday, June 12th, the public preferred the western alignment (option 3). The consultant will look at refining the alignments. The construction documents will be prepared during the second phase of the project. Mayor Pro Tem Cozad remarked that if the Town has construction documents of the alignment, the Town will be in a better position to apply for grants for the construction phase.

A Progress report to the Town Board will be provided by August 15, 2012.

**3. Update on what Municipalities have made Contributions to Upstate Colorado at the \$10,000 Amount and if the Town of Milliken will have a Seat on the Upstate Board**

Town Administrator Burack spoke to Eric Berglund from Upstate Colorado and learned that the Towns of Milliken and Firestone have been appointed to the Upstate Board to represent the smaller communities.

Mayor Tokunaga asked Mayor Pro Tem Cozad to be the representative to the Upstate Board and the Mayor will be the back-up if she is unavailable.

**4. Update on the Anna Flood house relocation**

–the Keep Milliken Beautiful (KMB) Committee removed plants from the Avila Park location and transplanted them in other areas of Town. According to Ryberg Construction the foundation will be completed by the end of the month.

**Other Business**

**Summary of Meeting (Review of Action Items, Staff Assignments & Schedule)**

Town Clerk Powell summarized the items requiring staff attention:

Staff to investigate special events permitting procedures and provide a document which includes provisions for trash removal, parking and restroom facilities by the July 11<sup>th</sup> meeting.

Staff to investigate the Water Works Pool hours of operation and report to the Town Board at the June 27<sup>th</sup> meeting.

Town Administrator Burack will provide information via staff report regarding the proposed 'burnout' events after draft rules are received from Mike Jennings, owner of the Burnout Grill.

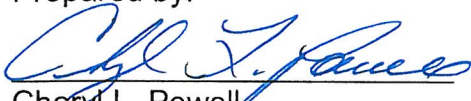
Progress report will be provided to the Town Board by Director House regarding the Highway 257 Trail Feasibility and Alignment Study by August 15, 2012.

Mayor Pro Tem Cozad thanked Staff and volunteers for coordinating the Fishing Derby event held on Saturday, June 9th.

**Adjournment**

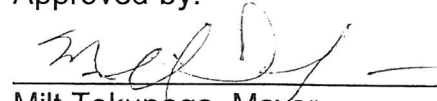
Hearing no further business, the Mayor adjourned the meeting at 8:27 p.m.

Prepared by:

  
Cheryl L. Powell

Town Clerk

Approved by:

  
Milt Tokunaga, Mayor