

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

**MEETING MINUTES**

**Wednesday, August 8, 2012 - 7:00 P.M.**

**Call to Order**

The Town of Milliken Board of Trustees convened a regular session on Wednesday, August 8, 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 Attorney Bruce Fickel, Public Works Director Jason Fowler, Accounting/Finance Director Patrick Murphy, Town Clerk Cheryl Powell, Parks and Outdoors Director Josh Roseberry. Absent: Town Administrator/Police Chief Jim Burack, Community Development Director Steve House and Assistant Attorney Sunita Sharma.

**Pledge of Allegiance**

Mayor Tokunaga called the meeting to order.

**Agenda Approval**

Town Clerk Powell responded there were no staff additions to the Agenda. Mayor Tokunaga suggested postponing the Highway 257 Trail Feasibility Study acknowledgement until Community Development Director House is present at the August 22<sup>nd</sup> meeting.

**Citizens Comments**

No comments.

**Minutes of Previous Meeting** – July 25, 2012 meeting.

Minutes approved as distributed.

**CONSENT AGENDA**

There were no items.

## **ACTION AGENDA**

### **1. Renewal of Hotel and Restaurant License for El Mex-Kal Family Mexican Restaurant**

Town Clerk Powell informed the Town Board that Laura Rangel, the Manager of El Mex-Kal, had submitted the Renewal Application and paid the required fees to renew the Hotel and Restaurant Liquor License for the period of August 26, 2012 until August 26, 2013.

Trustee Chavez moved to approve the renewal of the Hotel and Restaurant License for El Mex-Kal Family Restaurant located at 1760 Broad St., Unit L Milliken, CO for the period of August 26, 2012 until August 26, 2013. Trustee Jemiola seconded.

Discussion: Mayor Tokunaga inquired about an item not being completed on the renewal application form. Town Clerk Powell will speak with Laura Rangel, Manager of El Mex-Kal Family Restaurant.

Trustee Jemiola retracted his second on the original motion.

Motion amended as follows:

Trustee Chavez moved to approve the renewal of the Hotel and Restaurant License for El Mex-Kal Family Restaurant located at 1760 Broad St., Unit L Milliken, CO for the period of August 26, 2012 until August 26, 2013, contingent upon the later completion of item # 2 on the application. Mayor Pro Tem Cozad seconded.

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

### **2. Renewal of Hotel and Restaurant Liquor License for Burnout Grill**

Town Clerk Powell informed the Town Board that 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, 2012 until September 14, 2013. The owner of the Burnout Grill Danielle Jennings was present to answer any questions.

Mayor Tokunaga inquired about the applicant's suspension in February 2012. Burnout Grill owner Danielle Jennings explained the reason for the suspension and what actions she had taken to forgo any further mishaps at the establishment. Mayor Tokunaga also inquired about the one police call at the location. Town Clerk Powell read a statement provided by Commander Benito Garcia in regard to the incident.

Trustee Onorato moved to approve the renewal of the Hotel and Restaurant License for the Burnout Grill located at 1760 Broad Street, Unit A, Milliken, CO for the period of September 14, 2012 until September 14, 2013. Trustee Chavez seconded.

Discussion: None.

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

**3. Consideration of Approval and Adoption of Ordinance 664, an Ordinance Extending the Franchise Agreement with Baja Broadband, LLC**

Town Attorney Bruce Fickel asked the Town Board to consider for approval an ordinance extending the franchise agreement between the Town of Milliken and Baja Broadband until March 18, 2013 or the approval of long-term negotiated Franchise Agreement.

Trustee Chavez moved to approve Ordinance 664 for a six (6) month extension on the franchise agreement between the Town of Milliken and Baja Broadband, LLC. Mayor Pro Tem Cozad seconded.

Discussion: Town Attorney Fickel explained the reason for the franchise extension and that Johnstown is in the process of negotiating a new franchise contract with Baja Broadband. Town Attorney Fickel would like to see what Johnstown negotiates with Baja Broadband which could potentially save the Town both staff time and legal fees if the negotiation is reasonable.

Mayor Pro Tem Cozad would like the Planning and Economic Development Committee (PED) to look into opportunities to bring fiber optic cable into Town.

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

**4. Acknowledgement of Receipt of the Highway 257 Trail Feasibility Study**

Postponed until the August 22, 2012 meeting.

### **DISCUSSION AGENDA**

There was concern that the agenda was not available on the website. Town Clerk Powell explained that there had been some problems placing items on the website and this was not realized until Wednesday afternoon prior to the Town Board Meeting. Those that had called and requested a copy of the agenda were emailed a copy. Mayor Pro Tem Cozad asked if the meeting

had been noticed. Town Clerk Powell responded that the meeting had been noticed in the two (2) required places, the door of the Town Hall and at the Post Office. Mayor Tokunaga asked that verification of the agenda on the website is done on the Monday prior to the meeting.

Mayor Pro Tem Cozad reported that at the last Metropolitan Planning Organization Meeting (MPO) Weld County Commissioner Sean Conway inquired to the State Health Department whether the fires that have occurred in the state would contribute to issues with the ozone since the County is in a non-attainment area. Mike Silverstein from the Health Department reported that in his opinion there would not be any affects to the ozone due to the fires. An ozone reading in Fort Collins was at a .95 level and the minimum level is .75 parts per pound and this elevation lasted for approximately twenty-one (21) days. Further discussion ensued whether the Environmental Protection Agency (EPA) and other agencies would disregard this elevated reading since it was a natural occurrence.

Mayor Pro Tem Cozad announced there is a new twenty-seven (27) month transportation bill. The bill is approximately 600 pages and the Colorado Department of Transportation (CDOT) is reviewing the bill. The transportation bill is called "Moving Ahead for Progress in the 21<sup>st</sup> Century" (MAP-21). Mayor Pro Tem Cozad handed out a pamphlet regarding MAP-21 and asked for a copy of this pamphlet to be sent to all Town Board members and Department Directors and a copy to be placed on the Town's website.

Mayor Pro Tem Cozad spoke about a change regarding Congestion Management Air Quality (CMAQ) funding (used to reduce traffic congestion and improve air quality), STP Metro funding and Enhancement funds. Instead of these three (3) areas of funding it will be combined into two (2) areas. Enhancement money will no longer be used for museums but will continue to be available for trails.

Mayor Pro Tem Cozad also explained that the gas tax has not increased since 1992 and cars today use less gas, therefore there is less revenue. Alternatives that the Federal Government is considering is a VMT (vehicle miles traveled) –based tax which has benefits and drawbacks.

The next Metropolitan Planning Organization (MPO) meeting will be hosted by LaSalle on Thursday, September 6<sup>th</sup> and dinner starts at 5:30 PM. The MPO is looking for new executive director and they have hired a firm to conduct the search.

Mayor Tokunaga handed out a Resolution from Weld County and information regarding the expression of opposition to the State of Colorado Water Quality Control Division's Proposed Revisions to the Arsenic Human Health Based Water Quality Standards. He also handed out a Colorado Department of

Public Health and Environment memo from the Water Quality Control Division. He asked Town Clerk Powell to send this out via email to the Town Board, Department Directors and to the Water, Wastewater and Drainage Utility Advisory Chairperson Rich Ekwall. Mayor Tokunaga received this information at a Mayor's Bulls Eye meeting that he attended.

### Updates on Staff Assignments

1. Town Clerk Powell explained to the Town Board that the applicants for Lalo's Cantina will have to adhere to all the requirements of a new license since the deadline for acquiring a transferred license was missed by one (1) day.

### Other Business

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

Town Clerk Powell will speak to Laura Rangel and ensure that item #2 is completed on the application for the liquor license renewal for El Mex-Kal Family Restaurant.

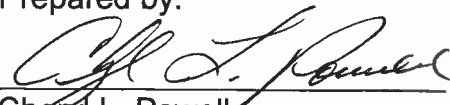
Ensure that the Board agenda is placed on the website on the Monday prior to each Town Board Meeting.

Copies of the MAP-21 Project will be distributed to the Town Board, Department Directors and placed on website. The Weld County Resolution and information about water quality will be distributed to the Town Board Members, Department Directors and Water, Wastewater, Drainage and Utility Chairperson Rich Ekwall.

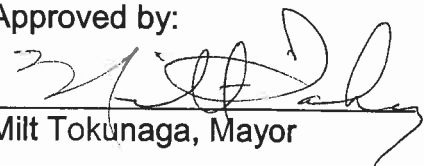
### Adjournment

Hearing no further business, the Mayor adjourned the meeting at 7:48 p.m.

Prepared by:

  
Cheryl L. Powell  
Town Clerk

Approved by:

  
Milt Tokunaga, Mayor